



**OFFICER REPORT TO LOCAL COMMITTEE  
(MOLE VALLEY)**

**PUBLIC RIGHTS OF WAY Nos. 252, 253 & 573, DORKING –  
PROPOSED CREATIONS AND EXTINGUISHMENTS**

**24 September 2008**

**KEY ISSUE**

This report seeks approval to make creation and extinguishment orders for parts of Public Footpath No. 253 and Public Bridleways Nos. 252 and 573, Dorking.

**SUMMARY**

The owner of Squires Farm, Logmore Lane, has applied to create and extinguish sections of Public Footpath No. 253 and Public Bridleways Nos. 252 and 573, Dorking where they cross his land. He would like to move bridleway no. 252 away from between the buildings and provide alternative routes, which would improve the network for users. The proposals are shown on Drawings Nos. 3/1/50/40 & H41, attached as **ANNEXES A & B**.

Following initial consultations some concerns were raised by local residents, which have largely been resolved. A few objections have been maintained and committee authority is required to make the relevant orders. If they are made and objections received and maintained, the county council cannot confirm opposed Orders and must submit them to the Secretary of State for the Environment, Food and Rural Affairs for determination.

**OFFICER RECOMMENDATIONS**

**The Local Committee (Mole valley) is asked to agree that:**

- i) Creation Orders be made, under section 26 of the Highways Act 1980, to create sections of Public Footpath No. 253 and Public Bridleway No. 573, Dorking, as shown on Drawing No. 3/1/50/40;
- ii) Extinguishment Orders be made, under section 118 of the Highways Act 1980, to extinguish sections of Public Footpath No. 253 and Public Bridleways Nos. 252 and 573, Dorking, as shown on Drawing No. 3/1/50/H41;
- iii) If objections are received and maintained to the above Orders, they are submitted to the Secretary of State for the Environment, Food and Rural Affairs for determination.

- 1.1 The owner of Squire's Farm, Logmore Lane, has applied to alter the rights of way network on his land, as shown on Drawings Nos. 3/1/50/40 & H41 attached as **ANNEXES A & B**. He would like to move Public Bridleway No. 252, shown O – N – K, away from between the house and farm buildings and provide alternative routes that would be an improvement to the public. He has agreed to pay the County Council's costs of making the legal orders as well as the costs of all the works involved. A council contractor, supervised by officers would undertake the works. The landowner has also agreed to enter into an agreement with the County Council to undertake any necessary repairs within 10 years of the work being completed.
- 1.2 The status of Public Footpath No. 253 and Public Bridleway No. 573 would be swapped over to provide a better route for horse riders and cyclists. Currently the definitive route of bridleway no. 573 (points I – J – K – L) has four gates across it and an extremely marshy section at point 'J', which is impassable most of the year due to the presence of a natural spring. The existing footbridge at point 'C' is not on the definitive line and is not suitable for use by horses. This section would be surfaced. Some horse riders have experienced difficulties passing through the fields when they contain loose horses. The new route (A – G – H – F) would be higher and drier, surfaced for most of its length, culverts provided over the ditches, fenced in to a width of 4.0m away from stock and have no gates across it. The proposed kissing gates on the new route of the footpath would be to mobility standard, to allow access for wheelchairs and buggies. The fencing would be low stock proof fencing with no barbed wire.
- 1.4 It is county policy to only accept applications from landowners where there will be an improvement to the rights of way network for users. In this instance officers are of the opinion that the improvements as outlined in paragraph 1.2 above, would significantly improve the network, particularly in resolving the difficulties of the wet area at point 'J' and the removal of all gates for horse riders and cyclists. There would be no significant increase in distance for users of the rights of way travelling in any direction.

## **2 OPTIONS**

- 2.1 Members can decide to either approve the making of the legal orders or not. Officer's opinion is that the Orders should be made.

## **3 CONSULTATIONS**

- 3.1 The statutory bodies, utility companies and other interested parties were consulted. Advisory notices and plans were erected on site and a site meeting held with fourteen local residents, County Councillor Hazel Watson and the farm manger on 6 June. The Ramblers' Association, British Horse Society, Cyclists Touring Club and the Westcott Village Association have all raised no objections. No

response to date has been received from Mole Valley District Council. A number of local users initially raised concerns mainly relating to maintenance. These were largely resolved at the site meeting. Two people have stated they are still objecting; one saying he can see no advantage for users and would like to see details of the works specifications and future maintenance standards, the other has concerns about the surface of the proposed routes. Five others, who only appear to use bridleway no. 252 past the buildings and not bridleway no. 573, have raised concerns about the surface of the proposed route. They have all been replied to, but have not responded to date as to whether they are maintaining objections. If the Orders are made and objections received and maintained, the County Council cannot confirm opposed orders and must submit them to the Secretary of State for the Environment, Food and Rural Affairs for determination.

#### **4 FINANCIAL AND VALUE FOR MONEY IMPLICATIONS**

- 4.1 The applicant has agreed to pay the County Council's costs of making and advertising the legal orders. He has also agreed to pay for all the works involved before any orders are confirmed and to enter into an agreement to undertake any necessary repairs for ten years. If the objections are maintained and the Order submitted to the Secretary of State a public inquiry or hearing could be held. Costs for an inquiry or hearing in the region of £1,000 will be met from the Countryside Legal Budget.

#### **5 EQUALITIES AND DIVERSITY IMPLICATIONS**

- 5.1 The proposed surface and gate improvements, as well as the route alteration at point 'J', would increase convenience for less able walkers.

#### **6 CRIME AND DISORDER IMPLICATIONS**

- 6.1 The proposed changes would increase the security and privacy for the occupants of Squires Farm.

#### **7 THE HUMAN RIGHTS ACT 1998**

- 7.1 Under section 6 (1) of the Human Rights Act 1998, local authorities are required to act, as far as possible, in a way that does not breach rights contained in the European Convention on Human Rights. This includes the right to property, under Article 1 of the First Protocol to the Convention and the right to respect for private and family life and the home, under Article 8. In this case, the diversion would move the path away from the adjoining property thus increasing the privacy and peaceful enjoyment for local residents. In the officers' view this proposal has no human rights implications.

**8 CONCLUSIONS AND REASONS FOR RECOMMENDATIONS**

- 8.1 Members are asked to approve the making of the legal orders, which would result in an improvement to the rights of way network.

**9 WHAT HAPPENS NEXT**

- 9.1 All interested parties will be informed about the decision. If the recommendation is agreed the Creation and Extinguishment Orders will be made in accordance with statutory procedures.

**LEAD OFFICER:** Debbie Spriggs, SCC Countryside Legal Team Manager

**TELEPHONE NUMBER:** 020 8541 9343

**E-MAIL:** [debbie.spriggs@surreycc.gov.uk](mailto:debbie.spriggs@surreycc.gov.uk)

**BACKGROUND PAPERS:** All documents quoted in the report. File may be viewed upon request.