

SURREY COUNTY COUNCIL

LOCAL COMMITTEE (TANDRIDGE)

DATE: 23 JUNE 2017



SURREY

LEAD OFFICER: DEBBIE PRISMALL, SENIOR COUNTRYSIDE ACCESS OFFICER

**SUBJECT: PUBLIC FOOTPATH NO. 120 (CATERHAM VALLEY)
PROPOSED BRIDLEWAY CREATION**

DIVISION: CATERHAM VALLEY

SUMMARY OF ISSUE:

This report seeks a decision on whether to make a legal order to create Public Bridleway No.120 (Caterham Valley) on Public Footpath No.120 (Caterham Valley). One objection has been received.

The officer's recommendation is that an Order should be made on the grounds that it is needed for public use.

RECOMMENDATIONS:

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

- i. A creation order is made under section 26 of the Highways Act 1980, to create Public Bridleway No.120 (Caterham Valley) onto the line of Public Footpath No. 120 (Caterham Valley), shown A – B on Drg. No. 3/1/325/H5 and that if any objections are received and maintained to the Order that it is submitted to the Secretary of State for the Environment, Food and Rural Affairs for determination.

REASONS FOR RECOMMENDATIONS:

Officers are of the view that the criteria for making a creation order have been met. The new route will benefit the public by providing a useful, safer link in the rights of way network for horse riders and cyclists.

1. INTRODUCTION AND BACKGROUND:

- 1.1 The British Horse Society approached Surrey County Council 5 years ago about the possibility of upgrading Public Footpath 120 (Caterham Valley) where it crosses the field between BOAT 115 (Caterham Valley) and the bridleway bridge over the A22 (Bridleway 120 (Caterham Valley)) to complete a link for horse riders and cyclists, and avoid having to ride alongside the A22 in order to access the bridge and cross the road.

ITEM 8

- 1.2 The current route for horse riders and cyclists to / from the bridge from BOAT 115 (Caterham Valley), involves riding alongside the A22, through the lay-by and up the embankment. The volume and speed of the traffic passing so close to the horses can cause them to spook.
- 1.3 The bridge over the A22 was dedicated as bridleway several years ago when it was replaced in order to provide a safe crossing for horses and cyclists. The bridleway bridge carries the North Downs Way and National Cycle Network (NCN) 21.
- 1.4 The British Horse Society has offered a contribution towards the cost of the upgrade as they see this link as a high priority.
- 1.5 The Cycling Programme Team as Surrey County Council would consider diverting the NCN onto the new section of bridleway if it was upgraded as it is more convenient for users and safer than cycling alongside the A22.
- 1.6 In 2013 Surrey County Council wrote to the landowner asking if they would consider dedicating the public footpath to become a public bridleway. The County Council offered to pay any reasonable solicitors costs as part of this. The landowner through her daughter verbally declined to dedicate the bridleway, saying that she didn't want a bridleway over her land.
- 1.7 In 2015 Surrey County Council commissioned the Valuation Office Agency (VOA) to give a valuation to assess the level of compensation to be paid to the landowner should Footpath 120 (Caterham Valley) be upgraded to bridleway and should the landowner object. The VOA recommended that £1000 compensation should be paid to the landowner.
- 1.8 The VOA found a reference to a deed in the land registry documents relating to the land in question. The land registry document had a section saying:

'By a Deed dated 13 December 1977 made between (1) Thomas Francis Jones and (2) The County Council of Surrey the footpath six feet wide and shown tinted mauve on the title plan was dedicated to the use of the public. The Deed also contains an obligation to transfer the land to the Council if called upon to do so.'
- 1.9 Colleagues in Legal found the deed, but unfortunately the option for the County Council to purchase the freehold was within 21 years from the date of the deed.
- 1.10 In 2015 Surrey County Council wrote again to the landowner offering £1000 and any reasonable legal costs to dedicate the public footpath as a bridleway. The landowner again through her daughter verbally declined to consent to the upgrade of the footpath.
- 1.11 In 2016 Surrey County Council wrote to the landowner to say that it was considering going ahead with a bridleway creation order due to the public 'need' for the path. The landowner would get the opportunity to object once the order was made, and would be eligible to claim compensation.
- 1.12 In November 2016 Surrey County Council carried out a consultation including user groups about making a creation order on this footpath.
- 1.13 No other objections have been received.

- 1.14 Surrey County Council considers that the new bridleway would improve the local rights of way network by removing the need for horse riders and cyclists to ride alongside the A22 in order to cross the A22.
- 1.15 The Rights of Way Improvement Plan is a statutory document, which identifies changes that can be made in respect of the management and improvement of rights of way, in order to meet the Government's aim of better provision for walkers, cyclists, equestrians and people with mobility difficulties. It states in the Plan that where appropriate and feasible, the County Council will consider creating new links which improve connectivity to form a more coherent network and to increase the accessibility of the network for those less mobile. This proposed diversion meets those aims.
- 1.16 A main objective of the Plan for improving connectivity is to provide a continuous off-road circular route for health and recreation, particularly close to centres of population. This footpath is between Caterham and Godstone and the proposed diversion would provide a better connected route, and keep horse riders and cyclists from having to ride alongside the A22.
- 1.17 The proposed creation meets both the criteria under the Highways Act and county policy. It would provide a more useful, safer link in the rights of way network and therefore the recommendation is that a creation order should be made.

2. ANALYSIS:

- 2.1 Section 26 of the Highways Act enables the County Council to create a public bridleway where it appears that there is a need. In doing so, regard must be had to the extent to which it would add to the convenience or enjoyment of a substantial section of the public, and the effect that the creation would have on the land.
- 2.2 The proposed creation would meet 2 of the 5 main objectives in the Surrey Rights of Way Improvement Plan, which is a statutory document. These are: to improve connectivity of rights of way and reduce severance; and to improve accessibility to services, facilities and the wider countryside along rights of way.
- 2.3 Under the Equality Act 2010 the Council must consider the needs of those with mobility impairments when managing rights of way and access.

3. OPTIONS:

- 3.1 Make a creation order and advertise it in accordance with the statutory procedures. If any objections are received and maintained submit the order with the objections to the Secretary of State for determination. This is the Officer's preferred option.
- 3.2 Decide not to make the order and the path will remain a public footpath with no recognised bridleway rights.

4. CONSULTATIONS:

- 4.1 All interested parties were consulted. The British Driving Society responded saying “On behalf of the British Driving Society I support the creation of the bridleway, as many of our members are riders and there is a need for more safe off-road riding.” The British Horse Society responded and pledged £1000 towards the cost of this upgrade. A member of the public, Mr. Jim Gardner, responded in support of the proposal ‘ With regard to the proposal to upgrade the footpath 120 to Bridleway status from the bridge over the A22, this is long overdue’.

5. FINANCIAL AND VALUE FOR MONEY IMPLICATIONS:

- 5.1 The British Horse Society has agreed to contribute £1000 towards the costs of making an order, and any compensation liable to be paid. The County Council would need to pay for any infrastructure on the site that needs upgrading to reflect its new status, such as bridleway gates. If an order were made and objected to it would have to be submitted to the Secretary of State for determination. If it was decided to hold a Public Inquiry or Hearing the County Council would be liable for costs in the region of £1,000, which would be met from the Countryside Access budget.

6. EQUALITIES AND DIVERSITY IMPLICATIONS:

- 6.1 The Definitive Rights of Way Statement of the existing route states that there are 2 stiles on Public Footpath 120 (Caterham Valley), whereas the upgraded route would have 2 bridleway gates instead of stiles, making access easier for less able walkers.

7. LOCALISM:

- 7.1 Public Footpath No. 120 is used purely as a recreational route, and forms part of the North Downs Way and NCN 21. It does not provide access to an amenity such as a railway station, church, shop or school. The upgrade to bridleway is seen as a benefit as it would remove the need to ride or cycle alongside the A22 thus improving safety for local riders, as well as reducing the distance that horseriders and cyclists have to travel in order to cross the road. The upgrade to bridleway would introduce a new off-road link to the public rights of way network in the area.

8. OTHER IMPLICATIONS:

Area assessed:	Direct Implications:
Crime and Disorder	No significant implications arising from this report
Sustainability (including Climate Change and Carbon Emissions)	No significant implications arising from this report
Corporate Parenting/Looked After Children	N/a
Safeguarding responsibilities for vulnerable children and adults	N/a
Public Health	N/a

8.1 Human Rights Act 1988

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. In the officer's view this proposal has no human rights implications.

9. CONCLUSION AND RECOMMENDATIONS:

9.1 The Officer's recommendation is that a bridleway creation order should be made.

9.2 The Local Committee (Tandridge) is asked to agree that:

- (i) A bridleway creation order is made under section 26 of the Highways Act 1980, to create Public Bridleway No. 120 (Caterham Valley) onto the line shown A – B on Drg. No. 3/1/325/H5 and that if any objections are received and maintained to the order that it is submitted to the Secretary of State for the Environment, Food and Rural Affairs for determination.

10. WHAT HAPPENS NEXT:

10.1 All interested parties will be informed about the decision.

Contact Officer:

Debbie Prismall, Senior Countryside Access Officer Tel. 020 8541 9343

Consulted:

Advisory notices were placed on site, Tandridge District Council, Caterham Valley Parish Council, Open Spaces Society, The Ramblers, Legal Services, Sally Ann Marks County Councillor, Byways and Bridleways Trust, CTC, Auto Cycle Union, British Driving Society, British Horse Society, Mrs Pauline Cooper landowner, statutory utility companies.

Annexes:

Annex A – Drg. No. 3/1/325/H5

Annex B - Location plan

Annex C – Plan showing National Cycle Network 21

Sources/background papers:

- Papers contained in file 3/1/325 Caterham Valley FP120

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