

RIGHTS OF WAY COMMITTEE

11 July 2017

PUBLIC RIGHTS OF WAY

DEFINITIVE MAP MODIFICATION ORDER (No 7) 2016

ALLEGED BYWAYS OPEN TO ALL TRAFFIC Nos 11, 55 & 37 (PARISHES OF LILBURN, CHATTON & WOOLER)

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

Purpose of report

In this report, the Committee is asked for its views on the action now thought appropriate in determining the above mentioned Order.

Recommendations

It is recommended that the Committee agree that this Order no longer needs to be referred to the Secretary of State for determination, and should be confirmed by the County Council as an unopposed Order.

1.0 Background

- 1.1 This Order attracted 2 letters of objection. At its meeting in September 2016, the Rights of Way Committee considered a report regarding this Order and the objections, and resolved that the Order, together with the objections be submitted to the Secretary of State for determination, accompanied by a recommendation that the Order be confirmed as made.
- 1.2 By letters, dated 20 April 2017 and 30 May 2017, the two objectors withdrew their objections / representations to this Order.
- 1.3 When resolving that this Order be submitted to the Secretary of State, accompanied by a recommendation that it be confirmed as made, the Rights of Way Committee had agreed with the report conclusions that on a balance of probabilities, public vehicular rights did exist and that it was appropriate that this route be recorded on the Definitive Map as byways open to all traffic. It is not, therefore, proposed to re-examine the evidence for these routes a third time.

Wildlife and Countryside Act 1981

Definitive Map and Statement of Public Rights of Way for the County of Northumberland

The Northumberland County Council

Definitive Map Modification Order (No 7) 2016

Byways Open to All Traffic Nos 37, 55 and 11 (Parishes of Wooler, Chatton and Lilburn)

This Order is made by Northumberland County Council under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the Definitive Map and Statement of Public Rights of Way for the County of Northumberland require modification in consequence of the occurrence of events specified in Section 53(3)(c)(i) and (iii), namely, the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic; and that there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

The authority has consulted every local authority whose area includes the land to which the order relates. The Northumberland County Council hereby order that:

1. For the purposes of this Order the relevant date is 1 January 2016.
2. The Definitive Map and Statement of Public Rights of Way for the County of Northumberland shall be modified as described in the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as The Northumberland County Council Definitive Map Modification Order (No 7) 2016.

Definitive Map Modification Order (No 7) 2016

Index

Parish	Path No.	Modification	OS Map Nos.	Def Map Nos.
--------	----------	--------------	-------------	--------------

Former Berwick-upon-Tweed Borough

Chatton	FP 35	Statement amended	NU 02 NW	38
Chatton	BOAT 55	Addition	NU 02 NW	38
Lilburn	FP 5	Statement amended	NU 02 NW	38
Lilburn	BR 6	Statement amended	NU 02 NW	38
Lilburn	BOAT 11	Addition	NU 02 NW	38
Wooler	FP 22	Statement amended	NU 02 NW	38
Wooler	FP 33	Statement amended	NU 02 NW	38
Wooler	BOAT 37	Addition	NU 02 NW	38

Wooler **Footpath No 22** **(NU 02 NW)**

Part I Map: The map is not affected.

Part II Statement: To be amended as follows:
From the Wooler - Newton road south-west of Weetwood Bank in a south-easterly direction to join Byway Open to All Traffic No 37, at the Old Quarries.

Wooler **Footpath No 33** **(NU 02 NW)**

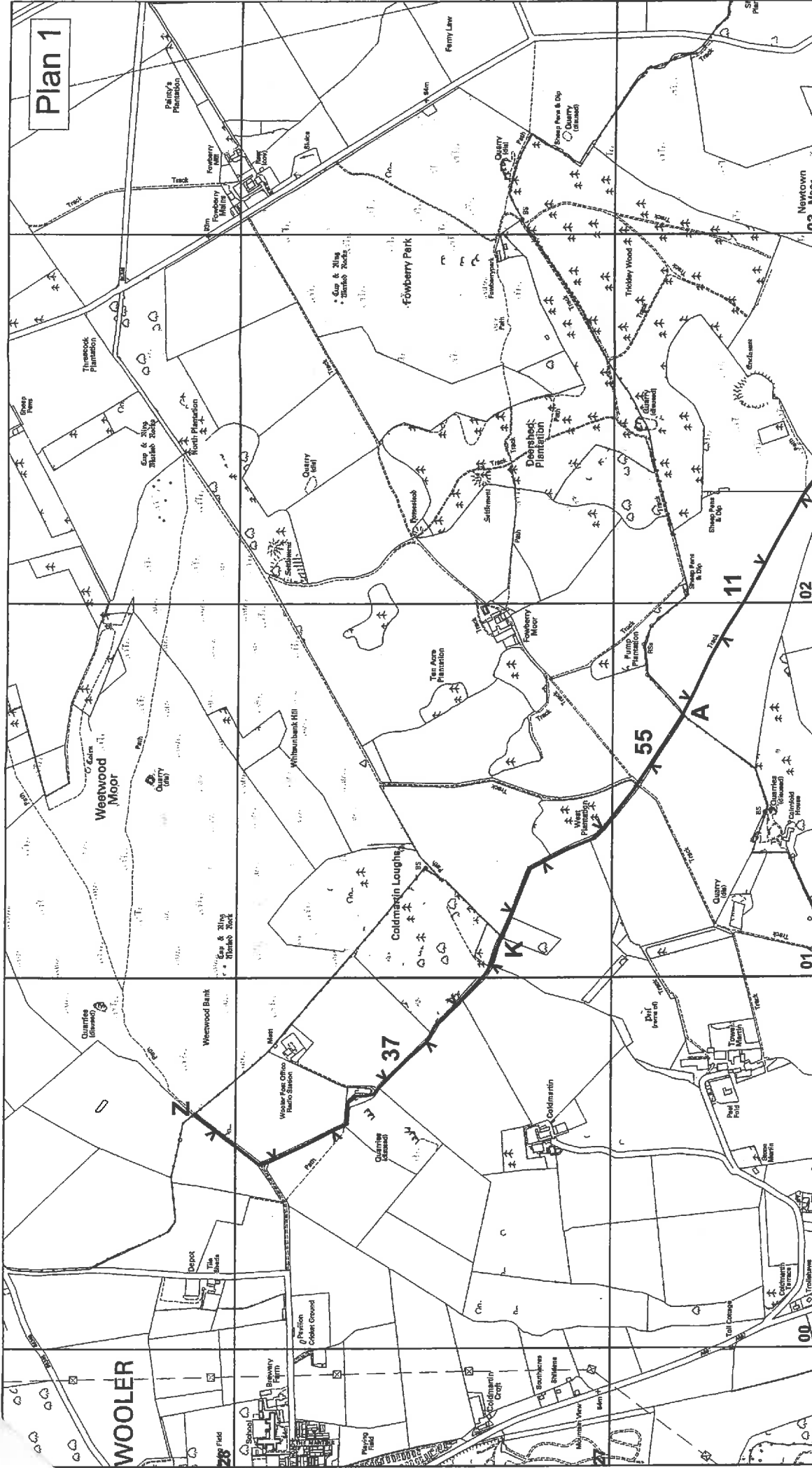
Part I Map: The map is not affected.

Part II Statement: To be amended as follows:
A 1.5 metre wide path, from Byway Open to All Traffic No 37 (the U1063 road), 480 metres north of Coldmartin, in a south-westerly direction for a distance of 225 metres to join Footpath No 44 in the Parish of Chatton, at a gateway through the field boundary, 295 metres north of Coldmartin.

Wooler **Byway Open to All Traffic No 37** **(NU 02 NW)**

Part I Map: Adding thereto a byway open to all traffic, from a point marked K, on alleged Byway Open to All Traffic No 55, in the Parish of Chatton, 535 metres east of Coldmartin Farmhouse, in a general north-westerly then north-easterly direction along part of the U1063 road for a distance of 1155 metres, to a point marked Z, at the southern end of existing Public Footpath No 35, in the Parish of Chatton, 450 metres east of Tile Sheds farm.

Part II Statement: To be prepared as follows:
As an 8 to 9 metre wide byway open to all traffic, from Byway Open to All Traffic No 55, in the Parish of Chatton, 535 metres east of Coldmartin Farmhouse, in a westerly direction for a distance of 85 metres, then in a north-westerly direction for a distance of 470 metres, then in a northerly direction for a distance of 65 metres, then in a westerly direction for a distance of 60 metres, then in a north-westerly direction for a distance of 250 metres, to a point where the U1063 road forks. Thereafter as a 10 metre wide byway, in a north-easterly direction along a spur of the U1063 road for a distance of 225 metres to join the southern end of existing Public Footpath No 35, in the Parish of Chatton, 450 metres east of Tile Sheds farm.



Plan 1

Northumberland
 Northumberland County Council
 Infrastructure
 Local Services
 County Hall Morpeth Northumberland
 Telephone 0845 600 6400 NE61 2EF

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
 NORTHUMBERLAND COUNTY COUNCIL - OS Licence No. 100048948

Wildlife and Countryside Act, 1981

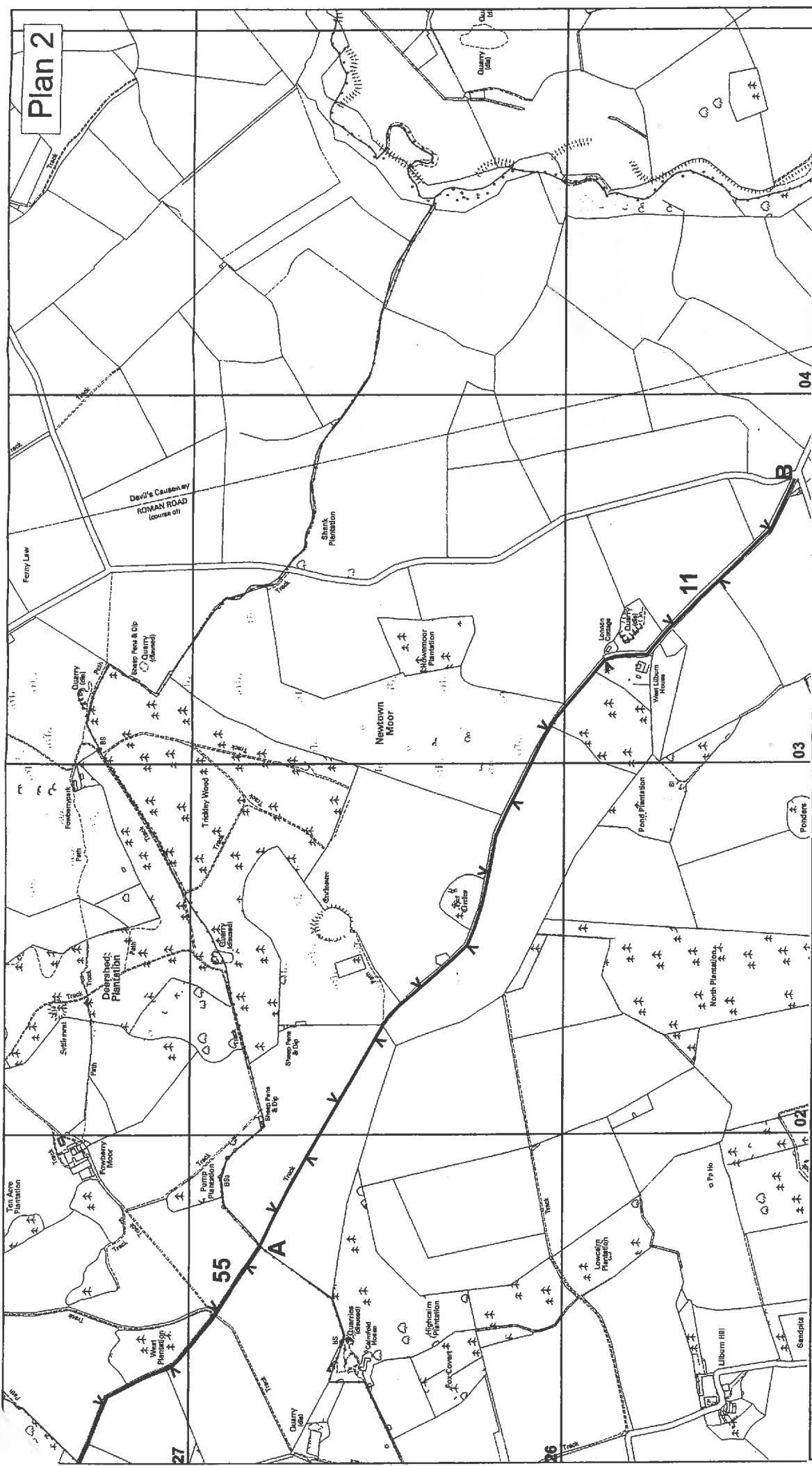
Definitive Map of Public Rights of Way for the County of Northumberland

The Northumberland County Council

Modification Order (No.7) 2016

Public Footpath to be deleted	Public Footpath	Public Bridleway	Restricted Byway	Byway Open to All Traffic
—	—	—	—	—
<p>O.S. Map NU 02 NW</p> <p>Former District(s) Benwick</p>				
<p>Definitive Map No 38</p> <p>Penish(es) Wooller/Chatton/Liburn</p>				
<p>Scale: 1/10,000</p> <p>Date: January 2016</p>				

Plan 2



Northumberland
 Northumberland County Council
 Infrastructure
 Local Services
 County Hall Morpeth Northumberland
 Telephone 0845 600 6400 NE61 2EF

Wildlife and Countryside Act, 1981

**Definitive Map of Way
 for the
 County of Northumberland**

**The Northumberland
 County Council**

**Modification Order
 (No.7) 2016**

Public Footpath to be deleted
 Public Footpath
 Public Bridleway
 Restricted Byway
 Byway Open to All Traffic

O.S. Map NU 02 NW
 Former District(s) Berwick

Definitive Map No 38
 Parish(es) Wooler/Chatton/
 Libburn

Scale: 1/10,000
 Date: January 2016

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
 NORTHUMBERLAND COUNTY COUNCIL - OS Licence No. 100049048

IN WITNESS whereof the Common Seal of the County Council of Northumberland was hereunto affixed on the 2nd day of May 2016

The Common Seal of the County Council of Northumberland was hereunto affixed in the presence of:-

N. Hession

Duly Authorised Officer

