

**MINUTES** of the meeting of the **ENVIRONMENT & TRANSPORT SELECT COMMITTEE** held at 10.00 am on 19 July 2013 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting on Wednesday, 11 September 2013.

**Elected Members:**

- \* Mr David Harmer (Chairman)
- \* Mr Mike Bennison (Vice-Chairman)
- Mr John Beckett
- \* Mrs Natalie Bramhall
- \* Mr Mark Brett-Warburton
- \* Mr Stephen Cooksey
- Mrs Pat Frost
- \* Mr David Goodwin
- \* Mr Ken Gulati
- \* Mr Peter Hickman
- \* Mr George Johnson
- \* Mr Adrian Page
- \* Mr Michael Sydney
- \* Mr Richard Wilson
- Mrs Victoria Young

**Ex officio Members:**

Mr David Munro, Chairman of the County Council  
Mrs Sally Ann B Marks, Vice Chairman of the County Council

**Substitute Members:**

- \* Mrs Nikki Barton (Reserve)

**In attendance**

- \* Mr John Furey, Cabinet Member for Transport, Highways and Environment
- \* Mr Jonathan Essex

### **28/13 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies were received from John Beckett, Victoria Young and Pat Frost.

Nikki Barton acted as a substitute for John Beckett.

### **29/13 MINUTES OF THE PREVIOUS MEETING: 6 MARCH 2013 [Item 2]**

The minutes were agreed as an accurate reflection of the meeting.

### **30/13 DECLARATIONS OF INTEREST [Item 3]**

There were no declarations of interest.

### **31/13 QUESTIONS AND PETITIONS [Item 4]**

No public or Member questions had been received. One petition was received by the Committee:

“We, the undersigned, hereby petition Surrey County Council to effect two actions on a major, pressing health and safety issue. It is also an urgent matter of moral responsibility with a clear duty of care for the Council to:

1. Make sound repairs to the craters in Fortyfoot Road, Leatherhead without delay; and
2. Adopt the road permanently at the next County Council Cabinet meeting.”

#### **Declarations of interest:**

None.

#### **Witnesses:**

Mark Francis, Chairman, Fortyfoot Road Safety Campaign  
Tom Francis, Local Resident  
Susan Szepletowski, Parent, Woodlands School  
Victoria Szepletowski, Pupil, Woodlands School

#### **Key points raised during the discussion:**

1. A response to the petition was provided to the Fortyfoot Road Safety Campaign Group, which can be found attached to the minutes of this meeting.
2. The witnesses wished to make the Committee fully aware of the issues and history of the road. They explained that 50 years ago the Highways Authority had agreed to adopt Fortyfoot Road, however this had not been completed and the road had since fallen into disrepair causing injury to residents. The Fortyfoot Road Safety Campaign Group explained the layout of the road with three visual aids, showing where different organisations including Woodlands School and the Beeches Care Home were positioned.

3. Witnesses stressed the impact the current condition of the road had on students at Woodlands School. The school is for children with severe learning difficulties, with a majority of students using wheelchairs. It was explained that three students had injured spines and their movement needed to be carefully managed, however the current state of the road meant the children were being moved around significantly in the school buses and were afraid of travelling to school.
4. The Chair of the Fortyfoot Road Safety Campaign summarised that the Group would like a long-term permanent solution to the issues highlighted by the petition, which would be for the County Council to adopt the road so it could be repaired. He presented the Chairman of the Committee with the petition signed by 2275 people requesting that the road be adopted by Surrey County Council.
5. The Chairman of the Select Committee explained the Committee had no power to make a decision, however they did have three options – to note the petition, refer the matter to the Mole Valley Local Committee, or refer the matter to the Cabinet Member for Transport, Highways and Environment and request an update on options for further action.
6. The Chairman provided the Committee with an overview of the rules for adopting roads. He explained that all people with a property frontage on the road would need to agree to the adoption and each would be required to pay their share of the repair costs required to bring it up to the standard for adoption, and that this cost would be relative to the frontage of the property. If the road was deemed dangerous then the County Council had the power to require the road be brought up to a safe standard at the cost of the relevant property owners.
7. The Committee and Cabinet Member thanked the petitioners for presenting a very clear and professional petition to the Committee.

**Recommendations:**

- a. That the issues raised by the petition be referred to the Cabinet Member for Transport, Highways and Environment.
- b. That the Environment and Transport Select Committee receive an update regarding the outcome of an officer assessment of potential repairs for Fortyfoot Road at a future meeting.

**32/13 RESPONSES FROM THE CABINET TO ISSUES REFERRED BY THE SELECT COMMITTEE [Item 5]**

**Declarations of interest:**

None.

**Witnesses:**

None.

**Key points raised during the discussion:**

1. The Committee was asked to note the Cabinet response to the recommendations of the Countryside Management Task Group. This response had been discussed at the Cabinet meeting on 26 March 2013.
2. The response was noted and it was agreed to be considered as part of agenda item 8.

**Recommendations:**

None.

**Actions/further information to be provided:**

None.

**Committee next steps:**

None.

**33/13 RECOMMENDATION TRACKER AND FORWARD WORK PROGRAMME  
[Item 6]**

**Declarations of interest:**

None.

**Witnesses:**

None.

**Key points raised during the discussion:**

1. The Committee was presented with a list of proposed items for meetings until January 2014 and were asked to provide comment.
2. The Chairman explained that after the Committee Induction on 19 June 2013 Members' priorities were ranked with Highways Maintenance and Project Horizon being the Committee's first priority, followed by waste and recycling, flooding and congestion. The Scrutiny Officer confirmed many of the priorities were already scheduled on the Forward Work Programme for the coming year and that he was in discussion with officers regarding when to schedule flooding, customer services and aviation on the Forward Work Programme.
3. The Chairman explained that he hoped to use the Forward Work Programme to ensure discussions at future meetings were focused and Members questions were answered by the right officers. The Chairman asked Members to discuss their questions for the items programmed for the September meeting.
4. Members requested information on what concessionary fares were mandatory for the County Council to provide, the start and finish times

for concessionary fares, and the use of Oyster cards in Surrey. In addition, they requested information on concessionary fares for students. Specifically, whether there was any scope for these to be extended for use on trains.

5. For the item on the Surrey Rail Strategy Members requested the document consider rail in Tandridge and the effect that the electrification of rails in Reigate & Banstead would have on the local road network due to level crossings in the area. Members requested the strategy consider the issue of buses to train stations as many did not run after 6pm and this increased parking problems at stations. The Committee additionally requested clarification on which stations and services were part of the London Zone 6.
6. It was raised by Members that a meeting with all public transport providers in Surrey would encourage a unified approach, and this may be something that should be considered in the future. The Committee furthermore suggested that rail subsidies be reviewed in the near future.
7. For the item on Water Quality scheduled for the September meeting Members suggested they would like to scrutinise officer process. They queried whether a breakdown of the water quality from each water company in Surrey could be produced, which could be scrutinised by the Committee at a future meeting. The Cabinet Member confirmed the aim was to have all the water companies aligned to the County Councils five year programme, and at the time it was hoped Thames Water would be by October 2013.
8. The Winter Maintenance Task Group was confirmed to be meeting the following week with Councillors David Harmer, David Goodwin and Stephen Cooksey as Members.

**Recommendations:**

None.

**Actions/further information to be provided:**

Members were requested to consider items scheduled for future meetings and what they would like to discuss during the meeting. This would ensure appropriate officers were present at the meetings and the reports considered Members concerns.

**Committee next steps:**

The Committee will consider the Forward Work Programme and Recommendations Tracker at its next meeting.

**34/13 PROJECT HORIZON BRIEFING [Item 7]**

**Witnesses:**

Mark Borland, Projects and Contracts Group Manager, Highways

### **Key points raised during the discussion:**

1. The Projects and Contracts Group Manager provided the Committee with an overview of progress to date in relation to Project Horizon's key objectives. The Project was a £120 million investment plan which had been receiving a lot of national recognition to date. It was a forward looking scheme being reviewed every six months to allow for proper coordination with utilities and drainage companies to ensure roads were not being dug up several times in a year.
2. The aim was to have roads resurfaced within five to six days, with eight gangs working at one time across Surrey. Each road was being looked at individually to ensure a proper solution was being implemented which would provide the best long term solution. The Projects and Contracts Group Manager stated that the increase in major maintenance funding from £10m in 2010 to £20m in 2013, to rebuild the worst roads in the County, would enable 60 miles per year be rebuilt instead of only 20 miles per year.
3. The Project Team were in the process of developing a carriageway programme which would be delivered once Project Horizon had been completed. The programme would consider solutions to 7% of poor condition roads which were not being resurfaced as part of Project Horizon.
4. Members questioned the 10 year design life guarantee as there were roads in Surrey which were having to be resurfaced after three and half years. The officer confirmed that the 10 year guarantee was for roads which had had major works completed on it and all other road would received a warranty for the workmanship which lasted for two years.
5. The Committee queried whether the Project was achieving its aims, and how enforceable the five year embargo for utilities companies to dig up the roads, except in emergency situations, was. The officer confirmed the Project had achieved 12% savings to date, with the aim of it increasing to 15% by the end of the year, and 20% savings in 2014. The Project Team were working with utilities companies to ensure the roads were not being dug up after being resurfaced. The County Council had powers to tow away parked cars in areas where works were planned, and in addition, the County Council had received permission from the Department for Transport to implement a permit scheme to better control utility works in Surrey.
6. The Projects and Contracts Group Manager confirmed the Project Team would be happy to consider roads Local Committees would like to fund, but would be looking for a like-for-like replacement of roads on the project list. The overall plan for Project Horizon would be scheduled in the winter of 2013 and in January 2014 the team will work with local members to form local plans.
7. Members raised concerns that Year 1 schemes were starting in November 2013 during winter weather conditions. The Projects and Contracts Group Manager confirmed he would have liked to have started in the summer, however the Project had not received Local

Committee sign off until June 2013 and the team were now working with utility companies to coordinate works. However, where possible they planned to start work early.

8. The Committee queried how the Project Team were going to communicate with local members regarding when works were planned in their division. The officer stated information would be provided in the Members Bulletin, through local area teams and an internet application was being designed which would be rolled out in the autumn to Members.
9. The officer confirmed 186 schemes had been designed to date with all plans to be designed by 31 October 2013. The officer agreed to provide Members of the Committee with the schedule of works for the rest of the financial year by this deadline.
10. The Committee commended the outcomes of the contract to date and thanked the Project Team for their work.

**Recommendation:**

None.

**Actions/further information to be provided:**

None.

**Committee next steps:**

The Committee to scrutinise a progress report on outstanding/ongoing actions of Project Horizon at its meeting in September 2013.

**35/13 COUNTRYSIDE MANAGEMENT TASK GROUP: REPORT ON PROGRESS [Item 8]**

**Witnesses:**

Lisa Creaye-Griffin, Countryside Group Manager

**Key points raised during the discussion:**

1. The Countryside Group Manager explained that a transformation programme was underway which sought to deliver and enhance the countryside service. There were five main areas of work covered by this programme; reviewing the partnership contract with Surrey Wildlife Trust, reviewing the smallholding and farm estate, refreshing the rural and countryside partnership working, assessing the rural economy, and enhancing countryside tourism in Surrey.
2. Members expressed concerns that requesting a peer review from another Local Authority was not the best approach for assessing Surrey's the smallholdings and farm estate. It was the general view among the Area of Outstanding Natural Beauty (AONB) Board that Local Authorities should not manage these estates. Members suggested the best approach would be to do an internal review and

recruit relevant consultants, or to conduct a 360° review with all the tenants and relevant organisations. The Countryside Group Manager stated that it was felt a peer review would be useful, especially by a Local Authority who managed their estate well, and that Property Services were assisting with setting this up.

3. The Committee queried the situation with Chesterton Humberts as the view was expressed that communication with tenants was at an all time low. The Countryside Group Manager confirmed the contract with the organisation was up for renewal and would be reviewed.
4. The AONB Board was discussed by the Committee and concerns were expressed that the County Council was perceived to fund most of the board's budget. It was confirmed that it was a joint committee with all Borough and District councils in the area having a seat on the board, and that the local authority partners contributed 25% of the Board's core budget, with Defra being responsible for the remaining 75%. Surrey County Council's contribution was stated as being 13% of the overall core budget.
5. The Countryside Group Manager confirmed a meeting was being organised in September for all major stakeholders of the Surrey countryside to develop a shared vision for the countryside and shared. This would help in the establishment of the Surrey Nature Partnership, and assist with the partnership working aspect of the countryside plan. In addition, a registry was being drawn up of all partnership organisations involved in the Surrey countryside.
6. Members requested a thorough review of Surrey Wildlife Trust be completed as soon as possible as they were 11 years into a 50 year contract. The Cabinet Member confirmed a review would be completed however it had been delayed due to a number of issues which had now been resolved. Key to this was final approval of the Surrey Hills Trademark Licence Agreement, which was due to be signed off next week.
7. Members expressed their disappointment that the action plan was not as radical as was intended when the Task Group was first formed and that there had been delays in its implementation.

**Recommendations:**

None.

**Actions/further information to be provided:**

None

**Committee next steps:**

The Committee to review in October 2013 a further progress report on the Recommendations of the Countryside Management Task Group which was submitted to the Committee in March 2013.

### **36/13 PROGRESS TOWARDS IMPLEMENTING THE COMMUNITY INFRASTRUCTURE LEVY (CIL) IN SURREY [Item 9]**

#### **Witnesses:**

Paul Sanderson, Minerals & Waste Policy Team Manager

#### **Key points raised during the discussion:**

1. The Minerals & Waste Policy Team Manager confirmed that Elmbridge Borough Council had begun collecting CIL monies, and a further eight Borough and Districts were in the process of adopting CIL. To start collecting CIL councils were required to have an up-to-date local plan. Four councils were still to adopt up-to-date plans.
2. It was explained that from April 2014 there would be restrictions on how Section 106 could be used even if Boroughs and Districts had not introduced CIL. However, the government were proposing to delay this until April 2015 to give councils more time to introduce CIL. CIL spending would be more flexible than under Section 106, although it would take some time to introduce and full receipts would not start to be received until 2017/18.
3. The County Council was working with Boroughs and Districts to provide evidence of necessary infrastructure through the production of Local Transport Strategies. The Minerals & Waste Policy Team Manager confirmed the final decision of how CIL receipts were spent would be with the Boroughs and Districts, however the County Council saw CIL as an opportunity for further funding for important infrastructure projects.
4. Members queried whether the County Council should expect a change in the amount of funding it will receive through CIL compared to Section 106. The officer stated that Districts and Boroughs would need to be accountable and publish how they use CIL receipts. There was no reason to suggest funding would not still be received for infrastructure projects such as schools, and roads which are high priorities for the public.
5. The Committee queried whether large developments would provide Section 106 or CIL funding. It was confirmed that Section 106 could still be used after the adoption of CIL if the infrastructure required was directly related to a specific site. The relative use of Section 106 with CIL would depend on the circumstances of each development and whether or not major strategic sites were specifically mentioned in the CIL charging schedule.
6. Members queried what the implications of a Borough or District not having an up-to-date Core Strategy would be. It was stated that in this situation the adoption of a charging schedule and the collection of CIL could be legally challenged. The government recommends that either CIL follows the adoption of a local plan or that the local plan and CIL adoption processes run concurrently.

7. Members asked whether funding could be gained from developments beyond the boundaries of Surrey. It was stated that authorities could negotiate funding as long as they had a good case to do so, with the potential for money to be collected from one area and spent in another.

**Recommendations:**

1. That the Select Committee supports the ongoing work of developing and agreeing local transport strategies in order to:
  - a. Support the growth identified in Borough and District core strategies and;
  - b. Help secure additional funding from the growing pot of CIL monies controlled by Boroughs and Districts and Local Communities.
2. That Local Committees are requested to consider how they might best combine some of their capital allocation with other available funding, such as CIL, in order to maximise the impact on local transport issues and problems.

**Actions/further information to be provided:**

None

**Committee next steps:**

None.

**37/13 DATE OF NEXT MEETING [Item 10]**

It was noted that the next meeting of the Environment & Transport Select Committee would be held on 11 September 2013 at 10am.

Meeting ended at: 12pm

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**Chairman**

**ITEM 4**

**PETITION TO ENVIRONMENT & TRANSPORT SELECT COMMITTEE – 19  
JULY 2013**

**Submitted by: Supporters of the Fortyfoot Road Safety Campaign**

We, the undersigned, hereby petition Surrey County Council to effect two actions on a major, pressing health and safety issue. It is also an urgent matter of moral responsibility with a clear duty of care for the Council to:

1. Make sound repairs to the craters in Fortyfoot Road, Leatherhead, without delay.
2. Adopt the road permanently at the next County Council Cabinet meeting.

**Response**

Although Fortyfoot Road is subject to public highway rights for all purposes, it has not been adopted as a highway maintainable at public expense. The County Council, in its capacity as Highway Authority, is not responsible for the upkeep of this road. Our resources are fully utilised on the 4800+ km of adopted highway for which the County Council is responsible.

This section of Fortyfoot Road has fallen into disrepair and been subject to a number of complaints over the years. Ad hoc repairs have been undertaken by various parties but no frontager has taken overall responsibility. It was last formally considered by the Mole Valley Local Committee in 2006 but subsequent discussions with adjoining landowners have not resulted in a sustainable solution. In 2009 it was estimated that the cost to reconstruct the road to an adoptable standard would be £445,000. There is no existing budgetary provision for this.

Surrey County Council as Highway Authority is not legally obliged to take any action when a privately maintained highway falls into disrepair. However, it does have powers (under section 230 of the Highways Act 1980) to require the frontagers to carry out the necessary repairs to make a road safe for the highway user. If the frontagers refuse, the Authority can carry out work and recharge the expense. The Highways Act 1980 also contains provisions whereby a Highway Authority may make up and adopt a private road and apportion the cost between the frontagers. The costs are apportioned according to frontage measurement and degree of benefit. Frontagers have a legal route of appeal against such a process being put upon them.

Officers from the Highways Service will undertake a further assessment to see what repairs now need undertaking and will advise of options available.

#### **ITEM 4**

In the current poor condition, Officers would not recommend that the County Council adopts Fortyfoot Road. To do so would significantly increase our liability for what remains a private street.

**David Harmer**

**Chairman – Environment & Transport Select Committee**