

**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 Council Chamber - County Hall on Wednesday, 14 December 2022 at 10.00 am.

**PRESENT**

G Castle (Chair) (in the Chair)

**MEMBERS**

C Hardy

M Swinbank

**OFFICERS**

Bell

T Crowe

R Little

Solicitor

Assistant Democratic Services Officer

**28 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor Mather, Councillor Renner-Thompson, and Councillor Seymour.

**29 MINUTES**

**RESOLVED** that the minutes of the meeting of North Northumberland Local Area Council (Rights of Way) Subcommittee held on 29 June 2022, as circulated, be confirmed as a true record and be signed by the Chair.

**30 REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BRIDLEWAY NO 4 PARISH OF TOSSON**

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 the existence of public bridleway rights over part of existing Public Footpath No 40, from the U4061 road at Great Tosson, in a general south-westerly direction, to its junction with existing Public Bridleway No 39, east of Burgh Hill.

Ch.'s Initials.....

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

- The Definitive Map and Search Officer was reasonably confident that the route has probably not been used with horses in living memory, as it was originally recorded as a footpath, and the route has a stile and a kissing gate on it.
- The applicant could appeal the decision if refused.

Councillor Hardy proposed to accept the officer's recommendation, which was seconded by Councillor Swinbank.

A vote was taken on the proposal to accept the officer's recommendation which was unanimously agreed. It was;

**RESOLVED** that on a balance of probabilities, there is not sufficient evidence to indicate that public bridleway rights have been shown to exist over the route P-Q.

31 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAYS OPEN TO ALL TRAFFIC NOS 21 & 14 PARISHES OF NETHERTON & SNITTER**

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 the U4026 road, from the C176 road, east of Snitter Windysyde, in a general westerly direction to the C179 road, south-west of Low Trehitt.

Councillor Hardy 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:

- (i) There is sufficient evidence to indicate that public vehicular rights had have been reasonably alleged to exist over route U-T-S-R;
- (ii) The Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the U-T-S-R route;
- (iii) The U-T-S section of the alleged byway may not satisfy the balance of user / character test for being recorded as a byway open to all traffic;
- (iv) The S-R section of the alleged byway does satisfy the balance of user / character test for being recorded as a byway open to all traffic;
- (v) The S-R route be included in a future Definitive Mao Modification Order as a byway open to all traffic.

Ch.'s Initials.....

32 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAYS OPEN TO ALL TRAFFIC NOS 15 PARISH OF SNITTER**

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 vehicular rights over the U4027 road, from the U4016 road, west of Snitter Windysyde, in a general southerly direction to the C179 road, east of Warton.

Councillor Hardy proposed to accept the officer’s recommendation, which was seconded by Councillor Swinbank and unanimously agreed. It was;

**RESOLVED** that:

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

33 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAYS OPEN TO ALL TRAFFIC NOS 23 PARISH OF NETHERTON**

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 vehicular rights over the U4073 road, from the U4026 road, south of Low Trehwitt, in a general northerly then westerly direction to Low Trehwitt.

It was noted that there was an error in the report on paragraph 7.4 in the report, the first sentence should have read “The route of alleged Byway Open to All Traffic No 23 is identified on the County Council’s current List of Streets as being the U4073 road.

Councillor Hardy proposed to accept the officer’s recommendation, which was seconded by Councillor Swinbank and unanimously agreed. It was;

**RESOLVED** that:

- (i) There is sufficient evidence to indicate, on a balance of probabilities, that public vehicular rights have been shown to exist over the route S-W-V;
- (ii) The Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public’s motorized vehicular rights over the S-W-V route;
- (iii) The route be included in a future Definitive Map Modification Order

Ch.’s Initials.....

to upgrade this length of public bridleway to a byway open to all traffic.

**34 DATE OF NEXT MEETING**

It was noted that the next meeting was scheduled for Wednesday, 15 February 2023, however, as there were no reports to consider, it was advised that this meeting could be cancelled due to lack of business and the next meeting be Wednesday, 19 April 2023.

**CHAIR.....**

**DATE.....**

Ch.'s Initials.....