

Minutes of the meeting of the
Mole Valley Local Committee
 held at 2.00 pm on 29 September 2021
 at Council Chamber, Pippbrook, Reigate Road, Dorking, Surrey, RH4 1SJ.

These minutes are subject to confirmation by the Committee at its next meeting.

Surrey County Council Members:

- * Tim Hall (Chairman)
- * Stephen Cooksey (Vice-Chairman)
- * Helyn Clack
- * Clare Curran
- * Chris Townsend
- * Hazel Watson

Borough / District Members:

- * Cllr Lynne Brooks
- * Cllr Raj Haque
- * Cllr David Hawksworth CBE
- * Cllr Mary Huggins
- * Cllr Paul Kennedy
- * Cllr Caroline Salmon

* In attendance

**10/21 APPOINTMENT OF DISTRICT COUNCIL SUBSTITUTE MEMBERS
 [EXECUTIVE FUNCTION - FOR DECISION] [Item 1]**

Declarations of Interest: None

Officers attending: Gregory Yeoman, Partnerships Committee Officer

Petitions, Public Questions, Statements:

None.

Member Discussion – key points:

The Chairman outlined the need for members to agree each year on whether to permit substitutes or not.

Resolved:

The Local Committee (Mole Valley) AGREED:

- (i) To co-opt substitutes in the municipal year 2021/22.

Reasons for recommendations:

Under the County Council's Constitution (Part 4. Standing Orders, Part 3 40 (f)) no substitutes are permitted for district/borough council co-opted members of local committees, unless a local committee agrees otherwise at its first

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meeting following the Council's annual meeting and in relation to all meetings in the following year.

11/21 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 2]

There were no apologies for absence, and no substitutions.

12/21 MINUTES OF PREVIOUS MEETING [Item 3]

The minutes of the meeting held on 24 February 2021 were approved as a correct record.

13/21 DECLARATIONS OF INTEREST [Item 4]

There were no declarations of interest.

a PUBLIC QUESTIONS [Item 5a]

Declarations of Interest: None

Officers attending: Zena Curry, Area Highways Manager (AHM), Steve Clavey, Parking Manager.

Petitions, Public Questions, Statements: Three written public questions were received before the deadline. The full wording of the questions and officer responses were included within the agenda and supplementary agenda.

Key points from discussion: Monica Weller (Question 1) and John Moyer (Question 2) did not attend the meeting.

Andrea Bradley and Janice Brown provided some additional information in relation to Question 3 concerning the disabled parking bay at Claremont Court in Dorking. Now that the bay in question is a mandatory bay it ought to comply with national requirements for design and positioning; other nearby locations were available nearby that were on a more level gradient and with space for hatchings to be painted around the bay.

The chairman asked for a site visit to be arranged for Ms Bradley, Ms Brown, the AHM and the Parking Manager.

In response to Ms Brown's request to receive notifications of changes to parking restrictions on behalf of Mole Valley Access Forum, the AHM assured her that this would happen.

b MEMBER QUESTIONS [Item 5b]

Declarations of Interest: None

Officers attending: Zena Curry, Area Highways Manager (AHM), SCC

Petitions, Public Questions, Statements: The questions and officer responses were provided within the supplementary agenda. Four written questions were received before the deadline.

Question 1 was submitted by Mrs Hazel Watson, who in a supplementary question asked about the timetable for repairing the road sign in question and whether the necessary clips had been received. The AHM assured her that once the clips had been delivered the work on the sign would be high priority and the Principal Engineer would contact her at that point.

Cllr Daly was not present to ask a supplementary in relation to Question 2.

On Question 3, Cllr Kennedy wondered why the proposed parking restrictions on Hazel Way in Fetcham were not being taken forward. It was explained that the location of this site meant that enforcement would not be straightforward or practical, or able to be done regularly.

Cllr Kennedy also asked Question 4. He stated his disappointment with the answer received regarding the local committee's responsibilities, remarking that its functions included for example receiving updates, taking reports, participation with partners, youth engagement. As a supplementary Cllr Kennedy asked who decides what the local committee's responsibilities are. The chairman thanked him for raising this topic and reassured him that he would be discussing the County Council's approach to local and joint committees with senior management in the Community Partnerships and Engagement team on the day after this meeting.

15/21 PETITIONS [Item 6]

No petitions were received.

16/21 BYWAY OPEN TO ALL TRAFFIC (BOAT) NO. 526 (CAPEL & WOTTON) (D287) WOLVENS LANE [FOR DECISION - OTHER COUNTY COUNCIL FUNCTIONS] [Item 7]

Declaration of Interest: None

Officer attending: Daniel Williams, Countryside Access Officer; Claire Saunders, Access Team Manager; Helen Forbes, Principal Lawyer

Public Speakers:

The following three residents spoke in favour of the officer recommendation, and made the following points:

Kevin Chesson (South London and Surrey Trail Riders Fellowship)

- Responsibly ridden motorbikes cause less damage than 4x4 vehicles or horses;
- Since Wolvens Lane had reopened in February 2021, there had been no deterioration of the surface although motorbikes were allowed to travel along it, and no reports to police of incidents;
- Motorbike-only restrictions on other lanes in Surrey work well;
- Closure of Wolvens Lane to motorbikes would push these users onto other lanes;
- Anti-social motorcyclists would access Wolvens Lane using other paths than join it at various points.

Jayne Lindsell (Mole Valley Ramblers)

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- The work done and money spent on repairing the surface of Wolvens Lane and restricting vehicular access would be wasted if access were to be opened up again;
- It will be easier to assess the causes of any damage after partially opening up the lane;
- Users can monitor the situation.

Matt Cordeux

- Supports the recommendation but would like the committee to consider a complete ban on motorised vehicles;
- Circumstances have changed since the lane appeared, and what is deemed appropriate use has changed;
- The lane runs through an AONB, and noisy, polluting motor vehicles impose on the beauty of the landscape.

The following three residents spoke against the officer recommendation, and made the following points:

Ian Russell (Surrey Countryside Access Forum)

- The SCAF comment about a possible speed limit on the BOAT is misrepresented in Annex D of the officer's report;
- An existing right of way should be protected rather than removed because of an irresponsible minority;
- Cyclists and motorcyclists present more danger to other users than four-wheel drive vehicles in restricted spaces;
- SCAF would support a seasonal or permit-based approach
- Education of all BOAT users and promotion of codes of conduct should be undertaken.
- Wolvens Lane presents a rare opportunity for users of all types to access otherwise remote areas of Surrey countryside.

Stuart Boreham – Green Lane Association

- The damage on Wolvens Lane is caused by minority of 4x4 users and motorcyclists, helped by little police enforcement and limited repair/maintenance;
- Failure to take action early on to prevent access and repair damage means the scale and cost of the work will be much greater than it would have been;
- Four-wheel drive access provides the only means for some people to explore the countryside;
- Gated access and permits have been used to good effect in other counties and allow active management during bad weather.

Rob Phillips – Logmore Green Bridleway Association

- Motorbikes blight the tranquillity of the area;
- 4x4 drivers and motorcyclists are in the minority of users of the lane and are spoiling the experience of other users;
- Option 1 – a ban on all motorised vehicles – would be a better choice.

The officer presented his report. The surface of Wolvens Lane had been damaged over the years by users. After resurfacing work was done last autumn a Temporary Traffic Regulation Order (TTRO) was introduced closing the lane to four-wheel vehicles by the use of concrete blocks, to allow the surface and banks to settle down. Further works are planned for autumn

2021. A public consultation was carried out over a seven-week period from 2nd March 2021, inviting comments on four options for action.

He invited members to consider whether the curtailment of some rights is acceptable in certain circumstances.

The officer explained that most motorcyclists account for the majority of motorised vehicle use on the lane, while most damage is caused by four-wheel drives. There has been much less damage caused since the TTRO has been in place. The officer confirmed his view that on balance Option 2 was the preferred approach, permitting access to all except four-wheel drives and carriages over 1500mm.

Member discussion: Key points

The local divisional (Cllr Watson) member stated that the repairs to Wolvens Lane had encouraged horse-riders, walkers and cyclists, and the TTRO had made it safer and protected it from damage. Making the access restrictions permanent would protect users from the dangers presented by four-wheel drive vehicles and prevent future significant damage, at the same time conserving and enhancing the AONB. Option 2 adequately balanced the loss of some access and the protection of others.

Other members voiced their support for Option 2. The recommendations were proposed by Cllr Watson and seconded by Cllr Curran.

Answering questions about maintenance of the lane, the Access Team Manager explained that the recent reconstruction has been done to withstand use by the proposed vehicles and the surface should last for 15 years; water protection measures had been included in the works. Regular checks would identify annual clearing requirements, with landowners managing overhanging vegetation.

Resolution:

The matter was put to a vote with a show of hands.

Members in favour of recommendations (i), (ii), (iii) and (iv): 10

Members opposed to recommendations (i), (ii), (iii) and (iv): 0

Members abstaining: 2

The Local Committee (Mole Valley) AGREED that:

- i. The grounds for making a TRO as outlined are met. A Notice of Intention to make that Order, to restrict all motorised vehicles with 4 or more wheels and all horse drawn carriages exceeding a width of 1500mm (4'11"), to help prevent danger to persons or other traffic using the routes and to prevent damage to the repaired surface, boundary banks and surrounding associated land as shown A-D in pink on Drawing Number 3/1/41/H52a (Annex A) should be published for BOAT No. 526 Capel (D287) Wolvens Lane,
- ii. Where significant (and relevant) objections are received to an advertised proposal to make an Order, the Area Highways Manager will decide in consultation with the divisional member, and the Mole

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Valley Committee Chairman/Vice Chairman whether the Traffic Regulation Order may be made.

- iii. The Area Highways Manager may in consultation with the Divisional member and the Mole Valley Committee Chairman/Vice Chairman decide whether to accede to any unresolved objections and decide whether the TRO may be made either with or without modifications, with due regard to the provisions of the Local Authorities' Traffic Orders (Procedure) Regulations 1996.
- iv. Where substantial (and relevant) objections are received, or significant modifications proposed, the Officer with delegated authority in consultation with the Divisional member and the Mole Valley Committee Chairman/Vice Chairman, may refer the decision on whether the TRO be made back to the Mole Valley Committee. A public inquiry might be convened to inform any final decision.

Reasons for recommendations:

For reasons of public safety, members are asked to agree that a TRO be made, to avoid danger to persons or other users of the route and to prevent damage to the repaired surface, boundary banks and adjacent surrounding land. On balance it is deemed reasonable and proportionate to make an order as proposed which maintains the safety and amenity of the way for the majority of users whilst withdrawing access from small numbers of users who cause the most danger and damage along the route and whose use cannot be accommodated without detriment to the majority of users.

17/21 PUBLIC FOOTPATH 24 (LEATHERHEAD)- GREEN LANE LEVEL CROSSING INVESTIGATION [FOR DECISION - OTHER COUNTY COUNCIL FUNCTIONS] [Item 8]

Declaration of Interest: None

Officer attending: Daniel Williams, Countryside Access Officer; Claire Saunders, Access Team Manager; Helen Forbes, Principal Lawyer

Public Speakers:

Mr Damian Hajnus representing Network Rail spoke in favour of the officer recommendation, and made the following points:

- When the railway was originally planned and built land ownership was thoroughly investigated and subject to scrutiny;
- The conveyance of land in 1857 provided for the construction of a private crossing;
- Evidence for and definition of a pre-existing trackway is missing;
- There is no evidence to substantiate claims that paths shown on old maps are public rather than private.

Two speakers spoke against the officer recommendation, and made the following points:

Peter Williams. Mr Williams began by reading a statement from Mr Brian Bouchard, who had submitted a response to the consultation but was unable to attend this meeting. Mr Bouchard's points were:

- The ordnance Survey map in 1870 shows a continuous path that crosses the railway line;

- There is no new evidence to support the conclusions in the officer's report;
- The railway plan of 1845 shows a footpath in the area that the railway would pass through.

Mr William's own points were:

- Railway companies do have the power to dedicate a right of way;
- He and others have used the route, unimpeded by locked gates or notices saying the route is not dedicated as a footpath, for over 20 years, thereby establishing a right of way.

Glynis Peterkin (Ashtead Residents' Association)

- Proper recognition of the route between north and south Ashtead for residents was not made at the time the land was acquired for building the railway;
- Historical use of the path by pedestrians is recorded in early Parish Council meeting records and more recently on Network Rail cameras;
- The RA would like the Definitive Statement changed to match what is shown on the Definitive Map.

The officer presented his report. The Definitive Map (DM) shows a footpath crossing the railway line at the location in question; it first appeared on the DM in 1966, but had not been shown on the two earlier editions, which indicated a gap across the railway. The Definitive Statement has remained unchanged throughout, with no mention of the path's crossing the railway. The 1955 Public Enquiry concluded that there never had been a right of way across the railway at this point. There is no evidence of a legal enactment to allow the path to be included on the DM in 1966 and it appears therefore that its inclusion was a cartographical error.

The officer outlined the options available, stating that the County Council has a statutory duty to determine which of the DM or Definitive Statement is correct if they do not match. In Option 1 in his report the DM would be modified to bring it in line with the Definitive Statement. In Option 2, the Definitive Statement would be modified to bring it in line with the DM. The evidence tests for each of these options were stated.

Public consultation took place and responses are summarised in the report.

Member discussion – key points:

The local Divisional member (Cllr Townsend) stressed the importance of the route in question for residents in north and south Ashtead, and commented that a continuous route across the railway line would be the common sense approach.

The question of evidence of use was raised, based on statements in the 'Statute Law' section of Annex B of the officer's report and how these relate to paragraphs 2.42 and 2.68 of the report which showed that no signs had been installed by the railway authority to indicate the route had not been dedicated and that public use had continued for many years.

The Chairman adjourned the meeting for 15 minutes in order to consult with the Principal Lawyer on the details of establishing a right of use following

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questions relating to the interpretation of Section 31 of the Highways Act 1980 which was considered to be at odds with DEFRA guidance issued to Public Rights of Way inspectors.

On reconvening the meeting, proposals were put forward in support of Option 2 in the officer's report (proposed by Cllr Townsend and seconded by Cllr Hawksworth) and also in support of doing nothing. The Legal team drew members' attention to the County Council's duty as the surveying authority to resolve a difference between the DM and Definitive Statement, therefore doing nothing would not be an acceptable course. It was also explained that where the DM and Definitive Statement do differ, one does not take precedence over the other. To pursue Option 2, a Map Modification Order would be required, with a consultation period and the opportunity for objections to be raised. It would also be necessary for the Local Committee to be able to show evidence to support their choice of action in the event of a subsequent Public Enquiry. It was suggested that paragraph 1.12 of the officer's report provided the necessary basis for Option 2 with evidence of use from residents who had responded to the consultation and spoken at this meeting being sufficient to indicate a right of way – the Chairman agreed.

Resolution

The matter was put to the vote with a show of hands.

Members in favour of recommendation (i): 0

Members opposed to recommendation (i): 11

Members abstaining: 1

Members in favour of recommendation (ii): 11

Members opposed to recommendations (ii): 0

Members abstaining: 1

The Local Committee (Mole Valley) REJECTED that:

- (i) There are no public footpath rights over A-B on Drg. No. 3/1/51/H116 and that this part of the route should be deleted from the Definitive Map.

The Local Committee (Mole Valley) AGREED that:

- (ii) A Definitive Map Modification Order (DMMO) 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 if it discovers evidence which on balance supports a modification.

18/21 MOLE VALLEY PARKING REVIEW [EXECUTIVE ITEM - FOR DECISION] [Item 9]

Declarations of Interest: None

Officers attending: Stephen Clavey, Senior Engineer (Parking), SCC

Petitions, Public Statements, Questions: None

Key points from the discussion:

The Senior Engineer explained that since the report had been written, the proposed locations for electric vehicle charging points on Woodbridge Avenue (Leatherhead) and Chart Lane (Dorking) would now prove too expensive to implement and were therefore to be removed from the report and would not be advertised.

A number of members raised points concerning proposed changes to restrictions in their areas:

Cllr Townsend confirmed he had discussed with the Senior Engineer his wish for the double yellow lines on Woodfield Lane that are being repainted to be extended to the garage, taking in two existing parking spaces that are left over from when there were shops at the location. His second point was in relation to parking near the Exxon centre and St Andrews and Downsland schools in Leatherhead, and concerns that any new restrictions would displace the large numbers of cars parking on the street to nearby locations. A meeting in the near future with the head teachers of the two schools, the local Member, Chairman and road safety officers would be useful.

The Vice-Chairman informed Members that residents of Sondes Farm had indicated a wish to be part of the Glebe Road residents' parking scheme (rather than simply being allowed to by visiting parking permits) and asked for the advertisement to be adjusted accordingly.

The Street in Fetcham and Bookham was discussed, with concerns expressed over the impact of new parking restrictions on local retailers balanced by the view that it would be better to wait until the proposed development at the Tudor Motors site had taken place before introducing restrictions. It was also noted that the road is a bus route and there had been no applications from the bus operator for temporary restrictions as a result of parked cars obstructing the buses. From a practical point of view the narrow footway would make it difficult to instal the required signs, which are necessary to enable enforcement.

The Chairman requested the removal of a redundant disabled parking bay on Upper Fairfield Road, with the space being returned to regular parking.

Cllr Kennedy requested that restrictions be considered opposite the junction of Copperfields and Penrose Road.

The Senior Engineer agreed to consider these requests when advertising the proposals.

The Local Committee (Mole Valley) agreed:

- (i) That the County Council's intention to introduce the proposals in Annex 1 is formally advertised, and subject to statutory consultation;
- (ii) That if no objections are received when the proposals are advertised, the appropriate traffic regulation orders are made;
- (iii) That if objections are received which cannot be resolved, in accordance with the County Council's scheme of delegation, the Parking Strategy and Implementation Team Manager considers them, in consultation with the

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Chairman / Vice-Chairman of this committee and the County Councillor for the division, and decides whether or not they should be acceded to and therefore whether the order should be made, with or without modifications.

(iv) the locations identified for conversion in to on-street electric vehicle charging points are approved. These locations are shown in Annex 2

(v) That the Parking Strategy and Implementation Team Manager is delegated authority to adjust the positions of the on-street Electric Vehicle charging bays in consultation with the Chair, Vice-Chair and Local Member prior to statutory consultation (if necessary). These locations are listed in each County Councillor's division of this report, and displayed in their own set of drawings (Annex 2)

Reasons for recommendations:

It is recommended that the waiting restrictions are implemented as detailed in Annex

1. They will make a positive impact towards:

- Road safety
- Access for emergency vehicles
- Access for refuse vehicles
- Easing traffic congestion
- Better regulated parking
- Better enforcement

This will help us achieve our 2030 Community Vision objectives:

- Residents live in clean, safe, and green communities where people and organisations embrace their environmental responsibilities.
- Journeys across the county are easier, more predictable, and safer.

19/21 RECOMMENDATIONS TRACKER [FOR DECISION] [Item 10]

The Local Committee noted the decision tracker and agreed items marked as closed and complete could be removed.

20/21 FORWARD PLAN [FOR INFORMATION] [Item 11]

The Local Committee noted the forward plan of items expected to be received at future meetings.

The chairman reminded Cllr Kennedy that the workings of the Local Committee would be discussed at his meeting with SCC officers later this week.

Meeting ended at: 5.14 pm

Chairman