

STRATEGY AND RESOURCES EXECUTIVE ADVISORY BOARD

10 October 2022

* Councillor Ruth Brothwell (Chairman)

* Councillor Will Salmon (Vice-Chairman)

* Councillor Jon Askew

* Councillor Christopher Barrass

Councillor Colin Cross

Councillor Graham Eyre

* Councillor Angela Gunning

Councillor Steven Lee

* Councillor Masuk Miah

Councillor Tony Rooth

* Councillor Catherine Young

* Present

Councillors Angela Goodwin, John Rigg and Cait Taylor were also in attendance.

SR47 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors Graham Eyre, Steven Lee and Tony Rooth. There were no notifications of substitutions.

SR48 LOCAL CODE OF CONDUCT AND DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of disclosable pecuniary or non-pecuniary interests.

SR49 MINUTES

The minutes of the meeting of the Executive Advisory Board (EAB) held on 13 June 2022 were confirmed as a correct record, and would be signed by the Chairman at the earliest opportunity.

SR50 EXECUTIVE FORWARD PLAN

The Executive Forward Plan was noted without comment.

SR51 EAB WORK PROGRAMME

With regard to Supplementary Planning Documents (SPDs), the Chairman advised that her related discussion with the Leader of the Council had revealed that much work was being undertaken in relation to the preparation of Development Management Policies. It was anticipated that the Greenbelt SPD would be pursued next, followed by the Blue and Green Infrastructure SPDs. The EAB looked forward to future updates in these areas and noted its Work Programme.

SR52 TUMBLING BAY (MILLBROOK) WEIR MANDATE

The Lead Councillor for Regeneration presented the mandate in respect of Tumbling Bay (Millbrook) Weir to the Executive Advisory Board (EAB) at its meeting held on 10 October 2022.

The mandate considered options relating to Millbrook Weir which had collapsed in 2019 and been replaced with a temporary weir (which had a limited lifespan of 5 – 10 years) jointly by the National Trust (NT) and the Council at a shared cost to restore water flow in the Wey Navigation. However, the collapsed footbridge over the Weir and its feeder footpath remained closed and the Council and NT continued to face public pressure to restore public

10 OCTOBER 2022

access and instal a permanent Weir. Options offered by the mandate consisted of 'Do Nothing', 'Do Minimum', 'Do More', 'Do Most' or 'Do Something Different'. 'Do Nothing' was the recommended option.

The Lead Councillor's presentation featured scene setting photographs and maps of the area surrounding Millbrook Weir and Millmead Bypass Weir, including local public footpaths, and suggested a short term alternative footpath option to replace public footpath 49 that was currently closed. The area was described as an important green space in the heart of the town, access to which was highly valued by the local community. However, access to the green space and the town was currently hampered as both Weirs were in need of repair or refurbishment causing inconvenience to residents. The suggested alternative temporary footpath would pass through land owned by the NT to the west of the River Wey through the Council's front car park to restore public access to the town, Yvonne Arnaud Theatre and green space.

The Council had invested a substantial amount of time and resources into investigating the ownership of, and responsibility for, Millbrook Weir since its collapse and the conclusion reached was that the Council was not responsible for the maintenance or repair of Millbrook Weir, the footbridge or sluice gates as neither the river nor surrounding land were within its ownership. Although the history of the area was complex, investigations had identified Surrey County Council (SCC), the Environment Agency (EA), the NT and Thames Water (TW) as interested and responsible parties.

Although it had been suggested that the Council may be responsible for Millbrook Weir as it owned the Mill and operated the sluice gates, there was no evidence to support this. The NT had been found to be the owner of the land upon which Millbrook Weir, the footbridge and crossing towpath together with the sluice were located. The EA had acknowledged ownership of Millmead Bypass Weir and had embarked upon a project to create a replacement bypass weir and fish pass. SCC had historically operated the Wey Improvement Scheme which included installing structures and taking responsibility for maintenance and operation of assets. The EA and TW had inherited some of the responsibility for the Scheme. SCC, as lead local flood authority, and the EA, with its responsibility for managing flood risk associated with a main river, had respective obligations relating to preparing a local flood risk management strategy and undertaking related maintenance improvements and construction works. Therefore the Council was not in a position to instigate related activities and was eager to ensure that the responsible parties implemented a permanent solution to the issues concerning the Weirs and restored public access in the area.

The following points arose from related questions, comments and discussion for forwarding to the Executive:

1. It was acknowledged that a public relations exercise would be beneficial to inform residents that the Council was not responsible for maintaining or repairing Millbrook Weir and did not have the financial resources to do so, despite having provided funding towards the temporary emergency repair at a cost of £440,000. Without funding and the necessary engineering skills, the only course of action open to the Council was to represent residents by acting as a convenor and host to encourage the relevant parties to fulfil their obligations by implementing a permanent solution to the issues relating to Millbrook Weir and restoring public access in the area.
2. As the closed pathway formed part of a green connectivity route into the town being promoted by SCC, the provision of the suggested temporary alternative public footpath to the west of the River Wey was welcomed. It was thought that SCC, which was

STRATEGY AND RESOURCES EXECUTIVE ADVISORY BOARD

10 OCTOBER 2022

responsible for adopted public footpaths and byways, possessed an infrastructure budget to fund such issues and emergencies.

3. The nearby rowing club was not involved in discussions relating to Millbrook Weir as far as it was known and appeared to continue to utilise surrounding stretches of water without hindrance.
4. The majority of towpaths were maintained by the inland navigation utilising them to operate the associated waterway and not adopted by a local authority as a public right of way. This was the case with the towpath heading south towards Godalming which was a permissive right of way allowing for a level of recreational use.
5. In terms of funding, the Council had also made a financial commitment to the construction of a fish pass which had been agreed as a separate matter prior to the collapse of Millbrook Weir.

In conclusion, the EAB agreed that, although the recommended option in the mandate was to 'Do Nothing' to reflect the Council's lack of resources and absence of responsibility for the maintenance or repair of Millbrook Weir, footbridge and sluice gates, this option was not supported. As an alternative, the Board decided to recommend to the Executive that the Council undertake a public relations exercise to inform residents of the Council's position in this regard and its intention to represent them by acting as a convenor to persuade the relevant parties to fulfil their obligations to implement a permanent resolution to the Millbrook Weir issue and restore public access in the area. This public communication could be in the form of an open letter from the Joint Chief Executive, possibly referring to the fish pass financial commitment, together with letters to the relevant agencies explaining the Council's proposed stance in this matter.

SR53 EXCLUSION OF THE PUBLIC AND PRESS

In the event, the public and press were not excluded from the meeting as councillors did not discuss the Briefing Note at Item 8 regarding the Council's legal position at the meeting.

SR54 TUMBLING BAY (MILLBROOK) WEIR MANDATE - LEGAL POSITION OF GUILDFORD BOROUGH COUNCIL

This matter was noted without discussion at the meeting.

The meeting finished at 8:05 pm

Signed

Date

Chairman