



**Surrey County Council Local Committee (Guildford) 22 June 2016**

**Public Questions and Statements**

**Submitted by David Fullbrook (Pete Webb speaking)**

We would like to ask the Committee how can a TRO be placed on an area (accepted as private) that neither SCC nor GBC can prove has been adopted as publicly maintainable highway by due legal process and if implemented what legal standing would parking restrictions have in such a case?

This is the case with the access drive of Barton Place which is clearly described in the planning permission and as shown on Land Registry Title SY 173174.

Would the members of the Committee not agree that it is not prudent to include Barton Place in the TRO given the lack of any evidence of adoption (the only “proof” given being an assumption by SCC of adoption because it had been maintained at public expense by GBC up to 1974 – not true.) and the possible legal ramifications of proceeding with parking restrictions?

**Response**

Accepted as private by whom? Surrey County Council is satisfied that the road is public highway and that it has been managing the area as such for the past 42 years. Furthermore, the County Council has indicated that it would be prepared to defend any suggestion that Barton Place is not public highway in court. Therefore, unless an application was made to the High Court within 6 weeks of making of the order disputing its validity on the basis that Surrey County Council and its agents have acted beyond their powers (and it was subsequently found that this was the case), then the parking restrictions would be valid.

There are numerous instances where the sub-soil is privately-owned but the carriageway and footway form part of the public highway.

It would be the prerogative of the Barton Place Residents’ organisation or AN Other to take the matter to court and to dispute the County Council conclusion and / or the authenticity, or accuracy of that Guildford Road Register 1974 document. Until such time that it does, Surrey County Council is satisfied that the road is public highway. As its agents in respect to on-street parking management, and given the evidence provided, Guildford Borough Council Parking Services concur with Surrey County Council’s view.

**Supplementary Question**

“The simple question of HOW, WHEN, & WHY? the access drive to Barton Place was adopted will have to be answered prior to being included in the TRO.

Would the Committee members also agree that after our asking for 21 months, and recently Anne Milton MP asking the same question and both receiving no answer, that Barton Place should be removed from the TRO and the RESIDENTS ONLY markings be restored.

### Response

Guildford Road Register 1974 document indicates that Barton Place was adopted as public highway at some point prior to local government reorganisation in 1974. Surrey County Council is satisfied that the road is public highway and that it has been managing the area as such for the past 42 years.

Surrey County Council has dealt with two previous complaints from the Barton Place residents about this issue. The most recent of which went to the Local Government Ombudsman. The Ombudsman found that the County Council had dealt with the issue in the correct manner. However, it is not the role of the Local Government Ombudsman's to determine the status of the road. If residents do not agree with the County Council's conclusion, and wish to challenge it further, it would be their prerogative to take the matter to court. As indicated, Surrey County Council would be prepared to defend any suggestion that Barton Place is not public highway in court.

Karen Amies (GBC) replied to an enquiry from Anne Milton MP's officer on behalf of Sue Sturgeon (MD – GBC) on 10 June 2016. This correspondence reiterated the County Council's view that the road is public highway.

### **Submitted by Juile Brown**

"A recent survey shows that 50,000 vehicles a week use the section of the A25 between Trodds Lane and the Albury turnoff. Therefore, this is a busy stretch of road which is made dangerous by the combination of the Trodds Lane junction, the crossing of the North Downs Way and the entrance to the Newlands Corner site, as regular accidents prove.

It has been confirmed by Cllr Goodman that the number of vehicles currently using the Newlands Corner site, and, therefore, performing slow manoeuvres on the highway when entering and leaving, has increased to 255,000 per year. This is 510,000 manoeuvres on the highway each year. These are manoeuvres on the highway, not on the Newlands Corner site.

Why has no consideration been taken of this increase when considering the improvements needed to make this stretch of road safe?

### Response

Agenda item 14 'Highways Update' includes a section about the Newlands Corner safety scheme at paragraphs 1.8 to 1.13 and Annex 3 to the report shows a plot of personal injury accidents recorded by the police in the four year period to the end of November 2015. Of the 28 accidents reported during this period between Clandon Crossroads and the Sherbourne Road junction only two occurred near the Newlands Corner, junction, suggesting there is not a pressing safety problem associated with turning traffic here. None the less the proposed scheme is intended to improve safety for all road users, particularly those following the North Downs Way and crossing the A25, and the proposals include reducing the speed limit from the current 60mph to 40mph, which the committee is asked to approve. The scheme also includes 'gateways' on the approaches to Newlands Corner and additional signs and road markings aimed at encouraging drivers to reduce speed and be alert for people crossing the road. This scheme has been developed in consultation with police safety offers over the past 12 months, so effectively with reference to current levels of usage reflected by the traffic figures included in the question.