



# Northumberland County Council

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL  
21 June 2018

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## PUBLIC RIGHTS OF WAY

### PROPOSED DOWNGRADING / DIVERSION OF

### PUBLIC BRIDLEWAYS Nos 7 & 32

### (PARISHES OF BOWSDEN AND KYLOE)

Report of the Executive Director of Local Services  
Cabinet Member: Councillor Glen Sanderson, Environment and Local Services

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#### **Purpose of report**

In this report, the Committee is asked for its views on a proposal to downgrade existing Public Bridleway No 7 (Parish of Bowsden) to public footpath status and to downgrade to public footpath status and divert alleged Public Bridleway No 32 (Parish of Kyloe).

#### **Recommendations**

**It is recommended that the Committee agree to the downgrading of the J-V-W-K-X-L bridleway route to public footpath status, and the diversion of the X-L section onto the alternative route W-Z;**

#### **1.0 Background**

- 1.1 Public Bridleway No 7 (Parish of Bowsden) has been recorded as a cul-de-sac public right of way (as far as the Bowsden-Kyloe parish boundary) since the Definitive Map was first drawn up in the 1950s.
- 1.2 Alleged Public Bridleway No 32 (Parish of Kyloe) was included in Definitive Map Modification Order (No 20) 2015, made on 21st December 2015 and advertised on 28th January 2016. The Order was made on the basis that the historical documentary evidence available indicated that the order route had been (and still was) the continuation, within Kyloe, of the existing Bowsden bridleway. The Order attracted two objections (one from the main landowner

affected and one from Kylloe parish Council) and was submitted to the Secretary of State for determination in November 2017.

1.3 The landowner subsequently came forward with a 'without prejudice' proposal (they still do not agree that the documentary evidence adequately demonstrates the existence of the Kylloe bridleway) whereby they would withdraw their opposition, if the bridleway could be diverted onto an alternative alignment through woodland, to the south of the pond.

1.4 Because Definitive Map Modification Order (No 20) 2015 has been submitted to the Secretary of State for determination, it will fall to be determined by a Rights of Way Inspector, regardless of whether or not all the objections are subsequently withdrawn. At the request of both the landowner and the County Council (and with the agreement of Kylloe Parish Council), the Secretary of State has, however, agreed to delay determination of this Order for a period of 3 months, to allow the diversion option to be explored.

## **2.0 Consultation**

2.1 In April, the County Council carried out a consultation with landowners, path user organisations and the two parish councils regarding a proposal to, in effect:

- (i) downgrade all of existing Public Bridleway No 7 in the Parish of Bowsden (i.e. J-V-W-K) and all of alleged Public Bridleway No 32 in the Parish of Kylloe (i.e. K-X-L) to public footpath status;
- (ii) divert the X-L section of (now) Footpath No 32 onto a new alignment W-Z.

2.2 By email, on 25 April 2018, Savills of Wooler responded to the consultation on behalf of the main landowner affected stating:

"I confirm Rupert Wailes Fairbairn is happy with the proposal below insofar as it affects his own property, but he has flagged up that it had been discussed that a kissing gate at point V on the Cockcrofts' land would be appropriate, in order to prevent the field gate being left open. Perhaps you might add this into the proposal."

2.3 By email, on 25 April 2018, Bowsden Parish Council responded to the consultation stating:

"Bowsden Parish Council don't have any objections to the proposal but one councillor had a question which I didn't quite understand so grateful for your comments."

2.4 By letter, dated 10 May 2018, Kylloe Parish Council responded to the consultation stating:

"This was discussed at our recent Parish Council Meeting.

"We are very much in agreement for the bridleways to be downgraded to footpath status and that the diversion would be the best option for everyone concerned."

- 2.5 By email, on 15 May 2018, the British Horse Society responded to the consultation stating:

"I note that you are proposing to downgrade BW 7 Bowsden which is currently a short dead end bridleway and adding a further bridleway link across a field to the B 6526, the main road between Wooler and Berwick. You believe this was the line of an unrecorded bridleway. Due to objections from the two parish councils you have made a proposal to divert the new link and to downgrade the whole route to footpath status and this has their support.

"I believe that the short length of bridleway in Bowsden parish was historically a horse and cart route to the quarries close to the point where it ends. These are now filled with water.

"Although the BHS is normally supportive of new links from a dead end bridleway, this is an exception. The current short bridleway is not used as part of the ridden network, it is too short for that. However a new link to the B 6526, a road which carries fast traffic and a number of HGVs, it is not the sort of new link that horse riders would want to use. Traffic can only get faster and the vehicles get larger in future years so the risks will become greater so I see no disadvantage to local horse riders in your current proposals.

"I speak as a horse rider who keeps my horse in Bowsden parish and who keeps well away from the B 6526 when riding out. There is a good network of bridleways and quiet minor roads to the west of the village which are regularly used."

### **3. Discussion**

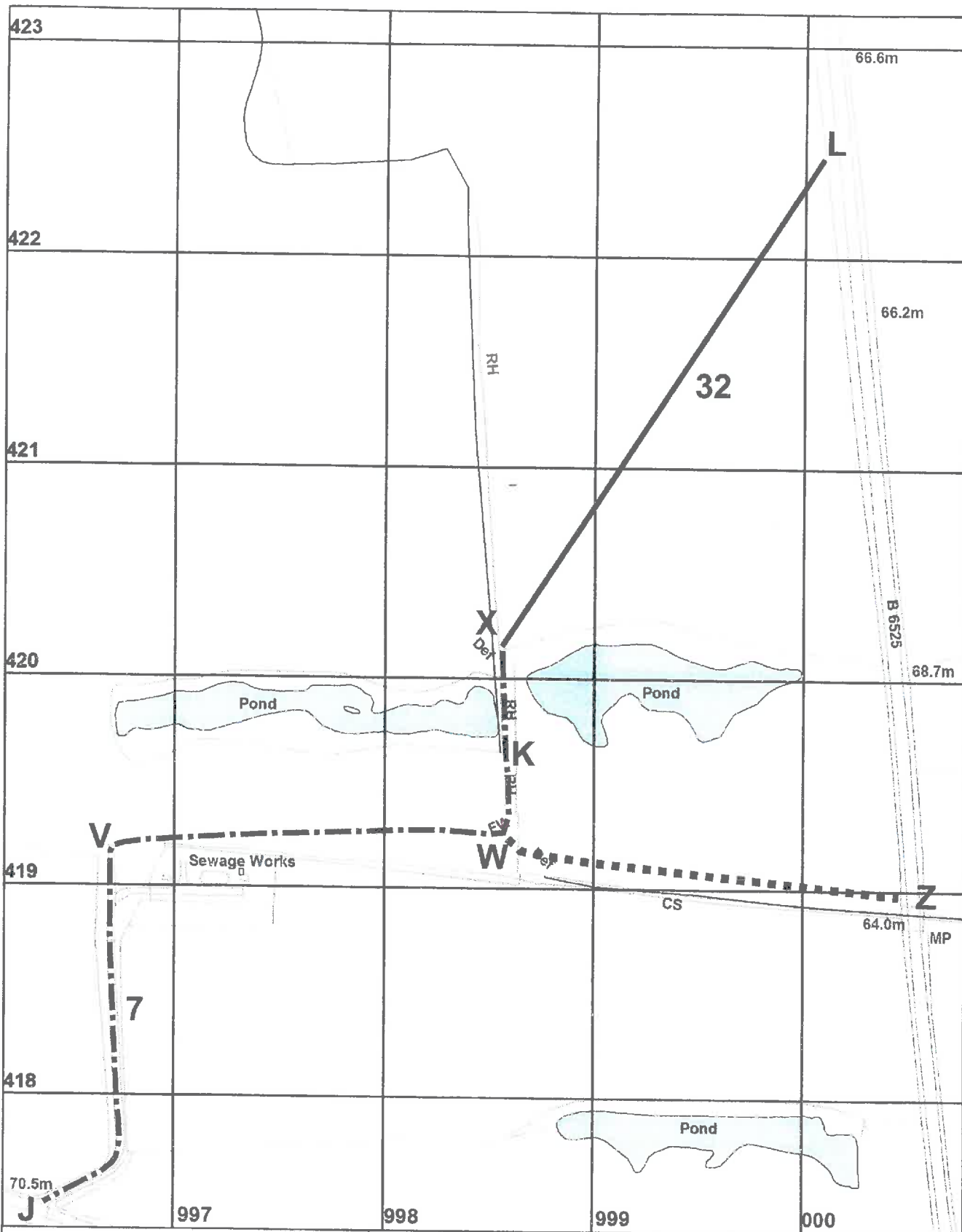
- 3.1 The proposal put forward by the landowner simply involved the diversion of the public bridleway (not it's downgrading to a lower status). The downgrading part of the proposal has been proposed by officers. It should be noted that, for the most part, where possible, officers will generally seek to explore upgrading routes (i.e to make footpath routes available to horse riders and cyclists) not downgrading them (so that horse riders and cyclists are no longer able to use them). In this instance, the downgrading is being proposed because (i) it is considered that neither the existing route nor the proposed alternative route will be attractive to or used (other than extremely occasionally) by horse riders or cyclists (ii) if the alternative route was to be retained as a public bridleway, it would require the provision of a large ramp at point Z, the B6525 road being higher than the land to the west. It is not thought likely that very many pedestrians will wish to join / leave the B6525 road at point Z, either, but a pedestrian's right to do so could be preserved by provision of a wooden ladder.
- 3.2 The landowners, both parish councils and the British Horse Society have all given their support, and Cycling UK have not opposed the proposals. Officers are of the opinion that the diversion / downgrading option proposed represents the best way forward and that public path orders be made seeking to achieve this outcome.

## **Background Papers**

Local Services Group File: B/8/7z & B/27/32z

Definitive Map Modification Order (No 20) 2015.




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# NORTHUMBERLAND

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## Public Rights of Way

-  Public Bridleway to be closed
-  Public Bridleway to be downgraded to footpath
-  Public Footpath to be created

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Former District(s)  
 Berwick

Parish(es)  
 Bowsden/Kyloe

Scale  
 1:2500

Def. Map No.  
 12

O.S. Map  
 NT 94 SE

Date  
 April 2018