

SURREY COUNTY COUNCIL

LOCAL COMMITTEE (RUNNYMEDE)

DATE: 13 MARCH 2017

LEAD OFFICER: DANIEL WILLIAMS, COUNTRYSIDE ACCESS OFFICER

SUBJECT: ALLEGED PUBLIC RIGHT OF WAY FROM CHERTSEY LANE TO THE RIVER THAMES BETWEEN NOS. 121 AND 119A CHERTSEY LANE, EGHAM – CP557

DIVISION: EGHAM

**SUMMARY OF ISSUE:**

An application was received for a Map Modification Order (MMO) to add a public footpath between Chertsey Lane and the River Thames between nos. 121 and 119A in Egham to the Surrey County Council (SCC) Definitive Map and Statement (DMS).

It is considered that the evidence shows that a public footpath can reasonably be alleged to subsist over the route. As such, a legal order to modify the DMS should be made.

Any decision must be made on the legal basis set out in **Annexe B** to this report. The only relevant consideration is whether the evidence is sufficient to raise a presumption that a public right of way exists. Other issues such as security, privacy, safety or convenience are irrelevant.

RECOMMENDATIONS:

The Local Committee (Runnymede) is asked to agree that:

- (i) Public footpath rights are recognised over A-B on Drg. No. 3/1/88/H28 and that this application for a MMO under sections 53 and 57 of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by the addition of a footpath is approved. The route will be known as Public Footpath No. 93 (Egham)
- (ii) A MMO should be made and advertised to implement these changes. If objections are maintained to such an order, it will be submitted to the Secretary of State for Environment, Food and Rural Affairs for determination.

REASONS FOR RECOMMENDATIONS:

The County Council has a duty under Section 53 of the Wildlife and Countryside Act 1981 (WCA 1981) to modify the Definitive Map and Statement (DMS) if it discovers evidence which on balance supports a modification.

1. INTRODUCTION AND BACKGROUND:

- 1.1 Mr David Ramm submitted an application in March 2013 for a Map Modification Order (MMO) to add a footpath between Chertsey Lane and the River Thames between nos. 121 and 119A in Egham to DMS. The claimed route runs between points A-B as shown on Drg. No. 3/1/88/H28 (**Annex A**).
- 1.2 This application followed several years of enquiries regarding the status of public access to this land by Mr Tom Christie a former employee of the Environment Agency and was supported by a 'chronology of facts and circumstances' together with relevant documents listed 1-14¹.
- 1.3 At the current time this land is obstructed at 'A' by a fence erected in 1999. There has been no access by the public since this time. The history of the land and the current obstructions will be considered below.
- 1.4 It is considered that the evidence shows that a public footpath can reasonably be alleged to subsist over the route. A legal order to modify the DMS should be made.

2. ANALYSIS:

- 2.1 No first-hand evidence of 'use' has been submitted with regard to this route so we cannot rely upon section 31 of the Highways Act 1980 where use has been enjoyed by the public for a 20-year period, calculated retrospectively from the point at which that use was first challenged. The applicant did refer to use that had been made by a local resident who ran a butcher's shop off Wheatsheaf Lane on the eastern bank of the Thames who had for several years crossed the Thames from this point in his own dinghy. When the land was fenced off in 1999 he spoke to the residents of 119a Chertsey Lane and was allowed to collect his dinghy and take it away. He was apparently told by Surrey at the time that the land was private and no public right of way existed across it.
- 2.2 An implication of dedication may be shown at common law if there is evidence from which it may be inferred that a landowner has dedicated a right of way and that the public has accepted the dedication. In this case the documentary evidence provided must enable an inference of dedication and acceptance of a right of way. Section 32 of the Highways Act 1980 requires a court or tribunal to take into account any map, plan or history of the locality, or other relevant document which is tendered in evidence, giving it such weight as appropriate before determining whether or not a way has been dedicated as a highway. If the evidence is sufficient to show that at some stage in the past the route did carry public rights then the accepted legal principle "once a highway always a highway" will apply if no lawful extinguishment can be shown.

HISTORIC EVIDENCE

¹ Annex C

Enclosure Award and Map:

- 2.3 The 1813 Thorpe Inclosure Award map shows a route branching easterly from Chertsey Lane and leading to the riverside. There is nothing to suggest that the Award created this route, so it most likely will have pre-dated it. Although it is shown shaded in the same way as Chertsey Lane no strong conclusions can be drawn regarding its status although it would be reasonable to infer that it was considered be the same as the road from which it branches. There is no reference to it in the Award and allotments, which might suggest that it was considered an 'ancient' highway and therefore outside of the bounds and effects of the Inclosure.

Tithe Map and Award:

- 2.4 The Tithe Map shows the same branching section as the Inclosure Map and the same conclusion can be drawn.

Historic Maps:

- 2.5 The situation shown on historical maps is not entirely clear due to issues of scale. No route is visible on Senex's map of 1729. On Roques' map of 1770 and Lindley Crosley's map Savory Weir is labelled but there is no obvious access shown to the Thames. The Ordnance Survey Drawing of 1804 appears to show a short spur leaving Chertsey Lane to the Thames at this point. The map produced by Mudge in 1816 shows Chertsey Lane linking to the Thames in approximately the correct position. Then in 1823 a very clear spur is shown linking to the Thames on Greenwood's Map. This is clearly the same point being directly in line with the visible pecked boundary line as it is today. Whilst these maps show the likely physical existence of this route prior to 1850 little can be concluded from the maps although it should be noted that such commercial maps were often aimed at the public and would therefore have most likely shown any routes which were considered public at the time.

1910 Finance Act:

- 2.6 No obvious route or separate plot is shown on the 1910 Finance Act. The route would cross hereditment 163 into an area of uncoloured land (part of Truss's Island) which was presumably either considered common, highway or otherwise not subject to tax. This appears as an 'inset' area surrounded by hereditment 163. There are no deductions for public rights of way across 163 (Thorpe Farm) and so it seems unlikely that the way was considered public at this time.

Ordnance Survey Maps:

- 2.7 The earliest map available from 1888 shows a strip of land stretching from Chertsey Lane to the Thames riverbank that is not enclosed from the main highway. There is however a circular enclosure in the middle of this which may be a pond, but there is nothing to confirm this. The abbreviation '*Und*' appears within this stretch. This is short for undefined. No further conclusions can be drawn. It should be noted however that immediately opposite this land on the eastern bank is a road (Wheatsheaf Lane). This might support the proposition that this was a ferry point. The book of reference which accompanied the first edition of this map (here unavailable) describes the two plots (136 and 137 which persist on the 1888 map) over which the claimed route runs as 'marsh'

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and 'woodland' although the exact extent of these two plots is difficult to distinguish. Close examination of the map adds to this confusion in that the strip of land pertaining to the claimed route could also be said to be included within plot no. 146 which is listed as public road. It is not separated from plot 146 by any kind of boundary, either pecked or solid. This situation is supported by the similar small access to the Thames side approximately 120 metres to the south which appears in an identical fashion to the claimed route both on the aforementioned Tithe and Inclosure Maps and is here clearly incorporated into the public road of plot 146.

- 2.8 The 1914 map no longer shows this stretch of land enclosed from adjacent plots, but it is now separated from Chertsey Lane by pecked lines. The circular feature no longer appears. The abbreviation 'Und' appears again. It appears to not be considered part of Chertsey Lane at this time. On the 1934 and 1939 maps significant development has occurred along the western Thames bank with enclosed plots and properties each side of the alleged path. The land has assumed the same dog-leg shape to be found today. The abbreviation 'Und' appears again although it now appears that this may relate to the boundary running along the northern side of this land. The land is 'tied' to plot 136a to its south and its boundary with Chertsey Lane is now solid and not pecked. Of interest is the first appearance of Ferry Avenue to the south-west of the claimed route, the naming of which might suggest access to a ferry point which would be at the riverside on the claimed land. The 1964 map shows little change but indicates that posts have been placed at the western edge of this land. No information about these posts or their number can be obtained from the map. At the eastern end of the land there is also a small feature on the river bank which may equate to steps.

Aerial photographs

- 2.9 The route is faintly visible on aerial photographs from 1948, 1971, 1988 and 1998. No conclusions can be drawn from its status nor whether it was physically accessible by the public at those times. On the 2006 photo the route is completely obscured by trees and vegetation but by 2012/13 much vegetation on and around this land has been cleared. The shape of the plot is clear as is the presence of some large blue unknown object. There appears to be some beaten path to the water's edge but it is not known how such a path came into being.

Definitive map

- 2.10 No public rights appear on the Definitive Map or in the Definitive Statement. It does not appear on any earlier versions of the Definitive Map dating back to 1952 including the draft map nor has it ever been put forward previously for inclusion on any of these maps. It does not appear on the map prepared under the 1932 Rights of Way Act by Egham Urban District Council in 1938.

Records of Thames Conservancy Board "the Conservators" and successors.

- 2.11 In 1921 the land was held by the Conservators who resolved in a minute of January 1921 that the land be a landing place for the public and should be made available and reserved for use by the public. This was put as a recommendation to the Works, Navigation and Regulation of Water Committee who agreed the motion. There is no reference to an historic right here although

the fact that this land was allocated no plot number might suggest that it was not appropriate for letting and therefore perhaps considered public.

- 2.12 In October 1925 the Conservators declined a request to establish a ferry at this point but “Resolved further that in order to prevent the public right of way being used by vehicles, posts be erected”. It is recorded in a plan produced by the Conservators that these posts were put in place on 20 November 1925. The land is also labelled ‘right of way’ on this plan.
- 2.13 On 12 March 1934 a report to the Works, Navigation and Regulation of Water Committee of the Conservancy resolved to spend £200 on river frontage repairs to “the public landing place owned by the Conservators above Truss’s Eyot...”. The need for repair suggests that there was ongoing use of some kind. It is not clear however whether this refers to the piece of land in question here or to the landing stage slightly to its south..
- 2.14 It appears that title was acquired by SCC via a conveyance made between The Conservators and The Council dated 25 March 1963. The land (along with other adjacent lands) was acquired under The Surrey County Council Act 1931 and the Local Government Act 1933 for the purposes of carrying out statutory duties under the Town and Country Planning Acts 1947-1959. Subsequently 14 years after that date all buildings erected on the property were to have been removed for the purposes of laying out the land hereby conveyed as open space. The Environment Agency has confirmed that the land was conveyed cheaply by their predecessors for that purpose. Correspondence between SCC Estates and the SCC Legal team in 2006 confirms this point. The Conservators did not reserve any specific rights for themselves. Title to the land (SY 307333) was not registered until 1998 however. I understand there was also a policy in place known as ‘Windows on the Thames’ as defined in January 1971 and it appears that this land was envisaged to be part of that scheme to provide areas adjoining the Thames for the use of it and views over it.

GARDEN LICENCE:

- 2.15 In 1996 the adjacent property to the north (No. 119a) was up for sale. During the process of their purchase of this property Mr and Mrs Corney contacted SCC in the hope that they could also purchase this land. In response SCC noted that whilst they were willing in principle to do so, the terms of their purchase of the land required that any sale of it into private occupation would require the agreement of the National Rivers Authority (now the Environment Agency) as statutory successors to the Conservators. SCC then proceeded to explain that the Authority had requested the Council to retain the land as open space. Nevertheless The Council continued to investigate the status of the land for several years.
- 2.16 In 1998 the Council began to discuss with Mr Corney the possibility of granting him use of the land by means of the issue of a ‘private garden licence’. In 1999 SCC eventually decided to grant Mr and Mrs Corney a private garden licence to allowing them to fence off and occupy the land in question. The licence and its terms (which could be renewed annually) were set out in a letter of 12 May 1999 as accepted by Mr Corney’s signature appended on 15 May 1999. The licence allowed fencing of the area of land but could be removed and the land vacated at any time if required by the Council. The Council’s opinion at the time appeared to be that there was insufficient evidence to show if rights had been acquired by statutory presumed dedication over 20 years or over another

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period at common law. The Council's Definitive Map Officer considered at the time that historic use to the ferry point was probably with permission of the ferry owners but was unable to give a definitive answer. It would depend in part upon establishing whether it was a 'public' ferry and what rights the owner and operator of the ferry held over the land in addition to any other historical or user evidence. This opinion was based upon the limited evidence available at the time. No further investigations were made as no application under the WCA 1981 was forthcoming which would have required the Council to investigate the matter to completion. The Officer did warn at the time that the closure of the way may "prompt a claimed right of way which would have to be investigated and could result in a right being established". Subsequently an enquiry was made to SCC from a Mr Baldwin who claimed to have used the access route, Unfortunately his original letter has been lost, although responses to him remain in SCC's records. He was encouraged to apply for a map modification order supported by factual documentary or user evidence. No application was made. In 2002, Mr Tom Christie of the Environment Agency did submit some evidence supporting the assertion that public rights existed here (referring to the dedication of 1924 and the repairs of 1934). Once again no formal application was made.

- 2.17 The land was subsequently declared 'surplus to requirements' in 2003 by Runnymede Local Committee with a view to the sale of this and other land.

PLANNING MATTERS

- 2.18 Whilst it is not of direct relevance to this application it should be noted that plot 121 to the south of the alleged route was recently redeveloped following planning permission in 2014. A new house sits on this plot but does not encroach onto the claimed route. Plans attached to the various applications made as part of this development clearly show the claimed route as unaffected and labelled 'line of path'.

LANDOWNERS AND ADJACENT LANDOWNERS

- 2.19 The land is currently owned by SCC. How they came to hold title to it was discussed above. In 2013 Steve Evans from Property Services confirmed that it had always been their assertion that no public right of way exists and that no private right has been acquired by prescription.
- 2.20 The plot of land to the north (No. 119a Chertsey Lane) of the alleged route is owned by Mr and Mrs Corney who are referred to above with regard to the garden licence. They re-confirmed in January 2017 that they would be opposed to any map modification order which would add this route to the DMS as a public footpath. In August 2013 they made the following observations on the evidence as submitted by Mr Ramm the applicant. Officer's comments are enclosed in the following boxes where relevant.
- i. Both on submission 1 (1813 Thorpe Enclosure Award map) and 2 (1840 Thorpe Tithe Award map) are very unclear. If the original route ran directly opposite the current road 'Ferry Lane' which would seem more logical, the route would be into the current Council Truss's Island Park.

Whilst the Inclosure and Tithe maps are of a substantial age and not produced to the same standard as modern maps, the claimed route is quite clearly demarcated and identifiable opposite a stable field boundary to the west. Ferry Lane did not come into being until between 1914 and 1934 and so is most likely named after the historic 'nearby' ferry point, wherever this was located.

- ii. Submission 3 referring to the 1921 Conservators board meeting is unclear as to what 'the land above plot no. 1' is. Does this refer to the land occupied by 121 Chertsey Lane? The world has moved on since then and SCC have created Truss's Island public park adjacent to 121 on the site of bungalows 1-5 referred to in those minutes.

In the 1921 minutes and accompanying plan only one bounded plot is shown 'above plot 1'. This can only have been the claimed route. At this time 121 Chertsey Lane appears to have already been separated from this holding.

- iii. The 1925 Thames Conservancy plan is also confusing. Posts were erected to prevent vehicle access and the request for a ferry declined on grounds of absence of general demand. It therefore seems unclear if this was a right of way.

The erection of posts indicates that the Conservancy Board did not wish vehicles to use the way. Had they also wished to show an intention to prevent pedestrians then they could have fenced off the way. That they did not do so suggests that they as landowner recognised the way as public.

- iv. In 1934 the Thames Conservancy Board resolved to spend £200 on repairs to the public landing stage. The map appears to show this as in front of 121 Chertsey Lane. The only evidence I can now see is the Council maintained platform in Truss's Island Park.

See para. 2.13

- v. In 1963 SCC requisitioned from Thames Conservancy land identified as plots 1, 2, 3, 4 and 5. There is no mention of the land between 119A and 121 Chertsey Lane. The creation of the open space, launching site and access to the river and a landing stage in the park must fulfil all the Council's obligation to provide a 'right of way'.

The conveyance to SCC consists mainly of Riverside plots but also consists of the claimed route. This is confirmed by an examination of SCC's Title document SY307333.

- vi. The reason for fencing off the area was that it was becoming an area where drug taking and fly tipping was occurring.

Whilst obviously of concern for adjacent landowners this is not an issue which can be taken into account when deciding such claims. (See Section 8).

- vii. This dispute 'blighted' the sale of 121 Chertsey which was occupied by squatters and subsequently damaged by fire (prior to its redevelopment).

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See comments at vi and Section 8.

- viii. The close proximity of Truss's Island public park must render any claim for a 'right of way' unnecessary. If a dead-end path was established this would put us back to the situation of it being used for drug abuse, fly-tipping and other anti-social behaviour. This was the reason that the Council originally agreed our garden licence. I sincerely hope the claim.... Is rejected on the grounds of it being unsubstantiated and there already being full rights of way in Truss's Island park a matter of a few yards downstream.

See comments at vi and Section 8.

- 2.21 Mr Corney has confirmed that should a map modification order be made and confirmed, he would then consider applying to have it legally extinguished (or diverted) for the reasons that there is no longer a need for it and to prevent crime. This would be open to him to do so, although there would be no certainty that any such application would be accepted or that an order could be successfully confirmed if made.
- 2.22 In 1998 Mr Corney confirmed to Bruton Knowles, who were then dealing with much of Surrey's Estate, that the land, whilst overgrown was frequented by a number of young people who came to smoke and that an individual occasionally crosses the river and moors his boat here.
- 2.23 The plot of land to the south (No. 121 Chertsey Lane) of the alleged route is owned by Mr Wyatt. He confirms that he is fully opposed to a map modification order being made but has not to date submitted any evidence in support of that position.

3. OPTIONS:

- 3.1 The Committee may agree or disagree with the officer's recommendation that footpath rights have been acquired. Alternatively, they may decide that the evidence submitted shows that the routes should be of a different status to that recommended. Decisions can only be made on the basis of the evidence available. The recommendation is based upon the evidence submitted and interpreted under the current legislation. Matters such as convenience, amenity, security or safety are irrelevant (see Annexe B).
- 3.2 Where the County Council decides not to make an order, the decision can be appealed to the Secretary of State. If such an appeal resulted in a Public Inquiry the County Council would normally take a neutral stance

4. CONSULTATIONS AND OPINIONS:

- 4.1 The local Ramblers footpath secretary Neil Meek responded to consultations. He had been told about it by his predecessor and by the applicant. He had no reason to disbelieve the applicant's documentary evidence. No responses were received from the Local County Councillor (Mrs Y. Lay and Mr C. Norman) or the Open Spaces Society.

- 4.2 Runnymede Borough Council advised (on 18 July 2013) that there was (at that time) no planning history relating to the land. They were unable to confirm whether or not there had been twenty years of uninterrupted used by the public as a right of way.
- 4.3 Mrs Elaine Gill Councillor for Thorpe Ward confirmed in 2014 that she was aware that attempts had been made to protect the footpath to the former ferry crossing and that this has been discussed recently at a Thorpe Ward residents meeting. She requested help and guidance on this matter but did not express whether she supported the application or not.
- 4.4 A letter was received by SCC in 2011 from Margery Day of the River Thames Society. She noted that this way had been closed to the public for several years. She confirmed her opinion that paper existed which stated that it was dedicated as a public right of way by the Thames Conservancy in 1923. She also referred to a local council policy 'Windows on the River' in which some plots alongside the Thames would not be sold off but would be left open and that this way was one of them. She asked what was being done by SCC to preserve this right of way.
- 4.5 In 2011 an article² was also published online in the Surrey Herald which mentioned many of the same points touched upon by Mrs Day. This was written by Mort Smith and referred to the River Users Group, section 8 (RUG8). It noted that the group was doing its best to ensure that the public landing- and access to it from Chertsey Lane- is re-established. It also made a call out for people to contact the group's Secretary (Bernard Hales) if anyone remembered using the route before it was closed.
- 4.6 SCC Legal Services have been consulted and have approved this report.

5. FINANCIAL AND VALUE FOR MONEY IMPLICATIONS:

- 5.1 The cost of making an order is not a relevant factor in this decision. The County Council is under a duty to make a MMO to add a route to the DMS where evidence is discovered which, taken as a whole, is sufficient to reasonably allege the existence of a right of way.
- 5.2 The cost of advertising a Map Modification Order would be approximately £1200, which would be met from the County Council's Countryside Access budget. If objections are received and a Public Inquiry held, additional costs of around £4000 will also be met from the same budget. Most costs are fixed by our duties under Schedule 15 of the WCA 1981.

6. EQUALITIES AND DIVERSITY IMPLICATIONS:

There are no equalities and diversity implications. These are irrelevant factors under the current legislation.

7. LOCALISM:

² This is no longer available at its original online location but a copy of it can be found at: <http://www.mortsriverwatch.com/2011/04/remember-landing/>

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This issue is not relevant and cannot be considered under the current legislation.

8. OTHER IMPLICATIONS:

Area assessed:	Direct Implications:
Crime and Disorder	None of these are relevant considerations under the current legislation
Sustainability (including Climate Change and Carbon Emissions)	
Corporate Parenting/Looked After Children	
Safeguarding responsibilities for vulnerable children and adults	
Public Health	

HUMAN RIGHTS ACT 1998

Local Authorities are required to act to uphold European Convention rights which are now enforceable in British courts as a result of the Human Rights Act 1998. Primary Legislation, of which the Wildlife and Countryside Act 1981 is an example, may require the County Council to act in a particular way. While the Council must interpret primary legislation in a way that is compatible with Convention rights that duty does not apply if the County Council could not have acted differently. In this instance it is first necessary to consider whether the action recommended to Members touches on a Convention right. The making of this Order may affect the rights of the landowner/occupier (paragraph 2.12) under Article 8 of the Convention, the right to a private and family life and Article 1 of Protocol 1, the right to peaceful enjoyment of one's possessions. The Act makes it clear that such rights may only be interfered with in a way that is in accordance with the law. Here the action by the County Council as surveying authority is prescribed by law as detailed in paragraph 9.2-9.6 and Annex A of this report. As such the recommendation to the Members is not considered to be in breach of the 1998 Act

9. CONCLUSION AND RECOMMENDATIONS:

- 9.1 Any decision must be made on the legal basis set out in Annexe B to this report. The only relevant consideration is whether the evidence is sufficient to raise a presumption that a public right of way exists. Other issues such as security, privacy, safety or convenience are irrelevant.
- 9.2 Under Section 53 of the Wildlife and Countryside Act 1981, "the authority shall make such modifications to the Definitive Map and Statement as appear to them to be requisite in consequence of the discovery of evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates".
- 9.3 This involves two tests:
TEST A. Does a right of way subsist on a balance of probabilities? This requires clear evidence in favour of the Appellant and no credible evidence to the contrary.

Test B. Is it reasonable to allege that a right of way subsists? If there is a conflict of credible evidence, and no incontrovertible evidence that a way cannot be reasonably alleged to subsist, then the answer must be that it is reasonable to allege that one does subsist.

For the purpose of making an Order it is only necessary to meet the second (lesser) test

- 9.4 The historical mapping from as early as the Ordnance Survey drawings of 1804 shows an access to the Thames. It may have existed prior to this but the resolution of earlier maps would have been insufficient for this small feature to be shown. It continued to be shown on large scale mapping from this point onwards. On both the Tithe and Inclosure maps it is shown linked to and shaded as all other local highways, suggesting that public rights ran over it in all likelihood. During the 20th century, former landowner the Thames Conservancy made it clear in both words and deeds on several occasions that they considered it public.
- 9.5 Although no single piece of evidence demonstrates the status conclusively, the general picture they present is that the route has long been considered an historical public highway, a position which has been re-emphasised on several occasions over time, including by the landowner itself. No actions have been taken by any landowner to show a lack of intention to dedicate the way to the public until the way was fenced off in 1999. Prior to this the actions and words by the Thames Conservancy suggested that they believed it to be public.
- 9.6 In its later purchase of the site and management of it under the 'Windows on the Thames Scheme' SCC acted during part of its period of ownership as if they considered it public. In later years, the erection of the fence and granting of the garden licence suggests that SCC Property no longer believed that a right existed or had insufficient evidence available to them to make a judgement on it.
- 9.7 Accordingly, in line with the aforementioned s. 32 of the Highways Act 1980 it can be reasonably alleged that dedication of this way as a highway on foot has taken place between A-B on drawing no. 3/1/88/H28.
- 9.8 Finally it should be noted that the land between the metalled carriageway and point A has been confirmed as part of the width of the highway 'Chertsey Lane' and as such public rights on foot already exist over it (as shown in Annex A). No order is required for this section of land.
- 9.9 The Runnymede Local Committee is asked to agree that:
- (i) Public footpath rights are recognised over A-B on Drg. No. 3/1/88/H28 and that this application for a MMO under sections 53 and 57 of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by the addition of a footpath is approved. The route will be known as Public Footpath No. 93 (Egham).
 - (ii) A MMO should be made and advertised to implement these changes. If objections are maintained to such an Order, it will be submitted to the Secretary of State for Environment, Food and Rural Affairs for determination.

10. WHAT HAPPENS NEXT:

- 10.1 If the Committee decides that an order be made and objections are maintained to that order, it will be submitted to the Secretary of State for confirmation.
- 10.2 If Committee decides that no order be made the applicant will have opportunity to appeal to the Secretary of State for Environment, Food and Rural Affairs against this decision.
- 10.3 If the Committee resolution is against Officer's recommendations then they should record the reasons and cite evidence for the decision. This will make it easier to explain the decision should the matter proceed to public inquiry or appeal.
- 10.4 All interested parties will be informed about the decision.

Contact Officer:

Daniel Williams, Countryside Access Officer Tel. 020 8541 9245

Consulted:

See section 4

Annexes:

A Drawing No. 3/1/88/H28

B Legal background

C Chronology of facts and circumstance as submitted by Mr Ramm.

Sources/background papers:

File 'CP557' and all contents, including the application, all correspondence and representations, responses to consultations, landownership details, legal cases, assorted maps and documents can be viewed by appointment.
