

Notice of Meeting

Cabinet Member for Highways, Transport and Flooding Decisions

**Date & time**

Wednesday, 11 May
2016 at 2.00 pm

Place

Room G44, County
Hall, Kingston upon
Thames, KT1 2DN

Contact

Andrew Baird or Joss
Butler
Room 122, County Hall
Tel 0208 541 7609 or 0208
541 9702.

Chief Executive

David McNulty

andrew.baird@surreycc.gov.uk or
joss.butler@surreycc.gov.uk



We're on Twitter:
[@SCCdemocracy](https://twitter.com/SCCdemocracy)

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 democratic.services@surreycc.gov.uk

This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Andrew Baird or Joss Butler on 0208 541 7609 or 0208 541 9702.

Elected Members

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 ITEMS

a Members' Questions

The deadline for Members' questions is 12pm four working days before the meeting (05 May 2016).

b Public Questions

The deadline for public questions is seven days before the meeting (04 May 2016).

c Petitions

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

3 PROPOSED STOPPING UP OF LAND AT FARLEIGH GOLF COURSE (Pages 1 - 6)

The leaseholder of Farleigh Golf Course has requested that the County Council apply to the Magistrates' Court for an order to be made removing (stopping up) the highway rights over two pieces of land at the entrance to the Golf Course. Their reason for wishing this to be done is to facilitate landscaping and the positioning of improved signage for the golf course.

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

4 PROPOSED STOPPING UP OF LAND AT RAEVORM, ALDERSHOT ROAD, ASH (Pages 7 - 12)

The owner of Raevorm, Aldershot Road, Ash has requested that the County Council 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 and to formalise a front wall which currently forms an encroachment on the highway.

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

5 PROPOSED STOPPING UP OF LAND AT 130 POTTERS LANE, SEND (Pages 13 - 18)

The owner of 130 Potters Lane, Send has requested that the County Council 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.

**6 ROPOSED STOPPING UP OF LAND AT WINDSOR COURT ROAD,
CHOBHAM**

(Pages
19 - 24)

The developer of a site at Windsor Court Road, Chobham has requested that the County Council apply to the Magistrates Court for an order to be made removing (stopping up) the highway rights over two pieces of land which fall within their development site. This stopping up, alongside a related agreement made under Section 278 of the Highways Act 1980, will facilitate the redevelopment and provide an improved highway layout.

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

**David McNulty
Chief Executive**

Published: Tuesday, 3 May 2016

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

Those attending for the purpose of reporting on the meeting may use social media or mobile devices in silent mode to send electronic messages about the progress of the public parts of the meeting. To support this, County Hall has wifi available for visitors – please ask at reception for details.

Anyone is permitted to film, record or take photographs at council meetings. Please liaise with the council officer listed in the agenda prior to the start of the meeting so that those attending the meeting can be made aware of any filming taking place.

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It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

Thank you for your co-operation

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SURREY COUNTY COUNCIL**CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND FLOODING****DATE:** 11 MAY 2016**LEAD OFFICER:** TREVOR PUGH, STRATEGIC DIRECTOR OF ENVIRONMENT AND INFRASTRUCTURE**SUBJECT:** PROPOSED STOPPING UP OF LAND AT FARLEIGH GOLF COURSE**SUMMARY OF ISSUE:**

The leaseholder of Farleigh Golf Course has requested that the County Council apply to the Magistrates' Court for an order to be made removing (stopping up) the highway rights over two pieces of land at the entrance to the Golf Course. Their reason for wishing this to be done is to facilitate landscaping and the positioning of improved signage for the golf course.

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 as enough of the verge would be retained meaning any public movements on foot are preserved. On completion of a successful application the County Council would be relinquished from any future maintenance liability for the land in question.

DETAILS:

1. When a request is received for the highway rights over highway land to be removed and the Cabinet Member for Highways, Transport and Flooding 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 Magistrates' Court for an order stopping up the land as a highway.
2. The land subject of the proposed application is present on all sources of historic mapping meaning that it became highway by virtue of being an ancient highway.
3. The land is currently unregistered and it is the intention of the applicant (with agreement from the freeholder) to register title to the land on the completion of a successful stopping up application.

CONSULTATION:

4. Before making an application to the Magistrates' 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.
5. 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:

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 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

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. 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

10. 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:

11. 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.
12. 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.
13. 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.
14. 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.
15. 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 Mole Valley 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
Jason Russell, Assistant Director, Highways
Zena Curry, Area Highways Manager
Nancy El-Shatoury, Legal Services
Tony Orzieri, Financial Services
David Hodge, County Councillor

Simon Morrow, Borough Councillor
Jeremy Pursehouse, Borough Councillor
Cindy Steer, Borough Councillor
David Marden, Parish Councillor
Debbie Prismall, Countryside Access
Piers Mason, Chief Planning Officer, Tandridge District Council
Adjoining land owners

Annexes:

Annex 1 – Plan: Land subject of proposed application – Farleigh Golf Course

Sources/background papers:

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

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

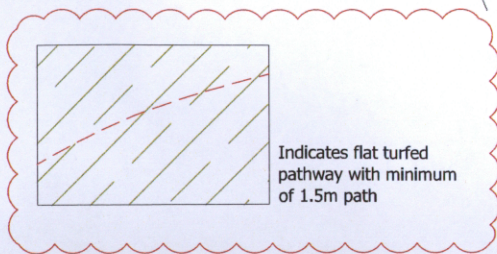
Report to the Cabinet on 21 December 2010 titled “Policy Regarding the Removal of Public Rights Over Roads and Highway Land” (item 12).

[http://mycouncil.surreycc.gov.uk/ceclistdocuments.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/ceclistdocuments.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)



PROPOSED LAYOUT PLAN FOR MAIN VEHICULAR ENTRANCE - Scale 1:100@A1

1 Proposed Layout For Main Vehicular Entrance
Scale: 1:100



C	15.10.12	Raised bunds reduced to allow for flat turfed pathways, removal of trees
B	13.07.12	Mound location updated
A	31.05.2011	Raised bunds reduced and existing gates retained

- INFORMATION ONLY
- APPLICATION FOR LOCAL AUTHORITY
- TENDER
- CONSTRUCTION

PROJECT	Farleigh Court Golf Club		
TITLE	SITE 2 Proposed Entrance Feature		
DRAWN	DATE	SCALE	CHECKED
	13.07.12	1:100@ A1	
PROJECT	NUMBER	REVISION	
L10 2006	02-04	C	

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SURREY COUNTY COUNCIL**CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND FLOODING****DATE:** 11 MAY 2016**LEAD OFFICER:** TREVOR PUGH, STRATEGIC DIRECTOR OF ENVIRONMENT AND INFRASTRUCTURE**SUBJECT:** PROPOSED STOPPING UP OF LAND AT RAEVOM, ALDERSHOT ROAD, ASH**SUMMARY OF ISSUE:**

The owner of Raevom, Aldershot Road, Ash has requested that the County Council 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 and to formalise a front wall which currently forms an encroachment on the highway.

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 as the verge here is unusually wide compared with the remainder of the northern side of the road meaning future uses of the land are compromised. On completion of a successful application the County Council would be relinquished from any future maintenance liability for the land in question.

DETAILS:

1. When a request is received for the highway rights over highway land to be removed and the Cabinet Member for Highways, Transport and Flooding 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 Magistrates' Court for an order stopping up the land as a highway.
2. The land which is the subject of the proposed application was dedicated to the highway in 1937 and now forms part of a wide verge (although currently walled) which is isolated to just two property frontages. This limits the future potential for highway improvements on the northern side of Aldershot Road. The southern side of Aldershot Road has a wide verge which could provide space for future improvements here.

3. The land is currently unregistered and it is the intention of the applicant to register title to the land on the completion of a successful stopping up application.

CONSULTATION:

4. Before making an application to the Magistrates' 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.
5. 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.

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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 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

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. 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

10. 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:

11. 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.
12. 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.
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 - the Minister for Transport, district/borough council and parish council if there is one, if the highway is a classified road.
14. 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.
15. 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 Mole Valley 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
Jason Russell, Assistant Director, Highways
John Hilder, Area Highways Manager
Nancy El-Shatoury, Legal Services
Tony Orzieri, Financial Services

Marsha Moseley, County Councillor
Paul Spooner, Borough Councillor
Andrew Gomm, Borough Councillor
Nigel Kears, Parish Councillor
Satish Mistry, Legal, Guildford Borough Council
Adjoining land owners

Annexes:

Annex 1 – Plan: Land subject of proposed application – Raevom, Aldershot Road

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)



Scale: 1:1250

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SURREY COUNTY COUNCIL**CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND FLOODING****DATE:** 11 MAY 2016**LEAD OFFICER:** TREVOR PUGH, STRATEGIC DIRECTOR OF ENVIRONMENT AND INFRASTRUCTURE**SUBJECT:** PROPOSED STOPPING UP OF LAND AT 130 POTTERS LANE, SEND**SUMMARY OF ISSUE:**

The owner of 130 Potters Lane, Send has requested that the County Council 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 as the verge in question forms part of the original route of the road and is no longer used by any highway users. On completion of a successful application the County Council would be relinquished from any future maintenance liability for the land in question.

DETAILS:

1. When a request is received for the highway rights over highway land to be removed and the Cabinet Member for Highways, Transport and Flooding 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 Magistrates' Court for an order stopping up the land as a highway.
2. The land which is the subject of the proposed application forms a planted verge adjacent to the carriageway of Potters Lane. The land forms part of the original route of Potters Lane. The road was straightened here some time between 1914 and 1934 leaving this portion of the bend in the road as a wide verge. Part of the land forms an access route to properties on Send Lane. This access is not affected by the proposed stopping up. A 2 metre strip of verge will be retained as highway.

3. The land is currently unregistered and it is the intention of the applicant to register title to the land on the completion of a successful stopping up application.

CONSULTATION:

4. Before making an application to the Magistrates' 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.
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 - the owners and occupiers of all lands adjoining the highway;
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 - 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:

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Financial and Value for Money Implications

7. 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

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

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10. 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:

11. 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.
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Contact Officer:

George Emmett, Highway Boundary Team Leader, 020 8541 7446

Consulted:

Trevor Pugh, Strategic Director of Environment and Infrastructure
Jason Russell, Assistant Director, Highways
John Hilder, Area Highways Manager
Nancy El-Shatoury, Legal Services
Tony Orzieri, Financial Services

Keith Taylor, County Councillor
Michael Hurdle, Borough Councillor
Susan Parker, Borough Councillor
Philip Beddoes, Send Parish Council
Satish Mistry, Legal, Guildford Borough Council
Adjoining land owners

Annexes:

Annex 1 – Plan: Land subject of proposed application – 130 Potters Lane

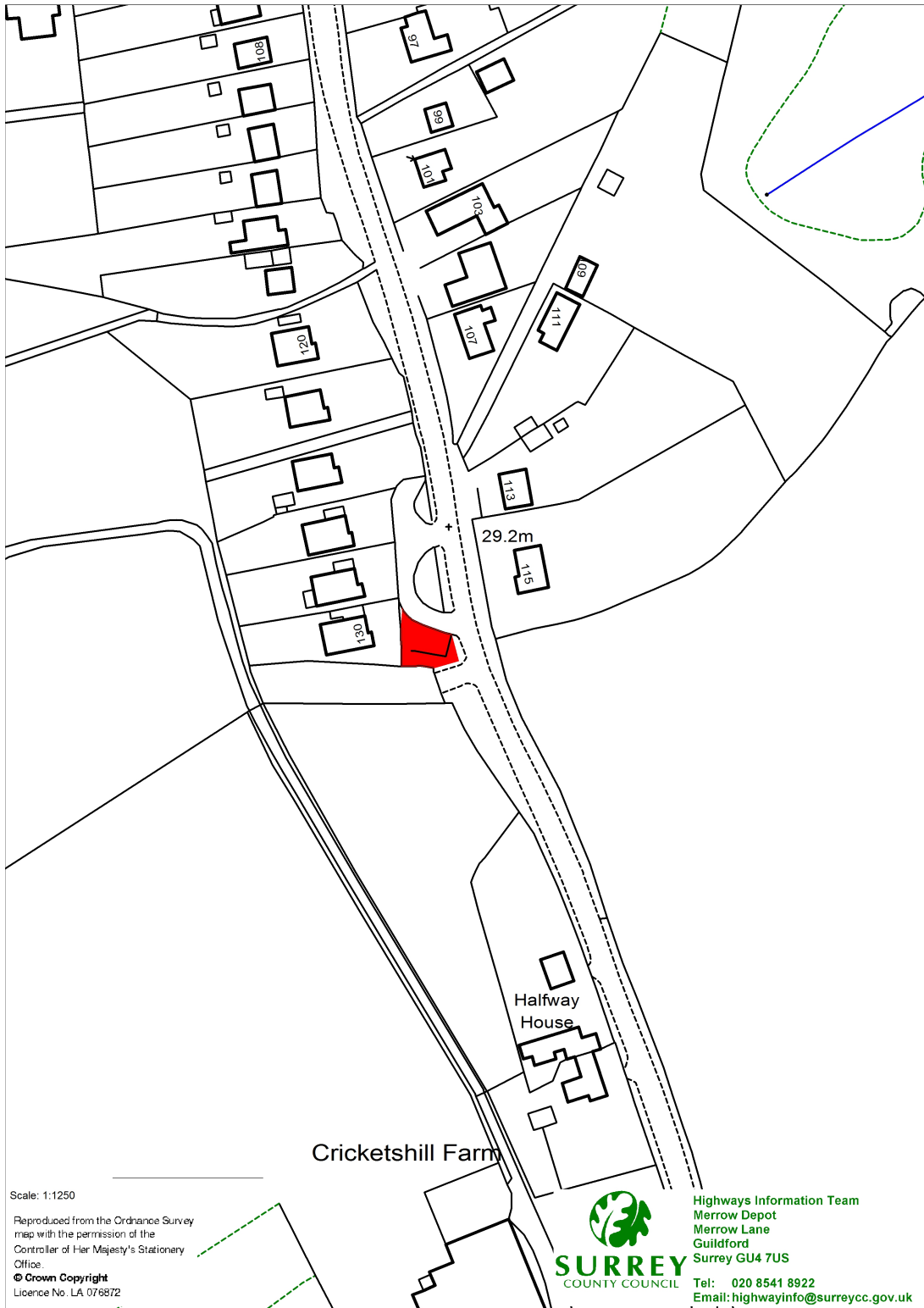
Sources/background papers:

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

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

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The developer of a site at Windsor Court Road, Chobham has requested that the County Council apply to the Magistrates Court for an order to be made removing (stopping up) the highway rights over two pieces of land which fall within their development site. This stopping up, alongside a related agreement made under Section 278 of the Highways Act 1980, will facilitate the redevelopment and provide an improved highway layout.

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 required to be stopped up to facilitate the redevelopment. An agreement, made with the County Council, will create new highway meaning that the resultant road will better serve the development and remain a publicly maintainable highway.

DETAILS:

1. When a request is received for the highway rights over highway land to be removed and the Cabinet Member for Highways, Transport and Flooding 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 in the 1970's by Bagshot Rural District Council, a pre-existing authority. The two areas functioned as part of the access to the former residential units. As the whole site has been redeveloped these areas are surplus to highway requirements.

3. The land is held within the title of the development site and responsibility for the land will pass to the title holder should the stopping up application be completed successfully.

CONSULTATION:

4. Before making an application to the Magistrates' 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.
5. 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:

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 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

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. 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

10. 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:

11. 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.
12. 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.
13. 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.
14. 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.
15. 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 Mole Valley 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
Jason Russell, Assistant Director, Highways
Andrew Milne, Area Highways Manager
Nancy El-Shatoury, Legal Services
Tony Orzieri, Financial Services

Mike Goodman, County Councillor
Pat Tedder, Borough Councillor
Victoria Wheeler, Borough Councillor
Gill Head, Parish Councillor
Angela Goddard, Transportation Development Planning
Karen Limmer, Legal, Surrey Heath Borough Council
Adjoining land owners

Annexes:

Annex 1 – Plan: Land subject of proposed application – Windsor Court Road,
Chobham

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/ceclistdocuments.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/ceclistdocuments.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)



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