

ASSESS VIABILITY OF REROUTING THE HORSE WALK AT THE 6-FURLONG SHOOT

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Wards affected:	College Ward; Town Ward; Woodcote and Langley Vale Ward;
Appendices (attached):	Appendix 1 - Proposed Re-routing of Path across Racecourse 6 Furlongs Start Chute – Walton Downs

Summary

To present a proposal from The Jockey Club to re-route the path across the 6 furlongs start chute on Walton Downs

Recommendation (s)

The Conservators are asked to:

- (1) Approve the permanent closure of the existing path/horse-walk across the 6 furlongs start chute and create a new rerouted path to the rear of the start chute as detailed in Appendix 1.**

1 Reason for Recommendation

- 1.1 The current path across the 6 furlongs start chute has deteriorated due to historic build-up of material and continuous wear, resulting in an uneven surface that poses a safety risk to racehorses entering the starting stalls. A new path will ensure equine safety and an enhanced presentation of the racecourse in line with modern standards.

2 Background

- 2.1 For many years a permissive path/horse walk has crossed the 6 furlongs start chute on Walton Downs. This path provides a route used regularly by racehorses returning from morning exercise on the Polytrack. Over time, the surface of this crossing has deteriorated significantly due to material build-up and weathering, resulting in an increasingly uneven and unstable area.

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- 2.2 This deterioration has raised safety concerns for horses and riders, particularly when the horses are approaching the starting stalls during race meetings. The Clerk to the Course has reviewed the operational impact of the current crossing arrangement and, in consultation with stakeholders, has proposed rerouting the path to a more suitable location behind the chute to ensure continued access while improving safety and presentation standards.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 None.

3.2 Crime & Disorder

3.2.1 None.

3.3 Safeguarding

3.3.1 None.

3.4 Dependencies

3.4.1 None.

3.5 Other

3.5.1 None.

4 Financial Implications

- 4.1 There are no financial implications for the Conservators arising from this proposal. All costs associated with the closure of the existing crossing and the construction, levelling and establishment of the new rerouted path will be met in full by The Jockey Club. There is no requirement for funding, ongoing maintenance liabilities or resource allocation from the Conservators in relation to these works.

- 4.2 **Section 151 Officer's comments:** The financial implications are set out in the body of the report.

5 Legal Implications

- 5.1 The Conservators' responsibilities in relation to the management of the Downs are set out in the Epsom and Walton Downs Regulation Act 1984, which places a statutory duty upon the Conservators to preserve the Downs for the purposes of horse training, hack riding and public enjoyment, while ensuring the proper conduct of racing and associated operations.

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- 5.2 A signed map accompanying the Act identifies a track in the vicinity of the 6 furlongs start chute, though it is recorded without formal legal status as a public right of way. The track presently used as a permissive route across the chute has not been formally established as a statutory track and is not recognised as such.
- 5.3 The proposal therefore does not diminish any public right, nor does it interfere with an established legal route protected under the Act.
- 5.4 Under Section 4 – Rights of access and user interests, the Conservators must have regard to members of the public having right of access for air and exercise on foot over the Downs, Provided that nothing in this section shall authorise any interference with the training by the Company, the Levy Board or the Owner or their lessees or licences of horses on any part of the Downs or with any part of the Downs or with any other rights conferred upon the Company, the Levy Board or the Owner by this Act, or with the use of the Downs for events permitted by the Conservators under sub-section (2) of section 10.
- 5.5 Section 10 of the Act – preserving the natural beauty and managing the Downs, also supports the realignment of the track because it enhances safety and presentation of the Downs.
- 5.6 The proposal is therefore consistent with the Conservators' duty to facilitate access while also safeguarding the safety and the proper management of racing activities, which are equally protected under the Act.
- 5.7 Under the Conservators' power to regulate access in the interests of safety and efficient running of race meetings, the realignment of the path to a safer and more suitable location is considered lawful.
- 5.8 No formal variation to any statutory map is required as the rerouting relates to a permissive track rather than a designated rights of way.
- 5.9 The provision of the Act includes section 17. This is expressed in the sidenote to be "For the protection of the Company". The "Company" is in effect the Racecourse operator.
 - 5.9.1 Section 17 states: "Notwithstanding anything contained in this Act or in any byelaws made under this Act the Company may hold meetings on the Downs and-
 - 5.9.2 S17 (15) for the preservation, improvement, repair and maintenance of the Race Course and the area adjacent thereto.....the Company may execute with the approval of the Conservators (such approval not to be unreasonably withheld) works of drainage raising or levelling and for the purposes dig and take chalk, soil, turf and other materials,.....

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5.9.3 Under S17(15) it is clear that the company may do works and the consent of the Conservators is required but the Conservators do not have unrestricted discretion as to whether to give or refuse consent – S17(15) is clear that consent is “not unreasonably withheld”. There would have to be a very good reason for then refusing consent would be unreasonable.

5.10 **Legal Officer’s comments:** As set out in the report.

6 Policies, Plans & Partnerships

6.1 **Council’s Key Priorities:** Not relevant to this report.

6.2 **Service Plans:** Not relevant to this report.

6.3 **Climate & Environmental Impact of recommendations:** None.

6.4 **Sustainability Policy & Community Safety Implications:** None.

6.5 **Partnerships:** This proposal embodies the spirit of partnership working between The Jockey Club, the Training Grounds Management Board and the Epsom & Walton Downs Conservators.

6.6 **Local Government Reorganisation Implications:** None

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None.

Other papers:

- None.