

**NORTHUMBERLAND COUNTY COUNCIL
NORTH NORTHUMBERLAND LOCAL AREA COUNCIL (RIGHTS OF WAY) SUB
COMMITTEE**

At a meeting of the **North Northumberland Local Area Council (Rights of Way) Subcommittee** held in Committee Room 1, County Hall, Morpeth on Wednesday 26 February 2020 at 10.00am.

PRESENT

Councillor T.N. Thorne
(in the Chair)

MEMBERS

Castle, G.

Seymour, C.

OFFICERS IN ATTENDANCE

Bell, A.
Brookes, D.
Hadden, D.
Hadfield, K.

Definitive Map and Search Officer
Infrastructure Records Manager
Solicitor
Democratic and Electoral Services
Manager

37. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Murray and Renner Thompson.

38. MINUTES

RESOLVED that the minutes of the meeting of North Northumberland Local Area Council (Rights of Way) Subcommittee held on 17 December 2019, as circulated, be confirmed as a true record and signed by the Chair.

39. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAY OPEN TO ALL TRAFFIC No 11 PARISH OF CALLALY

Ch.'s Initials.....

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 a spur of the U4005 road, from the main U4005 road west of Lorbottle, north-westwards to Lorbottle Weststeads and public footpath rights over a short section from Lorbottle Weststeads to existing public footpath no. 8.

RESOLVED that:-

- (a) there is sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the route J-X;
- (b) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorised vehicular rights over the J-X route;
- (c) there is not sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the route X-K;
- (d) there is sufficient evidence to indicate that public footpath rights have been reasonably alleged to exist over the route X-K;
- (e) the J-X route be included in a future Definitive Map Modification Order as a byway open to all traffic and the X-K route be included as a public footpath.

40. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAY OPEN TO ALL TRAFFIC No 12 PARISH OF CALLALY

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 U4006 road, from the C178 road north of Lorbottle, north-westwards to join existing Public Bridleway No 10, just south of Tod-le-Moor.

Members were advised that no correspondence had been received in respect of this application.

RESOLVED that:-

- (a) there is sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the route L-M;

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- (b) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorised vehicular rights over the route;
- (c) the route be included in a future Definitive Map Modification Order as a byway open to all traffic.

41. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAY OPEN TO ALL TRAFFIC No 13 PARISH OF CALLALY

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 U4076 road, from the C174 road east of Yetlington, south-westwards to Crosshill. Members were also asked to consider the status of two short spurs from the southern end of this road.

A member queried whether electric bikes would be considered a motor vehicle. Mr Brookes confirmed that they would not.

RESOLVED that:-

- (a) there is sufficient evidence to indicate that, on balance of probability, public vehicular rights have been shown to exist over the route N-P and over the short extension P-Y;
- (b) there is sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the route P-X;
- (c) the Natural Environment and Rural Communities Act 2006 would appear to have extinguished the public's motorised vehicular rights over the N-P, P-X and P-Y routes;
- (d) the N-P, P-X and P-Y routes be included in a future Definitive Map Modification Order as restricted byways;
- (e) the same Definitive Map Order be used to correct the Definitive Statement for existing Public Footpath No.6.

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42. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAY OPEN TO ALL TRAFFIC No 14 PARISH OF CALLALY

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 U4095 road, from the C175 road south-west of Yetlington, south-eastwards to Thistleton.

Members were advised that no landowner evidence had been submitted and there had been no objections received.

RESOLVED that there is not sufficient evidence to indicate that, on the balance or probability, public vehicular rights have been shown to exist over the route Q-R.

43. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAY OPEN TO ALL TRAFFIC No 34, AND ALLEGED BYWAY OPEN TO ALL TRAFFIC No 35 PARISH OF EDLINGHAM

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 U3111 road, from the C89 road at the west end of Edlingham village, westwards to Demesne Farm, and over the U3115 road, from the C89 road at the east end of Edlingham village, eastwards to Edlingham church.

An email from the Clerk to Edlingham Parish Council was circulated (copy attached to the signed minutes), setting out the Parish Council's strong objections to any proposal to downgrade the U3111, and further to the consultation carried out in February 2018, any proposal to downgrade the U3115, U3509, U3508, U3507 and U3054 roads. The Chair reported that he had also received emails about the issue.

Mr Brookes confirmed that this was simply part of the exercise to record correctly all rights of way on the Definitive Map and Statement by 2026. The work did not change the Council's maintenance responsibilities for these highways and while in theory a bridleway could possibly be maintained to a lower standard than a carriageway, the fact that it was on the Council's system as an adopted highway meant that its maintenance standard was unlikely to change.

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Members agreed that it would be appropriate for a letter to be sent to the Parish Council on behalf of the Sub Committee and signed by the Chair, to provide reassurance that all of the evidence in respect of these routes had been gathered and analysed, and that there would be no change as a result.

RESOLVED that:-

- (a) there is not sufficient evidence to indicate that, on a balance of probability, public vehicular rights have been shown to exist over the route S-T and over the route U-V; and
- (b) a letter to be sent to the Parish Council on behalf of the Sub Committee and signed by the Chair, to provide reassurance that all of the evidence in respect of these routes had been gathered and analysed, and that there would be no change as a result.

44. DATE OF NEXT MEETING

Wednesday, 29 April 2020 at 10:00 am in Committee Room 1, County Hall, Morpeth.

CHAIR.....

DATE.....

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