

EXTRACT FROM MINUTES

North Northumberland Local Area Council held at Jubilee Social and Community Centre, Highcliffe, Spittal, Berwick-upon-Tweed, TD15 2JL Thursday, 22 November 2018 at 2.00pm

RIGHTS OF WAY

118. Alleged Byway Open to All Traffic No 13 Parish of Holy Island

The Local Area Council was asked to consider all the relevant evidence gathered in support and rebuttal of the existence of public vehicular rights over the part of the U37 road, between St. Cuthbert's Square and a point just west of Lindisfarne Castle. The Infrastructure Records Manager provided a presentation and further information at the meeting.

Councillor Castle moved the officer recommendation, and welcomed the well presented and accessible format used in the committee reports. Councillor Watson seconded this, welcoming the level of detail and congratulated officers on the results shown from all the work undertaken. The motion was then put to the vote, supported unanimously, and it was:

RESOLVED that it be agreed that:

- (1) there is sufficient evidence that public vehicular rights have been reasonably alleged to exist over the route;
- (2) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the route; and
- (3) the route be included in a future Definitive Map Modification Order as a byway open to all traffic.

119. Alleged Byway Open to All Traffic No 14 & Restricted Byway No 15 Parish of Holy Island

The Local Area Council was asked to consider all the relevant evidence gathered in support and rebuttal of the existence of public vehicular rights over a route between the junction of Church Lane and Fiddlers Green and Jenny's Well at the seashore. The Infrastructure Records Manager provided a presentation and further information at the meeting.

Councillor Watson moved the officer recommendation, which was seconded by Councillor Thorne. The motion was then put to the vote, supported unanimously, and it was:

RESOLVED that it be agreed that:

- (1) there is sufficient evidence that public vehicular rights have been reasonably alleged to exist over the route;
- (2) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the D-E part of the route;
- (3) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the E-F part of the route;
- (4) the D-E part of the route be included in a future Definitive Map Modification Order as a byway open to all traffic; and
- (5) the E-F part of the route be included in a future Definitive Map Modification Order as a restricted byway.

120. Alleged Restricted Byway / Bridleway No 33 Parish of Kylloe

The Local Area Council was asked to revisit an earlier decision by the Rights of Way Committee in relation to the spur of the U34 road / existing Footpath No. 22 to Blawearie, south-east of East Kylloe. The Infrastructure Records Manager provided a presentation and further information at the meeting.

Councillor Thone moved the officer recommendation, which was seconded by Councillor Castle. The motion was then put to the vote, supported unanimously, and it was:

RESOLVED that it be agreed that:

- (1) there is sufficient evidence that public bridleway rights (rather than vehicular ones) have been reasonably alleged to exist over the D-C and B-A parts of the route;
- (4) there is sufficient evidence to indicate that, on a balance of probability, public bridleway rights (rather than vehicular ones) have been shown to exist over the C-B part of the route; and
- (6) the route D-C-B-A be included in a future Definitive Map Modification Order as a public bridleway.

121. Proposed Changes to the Public Rights of Way Network over Bewick Moor.

The Local Area Council was asked to consider proposals to extinguish, downgrade and create a number of public rights of way in the vicinity of Bewick Moor, in the parishes of Bewick and Eglington. The Infrastructure Records Manager provided a presentation and further information at the meeting.

In response to questions, members were advised that the public was not believed to be currently using the Nursery Hill / Kennel Wood paths or objecting to this process. A number of more useful alternative routes were being provided so, overall, the public was benefiting. The Nurseryhill path, which was not a recorded public right of way, was considered unlikely to be a

public bridleway; its closure was being proposed for completeness, to protect the landowner against possible future claims. Members' approval of the report would not, of itself, bring about these proposed changes - it would simply authorise officers to make the necessary public path orders. Any member of the public who was unhappy with any aspect of these proposals would have an opportunity to object to the orders when they were advertised.

Councillor Castle moved the officer recommendation, which was seconded by Councillor Watson. The motion was then put to the vote, with six votes in support and one abstention, and it was:

RESOLVED that

- (1) Alleged Public Bridleway No. 29 over the route J-X be extinguished (see Plan 1 in the report);
- (2) the 'possible' Public Bridleway over the route Q-kk-mm be extinguished (see Plan 3 in the report);
- (3) Public Bridleway No.31 over the route J-S be downgraded to public footpath status with minor realignment to western end (see Plans 1 & 2 in the report);
- (4) Public Bridleway No.16 over the route C-D be downgraded to public footpath status (see Plan 4 in the report);
- (5) a new public bridleway be created over the route S-gg-Z, along a new track over Harehope Hill (see Plan 2 in the report);
- (6) a new public bridleway be created over the route A-B (see Plan 4 in the report); and
- (7) a new public bridleway be created over the route R-hh-jj (see Plan 2 in the report).

(Councillor Castle then back in the chair.)

122. URGENT BUSINESS (if any)

(a) Local Area Council Subcommittee

The Chair raised an item, which qualified in his view as urgent business, to delegate some of its functions to a subcommittee and that the subcommittee should start meeting as soon as possible due to the Local Area Council's current substantial workload. This would also take pressure off the agenda for the Local Area Council's next meeting on 20 December, so a decision needed to be taken urgently to enable the necessary arrangements to be made.

The Chair explained that the issue had been discussed on 21 November at the Local Area Council Chairs' Briefing meeting. The proposed subcommittee would be established to specifically consider rights of way applications. The Local Area Council could then focus more on planning applications, especially as they had to be determined within set timescales whereas rights of way matters did not have such pressure. It was proposed to be chaired by Councillor Thorne, consist of six of the Local Area Council's 13 members and

meet bimonthly. Membership of the sub-committee could alternate over time. Details including the meeting times, venues and political balance could be confirmed after this meeting.

It was clarified that the subcommittee would be specific to this Local Area Council. Three of the other Local Area Councils had not needed to discuss any rights of way matters since Local Area Councils became responsible for the business in May 2018, and Tynedale Local Area Council had considered just three or four of them.

Members supported the changes. Democratic Services would organise the next steps and also email all members of the Local Area Council to ask which members might be interested in joining the subcommittee. Councillors Seymour and Watson both indicated that they would be interested.

RESOLVED that the Local Area Council's functions in relation to the survey, definition, maintenance, diversion, stopping up and creation of public rights of way in the north Northumberland area be delegated to a subcommittee to consist of six members, be chaired by Councillor Thorne, meet bimonthly, and other meeting arrangements be confirmed in due course.