

**LOCAL COMMITTEE (MOLE VALLEY)**

**DATE:** 10 NOVEMBER 2021

**LEAD OFFICER:** GREGORY YEOMAN, PARTNERSHIP COMMITTEE OFFICER

**SUBJECT:** RECOMMENDATION FOR PUBLIC FOOTPATH 24  
(LEATHERHEAD) - GREEN LANE LEVEL CROSSING  
INVESTIGATION

**DIVISION:** ASHTEAD

**SUMMARY OF ISSUE:**

On 29 September 2021 Mole Valley Local Committee considered the report found at Annex A. The relevant minutes of this meeting can be found at Annex E.

There was extensive discussion of the report and the supporting evidence, and the position of the committee was clearly expressed. At that meeting, members voted on two officer recommendations. The first one stated: "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." Members rejected this recommendation, deciding that the footpath does exist between points A and B. This meant that the discrepancy between the Definitive Map (showing the path) and the Definitive Statement (not including a description of the path between A and B) still needed to be resolved.

The vote for recommendation (ii), to put into effect the process to correct this discrepancy, was recorded in error. The purpose of this report is to correct this procedural point.

Members are not being asked to reconsider the evidence nor change the decision which they indicated previously.

**RECOMMENDATION:**

The Local Committee (Mole Valley) is asked to:

- (i) Agree that the following wording replaces the wording shown for recommendation (ii) of agenda item 8 (Public Footpath 24 (Leatherhead) - Green Lane Level Crossing Investigation) in the minutes of the Local Committee meeting held on 29 September 2021 and that it accurately reflects the intention of the vote that was held on Item 8 recommendation (ii) at that meeting, and that officers should take this agreement as authorisation to proceed with the action described:  
"The Local Committee (Mole Valley) agrees that a Definitive Map Modification Order (DMMO) should be made and advertised to implement the changes necessary in the Definitive Statement so that the description of section A-B of Footpath 24 on Drg. No. 3/1/51/H116 matches its depiction on the Definitive Map. If objections are maintained to such an

## ITEM 7

Order, it will be submitted to the Secretary of State for Environment, Food and Rural Affairs for determination.

### **REASONS FOR RECOMMENDATION:**

Confirming the intended wording of the recommendation put to committee at its meeting on 29 September 2021 will remove any ambiguity and allow officers to proceed with clear instructions from the committee members.

### **1. INTRODUCTION AND BACKGROUND:**

- 1.1 Minutes of the meeting of 29 September 2021 show that the recommendation at part (i) which would have realised Option 1 in that report, was rejected.
- 1.2 Committee proceeded to vote on part (ii) of the recommendations as set out in the report annexed at A and agree that:

*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.*

The process of recording this vote was flawed however in that the wording voted on related back to recommendation (i) and did not reflect the conclusion reached in the debate. The alternative and preferred position in favour of Option 2 outlined in the report annexed at A was not formally confirmed before the vote was taken.

- 1.3 Members are asked to reframe the decision that they made on 29 September 2021. Members are not being asked to reconsider or change their indicated decision nor to debate the matter further.

### **2. CONCLUSION:**

- 2.1 Committee should move and second a motion and vote on a correctly framed position. An alternative motion is shown in the 'Recommendation' section above, but it is left open to committee how they wish this to be worded.
- 2.2 The current and an example amended Definitive Statement are shown at Annex F which committee may wish to refer to.

### **3. WHAT HAPPENS NEXT:**

- 3.1 An order will be made and if objections are maintained to that order, it will be submitted to the Secretary of State for confirmation, most likely by public inquiry where the evidence can be heard in detail by an Independent Inspector.
- 3.2 All interested parties will be informed about the decision.

---

**Contact Officer:**

Gregory Yeoman, Partnership Committee Officer, 07968 832390

**Consulted:**

Paul Evans, Director - Law & Governance, SCC

Vicky Hibbert, Governance Lead Manager, SCC

James Painter, Partnership Manager, Community Partnerships and Engagement, SCC

Helen Forbes, Principal Lawyer, SCC

Daniel Williams, Senior Countryside Access Officer, SCC

**Annexes:**

A Committee report of 29 September 2021

B Annex A from 29 Sept 2021 committee report

C Annex B from 29 Sept 2021 committee report

D Annex C from 29 Sept 2021 committee report

E Minutes of Item 8 of the meeting of 29 September 2021

F Copy of current definitive statement and example of amended statement.

**Sources/background papers:**

- File '24 Leatherhead MMO' and all contents, including all correspondence and representations, responses to consultations, landownership details, legal cases, assorted maps and documents can be viewed by appointment or as PDF files
-

This page is intentionally left blank