

NORTHUMBERLAND COUNTY COUNCIL

RIGHTS OF WAY COMMITTEE

At the meeting of the **Rights of Way Committee** held at Conference Room 1 - County Hall on Wednesday, 20 December 2023 at 10.00 am.

PRESENT

JI Hutchinson (Chair)
(in the Chair)

MEMBERS

L Bowman
C Hardy
M Swinbank

A Dale
A Sharp

OFFICERS

A Bell
M Bulman
H Lamb
R Little

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

12 APOLOGIES FOR ABSENCE

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

13 MINUTES OF PREVIOUS MEETING

Councillor Swinbank noted that on minute two, both Councillors Swinbank and Towns declared an interest in item 8 of the agenda and not 9.

RESOLVED that the minutes of the meeting of the Rights of Way Committee held on Wednesday, 25 October 2023, as circulated, were confirmed as a true record, and were signed by the Chair.

Ch.'s Initials.....

14 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
ALLEGED RESTRICTED BYWAY No 29
PARISH OF BLANCHAND**

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 higher rights over the route of existing Public Footpath No 29, from the southern end of existing Byway Open to All Traffic No 80 in the Parish of Hexham shire, at the edge of Slaley Forest, in a south-easterly direction across Blanchland Moor to join existing Byway Open to All Traffic No 26, north of Pennypie House.

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

- New evidence was provided by the applicant to justify the latest application.
- The new Greenwood and Chapman maps gave significant evidence.

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

A vote was taken and was unanimous.

RESOLVED that:

- i. There was sufficient evidence to indicate that, on a balance of probability, public vehicular rights had been shown to exist over the route C-D;
- ii. That the public's motor vehicular rights over the route appeared to have been extinguished by virtue of s67 of the NERC Act 2006
- iii. The route to be included in a future Definitive Map Modification Order to upgrade the existing public footpath to restricted byways status.

15 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
ALLEGED PUBLIC BRIDLEWAYS Nos 33 & 42
PARISHES OF BRINKBURN & ROTHBURY**

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 eastern end of the U4066 road north-west of Wagtail Farm, in a general south-easterly direction to join the northern end of the U4038 road at Brinkburn Station.

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

- Members were reminded that they had to base their decision on the evidence provided in the report.
- There was some ambiguity in relation to the lawfulness of the gates.

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

Ch.'s Initials.....

A vote was taken and was unanimous.

RESOLVED that there was sufficient evidence to indicate that public bridleway rights had been reasonably alleged to exist over the route V₁-V-W-X and that route be included in a future Definitive Map Modification Order.

Councillor Dale left the meeting at this point.

16 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
ALLEGED BYWAY OPEN TO ALL TRAFFIC No 40
PARISH OF ROTHBURY**

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 U4066 road, from the junction of Wagtail Lane and Wagtail Road to a point 170 metres north-west of Wagtail Farm.

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

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 U-V-Y-Z
- ii. The Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the route.
- iii. The U-V-Y-Z route be included in a future Definitive Map Modification Order as byways open to all traffic.

Councillor Sharp left the meeting at this point.

A comfort break was announced.

17 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
ALLEGED BYWAY OPEN TO ALL TRAFFIC No 26
PARISH OF BRINKBURN**

A. Bell - Definitive Map and Search Officer, introduced the report with the aid of a PowerPoint presentation, and gave the following update:

- To amend recommendation (iii) to read "the route U-T be included in a future Definitive Map Modification Order as a byway open to all traffic."

Committee members were asked to consider all the relevant evidence gathered in

Ch.'s Initials.....

support and in rebuttal of the existence of public vehicular rights over the U4038 road, between the C168 road, 15 metres south of East Raw and Brinkburn Station Cottage.

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

A vote was taken and was unanimous.

RESOLVED that:

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

CHAIR.....

DATE.....

Ch.'s Initials.....