

Notice of Meeting

Cabinet Member for Transport, Highways and Environment Decisions

**Date & time**

Tuesday, 10
September 2013 at
1.30 pm

Place

Room 109, County
Hall, Kingston upon
Thames, Surrey,
KT1 2DN

Contact

Anne Gowing
Room 122, County Hall
Tel 020 8541 9122
anne.gowing@surreycc.gov.uk

Chief Executive

David McNulty

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 9122, 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.

**Cabinet Member for Transport, Highways and Environment
Mr 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 (4 September 2013).

2b Public Questions

The deadline for public questions is seven days before the meeting (3 September 2013).

2c Petitions

The deadline for petitions was 14 days before the meeting, and no petitions have been received.

3 LAND AT GLEN CLOSE, KINGSWOOD

(Pages 1
- 6)

The owner of Tadleigh, Woodland Way has requested the County Council to apply to the Magistrates Court for an order to be made removing (stopping up) the highway rights over a piece of land adjacent to their property (and within their legal title). Their reason for wishing this to be done is to take over responsibility for the land and in turn for the provision of a safe driveway for pick-up/drop-off by Surrey County Council special needs transportation subject to the required planning permissions.

4 LAND AT 27 RIDLANDS RISE, LIMPSFIELD CHART

(Pages 7
- 12)

The owner of 27 Ridlands Rise, Limpsfield Chart has requested the County Council to apply to the Magistrates Court for an order to be made removing (stopping up) the highway rights over a piece of land adjacent to their property. Their reason for wishing this to be done is to take responsibility for the land in question.

5 LAND AT 28 POOL ROAD, WEST MOLESEY

(Pages
13 - 18)

The owner of 28 Pool Road, West Molesey has requested the County Council to apply to the Magistrates Court for an order to be made removing (stopping up) the highway rights over a piece of land adjacent to their property. Their reason for wishing this to be done is to legalise a longstanding encroachment. If the land is not stopped up the County Council, as highway authority, is duty bound to secure the removal of the encroachment.

6 REQUEST TO ADOPT A NEW FOOTWAY AT CEDAR ROAD, COBHAM

(Pages
19 - 24)

Transport Development Planning wishes to enter into a Deed of Dedication with a developer associated with a development in Surrey.

**7 REQUEST TO ADOPT A STRIP OF LAND AT DE BURGH GARDENS,
TADWORTH**

(Pages
25 - 30)

Transport Development Planning wishes to adopt a strip of land under Section 228 of the Highways Act 1980 associated with a development in Surrey.

**David McNulty
Chief Executive**

Published: Friday 30 August 2013

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Please switch off your mobile phone/BlackBerry for the duration of the meeting. If you wish to keep your mobile or BlackBerry switched on during the meeting for genuine personal reasons, ensure that you receive permission from the Chairman prior to the start of the meeting and set the device to silent mode.

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SURREY COUNTY COUNCIL**CABINET MEMBER FOR TRANSPORT, HIGHWAYS AND ENVIRONMENT****DATE: 10 SEPTEMBER 2013****LEAD OFFICER: TREVOR PUGH, STRATEGIC DIRECTOR OF ENVIRONMENT AND INFRASTRUCTURE****SUBJECT: PROPOSED STOPPING UP OF LAND AT GLEN CLOSE, KINGSWOOD****SUMMARY OF ISSUE:**

The owner of Tadleigh, Woodland Way has requested the County Council to apply to the Magistrates Court for an order to be made removing (stopping up) the highway rights over a piece of land adjacent to their property (and within their legal title). Their reason for wishing this to be done is to take over responsibility for the land and, in turn, for the provision of a safe driveway for pick-up/drop-off by Surrey County Council special needs transportation subject to the required planning permissions.

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

RECOMMENDATIONS:

It is recommended that an application be made to the Magistrates' Court for an order stopping up the land identified on the plan at Annex 1 as highway, 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 land subject of the application is deemed surplus to highway requirements and, on completion of a successful application the County Council would be relinquished from any future maintenance liability.

DETAILS:

1. When a request is received for the highway rights over highway land to be removed and the Cabinet Member for Transport, Highways and Environment considers that it is no longer necessary for the land to be part of the highway, the County Council will, subject to the conditions contained in the policy approved by the Cabinet on 21 December 2010, apply to the Magistrate's Court for an order stopping up the land as a highway.
2. The registered title of Tadleigh, Woodland Way (SY727973) includes the subsoil of the land hatched on the plan at Annex 1. The land subject of the proposed application was adopted as highway maintainable at public expense

on 30 March 1979 by virtue of an agreement made under Section 40 of the Highways Act 1959 dated 29 June 1971 for the adoption of a new road (Glen Close).

3. The applicant has requested that the County Council apply to the Magistrate's Court for an order stopping up the highway rights over the land hatched on the plan at Annexe 1, pursuant to sections 116 and 117 of the Highways Act 1980.
4. If the application were to be successful, the requirement to retain at least a two metre strip of highway adjacent to the carriageway (consistent with current standards) would be met, thus preserving a service margin for any future highway purposes.
5. The land hatched on the plan at Annex 1 is considered to be surplus to highway requirements.

CONSULTATION:

6. Before making an application to the Magistrate's Court for a stopping up order 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.
7. 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;
 - if the highway is a classified road, the Minister for Transport, district/borough council and parish council if there is one.

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.

RISK MANAGEMENT AND IMPLICATIONS:

8. 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

9. The applicant is to pay all costs associated with the application for a stopping up order. There is no financial cost to the County Council.

Section 151 Officer Commentary

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

Legal Implications – Monitoring Officer

11. 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.

Equalities and Diversity

12. 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:

13. When the applicant has 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.
14. 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.
15. 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.
16. 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.

17. In accordance with clause 3 of the County Council's policy regarding requests for the removal of public rights over areas of highway land, any unresolved objections will be reported to the Reigate and Banstead 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:

George Emmett, Highway Boundary Team Leader, 020 8541 7446

Consulted:

Trevor Pugh, Strategic Director of Environment and Infrastructure
John Furey, Cabinet Member for Transport, Highways and Environment
Jason Russell, Assistant Director, Highways
Michael Gosling, Local Member
John Lawlor, Area Highways Manager
Nancy El-Shatoury, Legal Services
Tony Orzieri, Financial Services
Nick Bennett, Legal Services Manager, Reigate and Banstead Borough Council
Sutton and East Surrey Water
Thames Water

Annexes:

Annex 1 – Plan: Land subject of proposed application – Glen Close

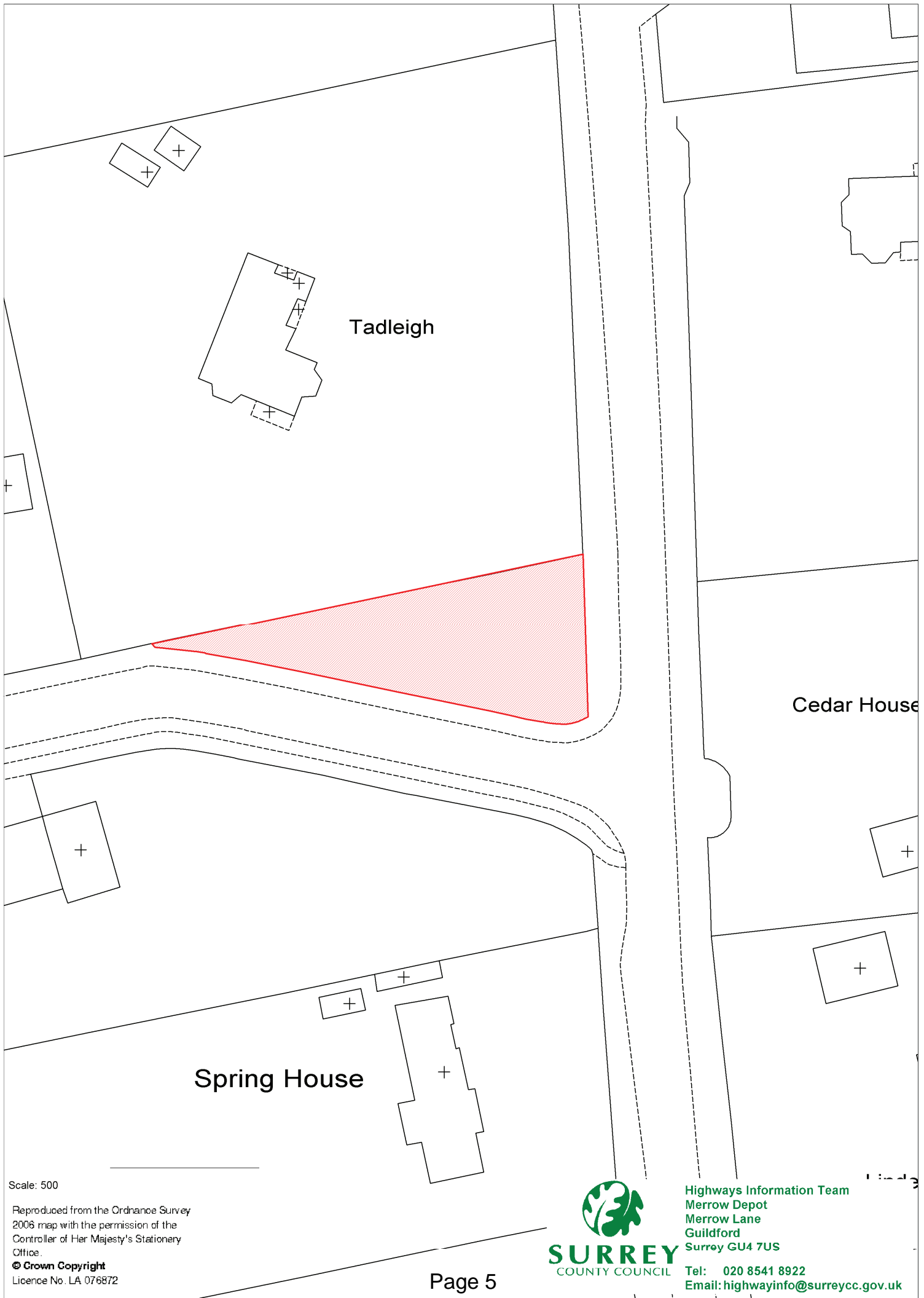
Sources/background papers:

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

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Tadleigh

Cedar House

Spring House

Scale: 500

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SURREY
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SURREY COUNTY COUNCIL**CABINET MEMBER FOR TRANSPORT, HIGHWAYS AND ENVIRONMENT****DATE: 10 SEPTEMBER 2013****LEAD OFFICER: TREVOR PUGH, STRATEGIC DIRECTOR OF ENVIRONMENT AND INFRASTRUCTURE****SUBJECT: PROPOSED STOPPING UP OF LAND AT 27 RIDLANDS RISE, LIMPSFIELD****SUMMARY OF ISSUE:**

The owner of 27 Ridlands Rise, Limpsfield Chart has requested the County Council to apply to the Magistrates Court for an order to be made removing (stopping up) the highway rights over a piece of land adjacent to their property. Their reason for wishing this to be done is to take responsibility for the land in question.

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

RECOMMENDATIONS:

It is recommended that an application be made to the Magistrates' Court for an order stopping up the land identified on the plan at Annex 1 as highway, 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 land in question is deemed surplus to highway requirements and on completion of a successful application the County Council would be relinquished from any future maintenance liability.

DETAILS:

1. When a request is received for the highway rights over highway land to be removed and the Cabinet Member for Transport, Highways and Environment considers that it is no longer necessary for the land to be part of the highway, the County Council will, subject to the conditions contained in the policy approved by the Cabinet on 21 December 2010, apply to the Magistrate's Court for an order stopping up the land as a highway.
2. The land subject of the proposed application was adopted as highway maintainable at public expense by virtue of a notice under the Private Street Works Act 1892.
3. The land is owned by Tandridge District Council and the owner of 27 Ridlands Rise has agreed a deal in principle to purchase of the land on the completion of a successful stopping up application.

4. If the application were to be successful, the requirement to retain at least a two metre strip of highway adjacent to the carriageway (consistent with current standards) would be met, thus preserving a service margin for any future highway purposes.

CONSULTATION:

5. Before making an application to the Magistrate's Court for a stopping up order 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.
6. 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;
 - if the highway is a classified road, the Minister for Transport, district/borough council and parish council if there is one.

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.

RISK MANAGEMENT AND IMPLICATIONS:

7. 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

8. The applicant is to pay all costs associated with the application for a stopping up order. There is no financial cost to the County Council.

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.

Equalities and Diversity

11. 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:

12. When the applicant has 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.
13. 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.
14. 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.
15. 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.
16. In accordance with clause 3 of the County Council's policy regarding requests for the removal of public rights over areas of highway land, any unresolved objections will be reported to the Tandridge 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:

George Emmett, Highway Boundary Team Leader, 020 8541 7446

Consulted:

Trevor Pugh, Strategic Director of Environment and Infrastructure
John Furey, Cabinet Member for Transport, Highways and Environment
Jason Russell, Assistant Director, Highways

Nick Skellett, Local Member
John Lawlor, Area Highways Manager
Nancy El-Shatoury, Legal Services
Tony Orzieri, Financial Services
Jayne Sharp, Legal Dept, Tandridge District Council

Annexes:

Annex 1 – Plan: Land subject of proposed application – Ridlands Rise

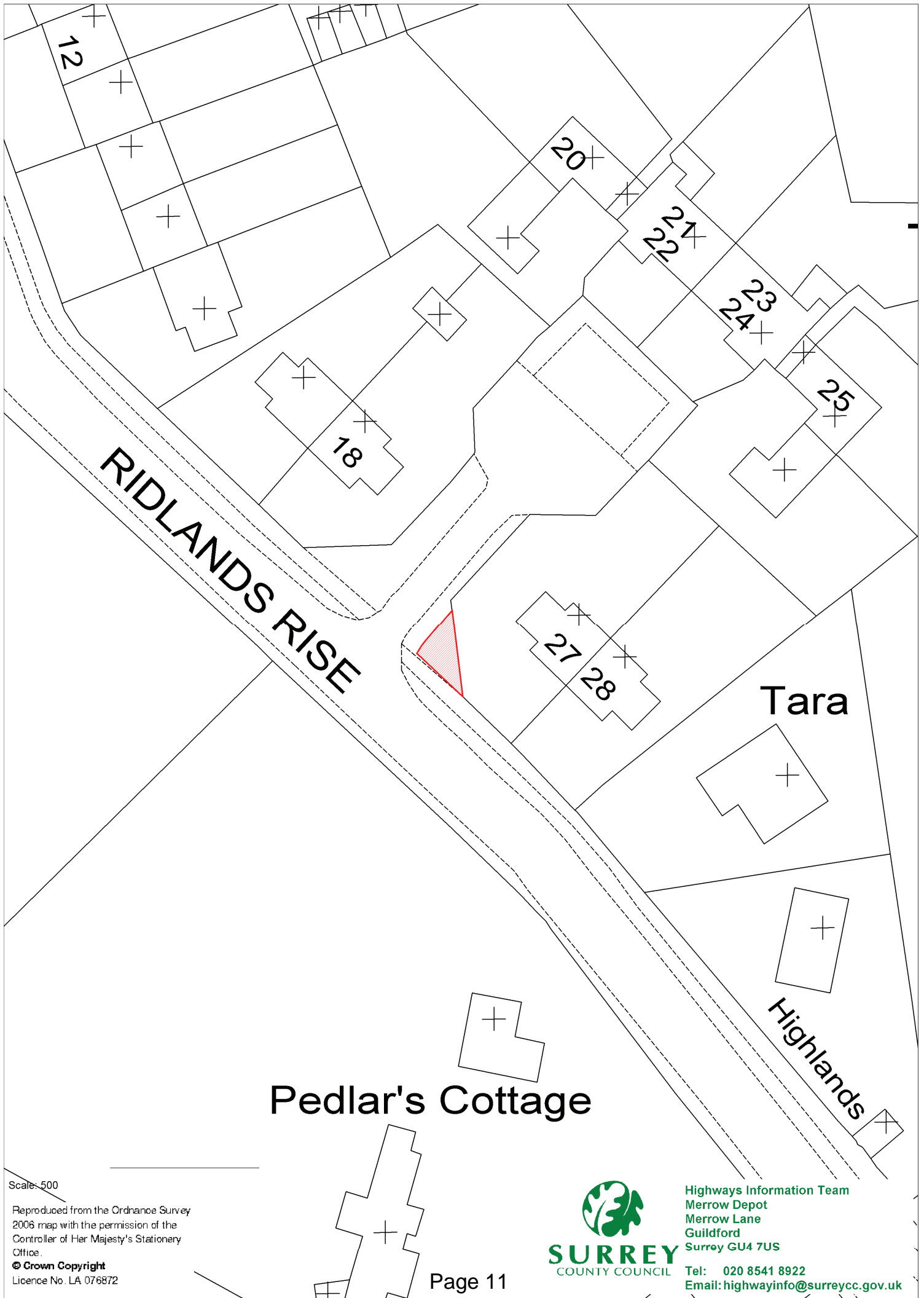
Sources/background papers:

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RIDLANDS RISE

Pedlar's Cottage

Tara

Highlands

Scale: 500
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SURREY COUNTY COUNCIL**CABINET MEMBER FOR TRANSPORT, HIGHWAYS AND ENVIRONMENT****DATE: 10 SEPTEMBER 2013****LEAD OFFICER: TREVOR PUGH, STRATEGIC DIRECTOR OF ENVIRONMENT AND INFRASTRUCTURE****SUBJECT: PROPOSED STOPPING UP OF LAND AT 28 POOL ROAD, WEST MOLESEY****SUMMARY OF ISSUE:**

The owner of 28 Pool Road, West Molesey has requested the County Council to apply to the Magistrates Court for an order to be made removing (stopping up) the highway rights over a piece of land adjacent to their property. Their reason for wishing this to be done is to legalise a longstanding encroachment. If the land is not stopped up the County Council, as highway authority, is duty bound to secure the removal of the encroachment.

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

RECOMMENDATIONS:

It is recommended that an application be made to the Magistrates' Court for an order stopping up the land identified on the plan at Annex 1 as highway, 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 land in question is deemed surplus to highway requirements and if the land is not stopped up the County Council, as highway authority, is duty bound to secure the removal of the encroachment.

DETAILS:

1. When a request is received for the highway rights over highway land to be removed and the Cabinet Member for Transport, Highways and Environment considers that it is no longer necessary for the land to be part of the highway, the County Council will, subject to the conditions contained in the policy approved by the Cabinet on 21 December 2010, apply to the Magistrate's Court for an order stopping up the land as a highway.
2. The land subject of the proposed application was adopted as highway maintainable at public expense by virtue of an agreement made under Section 40 of the Highways Act 1959 dated 16 July 1969 for the Fleetside development to the East of 28 Pool Road.

3. The land was fenced by a previous owner of 28 Pool Road and subsequent extensions to the property have now resulted in some of the structures physically standing on highway land. Both the fence and the structure are encroaching on highway land.
4. The land currently resides in Land Registry title SY367028 and the owner is West Hall Estate Company Ltd. The owners of 28 Pool Road have agreed a deal in principle to purchase of the land on the completion of a successful stopping up application.
5. If the land is not stopped up the County Council, as highway authority, is duty bound to secure the removal of the encroachment.

CONSULTATION:

6. Before making an application to the Magistrate's Court for a stopping up order 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.
7. 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;
 - if the highway is a classified road, the Minister for Transport, district/borough council and parish council if there is one.

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.

RISK MANAGEMENT AND IMPLICATIONS:

8. 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

9. The applicant is to pay all costs associated with the application for a stopping up order. There is no financial cost to the County Council.

Section 151 Officer Commentary

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

Legal Implications – Monitoring Officer

11. 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.

Equalities and Diversity

12. 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:

13. When the applicant has 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.
14. 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.
15. 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.
16. 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.
17. In accordance with clause 3 of the County Council's policy regarding requests for the removal of public rights over areas of highway land, 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:

George Emmett, Highway Boundary Team Leader, 020 8541 7446

Consulted:

Trevor Pugh, Strategic Director of Environment and Infrastructure
John Furey, Cabinet Member for Transport, Highways and Environment
Jason Russell, Assistant Director, Highways
Ernest Mallett, Local Member
Nicholas Healey, Area Highways Manager
Nancy El-Shatoury, Legal Services
Tony Orzieri, Financial Services
Catriona Herbert, Legal Dept, Elmbridge Borough Council

Annexes:

Annex 1 – Plan: Land subject of proposed application – Pool Road

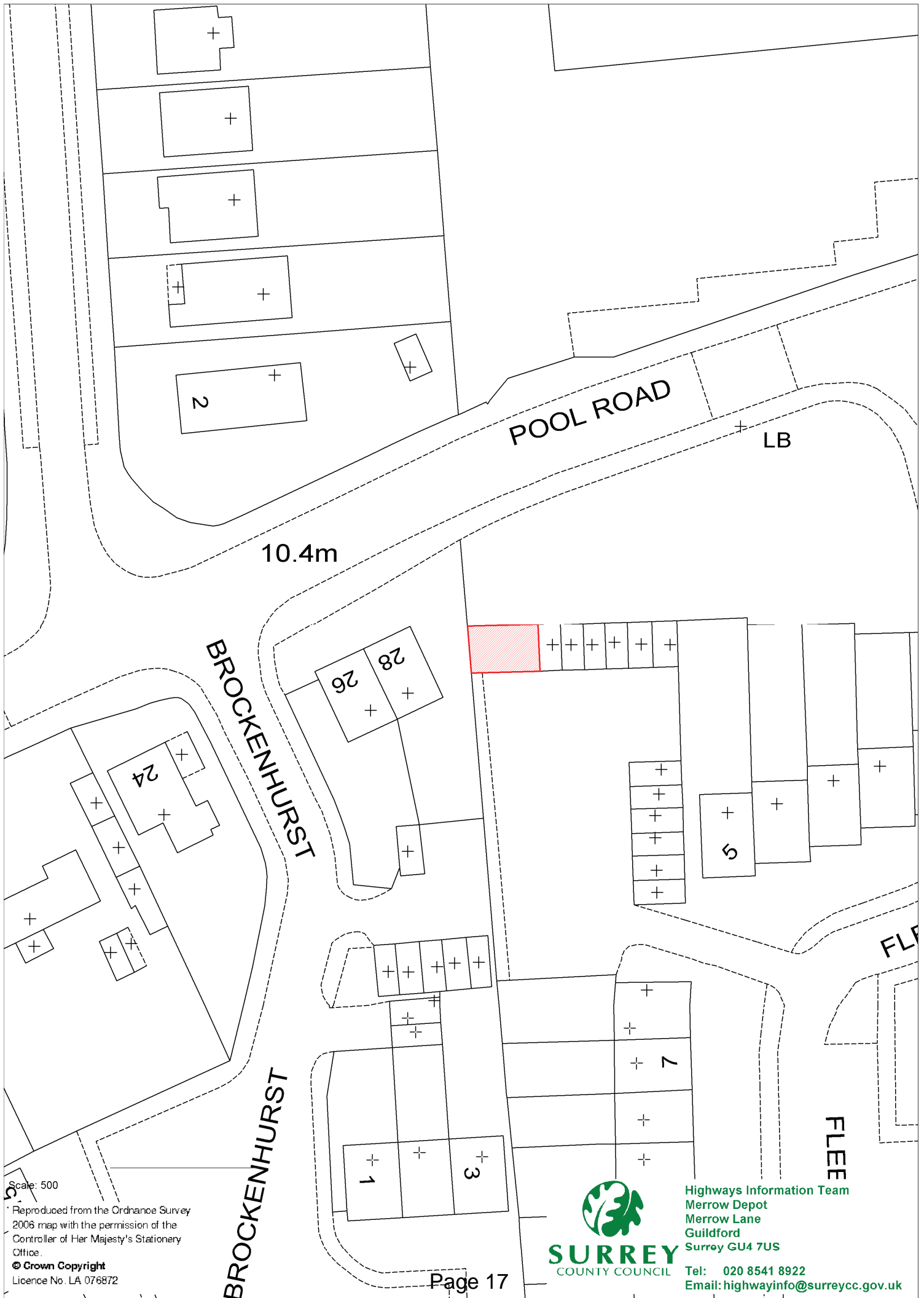
Sources/background papers:

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SURREY COUNTY COUNCIL**CABINET MEMBER FOR TRANSPORT, HIGHWAYS AND ENVIRONMENT****DATE: 10 SEPTEMBER 2013****LEAD OFFICER: IAIN REEVE – ASSISTANT DIRECTOR STRATEGY, TRANSPORT AND PLANNING****SUBJECT: REQUEST TO ADOPT A NEW FOOTWAY AT CEDAR ROAD, COBHAM****SUMMARY OF ISSUE:**

Transport Development Planning wishes to enter into a Deed of Dedication with a developer associated with a development in Surrey as set out in Annex 1.

In line with Surrey County Council's current policy on adoption, the Cabinet Member, under the Scheme of Delegation, is asked to give authority to adopt a new footway at Cedar Road in Cobham secured as set out in Annex 1.

RECOMMENDATIONS:

It is recommended that the Cabinet Member, under the Scheme of Delegation and in line with Surrey County Council's current policy, authorise the dedication of a new footway, at Cedar Road Cobham, to become publicly maintainable highway as set out in Annex 1 of the submitted

REASON FOR RECOMMENDATIONS:

The request set out in Annex 1 fully meets Surrey County Council's current policy on road adoption.

DETAILS:

1. Under Section 72 of the Highway Act 1980 a highway authority may widen any highway for which they are highway authority. Further a highway authority can secure third party land through a deed of dedication to widen existing highway.
2. Attached as Annex 1 is a request to enter into a S72 Deed of Dedication, at the Cobham Library, Cedar Road, Cobham. This relates to a development involving the demolition of the former Cobham Library and the erection of 14 dwellings and a replacement library. The planning permission is subject to a condition which dictates that no dwellings can be occupied until the land in question has been laid as footway and dedicated to Surrey County Council as highway authority.
3. The land was requested by the highway authority to enable a highway improvement. The footway will provide safe access to the new public library and to residents of Cedar Road. This highway improvement scheme is to be constructed and fully funded by the developer, which was secured by planning condition.

CONSULTATION:

4. Full consultation has taken place as part of the planning process carried out by Elmbridge Borough Council. Local residents were notified in writing of the planning application, details of which were available to view on-line and at the Borough Office.
5. The Asset Strategy Partner for Acquisitions and Disposals in Property Services has been consulted and supports the dedication of the new footway.

RISK MANAGEMENT AND IMPLICATIONS:

6. If the footway is not dedicated there is no guarantee that it will remain in place in the future. Therefore pedestrians may be forced to walk in the carriageway, which is a safety concern.

FINANCIAL AND VALUE FOR MONEY IMPLICATIONS:

7. The costs associated with the proposed footway dedication will be fully met by the developer involved. This includes all construction costs, commuted sums where necessary and all Surrey County Council fees.

SECTION 151 OFFICER COMMENTARY:

8. The Section 151 Officer confirms that all material financial and business issues and risks have been considered.

LEGAL IMPLICATIONS – MONITORING OFFICER:

9. The refusal to enter into the Deed of Dedication would result in the planning permission needing to be varied in order to remove the condition recommended by the highway authority, the costs of which would have to be met by the County Council.

EQUALITIES AND DIVERSITY

10. There are no equalities implications associated with this Deed of Dedication.

OTHER IMPLICATIONS: CLIMATE CHANGE/CARBON EMISSIONS IMPLICATIONS

11. The County Council attaches great importance to being environmentally aware and wishes to show leadership in cutting carbon emissions and tackling climate change. The proposal within this report will promote walking and could reduce carbon emissions.

WHAT HAPPENS NEXT:

12. Legal Services will be instructed to enter into a Section 72 Deed of Dedication with Surrey County Council, Penrhyn Road, Kingston upon Thames & Shanly Homes (Leatherhead Ltd) 21 The Crescent, Leatherhead to dedicate the land as footway.

Contact Officer:

Kerry James, Principal Transport Development Planning Officer - 020 8541 9816

Consulted:

Wide consultation as part of the planning process

Steve Evans – Surrey County Council Asset Strategy Partner

Annexes:

Annex 1 – Location Plan, Agreement Plan

Sources/background papers:

Highways Act 1980 – Section 72.

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REQUEST TO ENTER INTO A DEED OF DEDICATION

SECTION 72 (HIGHWAYS ACT 1980)

COBHAM LIBRARY CEDAR ROAD COBHAM

Planning Application Reference:	2011/0721 2012/1721
Developer	SURREY COUNTY COUNCIL & SHANLY HOMES
Site Address:	COBHAM LIBRARY CEDAR ROAD COBHAM
Brief Description of Works (including the number of units which are to be served):	THE PLANNING APPLICATION IS SUBJECT TO A CONDITION WHICH DICTATES THAT NO DWELLINGS SHALL BE OCCUPIED UNTIL A 2 METER WIDE STRIP OF LAND HIGHLIGHTED ON THE ATTACHED DRAWING HAS BEEN LAID AS FOOTWAY TO SERVE 14 DWELLINGS AND A REPLACEMENT LIBRARY IS DEDICATED TO SURREY COUNTY COUNCIL AS HIGHWAY AUTHORITY.
Total Length of footway to be adopted:	117M
List of Attached Documents:	- Location Plan - Proposed Layout

Based on the information provided, as Cabinet Member, I give consent/ I do not give consent for the Deed of Dedication to be entered into in line with Surrey County Council's current policy. Transportation Development Control may/ may not instruct Legal Services to prepare a Section 72 agreement on behalf of Surrey County Council and the Developer.

Signed :

Date:



TACTILE PAVING TO BE ADDED TO EXISTING FOOTWAY UNDER EXISTING AND PROPOSED ALGAE CSI CHANNELS AT CROSSING POINT WHERE SOUTH SIDE OF EXISTING FOOTWAY AND YELLOW LINES

TACTILE PAVING TO BE ADDED TO EXISTING FOOTWAY UNDER EXISTING AND PROPOSED ALGAE CSI CHANNELS AT CROSSING POINT WHERE SOUTH SIDE OF EXISTING FOOTWAY AND YELLOW LINES

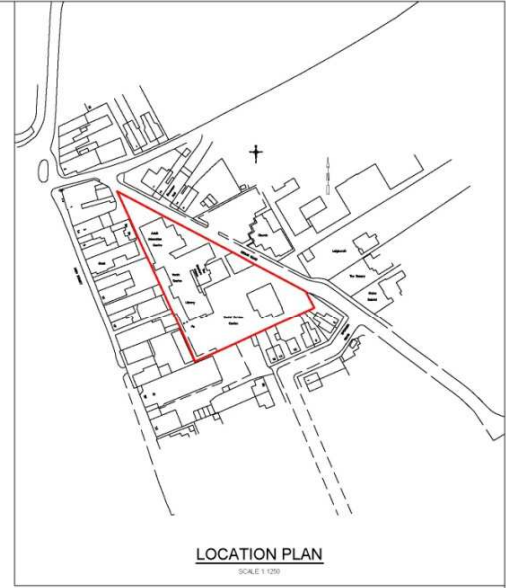
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NOTES
SECTION 34/27/8 HIGHWAY WORKS ARE TO BE TO SURREY COUNTY COUNCIL'S SPECIFICATION

- EXISTING HIGHWAY LAND ON WHICH WORKS ARE TO BE CARRIED OUT
- SURREY CC LAND TO BE DEDICATED AS PUBLIC HIGHWAY
- SITE BOUNDARY AS INDICATED ON LOCATION PLAN



S	MAN	12.06.13	UPDATED TO BIC COMMENTS		
F	MAN	13.06.13	UPDATED TO SEC COMMENTS		
E	MAN	13.06.13	ADDITIONAL LEVELS PROPOSED AND NOTES REVISIONS BY REMOVAL FROM PRIVATE AREAS ADDED		
D	MAN	14.06.13	UPDATED TO SEC COMMENTS, TENDER ISSUE		
C	MAN	08.05.15	ADDITIONAL VISIBILITY SPLAYS ADDED TO VEHICLE CROSSINGS OF FOOTWAY		
B	MAN	02.08.15	ADDITIONAL CHANGING POINT HOODS, LINE AND AHEAD NOTES		
A	MAN	27.03.15	ISSUED FOR TECHNICAL APPROVAL BY SEC		
PL	MAN	28.03.15	SCHEME ADJUSTED		
PH	MAN	29.03.15	SCHEME ADJUSTED		
REV	DNM	CHK	DATE	REVISION	DETAILS

ARCHITECT
Architects, Stenavage

200
Cobham Library
Cedar Road
Cobham, KT11 2AA

DRG
SCALE: 1:200
DATE: 21.03.13
DRA: MJH
CHK: CLK

DRG NUMBER
2810-103

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SURREY COUNTY COUNCIL**CABINET MEMBER FOR TRANSPORT, HIGHWAYS AND ENVIRONMENT****DATE: 10 SEPTEMBER 2013****LEAD OFFICER: IAIN REEVE – ASSISTANT DIRECTOR STRATEGY, TRANSPORT AND PLANNING****SUBJECT: REQUEST TO ADOPT A STRIP OF LAND AT DE BURGH GARDENS TADWORTH****SUMMARY OF ISSUE**

Transport Development Planning wishes to adopt a strip of land under Section 228 of the Highways Act 1980 associated with a development in Surrey as set out in Annex 1.

In line with Surrey County Council's current policy on adoption, the Cabinet Member, under the Scheme of Delegation, is asked to give authority to adopt the strip of land at De Burgh Gardens in Tadworth, as set out in Annex 1.

RECOMMENDATIONS

It is recommended that the Cabinet Member, under the Scheme of Delegation and in line with Surrey County Council's current policy, authorise the adoption of the strip of land at De Burgh Gardens, Tadworth to become publicly maintainable highway as set out in Annex 1 of the submitted report.

REASON FOR RECOMMENDATIONS

The request set out in Annex 1 fully meets Surrey County Council's current policy on road adoption.

DETAILS

1. Under Section 228 of the Highways Act 1980, the highway authority may, by notice displayed in a prominent position in the area in question, declare an area to be highway, maintainable at the public expense.
2. Attached as Annex 1 is a request to adopt an area of land under S228 of the Highways Act, at De Burgh Gardens, Tadworth. This relates to an administrative error from a development in 2004, in that when the road was adopted under the S228 procedure in 2010, the plans provided by the developer did not include the full extent of the street which was supposed to be adopted, in order to give access to Surrey County Council owned land at the former De Burgh School.

CONSULTATION

3. Full consultation has taken place as part of the original planning process in 1999 by Reigate Borough Council. Local residents were directly notified of the planning application in writing. Details of which were available to view at the Council Office. In addition to this, a notice will be put up on site for a period of one month, giving the land owner or any other party opportunity to object.
4. The Asset Strategy Partner for Acquisitions and Disposals in Property Services has been consulted and has instructed Legal Services to proceed with the S228 notice, subject to the authorisation sought in this report.

RISK MANAGEMENT AND IMPLICATIONS

5. If the strip of land is not adopted there will be an area of privately owned land between the public highway and Surrey County Council owned land, meaning that Surrey County Council would not have right of access to its land.
6. The land owner could object to the adoption, and Surrey County Council would have to apply to the magistrates' court for an order overruling the objection. However this is very unlikely as legal services have informed the original developer Westbury Homes of our intention and they have confirmed they have no objection.

FINANCIAL AND VALUE FOR MONEY IMPLICATIONS

7. All costs associated with the proposed adoption will be fully met by Surrey County Council. It is not possible to provide a definitive cost but the total is not expected to exceed £1,000. This includes both legal costs and officer time that will be funded from Transport Development Planning's budget. However, the original developer Westbury Homes did pay all the relevant inspection/design fees and commuted sums associated with the original adoption, which would have taken account of this area of land.

SECTION 151 OFFICER COMMENTARY

8. The Section 151 Officer confirms that all material financial and business issues and risks have been considered in this report.

LEGAL IMPLICATIONS – MONITORING OFFICER

9. A refusal to adopt under S228 would result in the terms of the original proposed S38 agreement not being met and no legal right of access to Surrey County Council land.

EQUALITIES AND DIVERSITY

10. There are no equalities implications associated with the S228 adoption.

CLIMATE CHANGE/CARBON EMISSIONS IMPLICATIONS

11. The County Council attaches great importance to being environmentally aware

and wishes to show leadership in cutting carbon emissions and tackling climate change.

WHAT HAPPENS NEXT:

12. Legal Services will be instructed to draw up a Section 228 Notice which will then be put up on site for a period of 1 month. If no valid objections are received during that month the land will become highway maintainable at the public expense.
-

Contact Officer:

Kerry James, Principal Transport Development Planning Officer – 020 8541 9816

Consulted:

Wide consultation as part of the planning process

Land Owner

Steve Evans – Surrey County Council Asset Strategy Partner

Local Residents

Annexes:

Annex 1 – Agreement Plan

Sources/background papers:

Highways Act 1980 – Section 228.

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REQUEST TO ENTER INTO A DEED OF DEDICATION

SECTION 228 (HIGHWAYS ACT 1980)

DE BURGH GARDENS TADWORTH

Planning Application Reference:	RE/95/01012
Developer	Westbury Homes Ltd
Site Address:	LAND AT DE BURGH GARDENS TADWORTH
Brief Description of Works (including the number of units which are to be served):	<p>This is a request to adopt an area of land under S228 of the Highways Act, at De Burgh Gardens, Tadworth. This relates to an administrative error from a development in 2004, in that when the road was adopted under the S228 procedure in 2010, the plans provided by the developer did not include the full extent of the street which was supposed to be adopted, in order to give access to Surrey County Council owned land at the former De Burgh School.</p> <p>This S228 will remove a private strip of land owned by Westbury Homes between the current public highway and SCC owned land by making it highway maintainable at the public expense.</p>
Total Length of Road to be adopted:	APPROXIMATELY 14M X 7M
List of Attached Documents:	<ul style="list-style-type: none">- Plan showing area to be adopted- Site Location Plan

Other Comments:

Based on the information provided, as Cabinet Member, I *give consent/ I do not give consent* for the S228 notice to be made in line with Surrey County Council's current policy. Transportation Development Control *may/ may not* instruct Legal Services to prepare a Section 228 Notice on behalf of Surrey County Council and the Developer.

Signed :

Date:



SURREY
COUNTY COUNCIL

SURREY COUNTY COUNCIL

HIGHWAYS ACT SECTION 228

ADOPTION PLAN DBG/1

