

**NORTHUMBERLAND COUNTY COUNCIL
NORTH NORTHUMBERLAND LOCAL AREA COUNCIL (RIGHTS OF WAY) SUB
COMMITTEE**

At a virtual meeting of the **North Northumberland Local Area Council (Rights of Way) Subcommittee** held on Wednesday, 28 October 2020 at 10.05 am.

PRESENT

Councillor G Castle
(in the Chair)

MEMBERS

Murray, A (part)
Renner-Thompson, G

Seymour, C

OFFICERS IN ATTENDANCE

Blenkinsopp, J
Brookes, D
Norris, K
Williams, M (part)

Solicitor
Infrastructure Records Manager
Democratic Services Officer
Team Leader ICT

45. ELECTION OF CHAIR

In the absence of the Chair, Councillor Castle offered to chair the meeting and this was unanimously agreed by members.

46. MINUTES

RESOLVED that the minutes of the meeting of North Northumberland Local Area Council (Rights of Way) Subcommittee held on 26 February 2020, as circulated, be confirmed as a true record and signed by the Chair.

**47. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
ALLEGED BYWAY OPEN TO ALL TRAFFIC No 29
PARISH OF EDLINGHAM**

Ch.'s Initials.....

The Infrastructure Records Manager introduced the above report in which members were asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over the U3054 road, from the A697 road, south-west of Newtown, in a north-easterly direction through Newtown, to the C89 road north-west of Edlingham Village.

Background information was provided and members were advised that no additional comments had been received from the landowners.

Councillor Seymour referred to the consultation and comments received from Edlingham Parish Council. In response Mr Brookes confirmed that, following an objection the Parish Council had submitted to the previous meeting, a letter had been sent to them signed by the Chair to provide reassurance that the process followed was not a downgrading of the route. The route would be recorded on the Definitive Map and Statement and the effect of doing that would not impact on the liability for maintenance. The explanation also applied to this route and, as no response had been received from the Parish Council, it was assumed that they were satisfied with the explanation.

Councillor Renner-Thompson moved approval of the recommendation set out in the report which was seconded by Councillor Seymour. Upon being put to the vote the motion was unanimously agreed and it was:

RESOLVED that:-

- (a) there is sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the route F-E;
- (b) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorised vehicular rights over the F-E route;
- (c) the route be included in a future Definitive Map Modification Order as a byway open to all traffic.

**48. REVIEW OF THE DEFINITIVE MAP AND STATEMENT
OF PUBLIC RIGHTS OF WAY
ALLEGED BYWAY OPEN TO ALL TRAFFIC No 33
PARISH OF EDLINGHAM**

The Infrastructure Records Manager introduced the above report in which members were asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over the U3059 road, from the C89, at Lemmington Hill Head, in a general easterly direction, via Lemmington, to the C90 road (Lemmington Bank).

Ch.'s Initials.....

North Northumberland LAC Rights of Way Sub Committee, 28 October 2020

Background information was provided.

In response to some queries from the Chair about the dismantled railway line which were not related to this proposal, the Infrastructure Records Manager said he would investigate further and contact Councillor Castle outside of the meeting.

Councillor Seymour moved approval of the recommendation set out in the report which was seconded by Councillor Renner-Thompson. Upon being put to the vote the motion was unanimously agreed and it was:

RESOLVED that:-

- (a) there is sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the route Q-X-R;
- (b) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorised vehicular rights over the Q-X-R route;
- (c) the Q-X part of the route be included in a future Definitive Map Modification Order as a byway open to all traffic.

Councillor Murray joined the meeting at 10:36 am.

**49. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
ALLEGED BYWAY OPEN TO ALL TRAFFIC Nos 1 and 29
ALNWICK TOWN**

The Infrastructure Records Manager introduced the above report in which 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 existing Public Bridleway No 1 (which is recorded as being part of the U3129 road), and over part of existing Public Footpath No 29 (which is recorded as being part of the U3155 road and also as part of the U3129 road), at Willowburn in Alnwick.

Background information was provided with clarification as to why this report had been brought before the committee.

The Chair referred to a proposal to upgrade the footpath from the Rugby Club which ran parallel with the highway to the willow tree burn and queried if there was anything in the recommendations which would prejudice that proposal. The Infrastructure Records Manager confirmed there was not.

Ch.'s Initials.....

North Northumberland LAC Rights of Way Sub Committee, 28 October 2020

Councillor Seymour moved approval of the recommendation set out in the report which was seconded by Councillor Renner-Thompson. Upon being put to the vote the motion was unanimously agreed and it was:

RESOLVED that:-

- (a) there is sufficient evidence to indicate, on a balance of probabilities, that public vehicular rights exist over the routes X-Y and Q-Z-A;
- (b) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorised vehicular rights over these routes;
- (c) the routes are unlikely to satisfy the balance of user/character test necessary for them to be included on the Definitive Map as byways open to all traffic;
- (e) when the law is amended to allow it, an Order be made to delete the X-Y section of Public Bridleway No 1 and the Q-Z-A section of Public Footpath No 29 from the Definitive Map.

50. DATE OF NEXT MEETING

The next meeting was scheduled to take place on Wednesday, 23 December at 10.00 am.

CHAIR.....

DATE.....

Ch.'s Initials.....

North Northumberland LAC Rights of Way Sub Committee, 28 October 2020