

RIGHTS OF WAY COMMITTEE

11 July 2017

PUBLIC RIGHTS OF WAY

DEFINITIVE MAP MODIFICATION ORDER (No 5) 2016 DEFINITIVE MAP MODIFICATION ORDER (No 20) 2016

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 Orders.

Recommendations

It is recommended that the Committee agree that these Orders no longer need to be referred to the Secretary of State for determination, and should be confirmed by the County Council as unopposed Orders.

1.0 Background

- 1.1 These Orders both attracted 2 letters of objection. Definitive Map Modification Order (No 20) 2016 also attracted a letter, from Mr Telford, requesting further information. Mr Telford's letter is not considered to be a duly made objection or representation - and Mr Telford was happy with answers he subsequently received in a telephone conversation. At its meetings in September 2016 and January 2017, the Rights of Way Committee considered reports regarding these Orders and the objections, and resolved that the Orders, together with the objections be submitted to the Secretary of State for determination, accompanied by a recommendation that the Orders be confirmed as made.
- 1.2 By emails, on 23 June 2017, the Northumberland Estates withdrew their objection to these two Orders. By letter, dated 26th June 2017, Mr A Kind withdrew his objections to these two Orders.
- 1.3 When resolving that these Orders be submitted to the Secretary of State, accompanied by a recommendation that they 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

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 5) 2016

Byway Open to All Traffic No 53 (Parish of Chatton)

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), 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.

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 5) 2016.

Definitive Map Modification Order (No 5) 2016

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Parish	Path No.	Modification	OS Map Nos.	Def Map Nos.
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Former Berwick-upon-Tweed Borough

Chatton	BOAT 53	Addition	NU 02 NW	38
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Definitive Map Modification Order (No 5) 2016

Description of Modification to Definitive Map and Statement

Former Berwick-upon-Tweed Borough

Chatton

Byway Open to All Traffic No 53

(NU 02 NW)

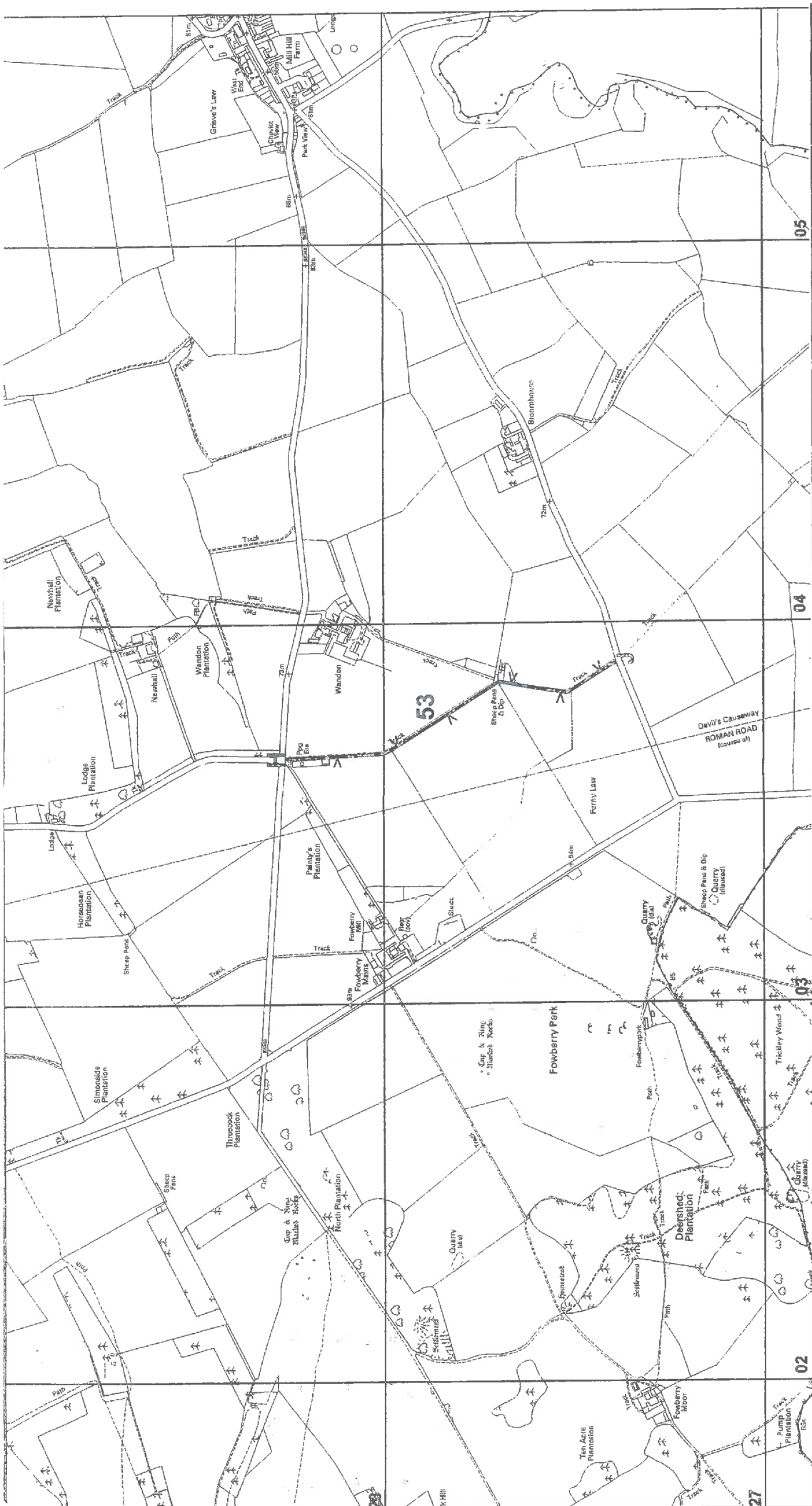
Part I **Map:**

Adding thereto a byway open to all traffic, from a point marked H, on the B6348 road, 380 metres west of Wandon, in a general southerly direction along part of the U1061 road for a distance of 955 metres, to a point marked J, on the C41 road, 660 metres south-west of Broomhouse.

Part ii **Statement:**

To be prepared as follows:

As an 8 metre wide byway open to all traffic, from the B6348 road, 380 metres west of Wandon, in a southerly direction for a distance of 260 metres, then south-easterly direction for a distance of 25 metres. Thereafter as a 9 metre wide byway, in a south-easterly direction for a distance of 330 metres. Thereafter as a 7 to 8 metre wide byway, in a southerly direction for a distance of 185 metres. Thereafter as an 8 metre wide byway in a south-easterly direction for a distance of 155 metres to join the C41 road, 660 metres south-west of Broomhouse.



	<p>The Northumberland County Council</p> <p>Modification Order</p> <p>(No.5) 2016</p>	<p>Public Footpath to be deleted</p> <p>Public Footpath</p> <p>Public Bridleway</p> <p>Restricted Byway</p> <p>Byway Open to All Traffic</p>	<p>O.S. Map NU 02 NW</p> <p>Former District(s) Benwick</p>	<p>Scale: 1/10,000</p> <p>Date: January 2016</p> <p style="text-align: right;"><i>Widdows</i></p>
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Wildlife and Countryside Act, 1981

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

Northumberland

Northumberland County Council

Infrastructure
Local Services

County Hall, Morpeth, Northumberland
Telephone 0845 600 6400 NE61 2EF

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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:-



Duly Authorised Officer



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 20) 2016

Byways Open to All Traffic Nos 41 & 28 (Parishes of Beadnell & Ellingham)

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), 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.

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 July 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 20) 2016.

Definitive Map Modification Order (No 20) 2016

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Parish	Path No.	Modification	OS Map Nos.	Def Map Nos.
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Former Berwick-upon-Tweed Borough

Beadnell	BOAT 41	Addition	NU 13SE / 12NE	32 / 41
Ellingham	BOAT 28	Addition	NU 12NE	41

Definitive Map Modification Order (No 20) 2016

Description of Modification to Definitive Map and Statement

Former Berwick-upon-Tweed Borough

Beadnell **Byway Open to All Traffic No 41** **(NU 13SE / 12NE)**

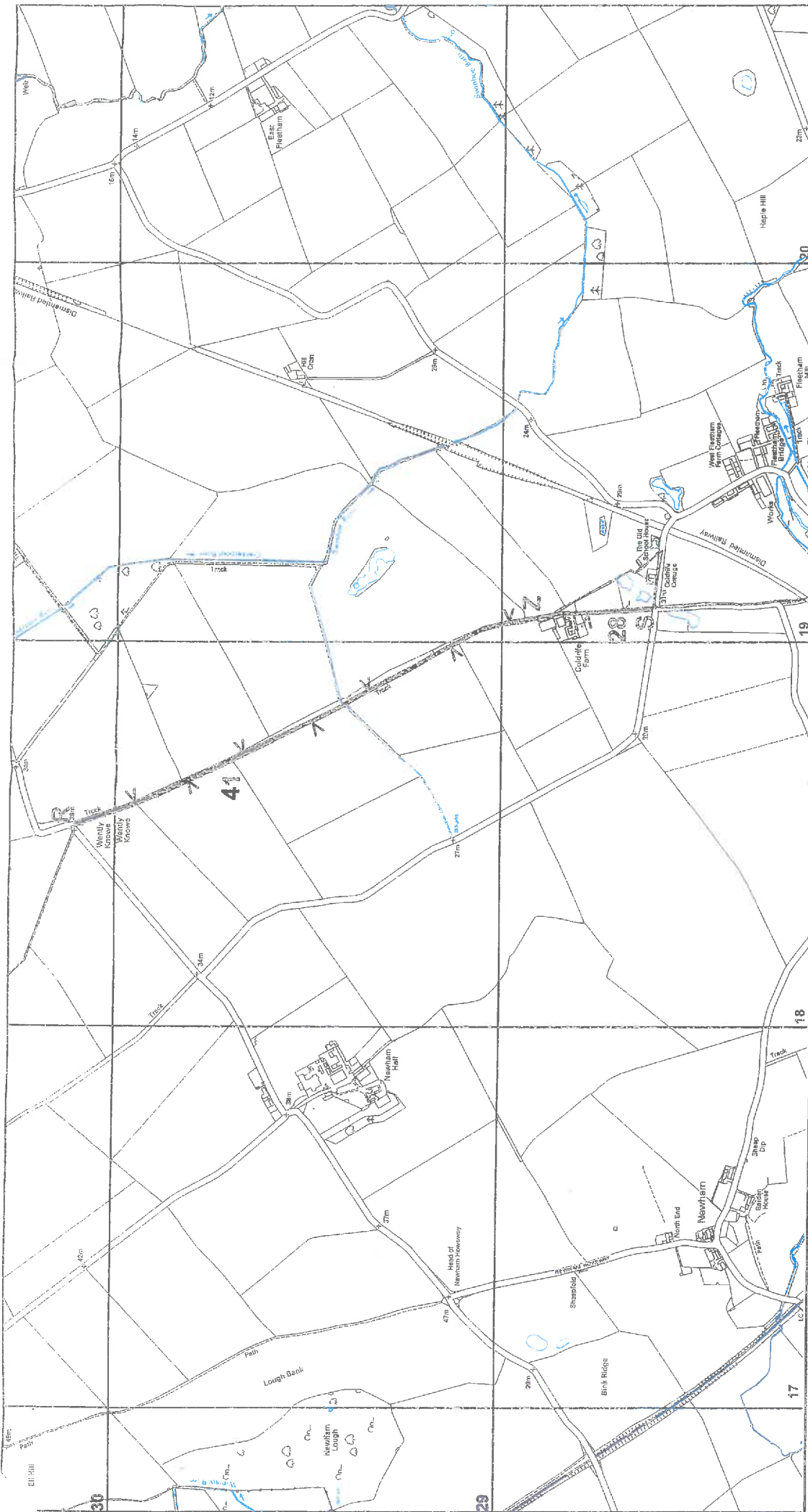
Part I Map: Adding thereto a byway open to all traffic, from a point marked R, on the C65 road, 1025 metres north-east of Newham Hall, in a general south-easterly direction along part of the U2025 road for a distance of 1290 metres, to a point marked Z, on alleged Byway Open to All Traffic No 28 in the Parish of Ellingham, 130 metres north of Coldrife farmhouse.

Part II Statement: To be prepared as follows:
As a 10 to 12 metre wide byway open to all traffic, from the C65 road, 1025 metres north-east of Newham Hall, in a south-easterly direction for a distance of 300 metres. Thereafter as a 12 to 14 metre wide byway continuing in a south-easterly direction for a further 255 metres. Thereafter as a 15 to 20 metre wide byway, continuing in a south-easterly direction for a further 210 metre to a bridge over the Swinhoe Burn. Thereafter as a 9 to 20 metre wide byway continuing in a south-easterly direction for a further 405 metres. Thereafter as an 8.5 to 10 metre wide byway in a southerly direction for a distance of 120 metres, to join Byway Open to All Traffic No 28 in the Parish of Ellingham, 130 metres north of Coldrife Farmhouse.

Ellingham **Byway Open to All Traffic No 28** **(NU 12 NE)**

Part I Map: Adding thereto a byway open to all traffic, from a point marked Z, on alleged Byway Open to All Traffic No 28 in the Parish of Ellingham, 130 metres north of Coldrife farmhouse, in a general southerly direction along part of the U2025 road for a distance of 340 metres, to a point marked S, on the C66 road, 205 metres south of Coldrife.

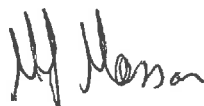
Part II Statement: To be prepared as follows:
As an 8.5 to 10 metre wide byway open to all traffic, from Byway Open to All Traffic No 41 in the Parish of Beadnell, 130 metres, north of Coldrife Farmhouse, in a southerly direction for a distance of 30 metres. Thereafter as an 8.5 metre wide byway in a southerly direction, through Coldrife farm yard, for a distance of 100 metres. Thereafter as a 9.8 to 10.2 metre wide byway in a southerly direction for a further 210 metres to join the C66 road, 205 metres south of Coldrife.



<p>Northumberland Northumberland County Council</p> <p>Infrastructure Local Services County Hall Morpeth Northumberland Telephone 0845 600 6400 NE61 2EF</p> <p><small>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</small></p>	<p>Wildlife and Countryside Act, 1981</p> <p>Definitive Map of Public Rights of Way for the County of Northumberland</p>	<p>The Northumberland County Council</p> <p>Modification Order (No.20) 2016</p>	<p>Public Footpath to be deleted</p> <p>Public Footpath</p> <p>Public Bridleway</p> <p>Restricted Byway</p> <p>Byway Open to All Traffic</p>
<p>O.S. Map NU 13 SENU 12 NE</p> <p>Former District(s) Berwick</p>	<p>Definitive Map No 32/41</p> <p>Parish(es) Beadnell / Ellingham</p>	<p>Scale: 1/10,000</p> <p>Date: July 2016</p>	<p>Map No. 32/41</p>

IN WITNESS whereof the Common Seal of the County Council of Northumberland was hereunto affixed on the 15th day of August 2016

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



Duly Authorised Officer

