

Annex G

Thank you for your email. I am writing along with the attached questionnaire for the proposed Respark for Government House Road. I obviously will be attending any meeting to voice my concerns on the matter, which are (not limited to) the following:

1. Can you please clarify the council's position that public car rights exist over Government House Road (GHR): how do public car rights exist over GHR and can you please evidence this? Your email just states that it doesn't restrict motorised vehicles, but that doesn't clarify public rights. Ruth Stockley was the council's legal representative for the JR concerning the adoption and it's the council's legal duty to ensure they are following the terms in which the road was adopted. The council should be seeking advice from Ruth Stockley concerning public rights of mechanically propelled vehicles on GHR. I've had my own legal advice on this point and I've been assured that public car rights could not have existed prior to adoption, and as such, they currently do not exist.

2. As was mentioned in your previous email, the application for Respark was submitted in September 2020, one month after the council unlawfully removed the 'Private Road - No Trespassers' sign at the entrance of Government House Road, when it was still indeed a private road and private property.

3. The neighbour who submitted the Respark application did so directly as a result to the council's own decision to remove the private sign, which introduced parking in front of this neighbour's house.

4. The council wrote to residents in April 2021 to let them know they could have the road adopted using (and only using) s.228(7), legislation which requires the road to be a private street. Eight of the nine residents (I was left unaware of the potential adoption) petitioned to have the road adopted therefore all of these residents agreed that GHR was a private street.

5. The council adopted the road in July 2021, but they did not adopt the road with public car rights. In order to have adopted the cul-de-sac, which wasn't a highway until the 2021 adoption, to allow public car use, the adoption notice/certificate needed to expressly state within the adoption that rights for mechanically propelled vehicles were included. This is clearly outlined in NERCA 2006 (which concerns all road adoptions); s.66 is specific to all private roads that are adopted after 2006. There is no exemption for private roads adopted using s.228(7). So, when you say NERCA doesn't relate to private road adoption using s.228(7) what do you mean? It is patently obvious, the council is confused by the recent question they posed to Lexisnexis concerning public car rights for a road adoption using s.228(7), and asking this question in the first place is admission that car rights weren't even considered for the adoption of GHR. I suggest that if the council still doesn't understand s.228(7) and the public rights this adoption created, they should seek Ruth Stockley's advice for clarification.

6. It is a juxtaposition that eight of the nine residents petitioned to allow the public to use their private cul-de-sac in exchange for public maintenance, just to restrict the public's only interest in the cul-de-sac. Also, if the residents believed they could petition for Respark in 2020 when the road was private, that just proves they were continually misled by the council.

7. As a resident of GHR, I see two cars (from two different houses) that regularly park on the road; one of those neighbours has a single drive and garage, and the other has a double drive and a single garage. The other houses have parking for multiple cars. Is there any evidence beyond the petition itself that parking is a struggle for residents? I see very few temporarily parked cars (mostly families and dog walkers) that seem to park in front of Number 1's house to enjoy the esplanade. More often, Government House Road is empty. Please see the attached video taken today at 15.30, generally showing what the parking situation looks like, which I've now started documenting. Does this seem like a £6000 investment going to good use? This sum also does not include Respark maintenance nor any parking enforcement. Legality of car rights aside, I can imagine there are other streets that actually have parking problems rather than a neighbour who just doesn't like people parking in front of his house.

8. As the council has no authority to insinuate public car use on Government House Road, and equally has no authority to invest in Respark for Government House Road, any expenditure is unlawful and will be reported to the auditors. The council also does not have the authority to give permission for neighbours to park wherever they want, this is down to private rights, if they even exist.

9. If the council imposes any authority for public car use by making a decision to implement Respark over my land, I will judicial review the decision.

Sincerely,