

NORTHUMBERLAND COUNTY COUNCIL

RIGHTS OF WAY COMMITTEE

At the meeting of the **Rights of Way Committee** held at Conference Room 2, County Hall, Morpeth on Wednesday, 28 February 2024 at 10.30 am.

PRESENT

JI Hutchinson (Chair)
(in the Chair)

MEMBERS

L Bowman
C Hardy
M Swinbank

J Foster
A Sharp

OFFICERS

A Bell
T Crowe
H Lamb
R Little
Z Quinn

Definitive Map Officer
Solicitor
Principal Rights of Way & Records Officer
Assistant Democratic Services Officer
Definitive Map and Search Technical Officer

One member of the public was present.

Ch.'s Initials.....

18 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Dale, Towns and Wallace.

19 **MINUTES**

RESOLVED that the minutes of the meeting of the Rights of Way Committee held on Wednesday, 20 December 2023, as circulated were confirmed as a true record and were signed by the chair.

20 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY**

A. Bell - Definitive Map and Search Officer, introduced the report with the aid of a PowerPoint presentation and members were asked to consider all the relevant evidence gathered in support and in rebuttal of the non-existence of public footpath rights over parts of existing Public Footpaths Nos 4 and 5, through Quarry Woods, Morpeth.

T. Smith spoke in objection to the application and gave members the following information:

- Mr Smith had not wished for his land to be used by the public as a right of way.
- Northumberland County Council officers had acted illegally and had harassed Mr Smith.
- Mr Smith wished to develop his land into a Caravan Site to provide leisure and employment.
- Morpeth Borough Council had permitted Morpeth residents to cross Job's Well Close Road connecting to Mr Smith's bridge to access their work at J.R. Temple & Son.
- Nos 4 and 5 were not legal Rights of Way.

The Chair confirmed that members had received emails from Mr Smith prior to the meeting, expressing his disappointment with Northumberland County Council for the way that previous issues had been addressed. It was further clarified that complaints submitted by Mr Smith had been through the Council's official complaints procedure and one matter which had been considered by the Ombudsman which concluded that Northumberland County Council were not at fault.

Following the public speaker, members were invited to ask questions of the officers, which the following information was then provided by the Solicitor:

- The Ombudsman decision was dated 30 July 2020, and it they confirmed there was no fault by Northumberland County Council. .

Councillor Hardy proposed to accept the officer's recommendation, this was seconded by Councillor Foster. There was no debate.

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A vote was taken and was unanimous.

RESOLVED that:

- i. There was not sufficient evidence to show, on a balance of probabilities, that public footpath rights do not exist over the K-L section of existing Public Footpath No 4 or the M-N section of existing Public Footpath No 5.
- ii. Further investigation was required in relation to the precise alignment of Public Footpath No 4, south of the bridge over the River Wansbeck, and Public Footpath No 5, at Park House.

Councillor Foster left the meeting at this point.

21 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY**

A. Bell - Definitive Map and Search Officer, introduced the report with the aid of a PowerPoint presentation, a further map was handed out to committee members to provide further clarity on the maps which were provided in the report.

Committee Members were asked to consider all the relevant evidence gathered in support and in rebuttal of the non-existence of public highway rights over a route (which included part of the U6112 road) between the B1337 (Whorral Bank) and the western end of existing Public Footpath No 5, at a bridge over the River Wansbeck, at Morpeth.

T. Smith spoke in objection to the application and gave members the following information:

- The present condition of the road was from 23 years of illegal behaviour from Northumberland County Council officers.
- The report had contained irrelevant information and had omitted relevant information.
- The route had been illegally recorded and advertised as adopted.
- The plan of the entrance road which had accompanied pre-purchase planning application submitted by the Kennels owner showed that the road was limited to being approximately 15 feet wide including the footpath alongside which was not included in the evidence submitted to the committee.
- Aerial views of the road had not been included in the officer report.
- Mr Smith urged Committee Members to recognise that the entrance road to his property was neither highway nor adopted.
- Mr Smith enquired if members had received the email sent to them, from himself, with further information and voicing his concern that evidence was not available.
- Northumberland County Council officers had entered Mr Smith's land and cut the lock off the chain that he erected.
- The elaborate report produced by Northumberland County Council officers and supported by Northumberland County Council legal officers was a fraud.

Following the public speaker, members were invited to ask questions of the officers, which the following information was then provided by the Solicitor:

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- The Ombudsman decision was dated 30 July 2020, and it they confirmed there was no fault by Northumberland County Council. .

Councillor Hardy proposed to accept the officer’s recommendation, this was seconded by Councillor Sharp. There was no debate.

A vote was taken and was unanimous.

RESOLVED that:

- On a balance of probability, part of the U6112 (Q-P) was added to the List of Streets in error – it should be removed from the List of Streets;
- Public footpath rights had been reasonably alleged to exist over the route N-Y-P-X;
- Public footpath rights had been reasonably alleged to exist over the route Q-P;
- Routes N-Y-P-X and Q-P be included in a future Definitive Map Modification Order as public footpaths.

A short comfort break was announced at this point.

22 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY**

A. Bell - Definitive Map and Search Officer, introduced the report with the aid of a PowerPoint presentation 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 U4041 road, between the B6344 road, and the C177 road, via Cockshot.

Councillor Sharp proposed to accept the officer’s recommendation, this was seconded by Councillor Hardy. There was no debate.

A vote was taken and was unanimous.

RESOLVED that:

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

23 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY**

A. Bell - Definitive Map and Search Officer, introduced the report with the aid of a PowerPoint presentation, and asked committee members to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over the U4049 Road, between the B6344 Road, and a point 80

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metres west of Healy Farm.

Councillor Hardy proposed to accept the officer's recommendation, this was seconded by Councillor Bowman. There was no debate.

A vote was taken and was unanimous.

RESOLVED that:

- i. There was sufficient evidence to indicate to indicate that public vehicular rights had been reasonable alleged to exist over the V-X part of the route;
- ii. There was not sufficient evidence to indicate, on the balance of probability, that public vehicular rights had been shown to exist over the X-W part of the route;
- iii. The Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the route;
- iv. The route was to be included in a future Definitive Map Modification Order as a byway open to all traffic.

CHAIR.....

DATE.....

Ch.'s Initials.....