

NORTHUMBERLAND COUNTY COUNCIL

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL (RIGHTS OF WAY) SUBCOMMITTEE

At the meeting of the **North Northumberland Local Area Council (Rights of Way) Subcommittee** held at Meeting Space - Block 1, Floor 2 - County Hall on Tuesday, 26 October 2021 at 10:00 a.m.

PRESENT

G Castle (Chair) (in the Chair)

MEMBERS

M Mather

M Swinbank

OFFICERS

A.Bell
J Blenkinsopp
R Little

Definitive Map and Search Officer
Solicitor
Assistant Democratic Services Officer

15 APOLOGIES FOR ABSENCE

Apologies were received from Councillors; Hardy, Renner-Thompson, and Seymour.

16 MINUTES

RESOLVED that the minutes of the meeting of North Northumberland Local Area Council (Rights of Way) Subcommittee held on Wednesday, 25 August 2021, as circulated, be confirmed as a true record and be signed by the Chair.

17 REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY. ALLEGED PUBLIC FOOTPATH NO 20 PARISH OF BELFORD

A. Bell – Definitive Map and Search Officer, introduced the above report in which members were asked to consider all the relevant evidence gathered in support and rebuttal of adding to the Definitive Map and Statement a public footpath from the B6349 road (South Road) south of South Lodge in a general northerly direction to join the C60 road (Cragmill Road) immediately north-east of East Lodge.

Ch.'s Initials.....

A. Bell then gave the following updates:

- i. In August 2021, a draft copy of the report was circulated to the applicant and the owner/occupiers of land at Belford Hall and Home Farm who responded to the consultation.
- ii. In September 2021m the applicant responded by email with the following comment: "I am happy to accept the decision made by the Committee and will accept their ruling without any attempt at appeal".
- iii. In September 2021, the Belford Hall Management Committee responded by email with the following comment: "I trust there is nothing more we need to do for our part and we just await the outcome of the Committee meeting".

Following questions from members to the Definitive Map and Search Officer, the following information was provided:

- the 20-year period of user evidence, the officers would look at the point in time where the most recent challenge was and work back 20 years from that point. In this report, the most recent point of challenge was January 2019, when the application was made, but 2013, when the stile with no public right of way sign appears to have been erected could be taken as an earlier date of challenge.
- Locking of the gate was a way of the landowner demonstrating that they did not accept that the route was a public right of way.

Councillor Castle proposed to accept the officer's recommendation, which was seconded by Councillor Mather.

A vote was taken on the proposal to accept the officer's recommendation as follows: FOR 2; AGAINST 1; ABSTENSIONS 0. It was;

RESOLVED that:

- There is insufficient evidence to justify that public footpath rights have been reasonably alleged to exist over the claimed route.

18 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY. ALLEGED PUBLIC BYWAY OPEN TO ALL TRAFFIC NO 13 PARISH OF KILHAM**

A Bell – Definitive Map and Search Officer, introduced the report with which members were asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over parts of Public Footpaths Nos 5 and 3, between the exciting southern end of Byway Open to All Traffic No 13, south-west of Thompson's Walls, and Eldsonburn Shank.

Councillor Swinbank proposed to accept the officer's recommendation, which was seconded by Councillor Mather. Upon being put to the vote, it was unanimously

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agreed, and it was;

RESOLVED that:

- There is sufficient evidence to show, on a balance of probabilities that public vehicular rights over the A-B-X-Y route, but not the Y-C section;
- The Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the A-B-X route;
- The Natural Environment and Rural Communities Act 2006 would appear to have extinguished the public's motorized vehicular rights over the X-Y route;
- The A-B-X route to be included in a future Definitive Map Modification Order as a byway open to all traffic;
- The X-Y route be included in a future Definitive Map Modification Order as a restricted byway.

19 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY. ALLEGED PUBLIC BRIDLEWAY / RESTRICTED BYWAY NO 14 PARISH OF KILHAM**

A. Bell – Definitive Map and Search Officer introduced the application and members were asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public bridleway / vehicular rights over a route from the C33 road at the Scottish border, north of Yetholm Mains, in a general easterly direction, to the western end of Public Bridleway No 6 in the Parish of Kirknewton, south of Longknowe Hill, and also over a short spur between the route and existing Byway Open to All Traffic No 13, south-west of Thompson's Walls.

Councillor Castle proposed to accept the officer's recommendation, which was seconded by Councillor Swinbank. Upon being put to the vote, it was unanimously agreed, and it was;

RESOLVED that:

- There is sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the route A-E;
- There is sufficient evidence to show, on a balance of probabilities, that public vehicular rights exist over the route E-C-B;
- The Natural Environment and Rural Communities Act 2006 would appear to have extinguished the public's motorized vehicular rights over the A-E-C-B route;
- There is not sufficient evidence to indicate that a public right of way has been reasonably alleged to exist over the route C-D;
- The A-E-C-B route be included in a future Definitive Map Modification Order as a restricted byway.

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20 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY. ALLEGED BRIDLEWAY / BYWAY OPEN TO ALL TRAFFIC NO 28 PARISH OF WITTINGHAM**

A. Bell – Definitive Map and Search Officer, introduced the application and members were asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public bridleway / vehicular rights over part of the U4010 road, from its crossroads with the U4009 road, at West Lodge, in a general southerly direction, to the C172 road, at Eslington Highhill.

Following members questions, the following information was provided:

- The addition of a short link between two country roads to the Definitive Map was supported by the British Horse Society.
- By virtue of it being on the List of Streets, Northumberland County Council already acknowledged that it was responsible for maintenance of the track.
- There was no further plans to upgrade the route further in regards to terrain.
- The track would be likely to be used by the public more on foot, bicycle and on horse than by motor vehicles.

Councillor Castle proposed to accept the officer's recommendation, this was seconded by Councillor Mather. Upon being put to the vote, it was unanimously agreed, and it was;

RESOLVED that:

- There is sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the route K-L
- The Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the K-L route.
- The route be included in a future Definitive Map Modification Order as a byway open to all traffic.

21 **DATE OF NEXT MEETING**

It was noted that the next meeting was scheduled for Wednesday, 22 December 2021 however, A. Bell advised that this meeting might be cancelled due to lack of business.

CHAIR.....

DATE.....

Ch.'s Initials.....