

NORTHUMBERLAND COUNTY COUNCIL

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL (RIGHTS OF WAY) SUBCOMMITTEE

At a meeting of the **North Northumberland Local Area Council (Rights of Way) Subcommittee** held in Committee Room 1, County Hall, Morpeth on Tuesday, 25 June 2019 at 10:00 am.

PRESENT

Councillor T Thorne
(Chair, in the Chair)

MEMBERS

G Castle
A Murray

C Seymour

OFFICERS

A Bell
D Brookes
N Masson
K Norris
J Blenkinsopp

Definitive Map and Search Officer
Infrastructure Records Manager
Principal Solicitor
Democratic Services Officer
Solicitor (observing)

01. MEMBERSHIP AND TERMS OF REFERENCE

RESOLVED that the membership and terms of reference for the North Northumberland Local Area Council (Rights of Way) Subcommittee, as agreed at the meeting of the North Northumberland Local Area Council on 21 May 2019, be noted.

02. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Moore and Renner-Thompson.

03. MINUTES

RESOLVED that the minutes of the North Northumberland Local Area Council (Rights of Way) Subcommittee held on 24 April 2019, as circulated, be confirmed as a correct record and signed by the Chair.

Ch.'s Initials.....

**04. REVIEW OF THE DEFINITIVE MAP AND STATEMENT
OF PUBLIC RIGHTS OF WAY
ALLEGED BYWAY OPEN TO ALL TRAFFIC No 46
PARISH OF EGLINGHAM**

The Infrastructure Records Manager introduced the above report in which Members were asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over the U3094 road, between the B6346 road and Shipley Lane Equestrian Centre.

Background information was provided.

Councillor Thorne proposed acceptance of the recommendation as set out in the report which was seconded by Councillor Murray.

Upon being put to the vote the motion was unanimously agreed and it was:

RESOLVED that

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

**05. REVIEW OF THE DEFINITIVE MAP AND STATEMENT
OF PUBLIC RIGHTS OF WAY
ALLEGED BYWAY OPEN TO ALL TRAFFIC No 47
PARISH OF EGLINGHAM**

The Infrastructure Records Manager introduced the above report in which Members were asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over the U3098 road, between the B6347 road and Shipley Hill Farm.

Background information was provided.

Councillor Thorne proposed acceptance of the recommendation as set out in the report which was seconded by Councillor Castle.

Upon being put to the vote the motion was unanimously agreed and it was:

RESOLVED that

- (i) there was sufficient evidence to indicate that public vehicular rights had been reasonably alleged to exist over the Y-S-P part of the route;
- (ii) there was sufficient evidence to show, on a balance of probability, that public vehicular rights existed over the route P-Q;
- (iii) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the Y-S-P or P-Q parts of the route;
- (iv) there was not sufficient evidence to indicate that public vehicular rights had been reasonably alleged to exist over the S-Z-R part of the route or to show (on a balance of probability) that public vehicular rights existed over the R-A part of the route;
- (v) there was sufficient evidence to indicate that public bridleway rights had been reasonably alleged to exist over the S-Z-R part of the route;
- (vi) the route Y-S-P-Q be included in a future Definitive Map Modification Order as a byway open to all traffic;
- (vii) the route S-Z-R be included in a Definitive Map Modification Order as a public bridleway.

**06. REVIEW OF THE DEFINITIVE MAP AND STATEMENT
OF PUBLIC RIGHTS OF WAY
ALLEGED BYWAY OPEN TO ALL TRAFFIC No 48
PARISH OF EGLINGHAM**

The Infrastructure Records Manager introduced the above report in which Members were asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over the U3118 road, between the B6346 road at Shipley Lodge and Shipley Farm.

Background information was provided.

Councillor Thorne proposed acceptance of the recommendation as set out in the report which was seconded by Councillor Murray.

Upon being put to the vote the motion was unanimously agreed and it was:

RESOLVED that

- (i) there was sufficient evidence to show, on a balance of probability, that public vehicular rights existed over the B-C-E part of the route;
- (ii) there was sufficient evidence to indicate that public vehicular rights had been reasonably alleged to exist over the E-F part of the route;

- (iii) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized rights over the route B-C-E-F;
- (iv) there was not sufficient evidence to indicate that public vehicular (or any other) rights had been reasonably alleged to exist over the C-D part of the route;
- (v) the route B-C-E-F be included in a future Definitive Map Modification Order as a byway open to all traffic.

**07. REVIEW OF THE DEFINITIVE MAP AND STATEMENT
OF PUBLIC RIGHTS OF WAY
ALLEGED BYWAY OPEN TO ALL TRAFFIC No 27
PARISH OF NEWTON-ON-THE-MOOR**

The Infrastructure Records Manager introduced the above report in which Members were asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over the U3034 road, between the U3032 road and the U3033 road in the vicinity of High Hazon Farm.

In response to questions about the boulders shown in the slide presentation, members were advised that the boulders had been there for several years but no complaints had been received. However, if a complaint was received about obstruction, action would be taken to have them removed.

With regard to the gate, its origins were unknown.

In response to concerns that approval could lead to applications for housing, the Solicitor pointed out that consideration of planning applications was a totally separate issue.

Background information was provided and it was noted that the application was being considered as part of a body of work to ensure the definitive map was up to date.

Councillor Thorne proposed acceptance of the recommendation as set out in the report which was seconded by Councillor Castle.

Upon being put to the vote the motion was unanimously agreed and it was:

RESOLVED that

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

**09. REVIEW OF THE DEFINITIVE MAP AND STATEMENT
OF PUBLIC RIGHTS OF WAY
ALLEGED BYWAY OPEN TO ALL TRAFFIC No 28
PARISH OF NEWTON-ON-THE-MOOR**

The Infrastructure Records Manager introduced the report in which Members were asked to consider all the relevant evidence in support and in rebuttal of the existence of public vehicular rights over part of the U3035 road, between Hazon and the U3033 road east of Hazon.

Background information was provided and it was clarified that the road was currently being used by all traffic and was maintained by the Council.

Councillor Thorne proposed acceptance of the recommendation as set out in the report which was seconded by Councillor Seymour.

Upon being put to the vote the motion was unanimously agreed and it was:

RESOLVED that

- (i) there is sufficient evidence to indicate that, on a balance of probability, public vehicular rights have been shown to exist over the route;
- (ii) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the route;
- (iii) the route is unlikely to satisfy the balance of user test necessary for the route to be included on the Definitive Map as a byway open to all traffic;
- (iv) when the law is amended to allow it, an Order be made to delete Public Bridleway No 23 from the Definitive Map.

10. DATES OF FUTURE MEETINGS

It was noted that the next meeting would be held on Wednesday, 28 August 2019 at 10:00 am.

CHAIR

DATE: