

From: Tim Jones [mailto:tjwaverley@gmail.com]
Sent: 28 April 2017 12:10
To: Nick Culhane
Subject: CLASSIFICATION OF SLEEPERS HILL

Nick

I am writing to you on behalf of the Sleepers Hill Association Committee, of which I am a member. On two occasions recently you have referred to Sleepers Hill as a road of non determinable status as opposed to a Private Road. The first was at the Planning Meeting on 10 November 2016 when the development of Chingri Khal was being considered and the second was in an email about the Dawnhill Development in March this year.

We are not aware of the classification of 'Non Determinable Status'. In our understanding and those of our advisors, there are two main definitions: one is a 'Public Road' ie one that is maintained at public expense and the other is 'Private Road' which means that it is not maintained at public expense. Of the two, Sleepers Hill clearly comes under the second category.

You indicated in your March email to AR Design that the classification came not from Winchester City Council, but from Hampshire County Council. Clearly it makes no sense that the Highway Authority and the Sleepers Hill Residents Association should be at cross purposes over a matter as important as the road classification. Could I ask therefore that you could provide me with the name and contact details of whoever it is in Hampshire County Council, that we should be speaking to, in order to clarify this matter? I look forward to hearing from you.

Regards
Tim Jones
Sleepers Hill Association Committee

From: NCulhane@WINCHESTER.GOV.UK
Sent: Tuesday, May 2, 2017 9:50 AM
To: tjwaverley@gmail.com
Cc: ben.clifton@hants.gov.uk
Subject: RE: CLASSIFICATION OF SLEEPERS HILL

Dear Mr Jones

Many thanks for your Email. I have indeed used the term 'road of undeterminable status' on a number of occasions and this was brought about by advice I received from Hampshire County Council as highway authority.

Unfortunately, I am unable to lay my hands on the specific document that stated this due to the passing of time. I believe that the statement was made at least 15 years ago. The reasoning for this statement was that although Sleepers Hill has Private Road signage, to my recollection, it has never been gated, and access has never been hindered to the general public.

Additionally, there are two culs de sac served from the road, Dawn Gardens and Sleepers Hill Gardens, both of which are adopted as public highway. This is a fairly unique situation and one that I have not experienced before in my Planning career. I also believe that the footway lighting that exists within Sleepers Hill is also publically funded. I may stand corrected on this last matter however.

I have forwarded your Email to my colleague Ben Clifton at HCC who may be able to spread more light on this matter. If Ben is happy to confirm the status of the road, I would be more than happy to refer to its confirmed status in the future.

Kind Regards
Nick Culhane
Engineer
Winchester City Council
City Offices
Chesil Street
Winchester

From: Tim Jones [mailto:tjwaverley@gmail.com]
Sent: 02 May 2017 17:08
To: Clifton, Ben
Cc: Nick Culhane
Subject: Fw: CLASSIFICATION OF SLEEPERS HILL

Ben

You will have seen my email to Nick Culhane about the status of Sleepers Hill Road and his response (both below)

As I have said we are not aware of the Classification Road of Undeterminable Status and our advisors from Private Road Services have indicated that it is not a legal term. It is our understanding that roads can be classified as two types:

- * Public Roads, which are highways that are maintained at Public Expense. Sleepers Hill is clearly not maintained at Public Expense, no is it on the list of roads that Hampshire County Council as being maintained at public expense
- * Private Roads are outside the category of highways maintainable at the public expense, responsibility for their upkeep is not a public matter and they do not belong to the local authority. Sleepers Hill clearly comes into that category. It is my belief that the points made by Nick do not affect the classification:
- * I accept that the road has not been gated since probably the Second World War and has therefore become a public highway
- * I accept that the two culs de sac (Dawn Gardens and Sleepers Hill Gardens) are maintained at public expense, but neither of these are part of Sleepers Hill Road itself
- * The lighting is maintained at public expense, but lighting is not a roadway.

As I explained in my email to Nick, it makes no sense for

yourselves, the Highway Authority, and ourselves as the Sleepers Hill Residents Association to be at cross purposes over road definition.

I much look forward to your advice and clarification of the matter over the classification of the road. If the matter is more complex than I have understood, I would be delighted to have a meeting with you in order for me to gain a better understanding and for us to reach a mutually agreed definition.

I look forward to hearing from you.

Regards

Tim Jones

Sleepers Hill Association Committee

From: Housby, Mark

Sent: Wednesday, May 3, 2017 12:33 PM

To: 'tjwaverley@gmail.com'

Cc: Clifton, Ben ; 'NCulhane@WINCHESTER.GOV.UK'

Subject: RE: CLASSIFICATION OF SLEEPERS HILL

Dear Mr Jones,

Your email regarding the status of Sleepers Hill has been forwarded to me. Sleepers Hill is not a highway maintainable at public expense. It is not maintained by the highway authority and it is not on the List of Streets Maintainable at Public Expense. It has not been dedicated to the highway authority, nor has it been adopted by the highway authority. Sleepers Hill has been there for many decades (I believe that it was constructed between the 1870s and 1890s) and it is a through route connecting Romsey Road to Sparkford Road/Airlie Road. Consequently, a claim might be made for it to be recorded as a public right of way, however, it is not recorded on the Definitive Map of Public Rights of Way and I am not aware of any such claim currently being considered.

The phrase 'undeterminable' is not a legal phrase and I suspect has been used previously as an indication that Sleepers Hill's status is unclear. It is perhaps useful for prospective purchasers where no private rights of access are recorded on the deeds for the properties along Sleepers Hill (although those properties are likely to have a private right of way by prescription).

As for responsibility for the road, as it is not maintainable at public expense, the highway authority is not responsible. The highway authority is not party to nor aware of any third party agreements/arrangements for its maintenance.

I hope this is of some assistance.

Kind regards

Mark Housby

Highway Asset Information Manager

Highways Operation Centre

Hampshire County Highways

Hampshire County Council

From: Tim Jones

Sent: 03 May 2017 19:47:31

To: Housby, Mark

Cc: Clifton, Ben; NCulhane@WINCHESTER.GOV.UK

Subject: Re: CLASSIFICATION OF SLEEPERS HILL

Mark

Thank you for your quick and informative response. Interesting that Sleepers Hill is not recorded on the Definitive Map of Public Rights of Way. Going back to the original issue though, the difficulty arose because we have stated that the road is a Private Road, while Nick has stated publicly that it is not, rather that it is of Undeterminable Status. As I tried to explain in my earlier email, our definition of Private Road is one that is NOT maintained at public expense. On that, who maintains it, there is no difference between what you have said and our position. Are you OK with that definition and can you therefore agree that it is a Private Road?

There are however two different issues, one is who maintains it (which we do and is why we call it a Private Road). The other is whether there are public rights of way over it, which would make it a public highway, about which you infer that there may be some doubt. So on that basis, if I have understood you correctly:

- * It is a Private Road

- * In public access terms, we could say that it is of Undeterminable Status.

I apologise if I am being pedantic, but I would like to nail this down to avoid further misunderstandings.

Regards

Tim Jones
