



WOKING JOINT COMMITTEE

DATE: 10 NOV 2021
SUBJECT: SUPPLEMENT - WRITTEN PUBLIC QUESTIONS & RESPONSES
DIVISION: WOKING

Question 1 – Keith Creswell, Village Representative WB, Byfleet West Byfleet and Pyrford Residents Association

In November 2020 in response to item 7.1 and following support from those Councillors who spoke, Mr Milne undertook to cost out the completion of the shared path along the A245 to Byfleet and present it to members in the next Committee round as one of the expenditure options, funding permitting. Councillor Barker particularly wanted to ensure this was not "kicked into the long grass" and Councillor Boote was willing to use some of her Highways budget to aid completion. Councillor Azad agreed that the shared path should be considered in the next funding round.

It was minuted that this proposal would be considered in the March 2021 budget round.

At the meeting of 24/3, the minutes state

"The Woking Joint Committee agreed to:

...

- iv) Agree the proposed capital works programme for 2020/21, shown in Table * and as agreed at the informal meeting of the Woking Joint Committee on 10 March 2021.

Table* was not attached and no record of its contents or the informal discussion to show if the A245 shared path proposal was included for consideration as decided in November 2020.

No Highways issues were covered in the June meeting.

My question is therefore has the A245 shared path proposal been kicked into the long grass again or does it now feature as an item on Table*?

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Answer

The recorded minutes for this item from the 11 November 2020 Woking Joint Committee meeting state, "It was therefore agreed that this would be considered in the March 2021 budget round, alongside other priorities".

The scheme was not promoted for design and construction during 2021/22 as other priorities, including schemes that had been on our overall work programme for a number of years, were considered instead. It should be noted however that apart from one speed limit review all the other schemes that the Woking Joint Committee decided to fund this year were focussed on improvements to walking and cycling infrastructure, including significant investment in the Chobham to Woking (Horsell) cycle/footway scheme, part of which is in Surrey Heath and is being funded by the Surrey Heath Local Area Committee.

The extension of the shared facility on the south side of Parvis Road has not been "kicked into the long grass" and is included on our overall work programme. However, it is likely that this facility would need to be provided by a mechanism other than via funding from the Woking Joint Committee.

The original petition, in November 2020, whilst specifically asking for the extension of the shared facility as far as the Queen's Head pub in Byfleet, also referred to it forming part of a strategic cycling route from Cobham. There is, therefore, an argument for extending the scheme beyond the Queen's Head to the Borough Boundary on Parvis Road and into Sopwith Drive where it could link in with cycle and pedestrian accessibility infrastructure that the Elmbridge Area Team recently constructed in the Brooklands area. Extending the Parvis Road shared facility this far would require an improved crossing of Parvis Road but would also give access to Brooklands, and beyond.

Members of the Joint Committee will recall a petition and questions relating to the provision of a pedestrian crossing over Sopwith Drive and this could be made useable by cyclists to allow them to access the Brookland Estate. There may be scope to combine the extended Parvis Road shared facility with this crossing to form a sustainable transport package that might be able to bid for separate funding. Consequently, we are in discussion with colleagues in our Transport Policy team about including this proposal in the Woking Local Cycling and Walking Infrastructure Plan (LCWIP) for Woking. This document predominantly focuses on cycling and walking infrastructure routes radiating from the town centre but routes elsewhere in the borough also have their own merits.

The response to the petition in November 2020 drew attention to the fact that there were certain lengths of this route where a shared facility could not be provided in accordance with the guidance set down in the Department for Transport's document, "Local Transport Note 1/20 Cycle Infrastructure Design". This is in terms of the available space and resulting sub-standard width of the facility but also because of the need to cross over the M25. When a facility was installed on the north side of Parvis Road some years ago, it was acceptable, if

not ideal, to advise cyclists to dismount due to insufficient height of the bridge parapet rails. That is no longer acceptable and any new facility over this bridge would require the parapet to be replaced or extended (it is likely that the one on the north side would be retrospectively altered at the same time). It is possible that there are other locations where achieving a facility in accordance with LTN 1/20 would increase the cost further still, which is why this route should be promoted by some other means and ideally as an additional LCWIP route.

Question 2 - Rachel Blumson, Old Woking Road resident

When will Surrey Highways make the Old Woking Road safe? How many more people need to die before a speed camera will be put in place on the hill near Pyrford Common Rd.

What safety measures will Surrey be introducing to protect school children who are attending Greenfield School, for example 30 mph.

Answer

The 40mph section of Old Woking Road has been recommended as an average speed camera site for consideration during the 2022/23 financial year. Although “spot” speed cameras could be considered in the vicinity of the junction with Broomcroft Drive, it is likely that more benefit would be derived from the adoption of average speed cameras along a greater length of the road. Old Woking Road will need to compete for funding along with other sites, all of which will be prioritised, taking into consideration the personal injury collision history along the road and existing vehicle speeds.

The 40mph speed limit is appropriate for the road, including the section outside Greenfield School, where speed surveys have indicated relatively good compliance with the 40mph speed limit compared with other 40mph limits. However, speeds were too high to allow the limit to be reduced to 30mph in accordance with our speed limit policy.

Experience shows that changing to a lower speed limit on its own will not necessarily be successful in reducing the speed of traffic by very much if the prevailing mean speeds are much higher than the proposed lower speed limit. If a speed limit is set too low and is ignored, then this could result in the majority of drivers criminalising themselves and could bring the system of speed limits into disrepute. There should be no expectation that the police would be able to provide regular enforcement if a speed limit is set too low as this could result in an unreasonable additional demand on police resources.

Question 3: Robert Shatwell, Chair, Hoe Valley Neighbourhood Forum

In Nov 2019 I submitted requests, on behalf of The Hoe Valley Neighbourhood Forum, to the Commons Registration Officer to have the recreation Grounds at

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St Peters Rd, Old Woking, Loop Rd at Westfield and Elmbridge in Kingfield re-designated as Local Village Greens, (LVG). I submitted the appropriate request form together with details of a significant number of residents having used the sites “as of right” for a period up to 50 years. This fulfils the requirements for re-designation to LVG.

It is now 2 years on and still no decisions have been made, despite much correspondence. There have been “trigger events” submitted as reasons why the grounds at St Peters Rd and Loop Rd should not be re-designated as LVGs. These trigger events are previously submitted planning applications dating back to 1948. All these trigger events have either been completed or out of time and should therefore not be considered as reasons for refusal.

With regards to the site on Elmbridge the land owners Woking Borough Council, (WBC), has submitted an objection on the grounds that there is a statutory right for the residents to use this site, however they have never notified the residents, or placed signs stating a statutory right and what that statutory right permits. I have submitted a counter argument to the Commons Registration Officer, dated 16th July 2021, but have not received any response.

I would wish to ask the joint committee why it has taken some 2 years to process this matter and why outdated trigger events are being used as reason to reject the application? I fully appreciate that we have gone through a pandemic where many employees are supposedly working from home, however I do not think that is good reason for such a lengthy delay. I hope that by bringing the matter before the joint committee the process can be expedited.

There is an element in my question which only SCC can answer, that being why SCC are sighting planning applications which date back to 1948, have been completed or are out of time, as being trigger events precluding both St Peters and Loop Road Recreation Grounds from being redesignated as Local Village Greens. This a decision taken by SCC, not WBC.

Answer

In November 2019 Mr Shatwell made an application to register 3 separate parcels of land as a Town or Village Greens at St Peters Road Recreation Ground, Old Woking, Loop Road Recreation Ground, Westfield and Elm Bridge Recreation Ground in Kingfield. The applications were made under section 15 of the Commons Act 2006. At that time Commons Registration was dealt with by another section of the County Council, however towards the end of 2020 the responsibility for Commons Registration was transferred to the Countryside Access Team. Mr Shatwell has made an official complaint about the delay in responding to his cases, and this has been dealt with through the complaint's procedure.

The legislation under which Mr Shatwell made the applications sets out the matters that need to be considered before the Council can consider whether the

evidence supplied is sufficient to suggest that the area of land is a Town or Village Green.

One of the first things that we, as Commons Registration Authority, have to consider is the fact that the right to apply for registration as a TVG under section 15(1) Commons Act 2006 (“the Act”) is excluded under section 15(C) of the Act by what is referred to as ‘trigger events’ and would only become exercisable again if the corresponding ‘terminating event(s)’ had occurred.

This rule applies even if the trigger event or terminating event occurred prior to the commencement of section 15C of the Act (in this case 25 April 2013).

The Defra guidance on sections 15A to 15C of the CA 2006 published in 2016 also sets out that “at any time when the right to apply is excluded in respect of land, a commons registration authority **cannot accept any application to register the land as a green**” (emphasis added).

So, this means that, regardless of the amount or quality of the evidence supplied with the application, if there is a trigger event with no terminating event, we are unable to proceed with the application.

We asked all the relevant planning authorities for the area (the Borough Council, the County Council, and the Planning Inspectorate) if there had been any trigger events on the land. Woking BC supplied us with details of planning applications which would be considered trigger events relating to the areas of land at both Old Woking and Westfield. The information indicated that some of these applications were both granted planning permission and subsequently implemented. No corresponding terminating events have therefore occurred for this site.

We sought legal advice from the legal team in Surrey County Council regarding the impact of these planning applications and whether they could indeed be classed as trigger events. The advice from our legal team was that they were indeed trigger events and that as there were no corresponding terminating events then the legislation makes it clear that a commons registration authority cannot accept any application to register the land on the two sites (Westfield and Old Woking) as a Town or Village Green.

Mr Shatwell was informed by way of emails dated 2.3.2021 (St Peters Road Recreation Ground) and 18.05.2021 (Loop Road Recreation Ground) that his applications could not be progressed due to the existence of trigger Events with no corresponding terminating Events. In addition, I have exchanged correspondence with him since then reaffirming our position regarding these two cases and reiterating that they are not going to be progressed.

Regarding his third application, at Elm Bridge Recreation Ground, we are progressing this matter, it has been advertised in the local press and on site. The landowners (Woking Borough Council) have submitted a full objection to the application which our legal team has considered at length. I have informed Mr

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Shatwell by email dated 5th October 2021 of the current situation which is that the legal team are seeking advice from Counsel regarding the matter and are minded to hold a local public inquiry to determine the matter.

I note that Mr Shatwell refers to a counter argument that he submitted 16th July 2021. I am in receipt of an email dated 13th July 2021 in which Mr Shatwell submitted a response to the objection that had been lodged by Woking Borough Council. I responded to this by email dated 16th July 2021 acknowledging his response and confirming that it would be submitted along with all the other documents to our legal team for their consideration. Legal then received Mr Shatwell' s application, the evidence, the objection, and his comments on the objection.

Mr Shatwell asks why it has taken so long to process the matter and why outdated trigger events are being used as a reason to reject the applications.

The trigger and terminating events are set out in Schedule 1A of the Commons Act 2006 which you can view by following this link: [Commons Act 2006 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2006/12/schedule/1a)

In this instance, we are dealing with only planning applications as triggers and Schedule 1A of the Commons Act 2006 sets these and the corresponding terminating events out as follows:

<i>Trigger events</i>	<i>Terminating events</i>
1. An application for planning permission [, or permission in principle,] ² in relation to the land which would be determined under section 70 of the 1990 Act is first publicised in accordance with requirements imposed by a development order by virtue of section 65(1) of that Act.	(a) The application is withdrawn. (b) A decision to decline to determine the application is made under section 70A of the 1990 Act. (c) In circumstances where planning permission [or permission in principle] ³ is refused, all means of challenging the refusal in legal proceedings in the United Kingdom are exhausted and the decision is upheld. (d) In circumstances where planning permission is granted, the period within which the development to which the permission relates must be begun expires without the development having been begun.

Where a trigger event occurs, the exclusion from the right to apply remains until the corresponding terminating event occurs. So, where the trigger is that a planning application has been made, the only terminating events are those listed above i.e., the application is withdrawn, not determined, refused (including all possible appeals) or if permission granted, the time for development to begin has lapsed (i.e., the permission has expired before it has been implemented).

If planning permission is granted and implemented within the timescales of the permission, this excludes the land as there is no corresponding terminating

event. Advice from our legal team was that the planning applications that were related to the two sites could be considered as trigger events and that therefore a commons registration authority cannot accept any application to register the land as a green.

Our position remains that the two applications for a Town or Village Green (TVG) at St Peters Recreation Ground and Loop Road Recreation Ground are unable to be progressed. The third application for TVG at Elm Bridge Recreation Ground is being progressed through due process.

Questions 4 & 5: Robert Shatwell, Chair, Hoe Valley Neighbourhood Forum

As the result of concerns raised by residents:-

- a) Residents raised concerns regarding the pedestrian crossing facilities in Rydens Way, Woking outside the 6th form college. I had a site meeting with Mr Patching where it was agreed that there is a highways safety problem. This was not caused by excess speed therefore the reduction of speed limit would not remedy the problem. It was believed the problem was caused by inconsiderate driving and lack of suitable pedestrian crossing points. Mr Patching agreed that pedestrian crossing points needed to be installed across Rydens Way by the junction with Shackleford Rd, across Shackleford Rd by the junction with Rydens Way and across Sundridge Rd at the junction with Rydens Way. Mr Patching said that these could not be done within this financial year due to lack of funding but that he would have the issue submitted for the budget in the 2022/23 financial year.
- b) At the recent AGM of the Hoe Valley Neighbourhood Forum (HVNF), residents raised a concern regarding the crossing of Westfield Ave at the junction with Kingfield Rd. Currently this is a 3 lane junction with no facilities, save dropped kerbs, for pedestrians to cross this busy junction. May this site be surveyed and recommendations made to improve the crossing point for pedestrians.

Both the above are serious concerns for pedestrian safety and in the proposed local plan of HVNF, (still in draft format state), it is to be a policy that every improvement in pedestrian/cycle safety will be a priority.

May both the above matters be submitted for inclusion in the financial budget for 2022/23, as a matter of serious highway safety.

Answer

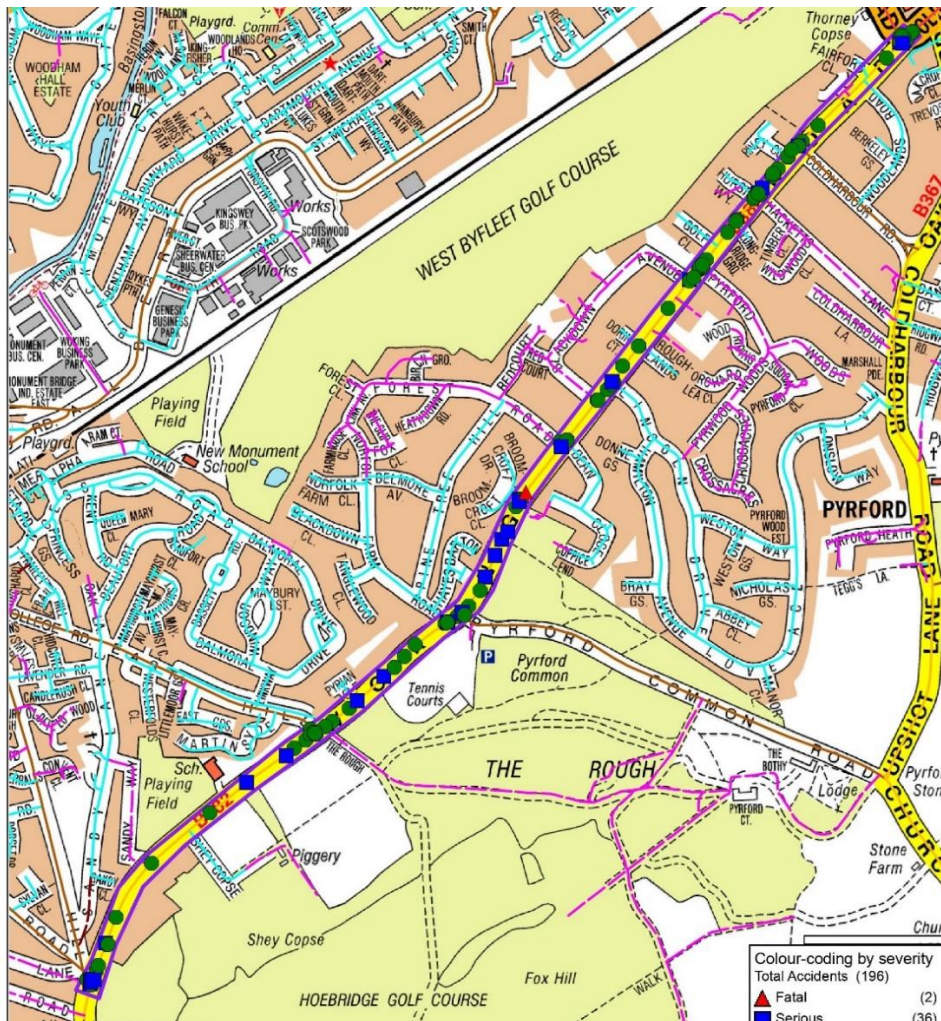
Members are asked to note the above.

Question 6 – Andrew Grimshaw, Chair, Pyrford Neighbourhood Forum

There was unfortunately a fatal road accident on the Old Woking Road in June 2021 on the hill by Broomcroft Drive in Pyrford. There was also a fatal accident in 2007 only a few yards away. These fatal accidents, like a number of other serious accidents, occurred late at night.

Local residents did attend immediately, but one can only imagine what they witnessed.

Data has been received from Sussex Safer Roads Partnership of accidents on the length of Old Woking Road between Sheerwater Road and Maybury Hill since January 2000 which are shown on the map below.



The key statistics since January 2000 show there were:-

- 195 recorded accidents - 2 fatal, 35 serious and 158 slight
- 280 casualties – 3 fatal, 55 serious and 222 slight
- 160 (82%) accidents involved a car and 14 pedal cycles
- 114 (63%) accidents occurred at either T junctions or staggered junctions

- 109 (57%) accidents occurred at four locations: Maybury Hill (27), Pyrford Common Road (19), Pyrford Woods (12) & Sheerwater Road (27)
- The three fatalities occurred between midnight & 6am and half the serious & slight accidents happened during the morning and afternoon peaks (self selected to be 06:00 to 10:00 and 15:00 to 19:00).
- Both fatal accidents and 12 (36%) of the 35 serious accidents occurred on the c300m stretch between Broomcroft Drive and Norfolk Farm Road where when driving from West Byfleet to Old Woking one is presented with a sudden blind descent

Unfortunately, the reason for the accident is not in the data provided, but the data would suggest that speeding may be an issue, particularly in late evening and early mornings and the number of accidents at junctions maybe caused by the difficult line of sight when exiting junctions.

The records show that the Woking Joint Committee received a paper on 26th March 2012, entitled Surrey's Drive Smart Road Safety and Anti-social driving Strategy and Woking's local Speed Management Plan. The paper said "The aim of the plan is to ensure that roads with the worst speeding problems are identified so that the Drive SMART resources are targeted at the sites that need them most".

Annex B listed the latest version of the Speed Management Plan for Woking. In it was highlighted The Old Woking Road B382 East Hill to Sheerwater Road roundabout a length of 2120m. The collision summary showed a survey had been done on 07/05/2009. This showed that the 85th Percentile speed was 45mph Northbound and 44mph Southbound. The "Police Enforcement Actions/proposals" were listed as " Enforcement by Casualty Reduction Officer, Roads Policing Unit, Roads Police Community Support Officer, Temp. Vehicle Activated Sign site".

The 2012 report was subsequently reinforced by the Surrey Safer Roads Partnership Road Safety Strategy 2019 -2021, which among many matters wished to "tackle collision clusters and high risk routes".

The Surrey County Council Cabinet approved on 28th September 2021 the "Policy on the use of Safety Cameras in Surrey". In the paper it said, " Higher vehicle speeds increase the risk of collisions". Safety cameras have proven to be a very effective intervention to reduce casualties"

Local Pyrford Residents believe something should be done immediately to tackle seemingly high level of accidents and fatalities on the 2km stretch of Old Woking Road and in particular between Broomcroft Drive & Norfolk Farm Road.

The suggestions that have been have included an average speed camera, a speed camera, reduction in speed limit from 40mph to 30mph, a vehicle activated sign, speed humps, additional road signs (particularly notifying drivers

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of the blind descent when driving towards Old Woking) changing the camber of the road, and possibly amending the bend.

The Pyrford Neighbourhood Forum, with the full support of the Byfleet West Byfleet & Pyrford Residents Association, and on behalf of local residents would like to know:-

Are these statistics normal or high for a 2km stretch of a B road over 20 years?

Are these statistics normal or high for the short stretch of c300m between Broomcroft Drive and Norfolk Farm Road of a B road over 20 years?

What has been done to manage speed on the stretch of the B382, between East Hill & Sheerwater Road, under the Drive Smart campaign since 2012?

What has been done to manage speed on the c300m stretch between Broomcroft Drive & Norfolk Farm Road under the Drive Smart campaign since 2012?

What are Surrey County Council criteria:-

- 1) To install an Average Speed Camera and what would be the likely cost?
- 2) To install a Speed Camera and what would be the likely cost?
- 3) To reduce the speed limit from 40 mph to 30 mph and what would be the likely cost?
- 4) To install a Vehicle Activated Speed sign showing the vehicle's speed and what would be the likely cost?
- 5) To install speed humps and what would be the likely cost?
- 6) To install appropriate road signs warning drivers of the blind steep hill descent and the likely cost?
- 7) To change the camber of the road at the top of the hill and what would be the likely cost?
- 8) To change the bend itself and what would be the cost?

Are there any other traffic calming measures that are possible and what would be their likely cost?

If any of the Surrey County traffic criteria 1) to 8) are met, what is the priority to do something on Old Woking Road, or the c300m stretch between Broomcroft Drive and Norfolk Farm Road, now and how quickly could Surrey County Council introduce measures to reduce the future level of accidents?

Answer from Duncan Knox, Road Safety Manager,

Many thanks for raising the concerns over the history of collisions on this stretch of 40 mph road. County council officers share those concerns. Previously there has been investment in enhanced yellow backed chevron signing and vehicle activated signing, but there are still too many collisions. Although there may be

several factors combined that might have contributed to the collisions on this stretch, excess speeding will increase the risk of collision, and will make the consequences worse, irrespective of any other factors. Therefore, officers have already recently discussed with police the possibility of implementing average speed cameras on this stretch of road.

The county council cabinet have recently approved a new speed camera policy after recognising the benefits and success of safety camera enforcement, especially average speed cameras. This can be viewed via the following link: [Surrey County Council - Agenda for Cabinet on Tuesday, 28 September 2021, 2.00 pm \(surreycc.gov.uk\)](https://www.surreycc.gov.uk/agenda/cabinet/2021/28-september-2021/2.00-pm) (Item 168/21). The policy describes two categories of new safety camera site “core casualty reduction safety camera sites” and “community concern safety camera sites”. Central funding from the safer roads partnership will be prioritised towards “core casualty reduction safety camera sites” with the greatest potential for reducing casualties. These will be selected using a points-based system weighted for severity of collision, and presence of vulnerable road users within the history of collisions at the site. There will also need to be confirmation that speeds are part of the problem using data from speed surveys. Cameras will also be considered for “community concern” sites. These are defined as sites where there is a lower level of collisions, but where speeding traffic is a major concern of the local community. Funding for community concern sites will not ordinarily be provided from the central budget of the safer roads partnership as this will be reserved for the “core safety camera sites” using the points-based criteria. Instead alternative sources of funding will be required. This might be from budgets allocated to local county councillors for highway improvements, Community Infrastructure Levy funds, or as part of major schemes for example.

County council officers are currently working towards introducing a consistent 40 mph speed limit enforced by average speed cameras on the “Pirbright Bends” (Mytchett Place Road, Gole Road, Gapemouth Road and Grange Road) in Pirbright, during the current financial year, as this network of roads has suffered a long history of collisions including several resulting in serious injury and fatalities. Following completion of this project, analysis will be undertaken to identify the next priority location for investment in “core casualty reduction safety camera sites” for implementation during the next financial year and Old Woking Road will be included within that analysis.

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