

# NORTHUMBERLAND COUNTY COUNCIL

## RIGHTS OF WAY COMMITTEE

At the meeting of the **Rights of Way Committee** held at Conference Room 2, County Hall, Morpeth, Northumberland, NE61 2EF on Wednesday, 18 December 2024 at 10.00 am.

### PRESENT

C Seymour (Chair)  
(in the Chair)

### MEMBERS

L Bowman  
JI Hutchinson  
M Swinbank

C Hardy  
A Sharp  
A Wallace

### OFFICERS

A Bell  
R Little  
N Masson

Z Quinn

Definitive Map Officer  
Assistant Democratic Services Officer  
Head of Legal Services and Deputy  
Monitoring Officer  
Definitive Map and Search Technical Officer

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26 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Dale and Foster.

27 **MINUTES**

**RESOLVED** that the minutes of the meeting of the Rights of Way Committee held on Wednesday, 23 October 2024, as circulated were confirmed as a true record and were signed by the chair.

28 **DISCLOSURE OF MEMBERS' INTERESTS**

Councillor Hutchinson noted that he had a personal and prejudicial interest in item 4 of the agenda, "Alleged Restricted Byway No 65, Parish of Bardon Mill" and would leave the room while the item was discussed and voted upon.

*Councillor Hutchinson left the room at this point.*

29 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY  
ALLEGED RESTRICTED BYWAY NO 65  
PARISH OF BARDON MILL**

A Bell - Definitive Map and Search Officer, introduced the report with the aid of a PowerPoint presentation. Members were asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of restricted byway rights, over the route of part of existing Public Footpath No 34, from the southern end of BOAT No 45, east of Allensgreen, in a southerly direction to join the U7066 road, east of Penpeugh.

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

- Public speaking was only allowed in exceptional circumstances and at the discretion of the Chair of the Rights of Way Committee.
- No members of the public had registered to speak.
- The 1751 Inclosure Award formed part of the key evidence that the officer used to conclude their recommendation.
- The officer had not received any further comments following Ashley Shepard's response to the draft report.
- The landowners were sent a draft copy of the report, and no further comments had been received.
- Paragraph 8.13 of the report was highlighted to members, which gave further context to the objection made by W Walton on 15 May 2021.
- There was no suggestion that the required statutory publicity for the meeting and the reports had not been met.
- If a definitive map modification order was made, and then confirmed, the gate at Point W would, most likely, be considered a lawful limitation, so

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there would be no requirement to remove it.

Councillor Hardy proposed to accept the officer's recommendation as set out in the report, Councillor Wallace seconded this.

Councillor Sharp noted that he would not support the recommendation, as he did not believe that the evidence in the report was satisfactory.

A vote was taken as follows: FOR 5; AGAINST 1; ABSTAIN 0.

**RESOLVED** that:

- i. There was sufficient evidence to show, on a balance of probabilities, that public vehicular rights exist over the route W-X.
- ii. The Natural Environment and Rural Communities Act 2006 would appear to have extinguished the public's motorized vehicular rights over the W-X route.
- iii. The route be included in a future Definitive Map Modification Order as a restricted byway.

*Councillor Hutchinson returned to the meeting at this point.*

30 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY  
ALLEGED RESTRICTED BYWAY NO 54  
PARISH OF INGRAM**

A Bell - Definitive Map and Search Officer, introduced the report with the aid of a PowerPoint presentation. Members were asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights, over a route between Hartside and existing Public Bridleway No 2, north-east of Linhope.

Councillor Hardy proposed to accept the officer's recommendation as set out in the report, Councillor Bowman seconded this.

A vote was taken and was unanimous.

**RESOLVED** that:

- i. There was sufficient evidence to show that public vehicular rights had been reasonable alleged to exist over the T-U application route.
- ii. There was sufficient evidence to show, on a balance of probabilities, that public vehicular rights also exist over the route U-V;
- iii. The Natural Environment and Rural Communities Act 2006 would appear to have extinguished the public's motorized vehicular rights over the U-V route.
- iv. The T-U route be included in a future Definitive Map Modification Order as a restricted byway.
- v. The U-V route be included in a future Definitive Map Modification Order as a byway open to all traffic.

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31 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY  
ALLEGED BYWAYS OPEN TO ALL TRAFFIC NOS 28 & 30  
PARISHES OF LONGFRAMLINGTON & NEWTON ON THE MOOR**

A. Bell - Definitive Map and Search Officer, introduced the report with the aid of a PowerPoint presentation. Members were asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over part of the U3049 road, between a point on the C106 road, south of Alnwick Ford Farm and a point south-west of Dyke Head.

Councillor Sharp proposed to accept the officer's recommendation, with the additional point to include J-K-L into recommendation iii to read "the route J-K-L be included in a future Definitive Map Modification Order as byways open to all traffic." This was seconded by Councillor Wallace.

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;
- 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 route J-K-L be included in a future Definitive Map Modification Order as byways open to all traffic.

32 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY  
ALLEGED BYWAY OPEN TO ALL TRAFFIC NO 37 & PUBLIC FOOTPATH NO 35  
PARISH OF ROTHBURY**

A. Bell - Definitive Map and Search Officer, introduced the report with the aid of a PowerPoint presentation, and asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over part of the U4060 road, between a point on Hillside Road, north of Glencairn, and a point just west of Moor Cottage, and the existence of public footpath rights from this point to existing Public Footpath No 3, east of Gimmerknowe.

It was clarified that the date of the Rothbury Forest Inclosure Award was 1834.

Councillor Hutchinson 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 that public vehicular rights had been reasonably alleged to exist over the route H-F;
- ii. The Natural Environment and Rural Communities Act 2006 would not

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appear to have extinguished the public's motorized vehicular rights over the route;

- iii. There was sufficient evidence to indicate that public footpath rights had been reasonably alleged to exist over the route F-G;
- iv. The route H-F be included in a future Definitive Map Modification Order as a byway open to all traffic;
- v. The route F-G be included in a future Definitive Map Modification Order as a public footpath.

**33 DATE OF THE NEXT MEETING**

**RESOLVED** that the date of the next meeting was confirmed for Wednesday, 26 February 2025.

**CHAIR**.....

**DATE**.....

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