

CABINET – 30 January 2018

PROCEDURAL MATTERS

Public Questions

Question 1: Mr David Beaman – Farnham Town Councillor, Castle Ward

On 23rd December the Department of Transport launched a 12 week consultation exercise on which roads to include in new Major Road Network in which funding would be available for projects of up to £100 million for upgrades and improvements. All the main roads serving Farnham potentially qualify and will SCC be using this opportunity to bid for funding for a relief road to bypass Farnham to reduce congestion, improve air quality and road safety?

Reply:

The consultation is on the establishment of a Major Roads Network (MRN), which would be established based on quantitative and qualitative criteria including traffic flow, linking economic centres, ensuring a coherent network and access to/resilience of the Strategic Road Network (SRN). The investment decisions are based on five objectives including reducing congestion, supporting economic growth and housing delivery, supporting all road users and the Strategic Road Network. We will be assessing all our roads against these criteria, including the roads around Farnham, and submitting evidence on which roads within Surrey meet the criteria for inclusion in the Network.

Mr Colin Kemp
Cabinet Member for Highways
30 January 2018

Question 2: Ms Sally Blake

The Cabinet is being asked to approve the introduction of car park charges of £1.30 an hour (max £5) at 15 countryside car parks at Chobham, Whitmoor, Rodborough, Witley and Ockham Commons, and Norbury Park.

The paper presented by Cllr Goodman indicates under proposed Option 5 (with payment by card and phone only) an average total revenue of £448,000 pa, with average expenditure (presumably to 'run the parking scheme') of £247,000 pa, and average net revenue (presumably to 'conserve the countryside') of £201,000 pa. These are averages over 15 years.

What is the Council's policy in approving this proposal, based on these figures, relating specifically to the following:

- Presently there are 446,000 cars visiting these car parks each year. Your own consultation, where people were not even told the proposed high level of the charges, showed 54% of people would avoid coming in future and 16% would come less often. The average total revenue of £448,000 pa looks extraordinarily high.
- The financial impact on your social care budget, by reducing access to the countryside for the elderly and less well-off, has not been assessed and included in

the figures. Substantial expert evidence has been provided to support the negative impact of reduced public access to green spaces and the natural environment.

- The cost of 'running the parking scheme' and the amount going to 'conserve the countryside' must be considered separately as they are only permitted under two separate Acts of Parliament. The parking charges must be 'reasonable' and must not make a profit. The charges to 'conserve the countryside' must, over a number of years, equate to the amount being spent on that service. The proposed charges are extremely high for natural countryside car parks with no facilities and may not be considered reasonable.
- Your own figures show that only £201,000 pa, 45% of the total revenue, would be going towards 'conserving the countryside'. This amount could be considerably lower if the total revenue is less, as the cost of 'running the parking scheme' will be fixed. The value of carrying out this project at all, particularly as your consultation results showed 75% public opposition, must be very questionable.

Reply:

This proposal is put forward on a basis that the investment would allow the charging scheme to generate enough income to cover the borrowing costs, cover the operating cost and help improve, maintain and enhance the countryside sites.

It is important that the car parks are maintained so that they remain available to the public to access them for health and wellbeing.

There may have been a misunderstanding here, because the charges are for parking and there is no proposal to make separate charges for maintenance of the countryside estate.

The parking charges are not set to generate a surplus. It should be noted that, since the parking here is ancillary to the countryside service, the 'cost of the service' for these purposes is the cost of providing the countryside service, and not just the parking. Although the income will make a contribution to the cost of maintaining the countryside estate, it is not expected to exceed the costs of provision of the service. Charges at other car parking sites in the area have also been taken in to account as a relevant factor in determining whether the proposals are reasonable, which is in line with the legislation.

Mr Mike Goodman
Cabinet Member for Environment and Transport
30 January 2018

Question 3: Mr John Oliver

Mr Chairman, Cabinet Members have received a copy of my correspondence concerning legal issues relating to the placing of parking charge infrastructure, and introducing charges, at the Pay and Conserve sites. I am not alone in believing that the infrastructure needs consent from the Planning Inspectorate (PINS) and I have set out the legal arguments to support this. Cllr Goodman has not set out the Council's legal arguments to support not making an application for consent – in fact his paper gives no mention to this contentious issue whatsoever. Even Lord Gardiner, Parliamentary Under Secretary of State for Rural Affairs, gave no support to Cllr Goodman's approach to him to have the PINS guidance

relaxed. This is yet another example of a policy paper failing to set out the legal background to proposals.

Do you agree that Cllr Goodman should be asked to fully investigate, with the Council's legal team, the need to apply for consent and provide the Cabinet with a full and proper explanation of the legal position before a decision is made on his proposals and, if not, why not?

Reply:

The correspondence with DEFRA that you refer to confirmed that there are no plans to make any changes to the current legislation in respect of consent for works which might prevent or impede access to commons.

In addition, it confirmed that it is for the person proposing to carry out works on common land to come to a view on whether those works would impede access to the common. If that person considers that they do not, there would be no need, on the face of it, to apply for consent.

The Council's view is that an application is not necessary in these circumstances because the work involved in installing pay and display equipment at the car parks is intended to facilitate the maintenance of the car parks and the common to an appropriate standard and thus access to the common, particularly for those visiting from further afield.

In addition, if the works are so small and or of such short duration that they do not impede access then we do not consider an application necessary. Both criteria are used by the Planning Inspectorate in drawing up the list of works which they consider to fall outside the scope of s38, contained in their Common Land Guidance Sheet 1b. This list is not exhaustive and we consider that it is a guide.

Mr Mike Goodman
Cabinet Member for Environment and Transport
30 January 2018

Question 4: Mr John Oliver

Mr Chairman the equalities impact assessment accompanying the policy paper 'Pay and Conserve, car park charging on the Countryside Estate' states "This is on the basis that the parking charges should be set at a reasonable level in comparison to other countryside sites". Section 43 of the Countryside Act 1968 states that charges should be "reasonable", not "reasonable in comparison to other countryside sites".

Legislation dealing with local authority charges stresses that charges should be set to cover the cost of providing the service and not to generate surpluses. "Reasonable" should be viewed in that context and not on what the market can stand, and certainly not in comparison with other, commercially-orientated, organisations.

Do you agree, therefore, that Cllr Goodman and Mr Russell should be asked to revisit the scale of charges based on what the legislation intends, rather than on what others charge and, if not, why not?

Reply:

I have answered this point in my reply to question 2, above.

Mr Mike Goodman
Cabinet Member for Environment and Transport
30 January 2018

Question 5: Ms Julie Brown

The proposed parking charge policy for the Pay and Conserve sites sets out only one charge, but this is in fact, made up of two legally separate charges; one for the countryside management and the other for parking. They should be discussed and shown separately in the policy proposal for the benefit of Cabinet members. The charge for countryside management can only be made if the receiver of the service agrees to it.

Given that it is well known that many people visit sites, but stay in the car park for a variety of reasons, for example due to infirmity or to have lunch or a period of quiet contemplation, they will not need to access the countryside. Could you please confirm:

- What the charge would be for each of the two services
- How the receivers of the services will be told this and how they will agree it with the council
- People will be able to turn down the countryside management charge and pay only the parking charge if they stay in the car park

In addition, the accompanying paragraph 14 of the policy proposal states, "SCC and SWT will use some of the income to improve access by cycle or foot to sites where appropriate.

In addition, public transport access is also being looked at as an option". Please could you explain:

- What authority the Council has to raise surpluses from charging for the management of the Countryside Estate, supposedly to be ring-fenced, and to use them on different services, i.e. the highway service and the public transport service
- What steps are under way to look at the provision of public transport, which sites does this involve, when will this consideration be reported upon and to whom and when and how will the public be told about it?

Reply:

I have explained, in my answer to question 2 above, that there is no proposal for two separate charges. By parking and paying the charges, a visitor will have agreed to the provision of the service.

On your second set of points we are looking at access to the countryside sites by foot and on bike via the existing rights of way network or possible with some upgrading of that network and providing bike stands where appropriate.

With public transport we will explore the possibility of providing stopping points on existing public transport routes.

Mr Mike Goodman
Cabinet Member for Environment and Transport
30 January 2018