

NORTHUMBERLAND COUNTY COUNCIL

RIGHTS OF WAY COMMITTEE

At a meeting of the **Rights of Way Committee** held in **Council Chamber, County Hall, Morpeth, Northumberland, NE24 3SE** on **Wednesday, 25 October 2023** at **10:00 a.m.**

PRESENT

Jl Hutchinson
Chair - in the Chair

MEMBERS

L Bowman
J Foster
A Sharp
D Towns

A Dale
C Hardy
M Swinbank
A Wallace

OTHER COUNCILLORS

Councillor V Jones

OFFICERS

A Bell
T Crowe
C Humphries
R Little
Z Quinn

Definitive Map and Search Officer
Solicitor
Principal Lawyer
Assistant Democratic Services Officer
Definitive Map and Search Technical Officer

Around 5 members of the press and public were present.

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1 **MEMBERSHIP AND TERMS OF REFERENCE**

RESOLVED that this was noted.

2 **DISCLOSURE OF MEMBERS' INTERESTS**

Councillor Hutchinson noted that he had a personal but non-prejudicial interest in item 9 of the agenda.

Councillor Hardy noted that he had non-prejudicial interests in items 7, 8 and 9 in the agenda but had not pre-determined any application.

Councillor Towns and Swinbank noted that they had personal and prejudicial interests in item 9 of the agenda and would leave the meeting while the item was discussed and voted upon.

RESOLVED that this was noted.

3 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED PUBLIC FOOTPATH NO 45 PARISH OF MATFEN**

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 as there had been an error in the printing of the report.

Members were asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public footpath rights over a route between the C342 road and the U9022 road, at Matfen.

Following the report, members were invited to ask the Definitive Map and Search Officer questions, which the following information was then provided:

- Deposits under section 31(6) of the Highways Act had to be re-submitted within 20 years, previously to that it was 10 years, prior to the 10 years, within 6 years.
- A map and statement, on their own, would not prevent public rights of way being acquired.
- A landowner has no protection until a declaration is submitted.

Councillor Hardy proposed to accept the officer's recommendation, this was seconded by Councillor Wallace.

A vote was taken and was unanimous.

RESOLVED that there was insufficient evidence to indicate that public footpath rights had been reasonable alleged to exist over the application route D-E.

4 **WEST WOODBURN VILLAGE GREEN**

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C Humphries – Principal Lawyer, introduced the report and members were asked to consider the withdrawal of the Village Green application submitted by Corsenside Parish Council in relation to land to the east of West Woodburn County First School, Whiteacre, West Woodburn.

Following the report, members were invited to ask questions to the Principal Lawyer, the following information was then provided:

- Some of the subject land had been sold to the Parish Council since the application was submitted.

Councillor Hardy proposed to accept the officer's recommendation to confirm the withdrawal of the Village Green application, this was seconded by Councillor Wallace.

A vote was taken and was unanimous.

RESOLVED that the committee approved the withdrawal of the application in respect of land lying to the east of West Woodburn County First School, Whiteacre, West Woodburn.

5 **VILLAGE GREEN ON THE EAST SIDE OF CHURCH STREET, ROTHBURY**

C. Humphries – Principal Lawyer introduced the report where members were asked to consider the withdrawal of the Village Green application submitted by Rothbury Parish Council in relation to land on the east side of Church Street, Rothbury.

Councillor Sharp proposed to accept the officer's recommendation to confirm the withdrawal of the Village Green application, this was seconded by Councillor Hardy.

A vote was taken and was unanimous.

RESOLVED that the committee approved the withdrawal of the application in respect of the land lying to the east side of Church Street, Rothbury.

6 **HORNCLIFFE VOLUNTARY VILLAGE GREEN - SCHOOL FIELDS**

C. Humphries – Principal Lawyer introduced the report where members were asked to determine the application to register land lying on the northeast side of Tofts Lane, Horncliffe, Berwick upon Tweed as a Village Green.

Councillor Hardy proposed to accept the officer's recommendation, this was seconded by Councillor Wallace.

A vote was taken and was unanimous.

RESOLVED that the committee approved the registration of the land lying on the north east side of Tofts Lane, Horncliffe, Berwick Upon Tweed (otherwise referred

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to by the applicant as the School Playing Field at Horncliffe County First School) as a Village Green and the Commons Registration Authority register of Village Greens updated accordingly.

7 **HORNCLIFFE VOLUNTARY VILLAGE GREEN APPLICATION - PLAY PARK**

C. Humphries – Principal Lawyer introduced the report. Members were asked to determine the accompanying application to register land and buildings lying to the south west of Tweed Row, Horncliffe, Berwick upon Tweed (described by the applicant as the Horncliffe Play Park).

A letter from Mike Robbins, Strategic Estates Manager was provided to the committee and read: “I have been advised by Horncliffe Parish Council that they have applied for land in their ownership to be dedicated as Village Green. The land in question was transferred to the Parish Council by Berwick upon Tweed Borough Council on 26 February 2009, comprising land for a children’s play area.

The Transfer contained a clause which limited the use to children’s playground. The question has been raised as whether Northumberland County Council as beneficiary of the covenant (following Local Government Reorganisation in 2009) would invoke this covenant to prevent the land being declared village green. I can confirm that as the person within the Council responsible for its property assets that the Council considers that the use as a Children’s playground is entirely compatible with the requirements of a village green and would be happy for the designation to proceed. The Council as landowner does not see this covenant as an impediment to the Village Green will not take any action to enforce this.”

Councillor Hardy proposed to accept the officer’s recommendation, this was seconded by Councillor Wallace.

A vote was taken and was unanimous.

RESOLVED that the committee approved the registration of the land and buildings lying to the south west of Tweed Row, Horncliffe, Berwick Upon Tweed (otherwise referred to by the applicant as the Horncliffe Play Park) as a Village Green and the Commons Registration Authority Register of village Greens updated accordingly.

Councillors Towns and Swinbank left the meeting.

8 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED PUBLIC FOOTPATH NO 31 PARISH OF ELLINGHAM**

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 footpath rights over a route between the U2029 road in Ellingham village and Public Footpath No 14.

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Councillor Dale proposed to accept the officer's recommendation, this was seconded by Councillor Wallace.

A vote was taken and was unanimous.

RESOLVED that:

- i. There was sufficient evidence to indicate to indicate that public footpath rights had been reasonable alleged to exist over the route T-U;
- ii. The route was to be included in a future Definitive Map Modification Oder as a public footpath.

Councillor Swinbank returned to the meeting at this point.

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

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 bridleway rights over a route from the existing northern end of Public Bridleway No 31, north of Kirkwhelpington, in a north-westerly direction to join the C195 road north of Middle Whitehill.

Councillor Wallace proposed to accept the officer's recommendation for (i) and (ii), this was seconded by Councillor Hardy.

A vote was taken and was unanimous.

Councillor Wallace then further proposed that recommendation (iii) was to be modified to read "The T-X route be included in a future Definitive Map Modification Order as a public bridleway following consultation with landowners and other consultees seeking agreement to divert the bridleway onto an alternative route." This was seconded by Councillor Hardy.

RESOLVED that:

- i. There was insufficient evidence to indicate that public bridleway rights had been reasonably alleged to exist over the route T-S;
- ii. There was sufficient evidence to indicate that public bridleway rights had been reasonably alleged to exist over the route T-X;
- iii. T-X route be included in a future Definitive Map Modification Order as a public bridleway following consultation and agreement being sought from consultees and landowners as to a possible alternative route.

10 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAY OPEN TO ALL TRAFFIC NO 30 & RESTRICTED BYWAY NO 29 PARISH OF WHITTINGHAM**

A. Bell - Definitive Map and Search Officer, introduced the report with the aid of a Ch.'s Initials.....

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 a route from the south end of Whittingham Lane (BOAT No 24) in a westerly direction to join the C178 road, south of Whittonlea Quarry.

Councillor Hardy proposed to accept the officer's recommendation for (i), (ii) and (iii), this was seconded by Councillor Sharp.

A vote was taken and was unanimous.

Councillor Hardy proposed to accept the officer's recommendation (iv), this was seconded by Councillor Wallace.

A vote was taken and was unanimous.

Councillor Hardy proposed to accept the officer's recommendations (v) and (vi), this was seconded by Councillor Bowman.

A vote was taken and was unanimous.

RESOLVED that:

- i. There was sufficient evidence to indicate that public vehicular rights had been reasonably alleged to exist over the route F-E-D;
- ii. There was sufficient evidence to show, on a balance of probabilities, that public vehicular rights existed over the route D-C;
- iii. There was insufficient evidence to indicate that public vehicular rights or public bridleway rights had been reasonably alleged to exist over the route E-X;
- iv. The Natural Environment and Rural Communities Act 2006 had appeared to have extinguished the public's motor vehicular over the E-D-C section of the route.
- v. The F-E part of the route was to be included in a future Definitive Map Modification Order as a byway open to all traffic.
- vi. The E-D-C part of the route was to be included in a future Definitive Map Modification Order as a restricted byway.

11 **VERBAL BRIEFING REGARDING THE COUNCIL'S RIGHTS OF WAY IMPROVEMENT PLAN**

T. Fish – Area Countryside/Rights of Way Officer spoke to members and gave the following information:

- The Highways Authority were required to produce a Rights of Way Improvement Plan (ROWIP) under s.60 of the Countryside and Rights of Way Act 2000.
- Northumberland County Councils ROWIP was produced in 2009 and had not been reviewed or updated.
- In consultation with Stakeholders, officers and SMT planned to revise and propose policies that reflected the current position and direction of rights of way and access for the County.
- A draft ROWIP would be produced for approval by the Rights of Way Committee.

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- A public consultation would take place once approved by the Rights of Way Committee. This would include stakeholders, Parish Councils, user groups and the wider public.
- The final ROWIP containing a 5-year delivery plan would be produced for approval by the Rights of Way Committee.
- The draft ROWIP would be prepared for the Rights of Way Committee meeting in February 2024.

RESOLVED that this was noted.

CHAIR.....

DATE.....

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