



Northumberland County Council

TYNEDALE LOCAL AREA COUNCIL

12 June 2018

**PUBLIC RIGHTS OF WAY
DEFINITIVE MAP MODIFICATION ORDER (No 23) 2016
ALLEGED PUBLIC BRIDLEWAY NO 159
BYWAY OPEN TO ALL TRAFFIC NO 161
PARISH OF ALLENDALE**

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It is recommended that the Committee agree that, unless the objections are subsequently withdrawn, the Order, together with the objections, be submitted to the Secretary of State for the Department of the Environment, Food and Rural Affairs for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 159

A 3 metre wide stone/gravel surfaced public bridleway from Byway Open to All Traffic No 161, 350 metres north of White House in an easterly direction for a distance of 20 metres then continuing in a general easterly direction as a moorland path for a distance of 680 metres to join Public Bridleway No 44, 320 metres north of Splitty Lane End.

Byway Open to All Traffic No 161

An 18 metre wide byway open to all traffic, incorporating a 3 metre wide tarmac track, from the B6295 road 25 metres south-east of Round Meadows, in an easterly direction for a distance of 220 metres to join Public Bridleway No 158, 350 metres north of White House.

- 1.2 The proposal results from an application submitted in October 2015 by Janet Lennard of Hexham and supported by historical evidence claiming that the route carried public vehicular rights and should be recorded on the Definitive Map as a restricted byway.
- 1.3 In July 2016 the County Council's 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 probabilities, public vehicular rights had been reasonably alleged to exist over part of the route and that public bridleway rights had been reasonably alleged to exist over the remainder of the route.

2 THE ORDER

- 2.1 The proposal was the subject of a Modification Order made on 1st December 2016 and advertised on 15th December 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 OBJECTIONS

- 3.1 By letter dated 30th January 2016, Phil Scott-Priestley of GSC Grays, on behalf of Stublick Estates Limited, objected to the Order stating:
 - i) "I write on behalf of Stublick Estates Limited who have land interests over which the claimed Public Rights of Way run.
 - ii) "We have seen insufficient evidence to support such claims to date and categorically object and dispute any such modification order.
 - iii) "I would be grateful if you could please keep me informed as this matter develops but should you require any further information please do not hesitate to contact me"
- 3.2 By letter dated 11th January 2017, Mr Alan Kind on behalf of the Trail Riders Fellowship, objected to the Order stating:

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 23) 2016

Bridleway No 159 and Byway Open to All Traffic No 161 (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 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 November 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 23) 2016.

Modification Order (No 23) 2016

Index

Former Tynedale District

Parish	Path No.	Modification	OS Map Nos.	Definitive Map Nos.
Allendale	Bridleway No 159	Addition	NY85NW	217
Allendale	BOAT No 161	Addition	NY85NW	217

Modification Order (No 23) 2016

Description of Modification to Definitive Map and Statement

Former Tynedale District

Parish of Allendale Public Bridleway No 159 (NY85NW)

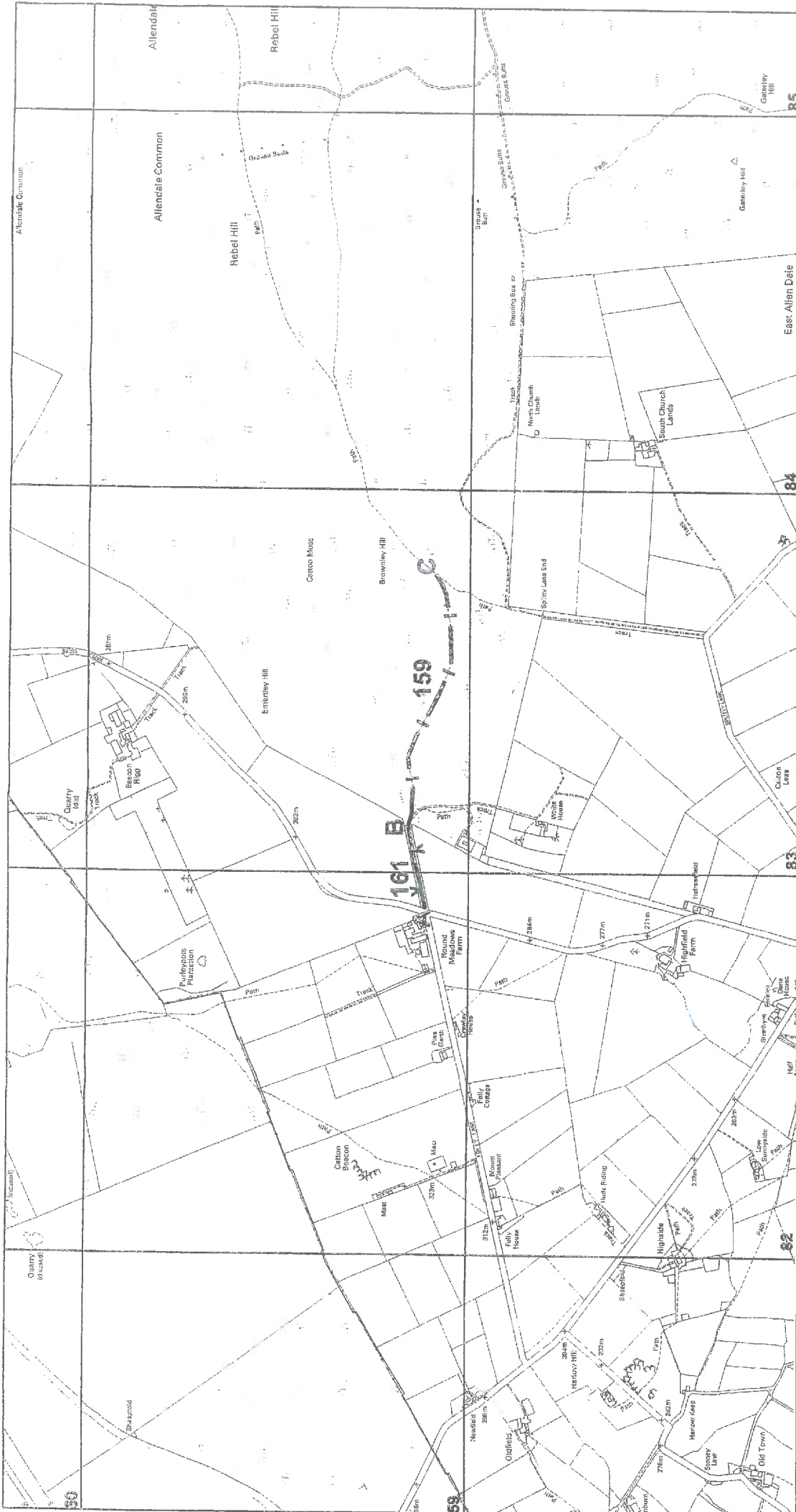
Part I Map: Adding thereto, a public bridleway, from a point marked B on alleged Byway Open to All Traffic No 161, 350 metres north of White House, in a general easterly direction for a distance of 700 metres to a point marked C on Public Bridleway No 44, 320 metres north of Splitty Lane End.

Part II Statement: To be prepared as follows:
A 3 metre wide stone/gravel surfaced public bridleway from Byway Open to All Traffic No 161, 350 metres north of White House in an easterly direction for a distance of 20 metres then continuing in a general easterly direction as a moorland path for a distance of 680 metres to join Public Bridleway No 44, 320 metres north of Splitty Lane End.

Parish of Allendale Byway Open to All Traffic No 161 (NY85NW)

Part I Map: Adding thereto, a byway open to all traffic, from a point marked A on the B6295 road 25 metres south-east of Round Meadows, in an easterly direction for a distance of 220 metres to a point marked B on alleged Public Bridleway No 161, 350 metres north of White House.

Part II Statement: To be prepared as follows:
An 18 metre wide byway open to all traffic, incorporating a 3 metre wide tarmac track, from the B6295 road 25 metres south-east of Round Meadows, in an easterly direction for a distance of 220 metres to join Public Bridleway No 158, 350 metres north of White House.



Public Footpath to be deleted Public Footpath Public Bridleway Restricted Byway Byway Open to All Traffic	O.S. Map NY 65 NW	Definitive Map No 217	Scale: 1/10,000
	Former District(s) Tynedale	Parish(es) Allendale	Date: November 2016

**The Northumberland
 County Council**

**Modification Order
 (No.23) 2016**

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

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 in any form is prohibited. Ordnance Survey is a registered trademark of the Ordnance Survey Corporation.

NORTHUMBERLAND COUNTY COUNCIL - OS Licence No. 100049048

N.W. Norton

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

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



Duly Authorised Officer

