

Minutes of the meeting of the
Elmbridge LOCAL COMMITTEE
held at 2.00 pm on 16 November 2020
at Virtual meeting.

These minutes are subject to confirmation by the Committee at its next meeting.

Surrey County Council Members:

- * Dr Peter Szanto (Chairman)
- * Rachael I. Lake (Vice-Chairman)
- * Mr Mike Bennison
- * Mr Nick Darby
- * Mrs Mary Lewis
- * Mr Tim Oliver
- * Mr John O'Reilly
- * Mr Ernest Mallett MBE
- * Mr Tony Samuels

Borough / District Members:

- Cllr David J Archer
- * Cllr Steve Bax
- * Cllr Barry Fairbank
- * Cllr Peter Harman
- * Cllr Caroline James
- * Cllr Mary Marshall
- * Cllr Christine Richardson
- * Cllr Mrs Mary Sheldon
- * Cllr Graham Woolgar

* In attendance

17/20 CHANGE IN BOROUGH COUNCIL MEMBERSHIP OF THE COMMITTEE AND APPOINTMENT TO THE PARKING TASK GROUP [FOR DECISION] [Item 1]

Resolved that:

Councillor Graham Woolgar replace Councillor Roy Green on the Elmbridge Local Committee's Parking Task Group for the 2020/21 municipal year.

18/20 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 2]

There were no apologies.

19/20 DECLARATIONS OF INTEREST [Item 3]

Cllr Mary Sheldon declared a non-pecuniary interest in Item 7 petition 4 as a local resident.

Cllr Mary Lewis declared a non-pecuniary interest in Item 6 as the local councillor and resident.

20/20 CHAIRMAN'S ANNOUNCEMENTS [Item 4]

The Chairman reminded county members that the deadline for applications for their £5,000 community allocation fund is 29 January.

He reported that the first of what we hope will be a series of events for residents will take place at 7pm on Monday 30 November. This will be an interactive Funding Workshop with presentations on various funding opportunities available to local organisations and a panel of experts to answer questions. The event will be live streamed to Facebook. Help in promoting this event would be appreciated and more details will be available shortly.

21/20 WRITTEN PUBLIC QUESTIONS AND STATEMENTS [Item 5]

Six public questions were received. The questions and officers responses are published in the supplementary agenda for the meeting. The following follow up questions were asked:

Question 2: What will be the focus of any feasibility study and what are the timescales? The Area Highways Manager replied that if Committee agrees the study will be added to the potential list of schemes for future years. The earliest a study could start would be April 2021 and it would include an evaluation of possible options based on the issues highlighted.

Question 3: What is a point closure, is it a road closure or expanding footways, what happens to any traffic diverted to other local roads? The Area Highways Manager responded that a point closure is a road closure although access is maintained for residents. Traffic will inevitably move to other routes. He offered to continue a conversation outside the meeting to see if there was any consensus which could lead to a possible scheme being added to the work programme.

Question 5: If the landowner is Surrey County Council or the Borough Council who carries out enforcement? The Countryside Access Officer responded that any issues on designated rights of way on land owned by the local authority should be reported to the rights of way team so they can look at individual cases.

22/20 ALLEGED PUBLIC FOOTPATH BETWEEN LITTLEHEATH LANE AND WATER LANE, COBHAM, ESHER [FOR DECISION - OTHER COUNTY COUNCIL FUNCTIONS] [Item 6]

Declarations of Interest: Mary Lewis declared a non-pecuniary interest as a local resident and local member. She declared that she has also used the path and that her evidence is mentioned in the report. As a result she would not vote on the matter but was permitted to speak.

Officers attending: Catherine Valiant, Countryside Access Officer

Petitions, Public Questions/Statements:

Alice Pearson-Thorne spoke in support of the application and made the following points:

- Alice spoke on behalf of her mother who is resident at 30 Water Lane which backs on to the footpath and is the only rear access to the property. It has been the Pearson family home since 1962.
- Her mother Marion has walked the path complete path twice a day most days until it was blocked in 2015 a total of 53 years.
- The full family walked the path in the 60s, 70s and 80s for a variety of reasons and was never made aware that they could not use the path until it was blocked in 2015.

Joanna Rutherford spoke in support of the application and made the following points:

- She has used the path since 1994 and was not challenged until December 2014.
- The claimed path is shown on many early historic maps with a designation of path indicating use by the public.

Jeremy Taylor spoke in support of the application and made the following points:

- A resident of Mill Hedge Close where he has lived for around 25 years. He and his wife were also a resident of the area before that time and have walked the path in the 70s and 80s for recreation to visit friends and local shops as well as more recently. He has never been challenged.

Kathryn Ross spoke in objection to the application and made the following points:

- Her husband and herself have lived at Hazel Glen, 24 Water Lane since 1995, points F, G and H shown on the plans are within their land.
- She is confident that there is key evidence of a lack of intention to dedicate. There is evidence that landowners have erected gates and private signs along the route
- She agrees with the evidence of Mrs Turk given long after she left the area.
- The user evidence of users is less consistent, ignoring a sign or climbing over a gate does not evidence permission to use the route.
- She was clear that she had approached anyone she saw crossing her land from 1995 to make it clear that it was private property.

The applicant Patrina Hutchings took the opportunity to respond to the objections raised. She made the following points:

- She has been a resident of the area for 30 years and a user of the path.
- It was unclear why the original recommendation to approve the route was changed in the subsequent reports without further evidence.
- It is clear from user evidence that this path has been used regularly and that the signs were introduced after 2015 and there had been no challenge before this time.

The Countryside Access Officer presented the report, including the following points

- The land A-B is registered as common land and cannot be designated as a right of way and therefore the route under consideration is between B and L.
- She outlined the evidence outlined in the report and the basis on which the recommendation is based.

- If the evidence of the placing of signs on the route is accepted as demonstrating a lack of intention to dedicate then a 20 year period of unchallenged use cannot be established.
- This is a finely balanced case with differences in the views of users and between users and landowners, although this is often the case and it is a matter for the Committee to weigh up the evidence. She asked the Committee to accept her recommendation.

Member discussion –key points

The divisional member stated that as shown on the map this is a network of historic paths giving access to Littleheath which is common land. She has lived in the area for 32 years and has regularly used the path and was never aware of any restrictions.

The Chairman asked for further information on why the recommendation of the Countryside Access Officer had changed since the report was first presented to Committee. She responded that she had re-read the case law following the deferment of the report and felt this caused her to change her view of the evidence.

The ‘Diggers’ who had previously been based on the common were referred to as an indication that the path had been used for open access in the past.

The path is shown on historic maps back to the late eighteen hundreds. The Countryside Access Officer explained that a path showing on a map does not provide proof of a public right of way as they just provide evidence of a route on the ground as they may still cross private land.

The point of challenge was deemed to be at 2013 as that was the time at which a gate and sign were installed. Officers had not been able to determine a 20 year period prior to that time when there was no restriction as the date when the signs at D and E were installed could not be established.

The definitive map was first established in Surrey in 1958.

Members felt that there was not sufficient clear evidence that the signs referred to had been present and visible within a 20 year period between 1958 and 2013.

Resolved that (by 13 votes AGAINST and 2 ABSTENTIONS):

The recommendation of the officer, that no public footpath should be recorded over the claimed route, should be rejected on the grounds that the notices at D and E were not sufficient to demonstrate a lack of intention to dedicate on the part of the landowner.

It was therefore **Resolved** by (14 votes FOR and 1 ABSTENTION) that:

It is reasonable to allege that by virtue of the use by the public on foot, public footpath rights have been acquired over part of the claimed route under section 31 of the Highways Act 1990. A Definitive Map Modification Order should, therefore, be made to record the route between B and L as shown on the plan, in Annex A of the report, on the Definitive Map and Statement for Surrey as Public Footpath No.96 Esher.

Reasons: The Committee considered that the evidence submitted in support of the application is sufficient to reasonably allege that public footpath rights subsist over the claimed route, having been acquired by virtue of use by the public on foot under statutory deemed dedication (under s.31(6) of the Highways Act 1980)."

23/20 PETITIONS [Item 7]

Declarations of Interest: Mary Sheldon declared a non-pecuniary interest as a local resident in petition 4.

Officers attending: Nick Healey, Area Highways Manager

Petitions, Public Questions/Statements:

Petition 1: Mrs Emma Purdy presented the petition on behalf of the lead petitioner. She outlined that she had lived in Langton Road for 18 years and the dangers of leaving the road at the junction with the Walton Road. There are lots of delivery vans parking on the double yellow line around the corner obscuring sight lines. There has been a recent accident and the car was severely damaged. Cars travel quite fast in this vicinity and there are many other vehicle manoeuvres in this area. Residents would like safety to be improved perhaps with the installation of an island to prevent parking near the junction.

Petition 2: Peter O'Donnell presented the petition on behalf of the lead petitioners. He made the following points: he has been a resident for 37 years; the road is narrow and serves a number of homes and other facilities such as sports grounds and small industrial units. There are three sites in the vicinity which are due for possible redevelopment and residents would like a co-ordinated master plan approach to be employed. Residents would not support a ban on right turns from the road and would like signage improved. The suggestion of a roundabout has many positives for debate and residents would have liked a more positive response from officers to this suggestion.

Petition 3: Jim Davidson presented his petition requesting a new pedestrian crossing. The four way junction outside the school is dangerous during school drop off and pick up times with high footfall with no natural location to cross, stop lines at the junction are confusing and there is a blind corner with cars driving fast. There have been four accidents since 2017 where emergency services have been called. There have been many near misses. Any reasonably placed crossing would attract users. He would like to see the speed limit in the area reduced to 20mph.

Petition 4: David Moore presented the petition on behalf of the lead petitioner. He commented that the scheme has caused significant congestion in the area and does not address the issue of providing a safe pedestrian crossing as previously requested. Undertaking has become an issue and vehicles waiting to turn right are held further back in the queue. There are other viable alternatives which should be investigated before the scheme is implemented in full.

Petition 5: Eleanor presented the petition on behalf of the lead petitioner and spoke on behalf of the residents and businesses on Queens Road. The

loading bay is in constant use and causes a huge disruption to businesses and blocks the view when leaving South Road. Lorries park on the pavement and is dangerous to the public. Trolleys fall into the road and onto the pavement and have damaged shop. Action needs to be taken to relocate it. South Road would be a preferable location nearer to the Tesco or further down Queens Road.

Petition 6: Ian Dilks presented the petition. A previous petition had resulted in very little action and the response to the current petition is disappointing. The Committee should ask officers to draw up a constructive report working with FEDORA and other agencies. Speeding issues are not being addressed and a 20mph zone should be considered. There is no acknowledgement of the issue of HGVs, traffic should remain on the M25 and not use Oxshott as a rat run. The weight limit of the Oxshott rail bridge has been requested from network Rail together with the results of the last safety assessment, but they have requested more time to provide that information. This raises concerns on potential safety implications.

Member discussion –key points

Petition 1: The Area Highways Manager responded that as outlined in his report there is already a feasibility study which has started to look at the safety on Walton Road. Members will be steering the direction of the study. He highlighted that it may take some time to evaluate options and find the best solution.

Members commented that there are many blind junctions around the County and that vehicles can park on yellow lines to load and unload. It was suggested that enforcement of these should be raised with the Borough Council as the enforcement authority if vehicles are parking illegally. The installation of a mirror opposite has also been suggested. The Area Highways Manager commented that the installation of a mirror on the public highway would not be supported and that anyone doing so on private land should consider taking out public liability insurance. It was also suggested that a reduction in the speed limit to 20mph on some stretches of the road could be considered. The issue of the speed limit further on the Walton Road which is still at the national speed limit was raised and it was asked if this could be considered in the feasibility study. It is understood that the issue of the national speed limit is being addressed as part of the development of schools in the area. Members would need to consider which issues are of the highest priority for consideration in a feasibility study.

Petition 2: The Area Highways Manager responded that this petition cuts across planning and highways and that any planning matters are outside the merit of the Committee. The County Council is a statutory consultee on any planning applications passed to them by the Borough Council as planning authority. It is not possible to comment on applications which have not been received, only the Borough Council can co-ordinate development with infrastructure to feed into the planning process. A roundabout would require the acquisition of private land and would probably need to be much larger than the size suggested, it may also make it easier to take a short cut through Thames Ditton. A roundabout or traffic light junction of sufficient size would likely to be too costly to be justified in relation to the size of possible developments. If banned right turns could be enforced by CCTV as they are in London these could be prevented. However this is not currently possible

and to make any significant improvements in safety at the junction closing of the gap would be the only solution. However this is not currently being considered. There are some signing improvements being implemented and if members had any further suggestions for improvements they could raise these with officers. Members are supportive of a master plan approach if Elmbridge Borough Council wished to consider this. There is a crossing point for pedestrians at this junction and small cars are using this for manoeuvres. It was suggested that a bollard could prevent this, officers agreed to look at this further outside of the meeting. Adding this to the prioritisation list will allow a proper study to take place as and when appropriate but conversations will continue in the meantime.

Petition 3: The Area Highways Manager commented that the issues raised by the petitioner could be considered as part of the road safety outside school assessment. A suitable location for a crossing is not easy to define, but there are a number of possible options which could be considered. Members supported the comments made and looked forward to the results of the investigation.

Petition 4: The Area Highways Manager commented that pedestrian refuges are appropriate to assist all road users although they may not be the perfect solution for all. A traffic light crossing would still require a pedestrian refuge and the requirement to close a lane in each direction as it would not be possible to cross four lanes in one crossing without causing further congestion. The divisional member thanked the petitioners for their contribution to the debate. He emphasised that it the Committee agrees to move to the next stage of the trial that is not the end of the story and nothing will be made permanent until extensive consultation takes place and the Committee makes the final decision. This scheme would have been recommended by the feasibility study which was in progress and addresses the safety issues raised in the March 2019 petition following a fatality in the area. The 2019 petition organisers support the proposed scheme as do the family of the person tragically killed. The scheme has already had a positive impact on reducing speeding along the road and if the Committee does not agree to the next stage of the trial it is unlikely that any improvements in this area will be possible.

Members commented that they could understand the initial misgivings of the petitioners, but having looked further at the proposals they could see the benefits of the proposed changes. Speeds on this stretch of road were excessive and have been reduced by the implementation of phase one and made the road safer and more enjoyable to use for pedestrians and cyclists. If ultimately the Committee decides that the scheme should be removed the cost will be covered by the active travel funding. Members asked if the crossing of the cycle way to enter side roads could be looked at as well as any other impacts which may have developed. It was agreed that these issues would be taken into account as the trial continues. Before the scheme is made permanent the traffic impact needs to be understood in the context of 'normal' traffic volumes post Covid. The Chairman commented that he had been involved in monitoring the scheme and it is unquestionably a safety scheme. It is the scheme which would have been recommended by officers who were carrying out a feasibility study following the March 2019 petition presented to this Committee. Active travel funding has helped to implement it over a year sooner. He acknowledged that the traffic management during the initial implementation of the scheme had caused congestion and 96% of the

signatures on the petition were made during this time. Since the traffic calming cones put in place during the works were removed on 29 August only 4% (around 100 signatures) have been added as the traffic is now moving more smoothly on the road.

Petition 5: Members commented that many of the issues seem to have arisen as a result of Tesco not taking their responsibility for their actions and agreements made when planning was granted. The Borough Council should be approached to consider better enforcement and it was agreed that the information would be passed to them. However Tesco are now using smaller lorries and it would be difficult for them to park on the pavement where there are street signs on the kerb. The local member reported that there is a review planned for the whole of Weybridge as a result of planned redevelopments and this could be included in that review. The Area Highways Manager commented that he is in agreement that there is no obvious alternative space and it may have wider implications which would need to be taken into account.

Petition 6: The Area Highways Manager commented that a number of improvements have been made in the area, including hardstanding for enforcement by the police and an extension of the 30mph limit either side of the village. There have also been pavement improvements and extensions. Further improvements are being planned. The centre of the village and the possibility of a speed management scheme are suggested for a feasibility study later in the agenda. The A244 is a major route within Surrey's network and is key to the movement of goods and services and it would not be appropriate to restrict HGVs.

Members were sympathetic to the issues raised and apologised if residents did not feel that the report addressed these. They would be supportive of a number of proposed measures including a table in the centre of the village and speed roundels at either end together with pavement widening. The Committee agreed to officers and local members working with FEDORA to look at options and that if there are reasons things can't be done they are clearly articulated.

Resolved to:

Petition 1:

- (i) Consider measures at the junction of Langton Road within the Walton Road scheme, to inform a future application for Community Infrastructure Levy (CIL) funding
- (ii) Note that the subject(s) of an application will be proposed by the Area Highways Manager, in consultation with the divisional members and the Chairman/Vice-Chairman of the Elmbridge Local Committee
- (iii) Note that parking measures at the junction will be considered within the next Elmbridge Parking Review, which is currently due to begin in December 2020.

Reasons: To respond to the issues raised in the petition.

Petition 2:

- (iv) Include a scheme at the Summer Road/ Hampton Court Way junction on the prioritisation list for consideration in a future highway programme.

Reasons: To respond to the issues raised in the petition.

Petition 3:

- (v) Undertake an officer assessment of the road safety concerns on the roads in the vicinity of the St Lawrence School with reference to the county council's Road Safety Outside School's policy and will report the findings (including any recommendations for highway measures) to a future meeting of the Local Committee.
- (vi) This process also includes an assessment of the status of the school's travel plan. If required assistance will be provided to the school to ensure their travel plan is up to date and ideally registered on the national online school travel plan portal Modeshift STARS.

Reasons: To respond to the issues raised in the petition.

Petition 4:

- (vii) Approve the construction of the three pedestrian crossings that were originally intended as part of the Esher Road Active Travel scheme;
- (xiii) Approve that following the construction of the three pedestrian crossings, and after a period of bedding in, officers should undertake public consultation with the local community, and that the results of this consultation should be reported back to Committee for a final decision on whether to make this scheme permanent;
- (ix) Authorise the Area Highway Manager in consultation with the Chairman, Vice-Chairman, and relevant Divisional Member(s) to undertake all necessary procedures to implement the three pedestrian crossings and undertake public consultation for this scheme at the appropriate time.

Reasons:

Observations during the trial period by both local members and Surrey County Council Highways Service officers suggest that the scheme has no significant adverse impact in terms of congestion compared to the previous layout of the A244 Esher Road. The primary objective of this scheme was to provide three new pedestrian crossing facilities. However these have not yet been constructed. This means that the local community has not yet been able to utilise the main intended benefit of the scheme. There is no compelling reason to abandon the scheme at this stage. The alternative scheme suggested in the petition is unfeasible and has significant disadvantages compared to the proposed scheme. If the pedestrian crossings were to be implemented, as per the recommendations, the local community would be able to experience the scheme in full, and then provide feedback to enable Committee to decide whether to make the scheme permanent.

Petition 5:

- (x) Include a scheme on the prioritisation list for consideration in a future highway programme to consider the issues with the loading bay in Queen's Road as part of a wider assessment of possible improvements in the Weybridge area.

Reasons: To respond to the issues raised in the petition.

Petition 6:

- (xi) request that local members and officers meet within 14 days to determine what improvements in the vicinity of the A244 in Oxshott are feasible and should be developed and agree timescales for these and engagement with third parties.

Reasons: To respond to the issues raised in the petition.

24/20 MINUTES OF PREVIOUS MEETING [Item 8]

Confirmed as a correct record.

25/20 MEMBER QUESTION TIME [Item 9]

No questions were received.

26/20 BROOKLANDS BUSINESS PARK ACCESSIBILITY PROJECT: IMPROVEMENTS FOR SAFER CYCLING BETWEEN HEATH ROAD /BROOKLAND LANE JUNCTION AND WEYBRIDGE TOWN CENTRE [EXECUTIVE ITEM - FOR DECISION] [Item 10]

Declarations of Interest: None

Officers attending: Tim Vickers, Transport Planner

Petitions, Public Questions/Statements: See item 5

Member discussion –key points

The officer introduced the report. Members were supportive of the proposals which would provide a welcome addition to the area when completed.

Resolved:

- (i) To approve the advertisement of a notice under Section 90 of the Highways Act 1980 for the construction of a road table on Heath Road around the junction with Brooklands Lane, as detailed in the drawing shown in Annex A of the report.
- (ii) To agree that the County Council's intentions to introduce double yellow line extensions on Brooklands Lane as shown in Annex A should be formally advertised and subject to statutory consultation. Also to agree that if objections are received, the Area Highways Manager and Project Sponsor are authorised to try and resolve them. If any objections cannot be resolved, the Area Highways Manager and Project Sponsor, in consultation with the Chairman/Vice Chairman of this committee and the

Divisional Member, decides whether or not they should be acceded to and therefore whether the order should be made, with or without modifications.

- (iii) To agree that the County Council's intentions to introduce double yellow line extensions on Waverley Road as shown in Annex A should be formally advertised and subject to statutory consultation. Also to agree that if objections are received, the Area Highways Manager and Project Sponsor are authorised to try and resolve them. If any objections cannot be resolved, the Area Highways Manager and Project Sponsor, in consultation with the Chairman/Vice Chairman of this committee and the Divisional Member, decides whether or not they should be acceded to and therefore whether the order should be made, with or without modifications.
- (iv) To authorise the making of the Cycle Track Order. Also to authorise the Project Sponsor, in consultation with the Chairman/Vice Chairman and Divisional Member to resolve any objections to the Cycle Track Order if possible. Objections should be considered as resolved if they are contradicted by the reasoning provided in section 2 of this Report. Also, if necessary, to authorise the Project Sponsor to submit any unresolved objections to the Secretary of State for determining whether the Order can be confirmed, or whether a Local Inquiry is required.

Reasons:

To provide a safer route for cyclists from the completed shared cyclist/pedestrian facility along Heath Road into Weybridge town centre, to complete the route between Brooklands and Weybridge town centre. Completing this key missing link in the route would help to meet the project's strategic aims to encourage sustainable, safe and healthy forms of travel. The proposed road table will also provide an improved environment for pedestrians.

The Cycle Track Order specifically would formalise the town paths adjacent to Churchfields Recreation Ground as cycle route options. Count data evidences that these paths are already very well used by cyclists, particularly younger users attending Heathside School and Brooklands College. Accident data shows that the route using these paths offers a safer cycling route to Weybridge town centre. There are plans to undertake improvements to these paths.

Full details of the reasoning are provided in Section 2 of the report.

27/20 HIGHWAYS UPDATE [EXECUTIVE ITEM - FOR DECISION] [Item 11]

Declarations of Interest: None

Officers attending: Nick Healey, Area Highways Manager

Petitions, Public Questions/Statements: None

Member discussion –key points

Members commented that they would like to look further at the recommended feasibility studies before they are confirmed. The Area Highways manager commented that there had been little progress on any scheme for an alternative bridge on Blundell Lane when there is little likelihood of appropriate funding. The number of feasibility studies which can be taken forward is limited by the capacity of the design team and not a lack of funding.

Resolved to:

- (i) Approve the proposed allocation of the 2021-22 Highways budgets as set out in table 3 of the report;
- (ii) Approve the commissioning of nine new feasibility studies in April 2021, as set out in table 4, to be funded from the parking surplus, subject to further discussions with divisional members to agree those of highest priority;
- (iii) Authorise the Area Highway Manager in consultation with the Chairman, Vice-Chairman, and relevant Divisional Member(s) to undertake all necessary procedures to deliver the agreed programmes.

Reasons:

Each Financial Year the Local Committee is allocated budgets for Highway maintenance and improvement schemes – these budgets must be spent within their respective Financial Years. It takes a number of months to work with Committee as a whole and individual members to prioritise individual schemes, and then to make arrangements for schemes to be delivered as part of a countywide programme of work. Therefore it is necessary for Committee to decide high level allocations of its budgets well ahead of the start of the following Financial Year, to enable programmes of work to be developed in good time.

Committee has established a funding model whereby feasibility studies for road improvement schemes are funded from the parking surplus, and then those schemes that Committee approves are submitted to Elmbridge Borough Council for CIL funding. It is anticipated that there will be capacity to commission new feasibility studies from April 2021. Therefore Committee is asked to approve the next round of prioritised schemes for feasibility studies.

Committee is asked to provide the necessary authorisation to deliver its programmes of work in consultation with the Chairman, Vice Chairman and relevant Divisional Member without the need to revert to the Committee as a whole.

28/20 LOCAL COMMITTEE DECISION TRACKER [FOR DECISION] [Item 12]

The Committee agreed to remove closed actions with the exception of those which are not yet complete which should be retained as a reminder.

29/20 FORWARD PLAN [FOR INFORMATION] [Item 13]

Noted the forward plan.

30/20 DATE OF NEXT MEETING [FOR INFORMATION] [Item 14]

Monday 15 March 2021 at 4pm tbc.

Meeting ended at: 5.50 pm

Chairman