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, 30 October 2019 at 10:00 am.

PRESENT

Councillor T Thorne
(Chair, in the Chair)

MEMBERS

Councillor C Seymour

OFFICERS

A Bell	Definitive Map and Search Officer
D Brookes	Infrastructure Records Manager
J Blenkinsopp	Solicitor
K Norris	Democratic Services Officer

Also in attendance: P Chaudhry, Trainee Solicitor (observer)

21. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Castle, Murray and Renner-Thompson.

22. MINUTES

RESOLVED that the minutes of the North Northumberland Local Area Council (Rights of Way) Subcommittee held on 28 August 2019, as circulated, be confirmed as a correct record and signed by the Chair.

23. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAY OPEN TO ALL TRAFFIC No 31 PARISH OF ALNHAM

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

Ch.'s Initials……

existence of public vehicular rights over the U4011 road, from the C169 road at Great Ryle, southwards to the U4009 road north of Little Ryle.

Background information was provided.

In response to a question it was confirmed that the route was a maintainable highway for which the Council was responsible.

Councillor Thorne moved approval of the recommendation set out in the report which was seconded by Councillor Seymour. The motion was therefore 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 D-E;

(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.

24. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAYS OPEN TO ALL TRAFFIC Nos 32, 33 & 20 PARISHES OF ALNHAM & NETHERTON

The Infrastructure Records Manager introduced the above report in which Members were asked to consider all the relevant evidence gathered support and in rebuttal of the existence of public vehicular rights over the U4015 road, from the C169 road at Scrainwood, southwards to the C172 road north-east of Netherton, and over the U4016 road, from the U4015 south-east of Scrainwood, eastwards to the C172 road at Union Gate.

Background information was provided.

In response to a question Members were advised that consultation responses had shown the route was used mainly by walkers, horse riders and cyclists. Only the northern end of the route had a reasonable driveable surface.

Councillor Thorne proposed acceptance of the recommendation set out in the report which was seconded by Councillor Seymour. The motion was therefore 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 F-G-H-J;

(ii) there was sufficient evidence to indicate that public vehicular rights had been reasonably alleged to exist over the route G-K;

(iii) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the F-G-H and G-K sections of the route;

(iv) the Natural Environment and Rural Communities Act 2006 would appear to have extinguished the public's motorized vehicular rights over the H-J section of the route;

(v) the routes F-G-H and G-K be included in a future Definitive Map Modification Order as byways open to all traffic.

(vi) the route H-J be included in a future Definitive Map Modification Order as a restricted byway.

25. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAY OPEN TO ALL TRAFFIC No 64 PARISH OF ALWINTON

The Infrastructure Records Manager 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 U4023 road, from the main U4023 road, in an easterly and northerly direction to Barrowburn.

Background information was provided.

Councillor Thorne moved approval of the recommendations set out in the report which was seconded by Councillor Seymour. The motion was therefore 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.

26. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAY OPEN TO ALL TRAFFIC Nos 65 & 25 PARISHES OF ALWINTON AND BIDDLESTONE

The Infrastructure Records Manager 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 the U4024 road, from the U4023 road south-east of Alwinton, north-eastwards to Clennell.

Background information was provided.

A member referred to the Parish Council's comments that the route should be restricted byway. In response it was stated that the route was included on the Council's "List of Streets" and, as such, motorised vehicular rights were retained. The route would continue to be used by walkers but it was not an offence for it to be used by motorised vehicular traffic.

Councillor Thorne proposed acceptance of the recommendation set out in the report which was seconded by Councillor Seymour. The motion was therefore 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 J-K-L;
(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;
(iv) the apparent misrecording of public rights of way over the route L-D-C be corrected by means of a future Definitive Map Modification Order;
(v) the possible misalignment of Public Footpath No. 36 over the route A-B be remedied by means of future public path orders.

27. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAY OPEN TO ALL TRAFFIC No. 66 PARISH OF ALWINTON

The Infrastructure Records Manager 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 motor vehicular rights over part of the U4097 road, from the U4023 road at Alwinton, northwards to a point near the access to Creel Cottage.

Further background information was provided and the Definitive Map and Search Officer clarified why the item was being considered. Reference was made to an oversight by officers in 2007 when it had been overlooked that the route was recorded on the Council's "List of Streets". It was pointed out that it was still a restricted byway but it would not prohibit private motorised vehicular rights to properties.

Councillor Thorne proposed acceptance of the recommendation set out in the report which was seconded by Councillor Seymour. The motion was therefore unanimously agreed and it was:

RESOLVED that

(i) there was insufficient evidence to indicate that public motor vehicular rights had been shown to exist over the route M-N;

(ii) under the Natural Environment and Rural Communities Act 2006, private motorized vehicular rights would appear to have been retained over the M-N route;

(iii) the width of the existing M-N section of restricted byway be amended in a future Definitive Map Modification Order.

28. DATE OF NEXT MEETING

It was noted that the next meeting would be held on Wednesday, 18 December 2019 at 10:00 am.

CHAIR ……...

DATE: ……...…….