

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**

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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

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
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DISTRICT OF MOLE VALLEY
 FORMER URBAN DISTRICT OF LEATHERHEAD
 ANNEX F – CURRENT STATEMENT

R/W No.	Status and Width Claimed	Description	Width Fence to Fence	Condition or Surface	Remarks	Map No.
24	FP	FROM R/W 29 (Epsom Gap) in a south-easterly direction:-			MM Legal Events Order 2000	TQ 15
	2m	Path	udf	Grass		
		Junction with R/W 27				
		Path	udf	Grass		
		Crosses R/W 26				
		Path	udf	Grass		
		TO R/W 25				
		Path recommences from R/W 25, 60m south-east of previously described section:-				
		Path	udf			
		Stile				
		Path				
		Kissing gate				
		Junction with R/W 596				
		Path				
		Stile				
		Crosses Links Road				
		Path	28'0"			
		Stile				
		Notice			"The Southern Railway Company hereby gives notice that this way is not dedicated to the public"	
		TO northern boundary of railway				
		Path recommences on southern side of railway:-				
		Path				
		Stile				
		Occupation road		Metalled		
		TO Barnetwood Lane				

Words crossed through will be removed from the statement.

DISTRICT OF MOLE VALLEY
 FORMER URBAN DISTRICT OF LEATHERHEAD
 ANNEX F – MODIFIED STATEMENT

R/W No.	Status and Width Claimed	Description	Width Fence to Fence	Condition or Surface	Remarks	Map No.
24	FP	FROM R/W 29 (Epsom Gap) in a south-easterly direction:-			MM Legal Events Order 2000	TQ 15
	2m	Path	udf	Grass		
		Junction with R/W 27				
		Path	udf	Grass		
		Crosses R/W 26				
		Path	udf	Grass		
		TO R/W 25				
		Path recommences from R/W 25, 60m south-east of previously described section:-				
		Path	udf			
		Stile				
		Path				
		Kissing gate				
		Junction with R/W 596				
		Path				
		Stile				
		Crosses Links Road				
		Path	28'0"			
		Stile				
		<i>Path crosses over railway</i>			<i>At level</i>	
		Stile				
		Occupation road		Metalled		
		TO Barnett Wood Lane				

Words in *italic* will be added to the statement.

Minutes of the meeting of the
Mole VALLEY LOCAL COMMITTEE
held at 2.00 pm on 10 November 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

21/21 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Cllr Haque and Cllr Brooks.
Cllr Hobbs attended as Cllr Haque's substitute.

22/21 MINUTES OF PREVIOUS MEETING [Item 2]

Declarations of Interest: None

Officers attending: Gregory Yeoman, Partnership Committee Officer.

Petitions, Public Questions, Statements: None.

Key points from discussion:

Cllr Townsend and Cllr Hawksworth expressed their dissatisfaction with the draft minutes. Both felt that they lacked sufficient detail to accurately reflect the breadth of discussion that had been held on Item 8 (Public Footpath 24 (Leatherhead) - Green Lane Level Crossing Investigation).

Cllr Hawksworth proposed that the following additional wording should be included in the draft minutes; this was seconded by Cllr Townsend:
"The meeting recognized that there was an historic route through the former fields, with an extensive documentation since the 17th century, and that a map produced by the Railway Company in 1845 shows a public footpath through this area about seven metres west of the current crossing, which was straightened to its current position when the crossing was installed, that no

care homes. The chairman asked the Partnership Committee Officer to circulate the SCC website link to members.

25/21 PETITIONS [Item 6]

There were no petitions.

26/21 RECOMMENDATION FOR PUBLIC FOOTPATH 24 (LEATHERHEAD) - GREEN LANE LEVEL CROSSING INVESTIGATION [FOR DECISION] [Item 7]

Declarations of Interest: None

Officers attending: Gregory Yeoman, Partnerships Committee Officer; Daniel Williams, Senior Countryside Access Officer

Petitions, Public Questions, Statements: None.

Key points from discussion:

Mr Williams assured members that the wording in the recommendation gave a clear instruction to his team to proceed with making the Map Modification Order to update the definitive statement.

Following committee's decision to accept the recommendation, Cllr Hawksworth commented that the inclusion of 'stiles' in the current definitive statement was inaccurate and asked for it to be amended. The Chairman instructed the officer to address this.

Resolved:

The Local Committee (Mole Valley):

- (i) Agreed 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 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.

27/21 A25 REIGATE ROAD, BETCHWORTH - SPEED LIMIT ASSESSMENT (EXECUTIVE ITEM FOR DECISION) [Item 8]

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