Our Ref: SWN/MJR
Email: simon@addisons-surveyors.co.uk

4 November 2008

Mr B Race
Durham County Council
County Hall
Durham
DH1 5UQ

Dear Brian

West Auckland Bypass, Footpath Diversion

We refer to the above and confirm our support for diversion of Footpath No 21 to a more westerly location.

The primary reason for this is that the footpath crosses the field which is largely taken for hay during the summer. The proposed route to the western extent of the field will be preferable both from the point of view of access for the general public who tend to use this route and for the operations of the farmer over the areas concerned.

As you will appreciate, it is difficult to preserve a strip through the centre of the field when crop is growing as it would require regular weekly mowing which in itself is a hindrance to users. A strip around the boundary would be far easier to maintain on a permanent basis as this is unlikely to receive fertiliser, if known to be left.

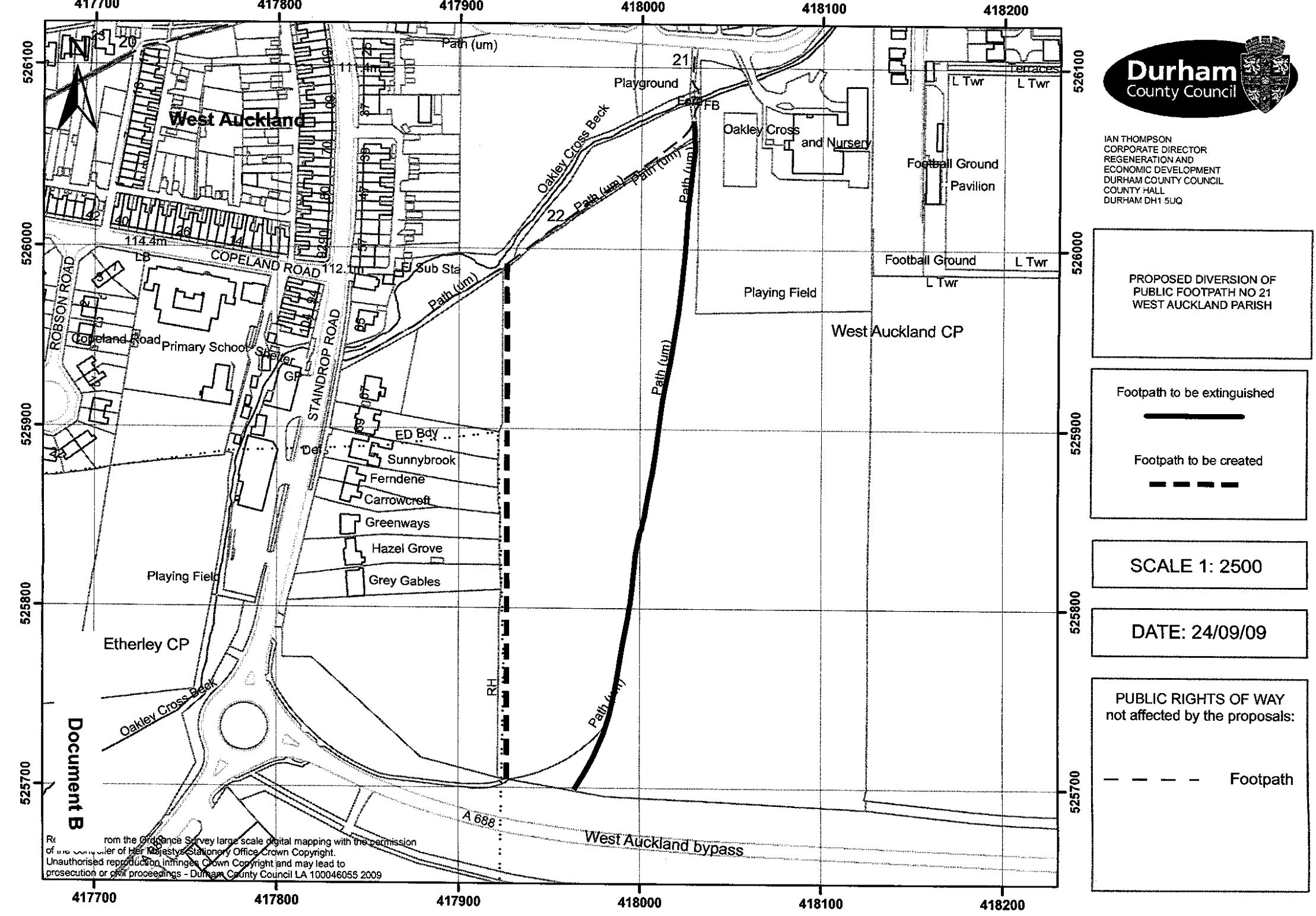
We trust this assists and look forward to hearing from you.

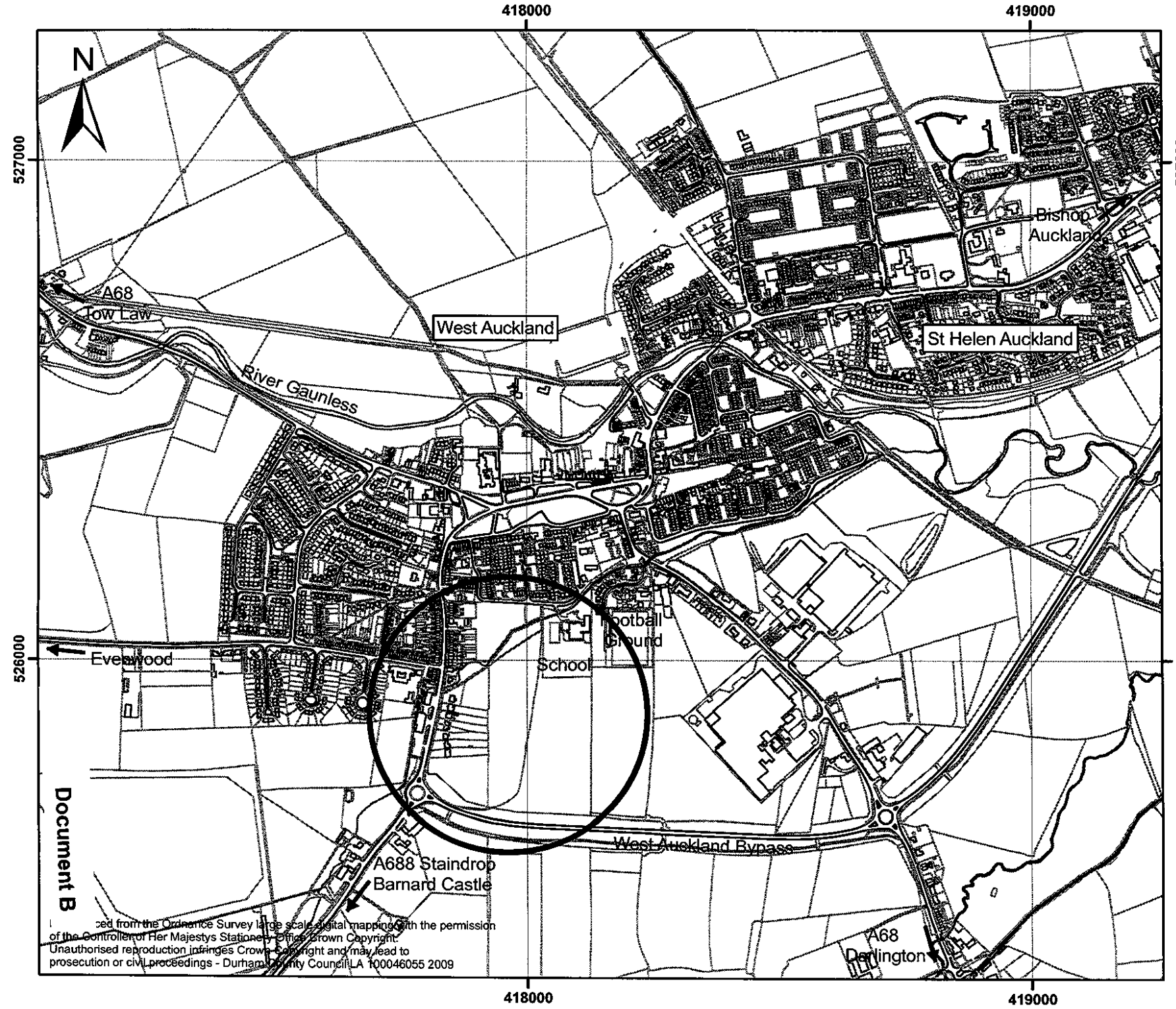
Yours sincerely

S W Nixon, MRICS, FAAV
Addisons Chartered Surveyors

Cc: Michelle Nolan

Document A





Durham County Council

IAN THOMPSON
CORPORATE DIRECTOR
REGENERATION AND
ECONOMIC DEVELOPMENT
DURHAM COUNTY COUNCIL
COUNTY HALL
DURHAM DH1 5UQ

PROPOSED DIVERSION OF PUBLIC FOOTPATH NO 21 WEST AUCKLAND PARISH

LOCATION PLAN

SCALE 1: 10,000

DATE: 28/09/09

West Auckland PC

SHARON HALL <sharon.home@btopenworld.com>
09/12/2008 14:19
Please respond to sharon.home@btopenworld.com

To esther.gray@durham.gov.uk
cc
bcc
Subject Proposed Diversion of Public Footpath No 21

Hi Esther

Just to inform you that the Parish Council have no objections to this diversion of the footpath

Sharon
Clerk to the Council

Wear Valley DC

B.Featherstone@wearvalley.gov.uk
09/12/2008 15:57

To esther.gray@durham.gov.uk
cc
bcc
Subject proposed diversion of public footpath no 21 ,west auckland parish

Esther

Further to your letter dated 27 November 2008 I would offer no objections of a technical nature to the above footpath diversion

Brian Featherstone
Wear Valley District Council

Ramblers

crookramblers@crookramblers.plus.com
22/12/2008 11:44

To esther.gray@durham.gov.uk
cc
bcc
Subject Public footpath No. 21, West Auckland Parish

Dear Esther Gray
Following a visit to the above footpath by Jeff Foster,our joint footpaths officer, we do not wish to object to the footpath diversion proposal.

Can you please note our new email address:

crookramblers@crookramblers.plus.com

Thank you.
John McAdam, Joint footpaths officer, Crook and Weardale group of the Ramblers' Association

Document C

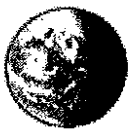
Councillors

Pauline Mary Charlton <paulinecharlton@durham.gov.uk>
07/01/2009 13:12

To Esther Gray <esther.gray@durham.gov.uk>
cc
bcc
Subject RE: Highways Act 1980 Section 119 Proposed Diversion of Footpath No. 21 West Auckland Parish

Hi
No objections

Pauline



Stephen Hugill <stephen.hugill@durham.gov.uk>
06/01/2009 19:14

To Esther Gray <esther.gray@durham.gov.uk>, "mondard@mac.com" <mondard@mac.com>, "jobird9@tiscali.co.uk" <jobird9@tiscali.co.uk>, Pauline Mary Charlton <paulinecharlton@durham.gov.uk>, Robert John Yorke <robert.yorke@durham.gov.uk>, Andy Turner <andy.turner@durham.gov.uk>
cc
bcc
Subject RE: Highways Act 1980 Section 119 Proposed Diversion of Footpath No. 21 West Auckland Parish

Dear Esther

I have no objections to the proposal or any comments regarding the footpath.

Regards

Stephen Hugill

Document C

CBG

EK

Open Spaces Society

Chairman RODNEY LEGG Charity no 214753 General Secretary KATE ASHBROOK

Middle Garth
Stainton Village
Barnard Castle
Co Durham DL12 8RD
Tel: 01833 637756
jobird9@tiscali.co.uk

8th January 2009

Ms Esther Gray
Rights of Way Officer
Durham County Council
County Hall
Durham DH1 5UQ

Dear Esther

Proposed Diversion of Public Footpath No 21 West Auckland Parish

Thank you for your letter of 27th November.

I have now had the opportunity to make a site inspection with regard to this proposal.

I noted that there is already a stile at the northern end of the proposed new line for this path, and that it appears to have been there some considerable time, and that the path has been well used. I also noted that the stile at the northern end of the current line of the path has also been well used.

I must therefore object to the proposed diversion of FP 21 as this would in effect be the loss of a well-used path, rather than a diversion.

Yours sincerely

Jo Bird

Jo Bird
Local Correspondent for Teesdale and Wear Valley Districts in Co Durham

Document D

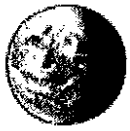
"Jo Bird"
<jobird9@tiscali.co.uk>
14/01/2009 10:30

To <esther.gray@durham.gov.uk>
cc
bcc
Subject Re: Proposed Diversion of Public Footpath No 21 West Auckland Parish

Dear Esther

I have considered the points which you have made but feel unable to withdraw my objection for the reasons which I gave in my letter.

Regards



"Jo Bird"
<jobird9@tiscali.co.uk>
19/01/2009 11:26

To <esther.gray@durham.gov.uk>
cc
bcc
Subject Fw: Proposed Diversion of Public Footpath No 21 West Auckland Parish

Dear Esther

I would like to expand on my previous comments, following a further visit.

I don't think it is correct that people have 'wandered all over the field'. It would be correct to say that people have walked several specific routes in and around the field, and I have now walked these as they are clearly trodden on the ground. Specifically:

1. The definitive route is not walked diagonally across the field, let alone with the 'wiggle' in it. Instead people have walked from the northern end, down beside the hedge, and then continued almost straight ahead towards the hedgerow in the field on the far side of the by-pass. This is very distinct on the ground (as is the path beyond the by-pass, so well-used).

2. There is a distinct path all the way round the edge of the field, including along the northern side, although public FP No 22 runs on the other side of the fence. FP 22 has been well walked too, but I would imagine becomes less easy in the summer when the rough grass and reeds, etc grow up. Currently it is more muddy than the field.) I would imagine that the whole path around the field has been worn mostly by dog walkers, as it is typical of dog walking routes. There is a clear space in the fence at the start of the proposed line of the path, beside the old stile, that can only have been used by dogs. There is also plenty of space at the dilapidated stile where FP21 enters the field at the northern end, to allow easy passage for dogs.

3. There is a well-worn path from the old stile that is the northern starting point for the proposed path, which runs south eastwards towards the corner hedge that appears to be the school boundary. The path then runs due east beside the hedge to the end of the field. While a path continues southwards around the field, there is evidence of some people having pushed through the barbed wire fence, although not much sign of a path on the ground on the far side. There is, however, a wooden ladder over to the left, leaning against the boundary wall of the football ground giving the impression that this may be an unofficial entry point to the football ground. This would provide a regular purpose for use of the path and access through the fence at this point.

It seems very obvious that diverting FP 21 will have no effect whatsoever on the use of the 'round the field' path, nor on people who using the path south-eastwards to gain access to the south side of the football ground. People using this path will simply be using a definitive path stile to gain access to the field instead of a non-definitive path stile.

I hope these comments are helpful.

Regards

Jo

Document D

"Jo Bird"
<jobird9@tiscali.co.uk>
12/02/2009 13:21

To <Mike.Ogden@durham.gov.uk>
cc <esther.gray@durham.gov.uk>, <Michelle.Nolan@durham.gov.uk>
bcc
Subject Re: Proposed Diversion of Public Footpath No 21 West Auckland Parish

Dear Mike

In response to your message, I described the paths on the ground in detail because it seemed to me from the letter and email from Esther that the site might not have been visited by anyone from your department. Please would you clarify this point.

I had thought that if anyone had made a site visit they would not have promoted this proposed diversion in the interests of the landowner. I could not see how the proposed diversion would change any use of any of the paths, either the definitive or non-definitve paths, and that therefore there would be no benefit to the landowner in moving the path. I am still of that view. Further, the landowner would be required to pay for certain expenses, such as the publication of the Order, and so would be out of pocket for no change of use of paths on the ground.

You state that "there is no evidence that the proposed route has already acquired public rights". I consider that there is a strong probability that it has in fact acquired public rights, since the stile at the northern end has clearly existed for a great number of years. Also, there is no evidence that the proposed route has not acquired public rights. It seems to me highly unlikely that many of the residents of West Auckland would be familiar with the law regarding public rights of way, or even of the existence of the definitive map. There are several paths within the parish of West Auckland that are regularly used as public rights of way, but which are not on the definitive map, and which should be. The proposed route for Footpath 21seems to me to be simply another one.

I cannot speak for the Parish Council or the Ramblers' Association on this matter. I have no idea whether they would have visited the site or walked any of the paths before deciding not to object. I presume that neither body has actually stated that it approves the proposal.

I have re-considered the matter and in view of the points made above, must maintain my objection.

Regards

Jo

Jo Bird
Open Spaces Society
Local Correspondent for Teesdale & Wear Valley District
in County Durham

Document D

Mike Ogden

From: Jo Bird [jobird9@tiscali.co.uk]
Sent: 13 March 2009 20:47
To: Mike Ogden
Cc: Esther Gray; Michelle Nolan
Subject: [?? Probable Spam] Re: Proposed Diversion of Public Footpath No 21 West Auckland Parish

Dear Mike

Thank you for your email of 6th March.

Going back to your email of 10th February you state, "The construction of the by-pass has given us an opportunity to discuss with the landowner the access issues he has on this land." Please would you confirm that this means that because some agricultural land was taken to make way for the construction of the by-pass, you approached the landowner concerned about rights of way. Or to put it another way, do I understand correctly that you made the approach to the landowner, rather than the landowner making the approach to you, for possible path changes?

I ask this because, if I have understood correctly, your approach to the landowner could be taken as an open invitation to make some change or other.

With regard to our discussion, I fail to see how this grassland is adversely affected by Footpath 21 on the current route, since the grass is grazed for part of the year and is left for a hay crop in the summer months, and there is no requirement to keep paths clear through grass grown for hay or silage, which means no path maintenance work is involved. I cannot see the logic in it being easier to manage if the path is diverted to the field edge. If it were on arable land, then work would be involved, but in the original consultation letter it is stated that the grass "is largely taken for hay during the summer", implying that sometimes it remains as grazing.

With respect to the understanding by West Auckland people of matters to do with rights of way and the definitive map, I think it is a very fair assumption to make that most people would not have much understanding. This is in no way a derogatory comment since many ordinary members of the Ramblers are not familiar with footpath law. As it happens I have been approached by West Auckland parish council as they are keen to register some land by the river as a village green, and they also have a number of paths that they wish to have added to the difinitve map. I was invited to attend a recent parish council meeting, and it became quite clear that not all members understood the difference between a path that was on the definive map and paths which were not, and seemed not to know of the existence of the map. I think that it is most probably that many residents will not know about these matters either.

However, because West Auckland PC has already at least four claims it wishes to make for registered village greens and rights of way, I feel it would be excessive to pursue the DMMO process for the proposed diversion route in addition, although I had originally intended to do that with their co-operation.

I remain of the view that no useful purpose will be served in pursuing the proposed diversion of Footpath 21, and that the best course of action would be for it to be dropped. I am sorry if this disappoints you.

Regards

Jo

Jo Bird
Open Spaces Society
Local Correspondent for Teesdale and Wear Valley Districts in Co Durham

Document D

Open Spaces Society

Chairman RODNEY LEGG Charity no 214753 General Secretary KATE ASHBROOK

Middle Garth
Stainton Village
Barnard Castle
Co Durham DL12 8RD
Tel: 01833 637756
jobird9@tiscali.co.uk

11th April 2009

Mr Mike Ogden
Section Manager – Access & Rights of Way
Durham County Council
County Hall
Durham DH1 5UQ

Dear Mike

West Auckland FP21

With reference to our recent email correspondence on matters relating to this path I would appreciate clarification of your statement: "The construction of the by-pass has given us an opportunity to discuss with the landowner the access issues he has on this land."

Does this mean that when a landowner loses land for any construction purpose they are approached by your department regarding rights of way issues, either directly connected with the loss of land, or issues on adjacent land, and if either is the case, then is this obligatory or something that you feel it is fair to do.

If the approach regarding FP21 was made by your department, would you agree that this could be seen as something of an invitation to the landowner to request a change that he might not otherwise have made?

Also, if a landowner states he has problems with people on his land, and he suggests a path change that appears not to be likely to solve the problem, is it not the role of your department, as the experts, to advise him of this? In this instance, the applicant has apparently stated that this grass field is grazed for part of the year and is left for a hay crop in the summer months. As there is no requirement to keep paths clear through grass grown for hay or silage, no path maintenance work is involved, and therefore there would be no change in management if the path is diverted to the field edge. If the path were on arable land, then work would be involved, but the original consultation letter states that the grass "is largely taken for hay during the summer", implying that sometimes it remains as grazing.

I would be most grateful for clarification of these points.

Yours sincerely,

Jo Bird

Jo Bird
Open Spaces Society
Local Correspondent for Teesdale and Wear Valley Districts in Co Durham

Please acknowledge → ATC

Open Spaces Society

Chairman RODNEY LEGG Charity no 214753 General Secretary KATE ASHBROOK

Middle Garth
Stainton Village
Barnard Castle
Co Durham DL12 8RD
Tel: 01833 637756
jobird9@tiscali.co.uk

20th June 2009

Mike Ogden
Section Manager – Access and Rights of Way
Regeneration & Economic Development
Durham County Council
County Hall
Durham DH1 5UQ

Dear Mike

Footpath No 21 West Auckland Parish

I apologise for not responding to your letter of 14th May before this. I have had several problems with my computer and am now catching up.

Thank you for explaining the situation with this path and the application for its diversion. In your first paragraph you mention the new fencing and "the appropriate structure on the line of the Footpath". Could you please explain to me why a new metal kissing gate was installed on the line of the proposed route leading onto the by-pass. I note that a wooden stile has been erected very recently on the definitive line of the path leading onto the by-pass.

I am sorry to tell you that I feel unable to with draw my objection to the proposed diversion.

Yours sincerely

Jo Bird

Jo Bird
Local Correspondent for Teesdale and Wear Valley Districts in Co Durham