

SURREY COUNTY COUNCIL**CABINET MEMBER FOR TRANSPORT, HIGHWAYS AND ENVIRONMENT****DATE:** 9 OCTOBER 2013**LEAD OFFICER:** TREVOR PUGH, STRATEGIC DIRECTOR ENVIRONMENT AND INFRASTRUCTURE**SUBJECT:** PROPOSED EXCHANGE OF HIGHWAY LAND AT NORTH STREET, GUILDFORD**SUMMARY OF ISSUE:**

A joint Guildford Borough Council and Surrey County Council scheme for environmental and pedestrian safety improvements in North Street, Guildford involves footway widening that requires the partial relocation of public parking spaces that are owned by the Borough Council on to land that forms part of the public highway.

The Borough Council have agreed to dedicate the land required for the footway improvement in return for the area of highway land that will become part of the parking spaces being stopped up and transferred to them.

The Cabinet Member is asked to approve entering into an agreement with the Borough Council under section 256 of the Highways Act 1980, whereby the land required for the footway widening will be exchanged for the highway land that is to be used for the relocation of the parking spaces.

RECOMMENDATIONS:

It is recommended that, subject to the requirements of section 256 of the Highways Act 1980, the County Council enter into an agreement with Guildford Borough Council for the highway land shown coloured pink on drawing no. LD/101 (Annex 2) to be exchanged for the land shown coloured yellow thereon.

REASON FOR RECOMMENDATIONS:

The requirement for the exchange of highway land has arisen because of the need to take action to make the steps between the footway and the parking/market area in North Street safe for use by pedestrians. The existing steps are unstable and do not meet current design standards. The improvement scheme provides for reconstructing the steps to current standards, which will mean they will take up more land than they currently occupy. The carriageway of North Street at this point is wider than necessary, which means part of it can be used in exchange for the land required to reconstruct the steps.

DETAILS:**Background**

1. A report to the Guildford Borough Council Executive Committee on 26 January 2012, which gives the background to the North Street maintenance and environmental improvement project, can be found at Annexe 1.

2. The existing steps between the footway and the parking/market area are unstable and do not meet current design standards. In order to make them safe for use by pedestrians it is necessary to reconstruct them to current standards, which will mean they will take up more land than they currently occupy.
3. The carriageway of North Street at this point is wider than necessary, which means part of it can be used in exchange for the land required to reconstruct the steps. A plan showing the layout of the footway improvements and the land to be exchanged (drawing number LD/101) can be found at Annexe 2.

CONSULTATION:

4. The scheme for the footway improvements in North Street has been developed in consultation with Guildford Borough Council and local traders.
5. The procedures for entering into an agreement for the exchange of highway land under section 256 of the Highways Act 1980 include a requirement to give notice of our intention to do so by placing advertisements in the local press, serving notices on statutory undertakers affected by the proposal and any person having an interest in the land to be conveyed and by displaying notices on site.

RISK MANAGEMENT AND IMPLICATIONS:

6. There are no risk management implications associated with the exchange of highway land. One of the objectives of the footway improvement scheme is to reduce the likelihood of claims being received for compensation for injuries caused by pedestrians tripping and falling on the steps.

Financial and Value for Money Implications

7. The parties to the agreement will bear their own legal costs. There are no other financial implications to the proposed exchange of land.

Section 151 Officer Commentary

8. The S151 Officer confirms that all material financial and business issues and risks have been considered in this report.

Legal Implications – Monitoring Officer

9. Section 256 of the Highways Act 1980 provides the highway authority with the power to enter into an agreement with the owner of land adjoining the highway for the exchange of land for the purpose of adjusting the boundary of the highway.
10. The highway authority are required to publish notice of their intention to enter into an agreement, as detailed under Consultation above, and any person who objects to the proposed agreement may appeal to the Magistrates' Court.

Equalities and Diversity

11. There are no equality and diversity implications associated with the exchange of the highway land. One of the objectives of the improvement scheme is improve access for pedestrians who have mobility problems by making the steps between the parking/market area comply with current design standards.

WHAT HAPPENS NEXT:

12. Notices of the County Council's intention to enter into an agreement with Guildford Borough Council will be published and served and, providing there are no successful appeals to the Magistrates' Court, the exchange will take place. This will enable the reconstruction of the steps between the footway and the parking/market area in North Street.

Contact Officer:

Ian Taylor, Highways Information Team Manager, telephone 020 8541 8921

Consulted:

Mark Brett-Warburton, Local Member

John Hilder, Area Highways Team Manager

Stephanie Christensen, Senior Lawyer (Highways and Planning)

Tony Orzieri, Finance manager

Margaret Holingdale, Senior Legal Executive, Guildford Borough Council

Annexes:

Annex 1 - Report to Guildford Borough Council Executive Committee on 26 January 2012.

Annex 2 - Drawing no. LD/101, showing the layout of the proposed improvements in North Street and land to be exchanged.

Sources/background papers:

- Section 256 of the Highways Act 1980
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