

## RIGHTS OF WAY COMMITTEE

11 July 2017

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**PUBLIC RIGHTS OF WAY  
DEFINITIVE MAP MODIFICATION ORDER (No 15) 2016  
ALLEGED PUBLIC BRIDLEWAY NO 27  
PARISH OF CHATTON**

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

### **Recommendation**

**It is recommended that the Committee agree that, unless all the objections are subsequently withdrawn, the Order, together with the objections, be submitted to the Secretary of State for the Department of the Environment, Food and Rural Affairs for determination, accompanied by a recommendation that the Order be confirmed, as made.**

## **1 BACKGROUND**

1.1 The proposal in the Order is to add, to the Definitive Map and Statement:

### Bridleway No 27

A 3 metre wide bridleway from the U1063 road at the Wooler parish boundary 290 metres north-west of Wooler Radio Station in a north-easterly direction for a distance of 360 metres, then continuing as a moorland path for a distance of 940 metres crossing a fence line then continuing easterly for a distance of 140 metres, crossing another fence line, then continuing for a further 350 metres to join the U1066 road, 690 metres west of Fowberry Mains Cottages.

- 1.2 The proposal results from an application submitted in December 2014 by Mr Alan Urwin of Wooler and supported by historical evidence claiming that the route carried higher rights than public footpath and should be recorded as a restricted byway.
- 1.3 In December 2015 the Planning & Rights of Way Committee considered all the available evidence both in support and rebuttal of the alleged restricted byway and resolved that on the balance of probability public bridleway rights had been shown to exist.

## **2 THE ORDER**

- 2.1 The proposal was the subject of a Modification Order made on 8th August 2016 and advertised on 25th August 2016. Public advertisements were displayed on site, and all known owners / occupiers of the land affected were notified with 56 days given for formal objections / representations.
- 2.2 During the statutory period for objections / representations two objections were received which have not been withdrawn.

## **3 OBJECTION**

- 3.1 By letter dated 3rd September 2016, Mr Alan Kind of Gosforth objected to the Order stating:

“Reference your order of 8 August, I **object** on the ground that the historical evidence points more towards restricted byway status than it does to bridleway status”

- 3.2 By letter dated 17th October 2017 (sic), Margaret Anderson, Footpath Secretary for Berwick Ramblers objected to the Order stating:

“I am writing on behalf of Berwick Ramblers to state our objection to the proposed upgrading of the said footpath to a public bridleway. This footpath across the moor is boggy, soft ground. To permit horses to use it would seriously undermine the surface making it difficult terrain for walkers”

## **4 DISCUSSION**

- 4.1 The procedures under the 1981 Act empower the authority to confirm proposals only where these are unopposed and no modification is needed. Where there is an unresolved objection, or where a modification, however minor is needed, the proposal must be submitted for determination by the Secretary of State for the Department of the Environment, Food and Rural Affairs.



**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 15) 2016**

**Public Bridleway No 27 (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) (ii) and (iii), namely, the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description; 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 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 15) 2016.

# Modification Order (No 15) 2016

## Index

### Former Berwick Borough

Parish	Path No.	Modification	OS Map Nos.	Definitive Map Nos.
Chatton	Bridleway No 27	Upgrade of FP 27 and part of FP 35	NU02NW	38
Chatton	Footpath No 35	Part Deletion	NU02NW	38

# Modification Order (No 15) 2016

## Description of Modification to Definitive Map and Statement

### Former Berwick Borough

Parish of Chatton

Bridleway/Footpath No 27

(NU02NW)

Part I Map: Upgrading thereto, to bridleway status, Public Footpath No 27 and part of existing Public Footpath No 35, from a point marked A on the U1063 road at the Wooler parish boundary 290 metres north-west of Wooler Radio Station in a north-easterly and easterly direction for a distance of 1790 metres to a point marked B on the U1066 road 690 metres west of Fowberry Mains Cottages.

Part II Statement: To be prepared as follows:  
A 3 metre wide bridleway from the U1063 road at the Wooler parish boundary 290 metres north-west of Wooler Radio Station in a north-easterly direction for a distance of 360 metres, then continuing as a moorland path for a distance of 940 metres crossing a fence line then continuing easterly for a distance of 140 metres, crossing another fence line, then continuing for a further 350 metres to join the U1066 road, 690 metres west of Fowberry Mains Cottages.

Parish of Chatton

Footpath No 35

(NU02NW)

Part I Map: Deleting thereto, the footpath from a point marked A on the U1063 road at the Wooler parish boundary 290 metres north-west of Wooler Radio Station in a north-easterly direction for a distance of 360 metres to a point marked C at the junction with Public Footpath No 27, 445 metres north-east of Wooler Radio Station, as a consequence of this section being upgraded to public bridleway (Bridleway No 27) status.

Part II Statement: To be amended as follows:  
From Public Bridleway No 27, 445 metres north-east of Wooler Radio Station in a north-easterly direction across Weetwood Moor to join the Newtown-West Weetwood road south-east of Clavering Cottage.

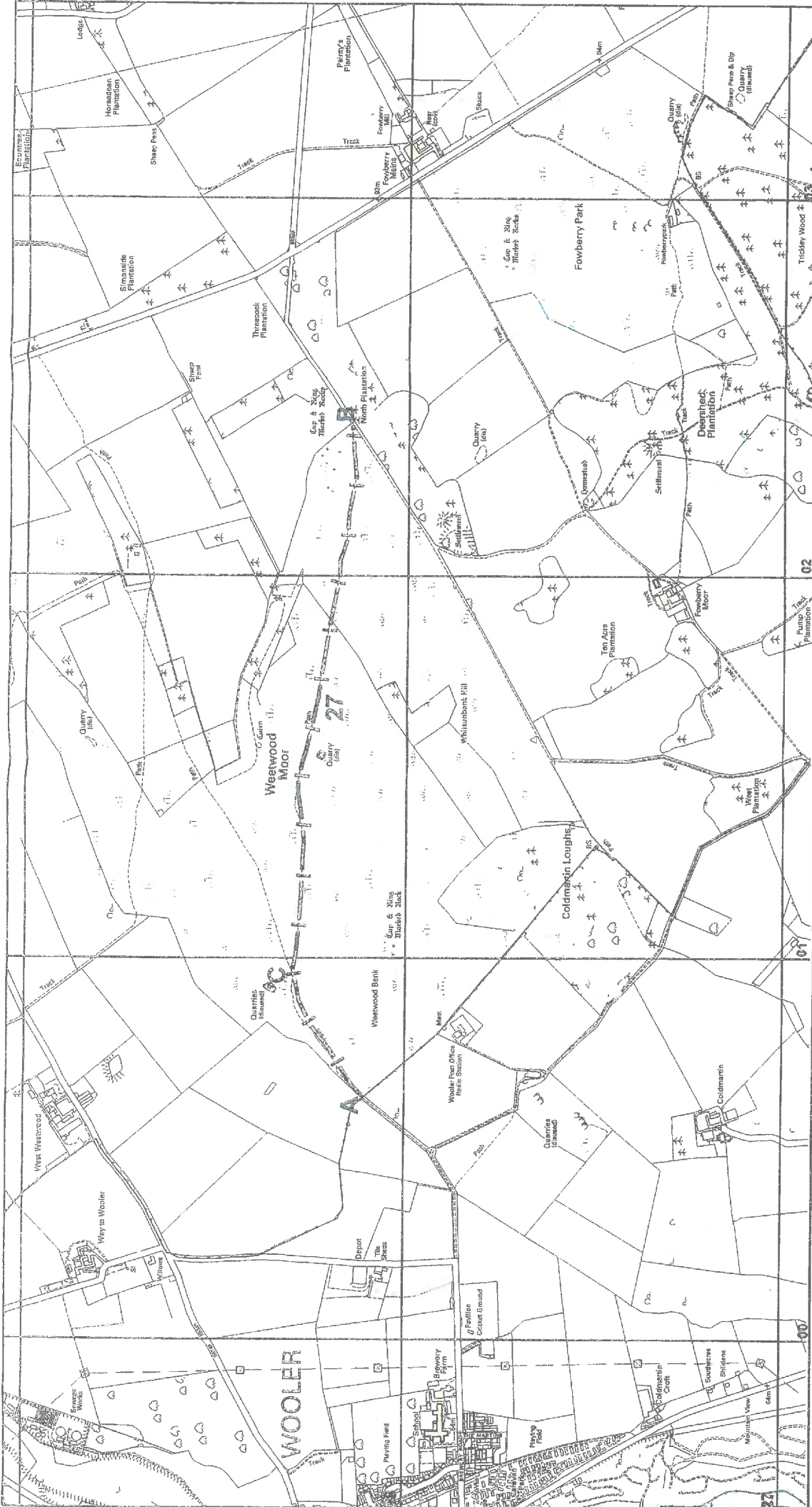
IN WITNESS whereof the Common Seal of the County Council of Northumberland was hereunto affixed on the 8<sup>th</sup> day of August 2016

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



*M. Mason*

Duly Authorised Officer



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

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Wildlife and Countryside Act, 1981

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

**The Northumberland  
 County Council**

**Modification Order  
 (No.15) 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  
 Parishes) Chatton

Scale: 1/10,000  
 Date: March 2016



LEGAL 000 1233

REC'D

from Alan Kind  
45 The Fairway  
Gosforth  
Newcastle upon Tyne  
NE3 5AQ

Legal Services Manager  
Northumberland County Council  
County Hall  
Morpeth  
NE61 2EF

3 September 2016.

Dear Sir,

- Re: Definitive Map Modification Order (No 20) 2016. BOAT41, Parish of Beadnell; BOAT 28, Parish of Ellingham.
- Re: Definitive Map Modification Order (No 19) 2016. BOAT 27, Parish of Ellingham.
- Re: Definitive Map Modification Order (No 21) 2016. BOAT42, 29 & 30, Parishes of Beadnell & Ellingham.
- Re: Definitive Map Modification Order (No 18) 2016. BOAT26, Parish of Ellingham.

Reference your orders of 15 August, I object to all on the ground that the routes do not meet the statutory test for byway status. I also make a representation to all the orders, that I have some evidence of public carriageway status, which I wish to have considered as part of the determination of the orders.

- Re: Definitive Map Modification Order (No 15) 2016. Public Bridleway No 27, Parish of Chatton.

Reference your order of 8 August, I object on the ground that the historical evidence points more towards restricted byway status than it does to bridleway status.

Yours faithfully

Alan Kind

3 Parade School Mews  
Berwick upon Tweed  
TD15 1ET  
October 17<sup>th</sup> 2017


Liam Henry  
Legal Services Manager  
Northumberland County Council  
County Hall  
Morpeth  
NE61 2EF

Dear Mr. Henry

Re: Parish of Chatton -- Public Footpaths No. 35 and 27

I am writing on behalf of Berwick Ramblers to state our objection to the proposed upgrading of the said footpath to a public bridleway. This footpath across the moor is boggy, soft ground. To permit horses to use it would seriously undermine the surface making it difficult terrain for walkers.

Yours sincerely

  
Margaret Anderson  
Footpath Secretary  
Berwick Ramblers

LEGAL SERVICES

19 OCT 2016

REC'D