

RIGHTS OF WAY COMMITTEE

14 November 2017

PUBLIC RIGHTS OF WAY

PROPOSED EXTINGUISHMENT OF PART OF PUBLIC BRIDLEWAY No 1 (PARISH OF 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 to consider proposals to extinguish part of Public Bridleway No 1 (Parish of Wooler) east of Commonburn.

Recommendations

It is recommended that the Committee agree that Public Bridleway No 1 be extinguished over the route M-DD on the grounds that (if the Definitive Map Modification Order recognizing restricted byway rights on a parallel route is confirmed) it is not needed for public use.

1.0 BACKGROUND

- 1.1 A high quality part stone surfaced / part tarmac track currently provides vehicular access between the western end of the U1078 road (Point PP), west of Wooler, and Commonburn (Point L). Existing Public Bridleway No 1 (Parish of Wooler) proceeds from the western end of the U1078 road towards Commonburn. Much of this bridleway follows the abovementioned stone / tarmac track, but a significant part of the bridleway (1355 metres in length) proceeds (undefined on the ground) on an alignment parallel with, and generally 20 to 30 metres north of, the track.
- 1.2 At its meeting in September 2017, the Rights of Way Committee resolved that restricted byway rights had been part reasonably alleged to exist / part shown to exist on a balance of probabilities over the route L-W-M-CC-FF-EE-PP. This route will very shortly be included in a Definitive Map Modification Order which will hopefully attract no objections and therefore be capable of being confirmed, by the County Council, as unopposed.

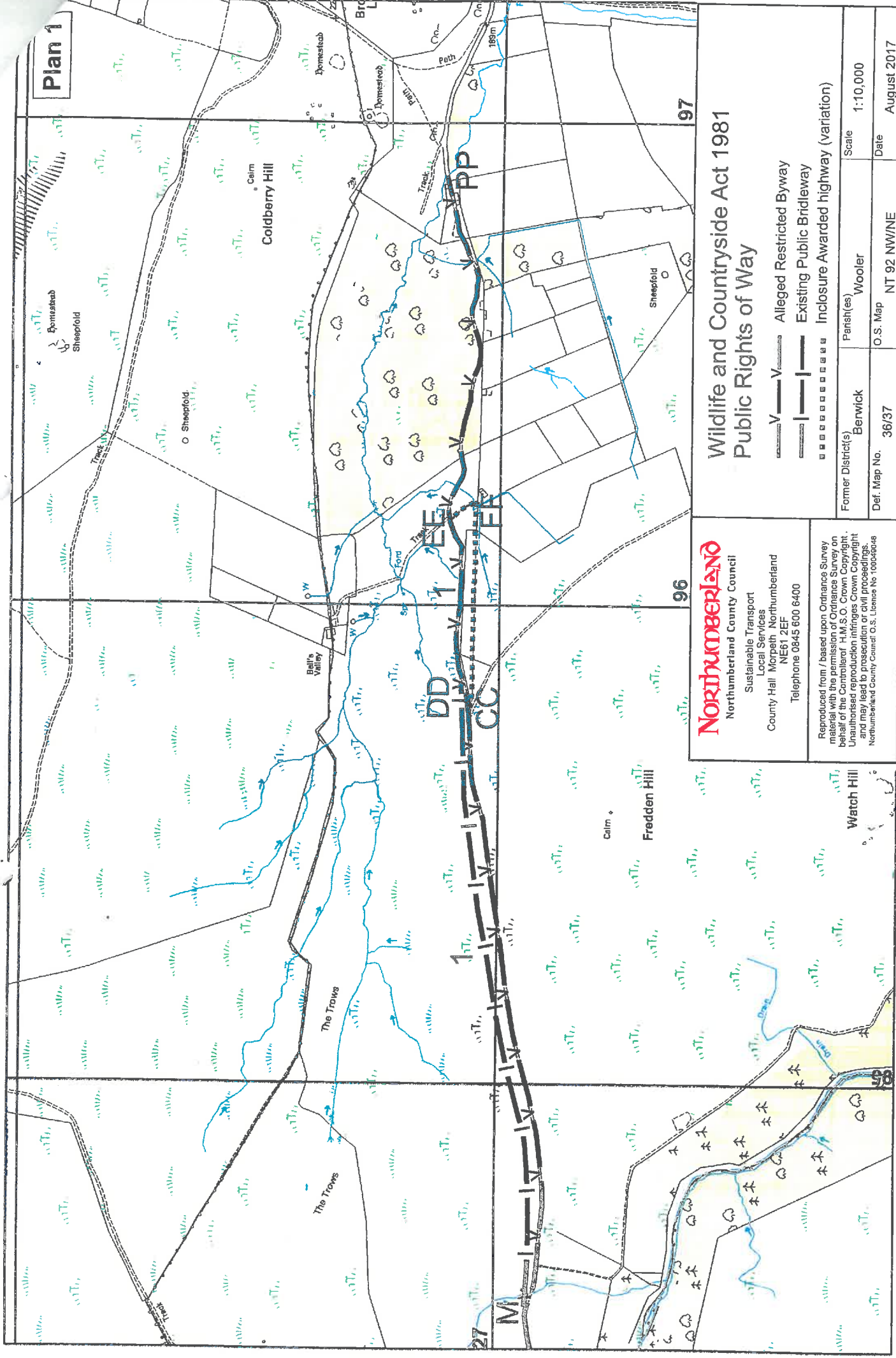
- 1.3 Most of the restricted byway which is to be added to the definitive map follows the route of the modern day track (and it is intended to legally divert those short lengths that are not coincidental onto the track, by means of public path orders). If the stone / tarmac track to Commonburn (which is used by the public) is recognized as a restricted byway then it would seem reasonable to conclude that the 1355 metre long section of (apparently unused by the public) parallel bridleway, immediately to the north, is no longer needed for public use.
- 1.4 Affected land owners / occupiers, path user organisations and the Northumberland National Park Authority were consulted regarding these proposals in September 2017. The consultation also contained proposals for some minor path diversions at Commonburn itself, and a more significant path diversion east of Commonburn, which will be dealt with under the delegated authority for routine diversions.
- Lilburn Estates (the main land owner affected) did not respond to this latest consultation, but did indicate support for the proposed changes when responding in relation to the draft committee reports regarding the historical restricted byway and public bridleway rights.
 - Mr R Winter, owner of Bells Cottage, indicated, verbally, that he thought the proposals identified were very sensible
 - Cycling UK indicated that they thought “the proposed changes seem to make good sense”.
 - The Ramblers’ Association indicated that they had “no real objections other than walkers may prefer softer terrain for a while if making their way to Commonburn.”
 - The British Horse Society indicated “The British Horse Society supports the suggested proposals in this consultation as they bring benefits to users and landowners in equal measure. The BHS thanks the council and Lilburn Estate for their willingness to consider these improvements to the ridden network in this area.”
 - Mr Kind responded to the consultation indicating support for the additional historical rights of way but without commenting on the proposed changes.
- 1.3 There appears to be general support (and no objections) to the proposals to extinguish the M-DD section of public bridleway.
- 1.4 There was similar support for the other linked path proposals (affecting three lengths of ‘new’ restricted byway, a ‘new’ public bridleway and some minor footpath realignments at Commonburn itself) that will be dealt with by path diversion orders made under delegated powers.

BACKGROUND PAPERS

Local Services Group File: B/36/1x

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Wildlife and Countryside Act 1981 Public Rights of Way

- Alleged Restricted Byway
- Existing Public Bridleway
- Inclosure Awarded highway (variation)

Former District(s)	Benwick	Parish(es)	Wooler	Scale	1:10,000
Def. Map No.	36/37	O.S. Map	NT 92 NWNE	Date	August 2017