

NORTHUMBERLAND COUNTY COUNCIL

TYNEDALE LOCAL AREA COUNCIL

At a meeting of the **Tynedale Local Area Council** held at County Hall, Morpeth on Tuesday, 11 April 2023 at 4.00 p.m.

PRESENT

Councillor A Scott
(Planning Vice-Chair, in the Chair)

MEMBERS

T Cessford (128 - 129)
C Horncastle
I Hutchinson
N Morphet

N Oliver
A Sharp
G Stewart
HR Waddell

OFFICERS

A Bell
D Hadden
Z Quinn

N Turnbull

Definitive Map and Search Officer
Solicitor
Definitive Map and Search
Technical Officer
Democratic Services Officer

126. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cessford, Dale, Fairless-Aitken and Riddle.

RIGHTS OF WAY

127. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

ALLEGED PUBLIC FOOTPATH NO. 48 PARISH OF CHOLLERTON

Alex Bell, Definitive Map Officer, introduced the report in which the Local Area Council was asked to give consideration to all the relevant evidence gathered in support and in rebuttal of the existence of public footpath rights over a route between the 'Coal Road' (C218 road), and the entrance of the recreation ground, approximately 25 metres east of 4 Bracken Hill. (A copy of the report is enclosed with the minutes).

A detailed presentation was given which summarised the evidence.

Ch.'s Initials.....

The following information was provided in response to questions:

- The officer was satisfied that the majority of respondents had answered Question 12 which asked if permission had been given by the owner or occupier of the application route. Only 2 respondents had not answered the question. Most of the others had replied no or that it was not applicable.
- Officers had checked to ensure there was a clear 20-year period of uninterrupted use of the route. If evidence was provided that it had been interrupted, it would roll back from the date of application to check that there was a clear 20-year period. The 20-year period did not have to be the period leading up to the application date; it could be any 20-year period, counting back from a “calling into question” of the public’s right to use the route.
- Ownership of the route was not registered with the Land Registry. It was also confirmed that it did not appear to belong to the Chipchase Estate, which owned some of the land adjacent to the track. If the officer’s recommendations were agreed, and the owner or occupier still could not be identified, an application for dispensation would be made to the Secretary of State, prior to a Definitive Map Modification Order being made. When dispensation is granted, a notice addressed to the “Owners and Occupiers of the land” is placed on site to inform the unknown owners and occupiers that an Order has been made.

Councillor Hutchinson moved acceptance of the recommendations set out in the report which was seconded by Councillor Stewart.

Upon being put to the vote 8 members voted in favour.

RESOLVED that the Local Area Council agreed that:

- i) There is sufficient evidence to indicate that public footpath rights have been reasonably alleged to exist over the route F-G.
- ii) The route be included in a future Definitive Map Modification Order as a public footpath.

Councillor Cessford joined the meeting during the previous item but did not participate as he had not been present at the beginning of the discussion.

**128. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
ALLEGED PUBLIC BRIDLEWAY NO. 31
PARISH OF KIRKWHELPINGTON**

The Chair reported that this item had been withdrawn from the meeting due to a technical issue.

129. DATE OF NEXT MEETING

The next meeting would be held on Tuesday 9 May 2023.

CHAIR _____

DATE _____