

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 Wednesday, 28 August 2019 at 10:00 am.

PRESENT

Councillor T Thorne
(Chair, in the Chair)

MEMBERS

G Castle	C Seymour
G Renner-Thompson	

OFFICERS

A Bell	Definitive Map and Search Officer
J Blenkinsopp	Solicitor
H Lamb	Definitive Map and Search Technical Officer
K Norris	Democratic Services Officer

Also in attendance:

Mr M Stanton, Chairman, Residents of Detchant Association

11. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Moore and Murray.

12. MINUTES

RESOLVED that the minutes of the North Northumberland Local Area Council (Rights of Way) Subcommittee held on 25 June 2019, as circulated, be confirmed as a correct record and signed by the Chair.

13. DISCLOSURE OF MEMBERS' INTERESTS

Councillor Thorne declared a non prejudicial interest in agenda item 5, Review of the Definitive Map and Statement of Public Rights of Way, Alleged Byways Open to all Traffic Nos 24 & 21, Parishes of Denwick (Detached) & Shilbottle as he had attended the same boarding school as an objector's mother.

Ch.'s Initials.....

Councillor Thorne declared a non prejudicial interest in agenda item 17, Review of the Definitive Map and Statement of Public Rights of Way, Alleged Public Bridleway No 19, Parish of Middleton due to him being Chairman of Bedmax Liaison Group stating that although he policed it he had no interest in Bedmax or the village.

14. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAYS OPEN TO ALL TRAFFIC Nos 23 & 38 PARISH OF DENWICK (DETACHED) & ALNWICK TOWN

The Definitive Map and Search Officer summarised 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 part of the U3050 road, between Shiel Dykes and Freemanshill.

In response to questions the following information was provided:

- The Council was responsible for maintenance of the route but the List of Streets did not define the status of the route;
- Flooding was not a major issue;
- The original route could not be used as a considerable amount of work was required and there was a legal process to follow.

Councillor Castle entered the meeting at 10.24 am and took no part in the discussion or voting for this item.

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 was sufficient evidence to indicate that public vehicular rights had been reasonably alleged to exist over the route P-X-Y and Z-N-M parts of the route;
- (ii) there was sufficient evidence to indicate that, on a balance of probabilities, public vehicular rights had been shown to exist over the Y-Z part of the route;
- (iii) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the route;
- (iv) the route be included in a future Definitive Map Modification Order as byways open to all traffic.

15. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAYS OPEN TO ALL TRAFFIC Nos 24 & 21

Ch.'s Initials.....

North Northumberland (Rights of Way) Subcommittee 28 August 2019

PARISHES OF DENWICK (DETACHED) & SHILBOTTLE

The Definitive Map and Search Officer 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 U3051 road, between the A1 road south-west of Hitchcroft Farm and the U3050 road at Shiel Dykes.

He referred to an email received from the Cabinet Member, Environment and Local Services, which had been sent to him by one of his constituents expressing her views about the route being unsuitable for all traffic and also to a response received previously expressing similar views. (A copy of the email is filed with the signed Minutes of the meeting). The Definitive Map and Search Officer said that, if Highways England considered the route to be unsafe, it was open for them to impose Traffic Regulation Orders on the route but that was not what members were considering today.

Background information was provided.

Reference was made to confirmation from the British Horse Society that part of the route was well used and also to a warning sign on the A1 about horses crossing.

It was acknowledged that the route was not in the best condition and maintenance was at the discretion of the Highways Department.

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 be included in a future Definitive Map Modification Order as byways open to all traffic.

16. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAY OPEN TO ALL TRAFFIC No 30 PARISH OF EDLINGHAM

The Definitive Map and Search Officer summarised 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 a spur of the U3057 road, from the main part of the U3057 road, towards Abberwick Farm.

Further clarification about the route was provided to dispel any confusion about the 'private road' sign at the entrance to the cottage.

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 G-H;
- (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.

**17. REVIEW OF THE DEFINITIVE MAP AND STATEMENT
OF PUBLIC RIGHTS OF WAY
ALLEGED BYWAY OPEN TO ALL TRAFFIC Nos 18 & 19
PARISHES OF FELTON & ACKLINGTON**

The Definitive Map and Search Officer summarised the 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 part of the U3041 road, between the C102 road south of Brainshaugh and a point on the U3041 road, near Acton Hall.

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 be included in a future Definitive Map Modification Order as byways open to all traffic.

**18. REVIEW OF THE DEFINITIVE MAP AND STATEMENT
OF PUBLIC RIGHTS OF WAY
ALLEGED PUBLIC BRIDLEWAY No 7
PARISH OF HEDGELEY**

The Definitive Map and Search Officer summarised the report in which Members were asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public bridleway rights over a route between the existing western end of Public Bridleway No 7 at Titlington Mount and the C83 road south-west of Titlington Mount.

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

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

RESOLVED that there was not sufficient evidence to indicate that public bridleway rights had been reasonably alleged to exist over the route M-L.

**19. REVIEW OF THE DEFINITIVE MAP AND STATEMENT
OF PUBLIC RIGHTS OF WAY
ALLEGED PUBLIC BRIDLEWAY No 19
PARISH OF MIDDLETON**

The Definitive Map and Search Officer introduced the 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 part of the U34 road, between Detchant and Greymare Farm.

He referred to a late communication from Mr Stanton, the Chairman, Residents of Detchant Association which had been circulated and members confirmed they had read it (copy attached to the signed minutes of the meeting).

A summary of the report was provided.

It was stated that, on the balance of probabilities, public vehicular rights had been shown to exist but it was a marginal decision as to whether it satisfied the user test. There was no law available at present to remove the route from the Definitive Map so there were only two options available, one to upgrade it to make it open to all traffic and the other to leave it as a public bridleway. Officers acknowledged that there was no absolute conclusion but felt it was the best way forward to record the route as a byway open to all traffic in order to accurately record public rights.

At 11.48 am there was a short recess and the meeting resumed at 11:51 am.

In response to questions the following information was provided:

Ch.'s Initials.....

North Northumberland (Rights of Way) Subcommittee 28 August 2019

- It was a common misconception that the Council owned the road, the Council did maintain it but did not own it and officers were not sure who did.
- The road had been adopted by the Council.
- In 1950 the road was a public bridleway, the landowner felt there was an advantage to have it as a public road so it became a public road but there was no mechanism to have it recorded as such.
- The Council wished to record the status of the road accurately but could not take it off the Definitive Map as there was no mechanism to do so. It was dubious to say it was a byway open to all traffic but it was definitely not a bridleway.
- The decision made today may not be final, anybody could object and the decision could go before the inspector.
- Whatever decision was made today it would not change the rights of vehicle users on the routes.
- The Definitive Map was wrong and this issue could continuously re-surface.

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

Upon being put to the vote the motion was agreed FOR 3; AGAINST 1 and it was:

RESOLVED that

- (i) there was sufficient evidence to indicate that, on a balance of probabilities, public vehicular rights had 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 be included in a future Definitive Map Modification Order as a byway open to all traffic.

20. DATES OF FUTURE MEETINGS

It was noted that the next meeting would be held on Wednesday, 30 October 2019 at 10:00 am.

CHAIR

DATE: