



Ruth Harrison, Clerk to the Council

Ripley Parish Council,
Victory House,
High Street,
Ripley,
Surrey,
GU23 6DE

01483 224847

clerk@ripleyparishcouncil.gov.uk
ripleyparishcouncil.gov.uk

Ripley Parish Council, Victory House, High Street, Ripley, GU23 6AF

10th June 2024

To: Members of the Planning & Environment Committee

PLANNING & ENVIRONMENT COMMITTEE MEETING on WEDNESDAY 19th JUNE 2024 at 1800hrs at VICTORY HOUSE

Your attendance is required at the above meeting; the Agenda is shown below. Details of Planning Applications are available at www.guildford.gov.uk

**Ruth Harrison
Clerk to the Council**

AGENDA

1. ELECTION OF CHAIRPERSON

To **ELECT** the Chairperson of the Planning & Environment Committee for the year 2024-25

2. APOLOGIES FOR ABSENCE

To **RECEIVE** any apologies for absence from Planning & Environment Committee members.

3. DISCLOSURE OF INTERESTS

To **RECEIVE** any disclosure by members of non-pecuniary interests in agenda items.
To **RECEIVE** any written requests for new disclosable pecuniary interests' dispensations
Without a dispensation a member may not participate in any discussion on the matter nor vote.

4. PUBLIC QUESTIONS

To **RECEIVE** and **CONSIDER** questions from members of the public.

5. MINUTES & MATTERS ARISING

To **RECEIVE** and **SIGN** as a correct record the Minutes of the Planning & Environment Committee meeting held 15.05.2024.

6. PLANNING APPLICATIONS

To RECEIVE and CONSIDER the following planning applications and any applications received before the meeting but after Agenda dispatch. Applications received before the meeting but after Agenda publication are publicised at www.ripleyparishcouncil.gov.uk

Reference: 24/P/00679

Location: Woodside, Wisley Lane, Wisley, Woking, GU23 6QD

Proposal: Retrospective application for continued and permanent use of 'Woodside' (former RHS Director's house) as a cafeteria with associated seating on the ground floor and external terraced area and associated storage space in garage and office use on the first floor

Contact: Elliot Finch

7. PLANNING ENFORCEMENT, APPEALS, & DECISIONS

To RECEIVE and CONSIDER reports on current Planning Enforcement cases and Planning Application decisions and informatives.

i) Correspondence: EN/22/00265

8. PLANNING & ENVIRONMENT INFRASTRUCTURE SUB-COMMITTEE

To RECEIVE and CONSIDER reports on matters ongoing under the remit of the P&E Infrastructure Sub-Committee.

i) National Highways – M25 J10/A3 Wisley Interchange Improvement Scheme update; Development Consent Order Regulation 19 and general Highways update.

ii) Update on S106 money Highlands Nurseries, Ripley.

9. PLANNING & ENVIRONMENT

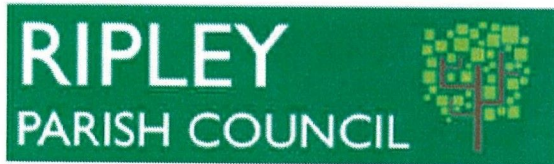
To RECEIVE and CONSIDER matters ongoing under the remit of the P&E Committee:

i) Inquiry ref: APP/Y3615/W/23/3320175 Ripley Parish Council and Send Parish Council joint Rule 6 representation. The appeal is allowed and planning permission granted.

ii) Flood forum including work on Riparian drains

10. DATE OF THE NEXT P&E COMMITTEE MEETING

Wednesday 17th July 2024 at 1800hrs at Victory House.



Ripley Parish Council Office
Victory House
High Street
Ripley
Surrey
GU23 6AF

Phone: 01483 224847
clerk@ripleyparishcouncil.gov.uk
www.ripleyparishcouncil.gov.uk

**MINUTES of RIPLEY PARISH COUNCIL PLANNING & ENVIRONMENT COMMITTEE
MEETING held on WEDNESDAY 15th MAY 2024 at 1800HRS at VICTORY HOUSE**

Present: Cllr Ian Baker
Cllr Caroline Bimson
Cllr Rowland Cornell
Cllr Paddy McLaughlin
Cllr Peter Shoesmith
Ruth Harrison, Clerk of the Council
Jess Caine, Assistant Clerk
Two members of public

P&E 118/24 APOLOGIES FOR ABSENCE

Apologies for absence were received and accepted from Cllr Richard Ayeards and Cllr Sarah Gill

P&E 119/24 DISCLOSURES OF INTEREST

Cllr Bimson declared an interest in Agenda item 7i: *National Highways - M25 J10/A3 Wisley Interchange Improvement Scheme update; Development Consent Order Regulation 19*. Cllr Bimson was employed by Atkins.

P&E 120/24 PUBLIC QUESTIONS

Two questions were raised by members of the public concerning the Highlands Nursery application. The two individuals were informed that the planning application had been raised for consideration by Guildford Borough Council's Planning Committee on Wednesday the 22nd of May 2024 at 7pm and Ripley Parish Council would be sending Cllr Rowland Cornell as a representative.

P&E 121/24 MINUTES & MATTERS ARISING

The Minutes of the Planning & Environment Committee meeting held on Tuesday 17th April 2024 were received, confirmed, and signed as a true and correct record by the Chairperson.

P&E 122/24 PLANNING APPLICATIONS

The Planning & Environment Committee considered the following planning applications, formulated the following observations, and **RESOLVED: That the agreed comments of the Planning & Environment Committee be forwarded to Guildford Borough Council (GBC) and reported to the Ripley Parish Council meeting scheduled to be held on Wednesday 19th June 2024.**

Reference: 24/P/00638

Location: Car park associated with Ripley Court School, Rose Lane, Ripley, GU23 6NE

Proposal: Retention of one lighting pole with two lights and one lighting pole with one light within the existing car park.

Contact: Chris Gent christopher.gent@guildford.gov.uk

Ripley Parish Council supports Planning Application 24/P/00638.

Reference: 23/P/00417

Location: Land adjacent to Ockham Lane GU23 6NT

Please be advised that the Local Planning Authority of Guildford Borough Council has received amended and additional plans and information for the following application.

Outline application for construction of up to 70 new homes (C3), the formation of a new means of access onto Ockham Lane, new footpaths and cycle routes, the creation of areas of open space, including play space and allotments, new surface water drainage, new landscaping and habitat creation, ground works and other infrastructure (access to be considered).

This application is accompanied by an Environmental Statement.

Case Officer: Hannah Yates

The amended application, together with the plans and documents and the Environmental Statement (and associated non-technical summary) and all other documents submitted may be examined at

<https://www2.guildford.gov.uk/publicaccess>

Ripley Parish Council, further to its objection letter dated 25th May 2023, submits this supplemental objection to planning application 23/P/00417 after reviewing recent documents relating to the above-referenced planning application. The site's ecological value necessitates robust onsite mitigation. If this is not feasible, Ripley Parish Council contends that the proposal should be refused. Ripley Parish Council highlights ongoing flooding concerns in the vicinity, as documented by Ockham Parish Council and raised repeatedly with Surrey County Council. These issues were most recently addressed at the Flood Forum chaired by Angela Richardson MP on 22nd March 2024. Ripley Parish Council emphasises the detrimental noise and vibration impact of construction on local residents, particularly those in Ockham and Elm Corner. Based on the aforementioned grounds and previously stated objections, Ripley Parish Council maintains its strong opposition to the proposed development. Ripley Parish Council stands in agreement with neighbouring parish councils and interested parties that this application should be refused.

Reference: 24/P/00720 and 23/P/01005

Location: White Horse Yard, High Street, Ripley, GU23 6BB

Proposal: Application under section 73 of the Town and Country Planning Act 1990 (as amended) for a variation of condition 2 (materials) to allow for minor enhancements to the elevations and the provision of 3 additional car parking spaces of planning application 23/P/01005 (which itself was a variation planning application 20/P/01057) for the erection of 26 houses and flats, associated landscaping, open space, access and parking following demolition of buildings including the partial demolition of the listed curtilage wall.

Contact: Jo Trask jo.trask@guildford.gov.uk

Ripley Parish Council noted the changes for planning applications 24/P/00720 and 23/P/01005.

Reference: 22/P/01306

Location: Land at the former Highlands Nurseries, Portsmouth Road, Ripley, GU23 6EY

Proposal: Erection of 25 no. affordable dwellings, with vehicular and pedestrian access, public open space, car parking, tree works and landscaping. (As amended by plans received on 25.10.23 and 01.11.23).

Contact: Jo Trask jo.trask@guildford.gov.uk

It was RESOLVED: Cllr Cornell would attend Guildford Borough Council's Planning Committee on the 22nd of May 2024 at 7pm.

P&E 123/24 PLANNING ENFORCEMENT, APPEALS, & DECISIONS

Members received and considered planning enforcement cases in the parish. Decisions and informatives were received for 24/P/00288, 24/P/00408 and 24/P/00301

It was RESOLVED: That the reports be noted.

P&E 124/24 PLANNING & ENVIRONMENT INFRASTRUCTURE SUB-COMMITTEE

Members received and considered matters ongoing under the remit of the P&E Committee:

- i) National Highways – M25 J10/A3 Wisley Interchange Improvement Scheme update; Development Consent Order Regulation 19.
There were no updates.
- ii) Correspondence regarding Former Highlands Nurseries Project money
It was RESOLVED: The Council had been informed that there was no longer the opportunity for any funding.

P&E 125/24 PLANNING & ENVIRONMENT

Members received and considered matters ongoing under the remit of the P&E Committee:

- i) Inquiry ref: APP/Y3615/W/23/3320175 Ripley Parish Council and Send Parish Council joint Rule 6 representation; notification of Public Inquiry.
There were no updates.
- ii) Flood forum
Cllr McLaughlin approached Surrey County Council regarding riparian drainages along Portsmouth Road following the Flood Forum with Angela Richardson MP. A mistake was made in their publication produced by Surrey County Council for the Flood Forum. Further questions have been raised by Cllr McLaughlin, who is now awaiting response.
- iii) Speed data results Newark Road 9th of April 2024 – 17th of April 2024
The results were noted by the council.
- iv) Valentines' Farm – Traffic Commissioner
Cllr McLaughlin sent representation to the Traffic Commissioner regarding an application for a HGV License by the owner of Valentines Farm. It was noted that there is a possibility for a public inquiry. The Council is awaiting response from the Traffic Commissioner's office.

P&E 126/24 DATE OF THE NEXT P&E COMMITTEE MEETING

The next meeting of the parish council's Planning & Environment Committee was scheduled to take place on Wednesday 19th June 2024 at 18.00.

The meeting closed at 18.50 hrs.

Date:

Chairperson

Email 28th May to Ripley Parish Council from Joseph Stuart **24/P/00679**

Please can you read the generic message below that I'm sending to people in regard to the planning application the RHS have submitted for the 'Woodside' building, more recently known as the stone pine café please. The RHS want to permanently change the usage of the building to commercial from residential which is not beneficial at all to our community in Wisley or to the apprentices the RHS has promised it would be providing accommodation for in its 2015-2025 vision document (please see page 18 of the attached document). I've also provided a few more details within my objection comment on the planning portal which should shed some more light on the situation if you're interested.

'I was wondering if you might be able to write a brief comment opposing the below planning application please. My neighbour informs me if we can get 20 people opposing the planning application then Guildford council will need to put the application forward to a planning committee instead of just one officer.

https://publicaccess.guildford.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=_GUILD_DCAPR_206759

The application is for permanently changing the usage of Woodside, more recently known as the stone pine café, from residential to commercial so they can continue to operate a café there on the ground floor and offer the first floor as office space to plant heritage. As stated in the planning application the house consists of 5 bedrooms which would be very beneficial for future RHS Apprentices. Especially as it would appear the RHS is going back on its promise of apprentice accommodation at Wisley, they can't be allowed to get away with this and must honour their commitment.'

It would be great if this was also brought to the attention of the councilors in Ripley as the more local support we can get in opposing this application the better.

Thank you for taking the time to read my email.

Kind regards,

Joseph



Current Enforcement Cases Ripley

Report date: 01/06/2024

Total Number of all Open Cases: 15

Total Number of **HIGH** Priority Cases Open: 0

Total Number of **MEDIUM** Priority Cases Open: 4

Total Number of **LOW** Priority Cases Open: 11

Ripley	Total cases for parish: 15
--------	----------------------------

-
- 1 **Case No:** EN/18/00104 **Received:** 23/04/2018 **Case Status:** Appeal Decided
- Officer:** Joanna Searle **Priority:** Medium
- Location:** Highlands Farm, Portsmouth Road, Ripley, GU23 6EY
- Description:** Without planning permission, the material change of use of the land from a nil use to the mixed use of the land for residential purposes, through the stationing of a park home and the use of the land and buildings for non-agricultural storage, including but not limited to the storage of motor vehicles
- Without planning permission; the construction of two steel portal –framed buildings labelled A and B on Plan 2 attached to the Notice; the laying of concrete hardstanding hatched in black on Plan 2; the construction of retaining walls cross-hatched in green on Plan 2 attached to this notice; the construction of breeze block planters shown cross-hatched in red on Plan 2 attached to this notice and the construction of tracks cross-hatched in black on Plan 2 attached to this notice.
-
- 2 **Case No:** EN/19/00016 **Received:** 17/01/2019 **Case Status:** Appeal Decided
- Officer:** Enforcement **Priority:** Medium
- Location:** Valentines Farm, Rose Lane, Ripley, Woking, GU23 6NE
- Description:** Enforcement Notice relating to:
- i) Without planning permission an engineering operation consisting of the construction of a bund/raised earth platform
- ii) Without planning permission an engineering operation comprising changes to the levels of the ground, construction of a wall and fence and the laying of materials to create a hard-surfaced raised area
- iii) Without planning permission, operational development consisting of the installation of two structures
- iv) Without planning permission, an engineering operation consisting of the construction of a track shown
-
- 3 **Case No:** EN/19/00393 **Received:** 09/10/2019 **Case Status:** Planning Application Received
- Officer:** Darren Gregory **Priority:** Low
- Location:** Advanced Tree Services, Papercourt Farm, Papercourt Lane, Ripley, Woking, GU23 6DT
- Description:** Alleged unauthorised use of the land for the processing of green waste and storage
-
- 4 **Case No:** EN/20/00048 **Received:** 12/03/2020 **Case Status:** Investigating
- Officer:** Joanna Searle **Priority:** Low
- Location:** Highlands Farm, Portsmouth Road, Ripley, GU23 6EY
- Description:** Alleged unauthorised Development - erection of large scaffolding structure

5	Case No: EN/20/00084	Received: 30/03/2020	Case Status: Serve Enforcement Notice
	Officer: Darren Gregory	Priority: Low	
	Location: Land lying to the west of Polesden Lane, Ripley, Guildford, GU23 6DX also known as land between Grafton and The Ha		
	Description: Without planning permission; i) the making of a material change of use of the land from a nil use to use of the land for residential purposes through the stationing of a static mobile home and for the storage of vehicles ii) the erection on the land of a day room, outbuildings, fencing and a children's play structure iii) the laying of hardstanding and the construction of a cesspit to facilitate the stationing of the mobile home and the development in i) and ii) above		
6	Case No: EN/20/00103	Received: 02/04/2020	Case Status: Serve Planning Contravention Notice
	Officer: Peter Muir	Priority: Low	
	Location: Grafton, Polesden Lane, Ripley, Woking, GU23 6DX		
	Description: Alleged unauthorised development consisting of the erection of outbuildings and open storage on the land to the rear of Grafton		
7	Case No: EN/20/00342	Received: 09/11/2020	Case Status: Serve Planning Contravention Notice
	Officer: Peter Muir	Priority: Low	
	Location: Hurst Farm, Portsmouth Road, Ripley, Woking, GU23 6EY		
	Description: The use of the land for the following uses: storage of vehicles, storage of a mobile home, siting of a caravan for residential purposes, the siting of a caravan for leisure/recreational purposes and the erection of a large building.		
8	Case No: EN/21/00019	Received: 18/01/2021	Case Status: Investigating
	Officer: Joanna Searle	Priority: Medium	
	Location: Land north of Woodcote Park Nursery, Ripley Road, Send, Woking, GU23 7LT		
	Description: Alleged unauthorised construction of hard surface and track		
9	Case No: EN/22/00037	Received: 17/01/2022	Case Status: Investigating
	Officer: Peter Muir	Priority: Low	
	Location: The Paddocks, Rose Lane, Ripley GU23 6NE		
	Description: Alleged unauthorised increase in area of site		
10	Case No: EN/22/00165	Received: 06/05/2022	Case Status: Investigating
	Officer: Peter Muir	Priority: Low	
	Location: Stables, Hangover House, Gambles Lane, Ripley		
	Description: Alleged unauthorised operational development consisting of the creation of hard surfaces, and the erection of gates and fence		
11	Case No: EN/22/00265	Received: 28/07/2022	Case Status: Serve Planning Contravention Notice
	Officer: Peter Muir	Priority: Medium	
	Location: Valentines Farm, Rose Lane, Ripley, Woking, GU23 6NE		

Description: Without planning permission, non-compliance with planning permission 19/P/01881, granted on appeal on 12/11/2021, particularly with relation to condition 1 (approved plans), 8 (no open storage) and condition 5 (timing of deliveries).

Without planning permission, on the land outside of the red line of planning permission 19/P/01881, the use of the Land for operation of a tyre baler, the use of the Land for non-agricultural storage and associated structures, and the use of the Land for the burning of waste.

12	Case No: EN/22/00397	Received: 10/11/2022	Case Status: Investigating
	Officer: Enforcement 2		Priority: Low
	Location: 2 Grove Heath North, Ripley, Woking, GU23 6EN		
	Description: Alleged unauthorised development consisting of hard core being placed to the rear of the dwellinghouse, changing the land levels, and associated development to facilitate the change in land levels.		

13	Case No: EN/22/00444	Received: 14/12/2022	Case Status: Investigating
	Officer: Enforcement 2		Priority: Low
	Location: White Horse Yard, High Street, Ripley, GU23 6BB		
	Description: Alleged unauthorised development - spot lights erected on site and light pollution caused as a result		

14	Case No: EN/23/00474	Received: 08/12/2023	Case Status: Investigating
	Officer: Peter Muir		Priority: Low
	Location: Land between Grandis Cottages and Hurst Farm, Portsmouth Road, Ripley GU23 6AB		
	Description: Alleged unauthorised development consisting of the erection of buildings on farmland		

15	Case No: EN/24/00130	Received: 04/04/2024	Case Status: Investigating
	Officer: Peter Muir		Priority: Low
	Location: Valentines Farm, Rose Lane, Ripley, Woking, GU23 6NE		
	Description: An alleged breach of an Enforcement Notice issued 19/4/17 (Notice 1) in respect of cease the unauthorised mixed use of the land, which requires that the following must cease: (b) as an HGV operating centre and for the associated storage and parking of HGVs and trailers		

Detail:

1

Application Number: 24/P/00445

Stat Start Date: 03/04/2024

App type: Full Application

Grid Ref: 504473 155328

Parish: Ripley

Agent: Gould Baxter, 2 Lucastes Mews,
Paddockhall Road, Haywards
Heath, RH161HE

Ward: Send & Lovelace

Final Decision: Refuse

Decision Date: 29/05/2024

Decision Level: Delegated

Location: The Kilns, 2 Portsmouth Road, Ripley, Woking, GU23 6EZ

Proposal: New car port with log store (part-retrospective).

Conditions & Reasons

Reason for Refusal

The proposed development would comprise of the partial redevelopment of previously developed land but would result in a greater impact to the openness of the green belt than existing development. The development would therefore constitute inappropriate development, which is, by definition, harmful to the Green Belt. No very special circumstances have been demonstrated which would clearly outweigh the inherent harm to the Green Belt. The development therefore fails to accord with the provisions of the National Planning Policy Framework (2023) and Policy P2 of the Guildford Borough Local Plan: Strategy and Sites (2019).

Informatives

National Planning Policy Framework

This statement is provided in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Guildford Borough Council seek to take a positive and proactive approach to development proposals. We work with applicants in a positive and proactive manner by:

Offering a pre-application advice service in certain circumstances

Where pre-application advice has been sought and that advice has been followed we will advise applicants/agents of any further issues arising during the course of the application

Where possible officers will seek minor amendments to overcome issues identified at an early stage in the application process

However, Guildford Borough Council will generally not engage in unnecessary negotiation for fundamentally unacceptable proposals or where significant changes to an application is required.

Pre-application advice was not sought prior to submission and there are significant objections to the application that minor alterations would not overcome, it was not considered appropriate to seek amendments through the course of this application.

Drawing numbers - refusals

This decision relates expressly to drawings PL.01 REV A, PL.02 REV A received 03/04/2024 and Topographical Survey 22/03/2024.



Mr. Jim Morris
Ripley Parish Council
Ripley Council Office
Victory House
Ripley Village Hall, High Street
Ripley
GU23 6AF

Case Officer: Peter Muir
Phone: 01483 444110
Email: peter.muir@guildford.gov.uk
Ref: EN/22/00265

Date: 23 May 2024

Dear Mr. Morris,

Without planning permission, non-compliance with planning permission 19/P/01881, granted on appeal on 12/11/2021, particularly with relation to condition 1 (approved plans), 8 (no open storage) and condition 5 (timing of deliveries).

Without planning permission, on the land outside of the red line of planning permission 19/P/01881, the use of the Land for operation of a tyre baler, the use of the Land for non-agricultural storage and associated structures, and the use of the Land for the burning of waste.

Valentines Farm, Rose Lane, Ripley, Woking, GU23 6NE

I am writing with a brief update regarding the above site, following my most recent site visit. The unauthorised raised platform and bund in the land, that are subject to the enforcement notice linked to EN/19/00016, are in the process of being removed to comply with the notice, which has led to a large number of HGV's going to the site, in order to remove the material. At the time of my visit, the raised platform had been fully removed, but some of the bund still remained, so further vehicle movements are expected.

We hope to revisit next month at which time the bund should have been removed. When I am able to provide a further update I will write again, but just wanted to give you this brief update at this time.

Yours sincerely,

Peter Muir
Planning Enforcement Officer

Email from Jonathan Wade 5th June

At last I can get back to you on the points for which you have been requesting clarification, plus I can provide an update on a few other matters too. Starting with the three points:

RPC was under the impression that SCC had agreed to make the High Street a 20mph limit, what's happened about this ?

The High Street can become 20mph and our work is being designed around that. However, SCC need to make a Traffic Regulation Order making the road 20mph. If that is in place by the time that the work is carried out, then the speed restrictions will read 20mph. If it is not in place then the signs fitted to the posts will be 30mph.

Newark Lane – Was it not agreed that to replace the proposed third pedestrian crossing with a feature in Newark Lane outside Hedgecroft Cottages to slow vehicles heading towards Pyrford as suggested by SCC ?

This had been omitted from the draft drawing submission however it was captured for the formal submittal for S278. Please see attached updated drawings showing these works. Layout M is the relevant drawing.

B2215 Eastern End – Was it not agreed that there would be some surface treatment (Dragons Teeth or similar) where the speed limit changes at the gateway feature ?

This had been omitted from the draft drawing submission however it was captured for the formal submittal for S278. Please see attached updated drawings showing these works. Layout A is the relevant drawing.

The drawings attached comprise:

- Key plan & sign details
- Layout plan A
- Layout plan B
- Layout plan C
- Layout plan D
- Layout plan E
- Layout plan G
- Layout plan H
- Layout plan J
- Layout plan K
- Layout plan L
- Layout plan M

The S278 is close to being completed and is expected to be submitted to SCC within the next couple of weeks.

I'm mindful that we haven't met for some time and I'd welcome the opportunity to meet either individually or at a parish meeting, whatever suited you best. A lot of

obvious progress has been made during recent months and a lot of less obvious progress too. Not everything has gone as we would have liked and the prolonged wet winter, high water table and utility complexity have all taken a toll. The weekend closures of the A3 have passed off without incident and to date the M25 ones have proved far more successful than we could have hoped.

The date for the next M25 closure was agreed with Department for Transport just over a week ago and will be weekend of 13th & 14th July, between the junction 10 A3 Wisley and junction 11 A320 Chertsey. The motorway will be closed in both directions from 21:00 Friday 12th July and reopen by 06:00 Monday 15th July. This is a very tight deadline indeed for us in terms of the preparation needed, but with no viable date in August we could not postpone its construction until September. A lot of Balfour Beatty effort will be being applied to this weekend, which is just 5½ weeks away. This is a repeat of our first closure back in March and will use the A245 / Byfleet as a diversionary route. The current single lane restriction on the A245 to the west of Painshill roundabout will be lifted during the weekend.

Beyond that, there are not likely to be any further weekend M25 closures for the remainder of 2024. There may be weekend closures of the A3 later in the year and I'll let you know about those as soon as I have any dates.

The Ripley traffic calming works can be carried out this summer but we are going to seek approval of the Secretary of State to change the delivery date in DCO Requirement 19 by a couple of months. Pushing back the date of construction of the Ripley traffic calming measures is been done taking account of several factors. These include the extensive works on the Ockham Park roundabout, the date of opening the Wisley Lane diversion, priority being placed upon the M25 works and traffic volumes through Ripley.

I could write a great deal more but it seems more sensible to meet. Other points I could easily have touched upon include:

- Opening the four new jet lanes surrounding junction 10
- Footpath / bridleway / NMU bridges across both the A3 & M25
- The NMU generally
- Opening Wisley Lane
- Bolder Mere works
- A3 widening generally
- The impact of the recent Taylor Wimpey former airfield planning consent
- Future M25 & A3 weekend closures
- Green bridge

Anyway, perhaps you could consider possible dates for a meeting between us and maybe give me some options. I'll look forward to catching up with you again soon.

Jonathan Wade IEng MIET MAPM

Senior Project Manager, Regional Investment Programme (South East)
National Highways | Bridge House | 1 Walnut Tree Close | Guildford | Surrey | GU1 4LZ
Tel: 07570 854655

24.06 Correspondence from Jo Trask S106 Highlands Nurseries

Dear Cllr Ayears

Thank you for your email. With regard to the s106 obligations for ease I have bullet pointed them below:

- **early years education contribution;**
- **SANGs (Suitable Alternative Natural Green Space) contribution;**
- **SAMM (Strategic Access Management and Monitoring) contribution;**
- **free and unfettered access to the development to all;**
- **highways contribution;**
- **maintenance and management of the open green space and play space; and**
- **tenure of the affordable units to be affordable rented in perpetuity and to be provided housing to those with a local link to Ripley Parish.**
- **BNG monitoring in perpetuity**

I have sent instructions to our legal team that the early years contribution must be secured within Ripley Parish. The SANG and SAMM contributions are in accordance with the adopted Thames Basin Heaths SPA mitigation strategy. The access is into the development itself. The open space and play space is within the development site. The Highways contribution comprises: A contribution of £50,000 towards improvements of two bus stops within the vicinity of the site, and a contribution of £25,000 to go towards the implementation of traffic calming devices along Portsmouth Road. The affordable housing shall be secured as affordable rent in perpetuity, the clauses included will set out who this housing is available for (as it must meet those with a local link to Ripley Parish).

Hopefully the above reassures you that the obligations being sought will be secured to benefit the local community of Ripley Parish.

5th June 2024

Dear Ms. Taylor,

& email copied to Other Interested Parties.

I am in receipt of your email dated 16th of May 2024 rejecting my complaint regarding the maintenance issue at Portsmouth Road, GU23 6EW. I must inform you that neither I nor my neighbours who elected me accept this rejection. We hereby request a formal and comprehensive review of both the factual circumstances and the relevant legal framework surrounding this matter. Your response (included on pages 11 - 12 for reference) is noted. However, we find it concerning that while citing dubious case law precedents, you neglect to address the primary legislative authority governing highway matters in the UK: the Highways Act (1980). This Act consolidates and supersedes prior legislation on highways and provides the legal framework for addressing the issues at hand. This Act, as affirmed in cases like *Jones v Rhondda Cynon Taf County Borough Council* [2008], establishes a positive duty on highway authorities to ensure adequate drainage to prevent flooding. We believe a thorough review under the provisions of the Highways Act (1980), considering *recent* case law, will reveal that the maintenance issue constitutes a breach of statutory duty and warrants immediate remedial action. We trust that you will give this matter the serious attention it deserves and initiate a comprehensive review without delay.



SCC's Misplaced Reliance on Outdated Case Law

It has been a quarter of a century since SCC Highways has fulfilled their obligation under the Highways Act 1980 to fully maintain the pipes and ditches along the B-2215 highway near Ripley. Your reliance on case law dating back 125 years to 1899, a time when Ripley was a staging post for horse-drawn carriages and motor vehicles were in their infancy, is not only surprising but wholly irrelevant to the current situation. The case you cited deals with the common law duty of landowners to maintain ditches to prevent nuisance to the highway, not the statutory duty of the highway authority to maintain the highway itself under the Highways Act 1980. The relevant issue here is the recurring flooding of the B-2215 highway, a direct result of blocked pipes under the ownership and maintenance responsibility of SCC Highways. The reference to *Attorney General v Waring* (1899) J.P. 789, specifically Item 6, from which you wish to extract just five lines, is misplaced. *"In Attorney General v. Waring (1899) J.P. 789, it was held that the owner of land adjoining the highway has a common law duty to scour and cleanse the ditches that adjoin the highway to prevent them from causing a nuisance to the highway, and that the highway authority can, notwithstanding its statutory remedies, bring an action against the owner for an injunction restraining the continuance of the nuisance"*.

This case deals with the common law duty of landowners to prevent nuisances to the highway, not the statutory duty of the highway authority to maintain the highway itself. Relying on such outdated case law not only demonstrates a misunderstanding of the current legal framework but also undermines SCC's credibility in addressing the pressing issue of highway drainage. Furthermore, SCC's selective use of dubious case law ignores relevant precedents that clarify the extent of their responsibilities. For example, in *Burnside v Emerson* [1968], the court emphasised that a highway authority's duty to maintain the highway extends beyond mere repairs to ensuring the safety and convenience of road users.



This includes preventing hazards like flooding, which clearly impedes the safe use of the B-2215. The recurring flooding on the B-2215 is a direct consequence of blocked pipes under SCC's ownership and maintenance responsibility, a matter explicitly governed by the Highways Act 1980. By citing a case that predates this crucial legislation and pertains to a distinct legal issue, SCC appears to be deflecting from its statutory obligations rather than engaging with the core problem at hand. It is akin to citing the Child Chimney Sweepers Act (1875)—equally outdated and inapplicable. The problem at hand is the repeated flooding of the road, which is not caused by neglect or pollution by residents, nor by overflow from ditches outside their properties. It is a direct result of the highway authority's failure to maintain the pipes and ditches to clear the highway, under their statutory duty.

Furthermore, the case of *Kane v New Forest District Council* [2002] 1 WLR 312, while not *directly* addressing drainage, significantly broadens the scope of a highway authority's duty under the Highways Act (1980). In this case, a pedestrian was injured due to a defect on the footway caused by tree roots. The court held that the council's duty to maintain the highway extended beyond the carriageway to include the footway, thus establishing that the authority's responsibility encompasses all aspects of the highway that affect the safety of its users. This ruling underscores that SCC's duty to maintain the B-2215 highway includes not only the road surface but also the drainage infrastructure that directly impacts the safety and accessibility of pedestrians, cyclists, and other vulnerable users. This case, therefore, further reinforces the argument that SCC's neglect of the drainage system constitutes a breach of their statutory duty under the Highways Act (1980).



SCC's Statutory Duty to Maintain the Highway

The issue is straightforward: we need to definitively establish who bears the responsibility for preventing the recurring flooding that transforms the B-2215 highway into a river. Items 7, 8, 9, and particularly 10 of the same guidance you referenced shed light on the matter of “responsibility for maintenance.” Clause 10 explicitly states: “In general terms, it is usual for the roadside ditches to be the responsibility of the adjoining landowner, exceptions to this rule are where the ditch was constructed to drain the highway or where it falls within land owned by the highway authority”. **Both exceptions apply here.** The above Clause 10 from the guidance probably led to the advice on your own website leaflet which states: “**However, if the Highways Authority has created or piped the ditch specifically under their highway powers, they become responsible for its maintenance.**” Furthermore, the case of *Goodes v East Sussex CC* [2000] establishes that a highway authority has a duty to prioritise the maintenance of essential highway features, such as drainage, over other desirable improvements. In the present case, while other enhancements may be desired along the B-2215, addressing the fundamental issue of blocked pipes and inadequate drainage is of paramount importance. SCC's failure to do so not only constitutes a breach of their statutory duty under the Highways Act 1980 but also demonstrates a disregard for the principles established in *Goodes*, which prioritise the safety and usability of the highway for all users.



Misapplication of the Land Drainage Act 1991

Furthermore, your reference to Section 25 of the Land Drainage Act 1991 is a clear deflection from the core issue. We are not addressing general land drainage; our concern is the inadequate drainage of the B-2215 highway, a matter explicitly governed by the Highways Act 1980. The situation we face is one of repeated and significant flooding of the B-2215 highway. This is not due to overflowing ditches or any action on the part of residents, but rather a direct result of blocked pipes under the ownership and maintenance responsibility of SCC Highways. The obstruction of these pipes, whether at the entry points or along their length, prevents proper drainage, forcing water to flow along the carriageway. This flooding severely impedes the reasonable access, use, and enjoyment of the highway for our parishioners, including pedestrians, bus users, and cyclists, even during moderate rainfall. While other improvements may be desired, addressing the fundamental issue of blocked pipes and inadequate drainage is of paramount importance. This situation constitutes a clear violation of the statutory duty imposed on SCC Highways under the Highways Act 1980 to maintain the highway and its associated drainage systems in a safe and usable condition.

SCC's Conflation of Riparian Rights and Artificial Channels

The lengths to which SCC Highways goes to evade responsibility for this persistent issue are truly astonishing. Their preferred tactic is to deflect and attempt to shift the burden onto adjacent landowners or residents by raising the specter of riparian ownership. This disingenuous conflation and denial of their statutory duty leads to an impasse, **ensuring that no routine maintenance is ever performed.** Chapter 6 of the guidance document for local authorities, which you referenced, indeed addresses riparian rights and duties. However, it explicitly distinguishes between natural watercourses, where riparian rights may apply, and artificial channels, where they may not. It says, “*The proprietor of land on the banks or under the bed of a natural watercourse is entitled to the enjoyment of what are commonly known as “riparian rights”, based on common law. Where a channel is not of natural origin the same*”



rights may not apply; further comment is made at 6.31 – 6.33 below.” Paragraphs 6.31 and 6.32 further clarify that if an artificial channel was created for a specific purpose with a record of its construction, riparian ownership does not automatically transfer from the constructor and may not transfer at all. In this specific case, the natural flow path of the water is across the B-2215. There are no natural watercourses along the length of the B-2215, necessitating the construction of these two metres deep, artificial channels by the Highway Authority at a 90-degree angle to the natural flow path. **This strongly suggests that ownership and, consequently, the responsibility for maintenance, rests squarely with the Highway Authority.** Further demonstrating the inconsistency and lack of clarity in SCC Highways' approach, we have encountered contradictory guidance regarding the ditch and pipe combination on the B-2215. On the 23rd of April 2024, an SCC agent informed a neighbour at Fairview GU23 6EW that they could not park their car within the footpath, claiming it was SCC property. However, on the 9th of May 2024, another SCC employee asserted that residents were fully responsible for the exact same verge and ditch just twenty meters away.

Inconsistent Guidance and Lack of Accountability

Moreover, the conduct of your SCC Maintenance Manager, Mr. Guy Whittaker, raises additional concerns. It is alarming that Mr. Whittaker, presumably knowledgeable about both the Highways Act 1980 and relevant guidance documents, purported to dismiss and create law unilaterally—what we might call "Whittaker Law." His assertion that he would remove guidance from the SCC leaflet because "the law did not support his argument" is not only erroneous but demonstrates a troubling disregard for established legal principles. Your subsequent apology for misleading the public and your intention to withdraw the leaflet are noted. However, we strongly suggest that a closer adherence to the law, specifically the Highways Act 1980, is required when addressing highway-related issues. **The website leaflet, being accurate in its representation of the law, can remain as is!** Both the Act itself and



older, established legal documents provide ample guidance and support for addressing these matters. The case of *Mills v The Mayor, Aldermen and Burgesses of the County Borough of Colchester* [1964] establishes that the duty to maintain drains and culverts under section 44 of the Highways Act extends to those necessary to prevent water from flooding the highway, regardless of who originally constructed them. This further reinforces SCC Highways' responsibility to maintain the blocked pipes and inadequate drainage on the B-2215 highway.

Furthermore, I respectfully suggest that Mr. Whittaker and his team focus on their primary responsibility of maintenance delivery. An incident during the 9th of May 2024 meeting exemplifies their concerning lack of accountability. When my neighbor, Mr. Bernie Hales IEng. MIET, pointed out a 30 cm id roadside drainpipe (property of SCC) fully blocked for approximately seven years due to a lamppost installation, the three man SCC Highways Maintenance team laughed it off, claiming they had known about the issue for years. This blatant disregard for their statutory duties under the Highways Act 1980 raises grave concerns about SCC Highways' commitment to proper maintenance. This incident, compounded by the previous example (in letter of 3rd May) of a maintenance crew's inaction, highlights a systemic failure of accountability within the organisation. Given the gravity of the situation and the prolonged neglect of maintenance duties, we urge senior management at SCC to take immediate and decisive action to rectify this issue. The lack of accountability and responsiveness raises serious concerns regarding the governance and oversight of SCC Highways' maintenance obligations. The parallels between this issue and the Post Office Inquiry are deeply troubling. In both cases, a systemic failure to address problems, coupled with a disregard for the impact on individuals and communities, has led to significant harm. We therefore question who is ultimately responsible for ensuring that SCC Highways fulfills its statutory duties and upholds the public trust.



The lack of accountability for maintenance is evident in this incident alone, let alone the numerous other examples that have been brought to your attention. The inefficient and ineffective response, as illustrated by the previous incident I shared with you in my letter dated 3rd of May 2024 where a large crew accomplished nothing over a couple of hours and left the task unfinished for a neighbour to resolve, further highlights the need for accountability within the senior management of SCC Highways. It is imperative that those in charge take responsibility for the ongoing failures and commit to rectifying the situation. The parallels with the Post Office Inquiry, where systemic issues and a lack of accountability led to widespread harm, cannot be ignored. The question of who is truly in control at SCC Highways and whether they are capable of fulfilling their statutory duties remains unanswered. Finally, it should come as no surprise to SCC Highways or Mr. Whittaker, who claimed to have the power to "legally force us" to maintain these watercourses, that we welcome this challenge. We are prepared to present our case as a residents group before a judge on behalf of the vulnerable members of our community, including the elderly, pedestrians, cyclists, and parents with young children, who are being denied their rights.

In the interim, we respectfully request that SCC Highways demonstrate accountability by conducting a comprehensive study of the drainage system in collaboration with local residents and experts. We are confident that a thorough engineering analysis will reveal the extent of SCC Highways' negligence and provide a roadmap for effective remediation. For the reader unfamiliar with the situation on the B-2215, attached are two photographs illustrating the severity of the flooding issue in one section of the highway. Numerous other problems exist along various stretches, further underscoring the urgent need for action.





Figure 1

Hidden in the spray of Figure 1 is a 1.3 meter wide cycle track and a 1.5 meter footpath as well as the bus-stop. This is a recurring problem posing a significant risk to the safety of cyclists, pedestrians, and public transport users. The most disheartening aspect of this situation is that it is entirely preventable. Adequate drains and pipes exist to clear the road, yet SCC Highways appears to prioritise discussions of legal ownership over fulfilling their responsibility for the construction and maintenance of the highway infrastructure. This inaction demonstrates a disregard for public safety and a dereliction of their statutory duties.



Figure 2



The drain/culvert arrangement observed in Figure 2, aged seventy-five years has collapsed, rendering it largely ineffective in managing peak water flows. The depth to the drain pipe is a further one meter below the surface of the water. It is important to note that this is not a mere brook; it is a substantial engineering construct designed by the Highways Authority to drain the highway, reaching a depth of approximately 2 meters. Given the depth of the drain pipe (an additional meter below the water surface) and the significant size of the drainage system, remediation of this issue will necessitate the use of heavy machinery, traffic control measures, and skip containers, far beyond the scope of simple manual labour.

N.B. Please do not get distracted and deflected by the VCO. That is a separate issue for another day and should not be conflated with the urgent matter of the highway maintenance and flooding. Our present focus is solely on the resolution of the immediate and longstanding drainage problems caused by SCC Highways' neglect of their statutory duties.

Finally, I ask you to investigate on what authority and with what motivation has your colleague Mr Vincent Lovegrove issued an enforcement order against me personally. Was this authorised or approved by SCC legal or management or by you? Is this an organised effort by SCC to intimidate me away from seeking resolution of this serious matter on behalf of those parishioners who are far less able to represent themselves and who have been misled, bullied and deprived of service for some 20 years by SCC Highways Maintenance Management pedalling false legal precedence as clearly demonstrated above?

Regards

Cllr. Patrick McLaughlin B.E. Mech. Eng. UCD. 1973.

Copy of SCC letter, rejecting my complaint follows pages 11 - 12.



Dear Mr McLaughlin,

I refer to your correspondence dated 3 May 2024 regarding concerns about recurrent flooding along the main thoroughfare of Ripley Village.

From the correspondence shared by you, it is our understanding that you believe that Surrey Highways is accountable for resolving this matter given that there exists an acknowledgment that the recurrent flooding is due to a lack of maintenance of ditches running the course of the B-2215.

The council disagrees with this view. I explain the rationale for this view in more detail below.

The Highway Maintenance Engineer and 2 Highway Maintenance Officers attended a meeting with you and your neighbours on 9 May 2024, at 11am to discuss your concerns. At the meeting it was explained that the maintenance of these watercourses is the responsibility of the adjacent landowners. I have provided further detail regarding this immediately below.

Thank you for providing a copy of the land registry details, demonstrating that your property as well as that of your neighbours adjoin the ditch along its eastern bank. Being a watercourse, under section 25 of the Land Drainage Act 1991, 'any person owning or occupying land adjoining that part' is required by the Drainage Board, in this case, Surrey County Council, 'to remedy that condition'. As riparian owners, you and your neighbours are therefore responsible for the maintenance of the watercourse. Further to this, as stipulated in the case law of Attorney General v Waring, riparian owners of land adjoining the highway have a common law duty to clear the waterway so that disruption to the public highway is reduced.

You mention that in your opinion, culvert implementation within the ditch by Surrey Highways constitutes complete responsibility for its maintenance by them. The records held demonstrate that these installations were authorised on request of the residents to run beneath the vehicle crossovers (VCO) between driveways and the highway itself. Being adjoined to the ditch, landowners are responsible for maintaining the flow of adjoining watercourses. It follows therefore that you must maintain the culvert which runs both beneath your VCO, and adjacent to your property. I am informed that at the meeting on 9 May 2024 you advised the Surrey Highways representatives on site that you would like them to "force" you to maintain the watercourse adjacent to your property. It is my understanding that the officers agreed that we would write to the parties responsible for maintaining the watercourses in your area to inform them of their responsibilities, requesting that they maintain the watercourses.

Turning to your concerns regarding the information held on the Council Webpage, during the meeting on 9 May 2024, the representatives from Surrey Highways conceded that there is an error on our website and in some of the literature that we hand out. The specific error relates to a statement that if the Highway Authority created the watercourse then the Highways Authority is responsible for maintaining it. We thank you for drawing our attention to the inadvertent error and can assure you that it will be removed from the website and any future literature.

During the meeting of 9 May 2024, concerns were raised regarding accountability for pedestrian injuries that may arise from pedestrians falling into the ditches. At the meeting, the council officers attending referred to case law, specifically Thompson V Hampshire County Council which sets legal



precedence relative to the maintainer of the ditch not being responsible or accountable for pedestrian injuries arising from a fall into the ditch.

In summary, as shared during the meeting of 9 May 2024, the Council is not accountable for the maintenance of the ditches in question. The meeting of 9 May 2024 is in practical terms the initial response to your complaint. As such I can confirm that your complaint is not upheld.

You have now completed stage 1 of our complaint's procedure. If you are not happy with this response, you can contact the Customer Relations Team by replying to this email. A complaints investigator will review your complaint, our response, and any comments you have made and decide whether to investigate your complaint at stage 2.

Yours sincerely

Heidi Taylor

Customer Services Officer

Highways

SCC Complaint Rejection

