

RIGHTS OF WAY COMMITTEE

12 September 2017

PUBLIC RIGHTS OF WAY

MODIFICATION ORDER (No 24) 2016

ALLEGED BYWAY OPEN TO ALL TRAFFIC No 155 & RESTRICTED BYWAY No 160 (PARISH OF ALLENDALE)

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It is recommended that the Committee agree that, unless all the objections are subsequently withdrawn, the Order, together with the objections, be submitted to the Secretary of State for the Environment, Food and Rural Affairs for determination, accompanied by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

1.0 Background

1.1 The proposals in the Order seek to add, to the Definitive Map and Statement:

Byway Open to All Traffic No 155

As a 9 to 9.5 metre wide Byway Open to All Traffic, from the junction of the U8030 and U8031 roads, 100 metres north-west of Harlow Keep, in south-easterly direction for a distance of 45 metres, then in an easterly direction for a distance of 50 metres, then as a 6 to 6.5 metre wide byway in a southerly direction for 20 metres, to a junction with Public Footpath No 30 and Restricted Byway No 160, 12 metres south of Harlow Keep.

Restricted Byway No 160

As a 6 to 6.5 metre wide restricted byway, from a junction with Public Footpath No 30 and alleged Byway Open to All Traffic No 155, 12 metres south of Harlow Keep, in a southerly direction for a distance of 210 metres. Thereafter as a 5 to 6 metre wide byway in a south-easterly direction for a distance of 65 metres. Thereafter as a 6 to 6.5 metre wide byway, in a southerly direction for a distance of 420 metres, to join Public Footpath No 26, 145 metres north-east of Struthers.

- 1.2 The proposals resulted from the discovery of historical documentary evidence by the County Council. The alleged restricted byway part of this route has been recorded on the Definitive Map of Public Rights of Way, as parts of Public Footpaths Nos 26 and 30, since the original map was drawn up in the 1950s (Relevant Date: 20 September 1954). The alleged restricted byway route was the subject of a highway dedication in 1980.
- 1.3 In July 2016, the Rights of Way Committee considered all the available evidence both in support and rebuttal of the public right of way and resolved that, on a balance of probability, public vehicular rights had been shown to exist over the U8031 road, between the U8030 road north-west of Harlow Keep and the southern end of the road, north-east of Struthers, but that the public's motor vehicular rights had been extinguished over the majority of the route, by virtue of the natural Environment and Rural Communities Act 2006.

2.0 The Order

- 2.1 The proposal was the subject of a Definitive Map Modification Order, made on 28th November 2016, and advertised on 9th December 2016. Public advertisements were displayed in the local press and on site, and all known owners and occupiers of the land affected were notified, with 56 days given for formal objections / representations.

3.0 Objections

- 3.1 Four letters of objection / representation to Modification Order (No 24) 2016 were received.
- 3.2 By letter, dated 11 January 2017, Mr A Kind of Newcastle upon Tyne objected to this and several other Orders, stating:

"Re Definitive Map Modification Order (No 24) 2016 BOAT 155, Parish of Allendale 28 November 2016.

Reference your orders listed above, on behalf of the Trail Riders Fellowship Limited, 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.

“As always I am happy to discuss the available evidence and legal issues in all of these cases.”

3.3 By letter, dated 22nd January 2017, Mr B Thompson of Old Town Farm House, objected to the Order, stating:

“I am writing in response to your letter reference BMcC/10327, dated the 5 December 2016 to appeal the proposed road changes. This letter is the first correspondence that I have received from Northumberland County Council regarding the changes. Surrounding neighbours however have informed me that they have received previous letters and this was only discovered through discussing this issue with them which you can appreciate I am not happy about.

“I have lived at Old Town Farm since 1957 and during my early years at this address I can recollect that there was more horse drawn vehicles that used the identified road. From approximately 1980 there was an increase in motorised vehicles and tractors using the road which led to the road being resurfaced. This was directed and organised by Mr Keith Dodd who worked for the local council at the time and we believe that it was paid for by the local farmers who signed the Highway Dedication 1980 document. Since this date the identified road has been maintained and recently resurfaced in the last few years by Northumberland County Council. It has also been gritted and snowploughed when required and bins collected along this road from this date. After taking advice it seems that this road is now Northumberland County Councils responsibility and they should continue to maintain and upkeep the road.

“In the letter it states that it is Northumberland County Councils intention to turn this road into a Restricted Byway. The definition of this is as follows;

“A way over which there is a right to pass on foot, on horse-back, leading a horse and for vehicles other than mechanically-propelled vehicles. In some cases there may also be a right to drive animals” (<http://uk.practicallaw.com/2-518-9439#>)

This causes concern as mechanical motorised vehicles will still need to continue to use this road. I enclose a map titled “Northumberland adopted highways map” dated the 17 December 2016. This states that the road identified is unclassified with the definition “all purpose - usable by all traffic types” and states that it is a type single two lane carriageway with a speed limit of 60 mile per hour. This surely identifies the road for more usage than just walkers and horses therefore not a restricted byway. It appears to me that there is no reason for this road to change other than for the benefit of Northumberland County Councils finances as I believe the change will remove the responsibility of you maintaining and repairing the road. Alex bell discussed this issue with me a few weeks ago and he said that the change of use to a restricted Byway would not change anything but could not guarantee what would happen in the future if this was agreed.

"I object to the modification order of changing the use of the road in the letter as the road will still need to be maintained as it has done previously. Motorised vehicles will need to continue to use this road to access their properties, properties that have grown in number over my lifetime in this area. My concern is if the changes are made who will maintain the road and who will own it as I believe that it is the council's intention to withdraw from these responsibilities otherwise why change the use at all. I ultimately would like reassurance that this road will continue to be maintained by the council as it has done for over 35 years as and would like to receive this confirmation in writing."

- 3.4 By letter, dated 30 January 2017, Mr D Henery and Ms H England of Newcastle upon Tyne made the following representation:

"We wish to make a representation regarding Definitive Map Modification Order (No 24) 2016 and the introduction of Restricted Byway No 160 (Parish of Allendale). We are the owners of Grahams Wood (see enclosed map) and access to our land is via the proposed Byway No 160. We require vehicular access to point D in order to reach our property. Please can you confirm that this will still be possible and advise what will be the situation for other people that we invite to visit our land.

- 3.5 By letter, dated 1 February 2017, Ms C Liversedge and Ms C Dennis of Catton objected to the Order, stating:

"Definitive Map Modification Order (No 24) 2016

"We are writing to lodge an objection to the downgrading of the road running from the Oakpool road passed Harlow Keep down to the Struthers, as per the above modification order.

"We have lived in Catton for 30 years and during that time have frequently used this road in a motor vehicle to access walks on public footpaths.

"It is our understanding that prior to our moving to the area, this road was surfaced with tarmac at the expense of the local farmers to allow its adoption by the Council.

"There appears to be no rational or reasonable justification for the downgrading of this stretch of road to a 'restricted byway' from its current status."

4. Discussion

- 4.1 The procedures under the 1981 Act empower this 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 Environment, Food and Rural Affairs.

- 4.2 The route has consistently been shown on Ordnance Survey maps since c.1864/5 and is also identified on Fryer's and Greenwood's County Maps of 1820 and 1828 (but not on Armstrong's or Cary's Maps of 1769 and 1820-32. In the Book of Reference to accompany the c.1864/5 Ordnance Survey map, the section of track north of point C is identified as "Public road" whilst the C-D section is identified as "Private road". Only the short A-B section of the route was identified as a publicly maintainable road on the 1932 Hexham Rural District handover map and also on the 1939 schedule and map prepared under the Restriction of Ribbon Development Act 1935. Only the A-B section was identified as a publicly maintainable highway on the Council Highway maps and schedules prepared in 1951, 1958, 1964 and 1974. The B-C section was on the original Definitive Map (and subsequent Definitive Maps) as being part of Public Footpath No 30. The C-D section was on the original Definitive Map (and subsequent Definitive Maps) as being part of Public Footpath No 26.
- 4.3 In July 1980 R Keenleyside (Struthers Farm), Recoil (Advance) Ltd (Pasture House Farm, H Thompson (Old Town), G Dodd (Sunniside), E Mack (Old Town) and C Barker (Harlow Keep) signed a Highway Dedication Agreement, apparently dedicating the B-C-D section of the Order route as a public highway.
- 4.4 The objectors are not arguing that this route is not a public vehicular right of way. Mr Thompson, Ms Liversedge and Ms Dennis are of the opinion that the B-C-D section is a motor vehicular right of way - not a restricted byway. Mr Henery and Ms England have made a representation, concerned that recording the B-C-D as a restricted byway might compromise vehicular access to their woodland, south of Point D. Mr Kind has only objected to the A-B (i.e. byway open to all traffic) section of the Order; this on the basis that, although the route is a public motor vehicular right of way, the statutory test for recording it as a byway open to all traffic has not been satisfied.
- 4.5 The Natural Environment and Rural Communities Act 2006 (NERCA 2006) had a major impact upon the recording of byways open to all traffic based upon historical documentary evidence. Under section 67 of the Act, any existing, but unrecorded, public rights of way for mechanically propelled vehicles were extinguished unless one of the 'saving' provisions applied. In brief, these saving provisions were: (a) if the main lawful public use between 2001 and 2006 was with motor vehicles; (b) if the route was on the List of Streets (on 2 May 2006) and not also on the Definitive Map as something less than a byway open to all traffic; (c) the route was legally created expressly for motor vehicular use; (d) the route was a road deliberately constructed for public motor vehicular use; or (e) the vehicular highway came about as a result of unchallenged motor vehicular use before December 1930.
- 4.6 Of the saving provisions above, (b) will only apply to the A-B section of the route. Although the whole route was identified on the List of Streets on 2 May 2006, the B-C-D section was also shown on the Definitive Map as public footpath. Where a route is shown on the Definitive Map as a footpath or

bridleway, then the fact that it is shown on the List of Streets will not be sufficient to prevent the public's motor vehicular rights from being extinguished.

- 4.7 Under section 67(2)(c) of NERCA 2006, the public's motor vehicular rights would not be extinguished if those rights had been created on terms that expressly provided for a right of way for mechanically propelled vehicles. Although the 1980 dedication was almost certainly intended to create a public vehicular highway, vehicular highway rights are not expressly mentioned. Since public bridleways are also "public highways", the 1980 dedication is considered to be sufficiently ambiguous to prevent this saving provision from applying.
- 4.8 Under section 67(2)(a) of NERCA 2006, the public's motor vehicular rights would not be extinguished if they are over a way whose main lawful use by the public during the period of 5 years between 2nd May 2001 and 2nd May 2006 was with mechanically propelled vehicles. The difficulty here is that the Council has no evidence regarding the balance of public user during this 5 year period. The road is not a through route for vehicles, though there are five public footpaths branching easterly, westerly and southerly from the route. The main motor vehicular users are likely to be the property owners themselves, their invitees and visitors; not the general public. It will be difficult for someone to demonstrate that public motor vehicular use outweighed pedestrian (and equestrian and cycle use).
- 4.9 Under section 67(2)(e) of NERCA 2006, the public's motor vehicular rights would not be extinguished if they are over a way that had been in long use by mechanically propelled vehicles before 1930, when it first became an offence to drive 'off-road'. There is no evidence of long-standing public motor vehicular use before 1930 in this instance.
- 4.10 Finally, under section 67(2)(d) of NERCA 2006, the public's motor vehicular rights would not be extinguished if they are over a way that had been created by construction of a road intended to be used by MPVs. The Inspector who determined Definitive Map Modification Order (No 23) 2012 (Kilham) concluded that public motor vehicular rights had been 'saved' over that route (in part) by virtue of this exemption (see paragraphs 48-57 of that decision letter). At Kilham, there was the express dedication by the landowner in 1968 (similar to the express dedication by the Allendale landowners in 1980) but there were also Council Bridges and Highways Roads Committee minutes from 1959 stating that "subject to the road(s) being completed to the satisfaction of the County Surveyor, they be taken over as highways repairable by the inhabitants at large and that the necessary notices be signed by the Clerk of the Council and fixed up therein pursuant to Section 19 of the Private Street Works Act 1892." On that basis, the Inspector argued that because the

Committee decision to accept dedication was contingent upon the road being “made up to a satisfactory standard” this meant the road (which must have been unsatisfactory at that time) was to be constructed to a standard suitable for motor vehicles and all other traffic. There are, however, no equivalent minutes setting similar conditions at Allendale, so it would, therefore, appear that the saving provisions in section 67(2)(d) of NERCA 2006 don’t apply to the B-C-D part of the Order route.

- 4.11 Mr Kind has objected on the basis that although this route is a motor vehicular right of way, it doesn’t meet the statutory test for being recorded as a byway open to all traffic. A byway open to all traffic is a route over which the public has a motor vehicular right of way, but which is nevertheless used by the public more on foot, horseback and bicycle. This route is a cul-de-sac for public motor vehicles (a very short one if motor vehicular rights terminate at point B) with public footpaths heading off the byway open to all traffic / restricted byway in 5 directions. On that basis it is considered likely that public use of this route will be primarily non-motor vehicular, thereby satisfying the criteria for recording the A-B section of U8031 road as a byway open to all traffic.

5. Council’s Position Regarding Submitting the Order to the Secretary of State

- 5.1 In view of the historical documentary evidence available, the County Council believes that, on the balance of probabilities, public vehicular rights do exist over the route identified in the Order; that the NERCA 2006 appears to have extinguished the public’s motor vehicular rights over the B-C-D section of the route; that the character of the A-B section of the route means that it is one which it would be appropriate to record on the definitive Map as a byway open to all traffic; and that the Order ought, therefore, to be confirmed, as made.

6. Background Papers

Local Services Group File: E/2/155+160z

Definitive Map Modification Order (No 24) 2016.

Report Author Alex Bell – Definitive Map Officer
(01670) 624133
Alex.Bell@Northumberland.gov.uk

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 24) 2016

Byway Open to All Traffic No 155 and Restricted Byway No 160 (Parish of Allendale)

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 Sections 53(3)(c)(i) and (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 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; 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 24) 2016.

Definitive Map Modification Order (No 24) 2016

Index

Parish	Path No.	Modification	OS Map Nos.	Def Map Nos.
Former Tynedale District				
Allendale	FP 26	Deletion (part)	NY 85 NW	217
Allendale	FP 30	Deletion (part)	NY 85 NW	217
Allendale	BOAT 155	Addition	NY 85 NW	217
Allendale	RB 160	Addition	NY 85 NW	217

Definitive Map Modification Order (No 24) 2016

Description of Modification to Definitive Map and Statement

Former Tynedale District

Allendale **Footpath No 26** (NY 85 NW)

Part I Map: Deleting thereto the footpath, from a point marked C, at the path's existing junction with Public Footpath No 30, 215 metres south of Harlow Keep, in a southerly-east and southerly direction along part of the U8031 road, for a distance of 485 metres, to a point marked D, at a junction with existing Public Footpath No 25, 145 metres north-east of Struthers; as a consequence of this section being upgraded to restricted byway (part of Restricted Byway No 160) status.

Part II Statement: To be amended as follows:
As a 2.5 metre wide grass surfaced track for a distance of 240 metres from the U8031 road (Colliery Lane) at Old Town, in a south-easterly direction to join Restricted Byway No 160, 145 metres south of Harlow Keep. Then as a 2.5 metre wide path, from a point on Restricted Byway No 160, 145 metres north-east of Struthers, in a southerly and easterly direction for a distance of 150 metres to a field boundary, thereafter as a 1.5 metre wide field / woodland path for a distance of 1300 metres in a southerly, south-westerly and southerly direction passing to the east of Owlet Hall, then turning in an easterly direction and entering Grahams Wood and following the east bank of the River East Allen to join Bridleway No 122 west of the sewage works.

Allendale **Footpath No 30** (NY 85 NW)

Part I Map: Deleting thereto the footpath, from a point marked C, at the path's existing junction with Public Footpath No 26, 215 metres south of Harlow Keep in a northerly direction along part of the U8031 road, for a distance of 210 metres, to a point marked B, on alleged Byway Open to All Traffic No 155, 12 metres, south of Harlow Keep; as a consequence of this section being upgraded to restricted byway (part of Restricted Byway No 160) status.

Part II Statement: To be amended as follows:
From the junction of Byway Open to All Traffic No 155 and Restricted Byway No 160, 12 metres south of Harlow Keep, in a south-easterly and easterly direction to join Footpath No 31 at Half Acres.

Allendale

Byway Open to All Traffic No 155

(NY 85 NW)

Part I Map:

Adding thereto a byway open to all traffic, from a point marked A, at the junction of the U8030 and U8031 roads, 100 metres north-west of Harlow Keep, in a general south-easterly direction along part of the U8031 road, for a distance of 115 metres, to a point marked B, at a junction with existing Public Footpath No 30 and alleged Restricted Byway No 160, 12 metres south of Harlow Keep.

Part II Statement:

To be prepared as follows:
As a 9 to 9.5 metre wide Byway Open to All Traffic, from the junction of the U8030 and U8031 roads, 100 metres north-west of Harlow Keep, in south-easterly direction for a distance of 45 metres, then in an easterly direction for a distance of 50 metres, then as a 6 to 6.5 metre wide byway in a southerly direction for 20 metres, to a junction with Public Footpath No 30 and Restricted Byway No 160, 12 metres south of Harlow Keep.

Allendale

Restricted Byway No 160

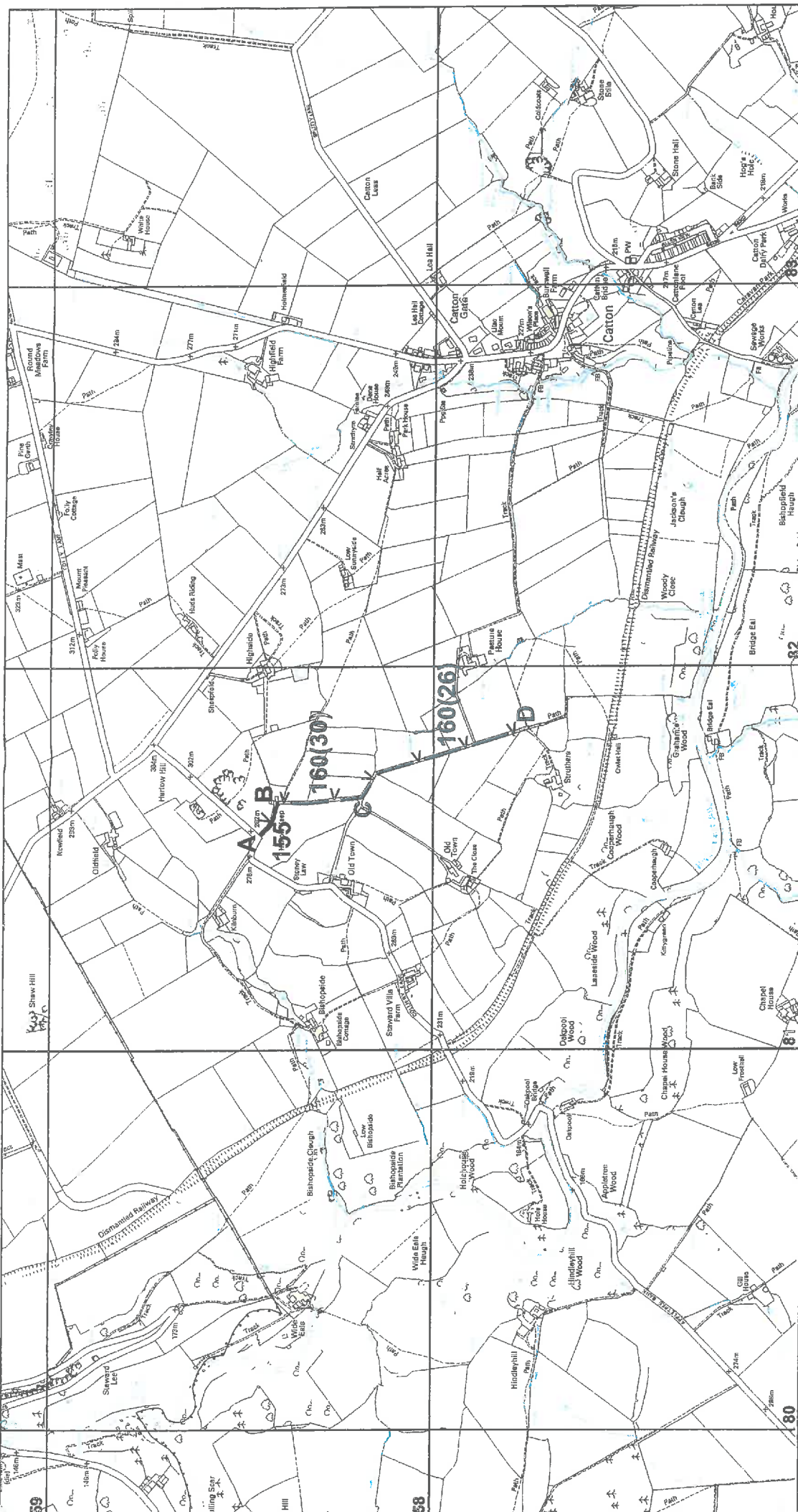
(NY 85 NW)

Part I Map:

Upgrading thereto to restricted byway, and renumbering, parts of existing Public Footpaths Nos 30 and 26, from a point marked B, at a junction with existing Public Footpath No 30 and alleged Byway Open to All Traffic No 155, 12 metres south of Harlow Keep, in a general southerly direction for a distance of 695 metres along part of the U8031 road, to a point marked D, on existing Public Footpath No 26, 145 metres north-east of Struthers.

Part II Statement:

To be prepared as follows:
As a 6 to 6.5 metre wide restricted byway, from a junction with Public Footpath No 30 and alleged Byway Open to All Traffic No 155, 12 metres south of Harlow Keep, in a southerly direction for a distance of 210 metres. Thereafter as a 5 to 6 metre wide byway in a south-easterly direction for a distance of 65 metres. Thereafter as a 6 to 6.5 metre wide byway, in a southerly direction for a distance of 420 metres, to join Public Footpath No 26, 145 metres north-east of Struthers.



Wildlife and Countryside Act, 1981

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

**The Northumberland
County Council**

**Modification Order
(No.24) 2016**

Public Footpath to be deleted

Public Footpath

Public Bridleway

Restricted Byway

Byway Open to All Traffic

Scale: 1/10,000

Date: October 2016

O.S. Map NY 85 NW

Former District(s) Tyndale

Definitive Map No 217

Perish(ies) Allendale

NORTHUMBERLAND

Northumberland County Council

Infrastructure
Local Services

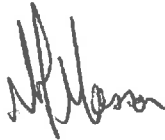
County Hall Morpeth Northumberland
Telephone 0845 600 6400 NE61 2EF

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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 28th day of November 2016

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



Duly Authorised Officer



LEGAL SERVICES

16 JAN 2017

REC'D

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

e-mail mondard@mac.com

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

11 January 2017.

Dear Sir,

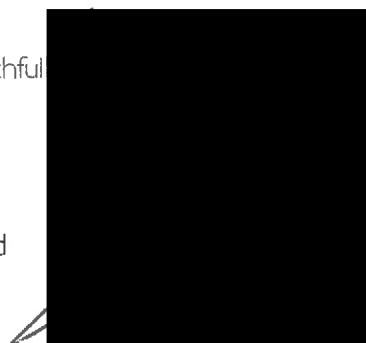
- Re: Definitive Map Modification Order (No 31) 2016. BOAT20, Parish of Doddington; BOAT 23 Parish of Doddington. 1 December 2016.
- Re: Definitive Map Modification Order (No 23) 2016. BOAT 161, Parish of Allendale. 1 December 2016.
- Re: Definitive Map Modification Order (No 30) 2016. BOAT20 & 17, Parishes of Bamburgh and North Sunderland. 1 December 2016.
- Re: Definitive Map Modification Order (No 29) 2016. BOAT38 & 32, Parishes of Beadnell & Newton-by-the-Sea. 1 November 2016.
- Re: Definitive Map Modification Order (No 32) 2016. BOAT21 & 57, Parishes of Doddington & Chatton. 1 December 2016.
- Re: Definitive Map Modification Order (No 26) 2016. BOAT31, 33 & 14, Parishes of Ilderton & Roddam. 21 November 2016.
- Re: Definitive Map Modification Order (No 27) 2016. BOAT32 & 15, Parishes of Ilderton & Roddam. 21 November 2016.
- Re: Definitive Map Modification Order (No 28) 2016. BOAT13, Parish of Roddam. 21 November 2016.
- Re: Definitive Map Modification Order (No 24) 2016. BOAT 155, Parish of Allendale. 28 November 2016.

Reference your orders listed above, on behalf of the Trail Riders Fellowship Limited, 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.

As always I am happy to discuss the available evidence and legal issues in all of these cases.

Yours faithful

Alan Kind



LEGAL SERVICES

7 4 JAN 2017

REC'D

Barbara McCabe
Northumberland County Council
Legal services Unit
County Hall
Morpeth
Northumberland
NE612EF

Bryan Thompson
Old Town Farm House
Old Town Farm
Catton
Hexham
Northumberland
NE479LP

22nd January 2017

Dear B McCabe

I am writing in response to your letter reference BMcC/10327, dated the 5th December 2016 to appeal the proposed road changes. This letter is the first correspondence that I have received from Northumberland County Council regarding the changes. Surrounding neighbours however have informed me that they have received previous letters and this was only discovered through discussing this issue with them which you can appreciate I am not happy about.

I have lived at Old Town Farm since 1957 and during my early years at this address I can recollect that there were more horse drawn vehicles that used the identified road. From approximately 1980 there was an increase in motorised vehicles and tractors using the road which led to the road being resurfaced. This was directed and organised by Mr Keith Dodd who worked for the local council at the time and we believe that it was paid for by the local farmers who signed the Highway Dedication 1980 document. Since this date the identified road has been maintained and recently resurfaced in the last few years by Northumberland County Council. It has also been gritted and snowploughed when required and bins collected along this road from this date. After taking advice it seems that this road is now Northumberland County Councils responsibility and they should continue to maintain and upkeep the road.

In the letter it states that it is Northumberland County Councils intention to turn this road into a Restricted Byway. The definition of this is as follows;

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This causes concern as mechanical motorised vehicles will still need to continue to use this road. I enclose a map titled "Northumberland's adopted highways map" dated the 17th December 2016. This states that the road identified is unclassified with the definition "all purpose –usable by all traffic types" and states that it is a type single two lane carriageway with a speed limit of 60 mile per hour. This surely identifies the road for more usage than just walkers and horses therefore not a restricted byway. It appears to me that there is no reason for this road to change other than for the benefit of Northumberland County Councils finances as I believe the change will remove the

responsibility of you maintaining and repairing the road. Alex bell discussed this issue with me a few weeks ago and he said that the change of use to a restricted Byway would not change anything but could not guarantee what would happen in the future if this was agreed.

I object to the modification order of changing the use of the road in the letter as the road will still need to be maintained as it has done previously. Motorised vehicles will need to continue to use this road to access their properties, properties that have grown in number over my lifetime in this area. My concern is if the changes are made who will maintain the road and who will own it as I believe that it is the council's intention to withdraw from these responsibilities otherwise why change the use at all. I ultimately would like reassurance that this road will continue to be maintained by the council as it has done for over 35 years as and would like to receive this confirmation in writing.

I look forward to hearing further from you about this issue

Yours sincerely

Mr Bryan Thompson



Legend
Identify
Show Layers
About

NORTHUMBERLAND
Northumberland County Council

Welcome to the map of Highways in Northumberland.

This map provides information on the adopted highway. It is correct to the best of our knowledge but does not provide detailed information on the width of the highway across the whole of the network. If you require detailed information on the width of the highway and its position in relation to a property boundary you can submit an email request to: highwaysearch@northumberland.gov.uk

The information is given in good faith and Northumberland County

Adopted Highway
Sunnyside
Section Code: 1110U8032100010
Name: U8032 JCT TO SURFACE CHANGE AT STRUTHERS
Length: 887
Type: Unclassified
NCC Classification: All Purpose - Classed by all traffic types
Environment: RURAL
Responsibility: New Southern Area
Type: SINGLE LANE CARRIAGEWAY
Hierarchy: P1 - Access Road
Speed Limit: 30 mph

14 Coquet Terrace
Heaton
Newcastle upon Tyne
NE6 5LD

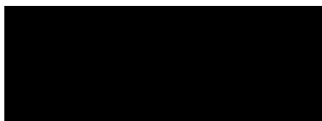
30/01/2017

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

Dear Mr Henry

We wish to make a representation regarding Definitive Map Modification Order (No 24) 2016 and the introduction of Restricted Byway No 160 (Parish of Allendale). We are the owners of Grahams Wood (see enclosed map) and access to our land is via the proposed Byway No 160. We require vehicular access to point D in order to reach our property. Please can you confirm that this will still be possible and advise what will be the situation for other people that we invite to visit our land.

Yours Sincerely

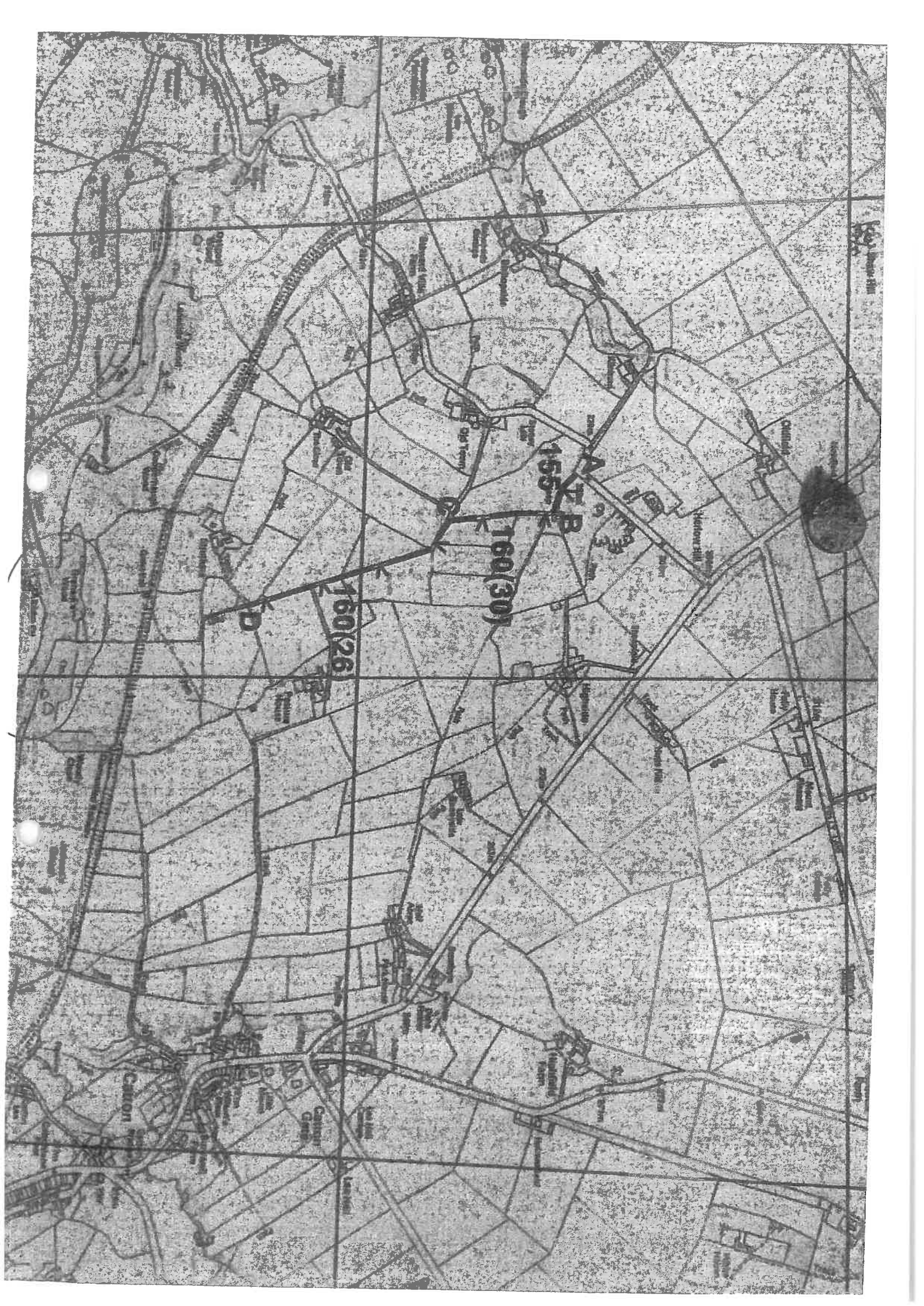


David Henery and Hilary England
henery.england@gmail.com

LEGAL SERVICES

01 FEB 2017

REC'D



12 Allen View
Catton
Hexham
Northumberland
NE47 9QQ

1 February 2017

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

LEGAL SERVICES
03 FEB 2017
REC'D

Dear Mr Henry

RE: Definitive Map Modification Order (NO 24) 2016

We are writing to lodge an objection to the downgrading of the road running from the Oakpool road passed Harlow Keep down to the Struthers, as per the above modification order.

We have lived in Catton for 30 years and during that time have frequently used this road in a motor vehicle to access walks on public footpaths.

It is our understanding that prior to our moving to the area, this road was surfaced with tarmac at the expense of the local farmers to allow its adoption by the Council.

There appears to be no rational or reasonable justification for the downgrading of this stretch of road to a 'restricted byway' from its current status.


Christine Liversedge and Cynthia Dennis