



Highways Committee

Date Thursday 3 March 2022

Time 9.30 am

Venue Committee Room 2, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Minutes of the Meeting held on 15 February 2022 (Pages 3 - 10)
4. Declarations of Interest, if any
5. Definitive Map Modification Order Application for Acton Road South Bedburn - Corporate Director of Neighbourhoods and Climate Change (Pages 11 - 52)
6. Such other business, as in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
23 February 2022

To: **The Members of the Highways Committee**

Councillor R Ormerod (Chair)
Councillor D Boyes (Vice-Chair)

Councillors A Bell, T Duffy, C Kay, K Earley, J Higgins,
J Howey, G Hutchinson, R Manchester, B Moist, D Oliver,
I Roberts, K Robson, A Simpson, A Sterling, F Tinsley,
M Wilson and D Wood

Contact: Kirsty Charlton Tel: 03000 269705

DURHAM COUNTY COUNCIL

At a Meeting of **Highways Committee** held in Council Chamber, County Hall, Durham on **Tuesday 15 February 2022 at 9.30 am**

Present:

Councillor R Ormerod (Chair)

Members of the Committee:

Councillors D Boyes (Vice-Chair), T Duffy, C Kay, K Earley, J Higgins, J Howey, G Hutchinson, R Manchester, D Oliver, A Simpson, A Sterling, F Tinsley, M Wilson and D Wood

Also Present:

Councillor A Watson

Prior to the commencement of the meeting the Chair referred to the sad passing of Councillor Mark Idwal-Robert late last year and expressed that he was highly regarded by colleagues and residents.

The Committee stood for a moments silence as a mark of respect to Councillor Idwal-Roberts.

1 Apologies

Apologies for absence were received from Councillors A Bell and K Robson

2 Substitute Members

There were no substitute Members in attendance.

3 Minutes

The minutes of the meeting held on 10 December 2021 were agreed as a correct record and signed by the Chair.

4 Declarations of Interest

There were no declarations of interest.

5 Barnard Castle Parking & Waiting Restrictions Amendment Order 2022

The Committee considered a report of the Corporate Director of Regeneration, Economy and Growth which advised of the proposed changes to the Traffic Regulation Order (TRO) in Barnard Castle and requested that they consider the objections made during the informal and formal consultation period (for copy see file of minutes).

The Strategic Traffic Manager gave a detailed presentation which included site location plans, aerial photos and photographs of the sites and details of the following restrictions:

- To introduce 'no waiting at any time' restrictions (double yellow lines) on both sides of the junctions of Kirk View and Bede Road with the A67 to address access issues for residents, refuse vehicles and emergency services on Kirk View and Bede Road with road safety concerns being highlighted by residents and Durham Constabulary for Churchill Road. Five objections were received in the informal consultation phase.
- To extend the existing 'no waiting at any time' restrictions (double yellow lines) on the south side of Victoria Road adjacent to no.70 Victoria Road to address visibility and access concerns for residents due to the curvature of the road. One objection had been received during the informal consultation phase from directly affected frontages.
- To introduce 'no waiting at any time' restrictions (double yellow lines) on the south side of Hall Street to address access issues with emergency and refuse vehicles. Three objections had been received during the informal consultation phase from directly affected frontages.
- To introduce 'no waiting at any time' restrictions (double yellow lines) on the junctions of Birch Road and Park Terrace with Newgate to address reports of obstructive parking on the junctions of Birch Road and Park Terrace resulting in access and visibility issues. One objection had been received during the informal consultation phase from directly affected frontages.

Mrs Rutter addressed the Committee in objection to the 'no waiting at any time' restrictions on both sides of the junctions of Kirk View and Bede Road with the A67. She explained that she had lived on the north side of Bede Road for 40 years and had witnessed a lot of changes over this time. She highlighted rule 243 of the Highway Code and felt that if this was enforced, double yellow lines would not be necessary. She referred to only a few occasions where there had been cars parked right down to the junction.

In relation to the refuse lorry, she explained that most cars in Kirk View were parked there at the time the collection took place, 7am on a Friday morning, but advised that there were only two occasions last year where the service was affected. She suggested the refuse collection time be changed to alleviate the issue. She appreciated that there was a school close by but confirmed that she was not aware of any problems with school children having to walk around parked cars.

She went on to explain that there had been occasions where visitors to her property could not get parked on the south side of Bede Road or Kirk View and this had pushed parking onto Victoria Road and Churchill Road. She stated that the situation was not straightforward due to most households having two cars. She informed the Committee that she had not seen anyone enforcing parking restrictions on this junction and believed the double yellow lines were unnecessary.

In response to the point raised by Mrs Rutter regarding rule 243 of the Highway Code, the Strategic Traffic Manager clarified that this was a police matter. He explained that the Highway Code stated that you 'should not' park, not that you 'must not'. He explained that if double yellow lines were introduced then the Council would be able to enforce restrictions and confirmed that yellow lines provided effective enforcement. He advised that parking that close to a junction created problems and that people had raised concerns regarding visibility for cars and pedestrians. He added that parking was available in the nearby vicinity if residents were unable to park outside of their home.

Councillor Boyes appreciated the objectors' comments but believed the proposal was simply formalising what was already there. He commented that people could park inappropriately, and that this impacted on visibility for pedestrians including children walking to school.

In relation to the proposal for Birch Road and Park Terrace, Councillor Boyes asked whether there would be a time limit imposed for wedding cars and hearses.

The Strategic Traffic Manager advised that no set time would be imposed for wedding cars and hearses and that the vehicles could remain parked on double yellow lines whilst undertaking their activities. He confirmed details of this would be in the order.

Councillor Ormerod asked for clarification on whether wedding cars and hearses could remain parked during the service. The Strategic Traffic Manager explained that wedding cars could pick up and drop off passengers, but that they could not remain parked during the service. In relation to hearses, he advised that they would be permitted to park during the service if this was necessary.

Councillor Howey commented that she knew Barnard Castle well and that from her experience it was a congested area. She advised that the A67 could get blocked with buses and HGV's and that this created problems for pedestrians crossing the

road. She explained that the route from Victoria Road to Morrisons was extremely busy and that it would benefit from the proposal. She also advised that events held in the town or at Bowes Museum increased the number of visitors to the area which resulted in residents struggling to park. She added that poor parking impacted on visibility and impacted on those in wheelchairs due to dropped curbs being blocked.

Councillor Kay also commented that he knew Barnard Castle well and that the area was highly congested. He stated that he supported any improvements that could be made to Victoria Road but asked where the displaced cars from this road would be able to park.

In response the Strategic Traffic Manager advised that the displaced cars could be parked anywhere that was legal to do so.

Councillor Wood referred to the picture of Hall Street and asked if the existing double yellow lines were to be repainted. The Strategic Traffic Manager confirmed that these would be freshened up.

In terms of Birch Road and Park Terrace, Councillor Wood gave an example of zigzag markings that he had seen at community centres to protect the space and stop residents from parking. He asked whether these types of markings could be used outside of the church without there being an impact on its activities.

The Strategic Traffic Manager advised that keep clear was an advisory marking enforced by police whereas double yellow lines were enforced by the Council and were therefore more likely to be adhered to.

The recommendation to approve was **moved** by Councillor Boyes and **seconded** by Councillor Howey.

Resolved:

That the proposal, in principle, to amend the Barnard Castle Parking and Waiting Restrictions Order 2022 be endorsed.

6 Blackhill and Shotley Bridge Parking & Waiting Restrictions Amendment Order 2021

The Committee considered a report of the Corporate Director of Regeneration, Economy and Growth which advised of the proposed changes to the Traffic Regulation Order (TRO) in Blackhill and Shotley Bridge and requested that they consider the objections made during the informal and formal consultation period (for copy see file of minutes).

The Traffic Management Section Manager gave a detailed presentation which included site location plans, aerial photos and photographs of the sites and details of the following restriction:

- To introduce 'no waiting at any time' restrictions (double yellow lines) on both sides of the junction of Wood Street and Swordsmiths Lane. The proposed restrictions were requested by DCC's Corporate Property & Land to address obstructive parking on the junction of Wood Street and were supported by the local members and Durham Constabulary. One objection was received from a local resident during the informal consultation.

Councillor Earley addressed the Committee as a member of the Committee and as a local member. He advised that there were a lot of issues with parking in this area and although the proposal would address some of the issues raised it would not resolve all of them. He added that some areas were overdeveloped and that there were a lot of old roads that were not designed for two and three cars per household, and this along with inconsiderate parking created a lot of conflict. He asked whether it was possible for a review of the entire area to be undertaken in six months' time.

Councillor Boyes referred to the boulders that had been placed on the land and asked if they were to be removed and replaced by double yellow lines. He further asked whether the Council would be liable if anyone crashed into the existing boulders.

The Strategic Traffic Manager confirmed that as it was council land, the Council would be responsible. He advised that if the boulders were removed, that this would attract people to park in the area and therefore double yellow lines would need to be introduced to control this.

Councillor Tinsley stated that the liability surrounding the boulders increased the need for the proposal to go ahead but agreed with Councillor Earley that a review of the entire area was needed.

Councillor Tinsley **moved** the recommendation to be approved, this was **seconded** by Councillor Duffy.

Resolved:

That the proposal in principle to proceed with the implementation of the Blackhill and Shotley Bridge Parking and Waiting Restrictions Amendment Order 2021 be endorsed.

7 Consett Parking & Waiting Restrictions Amendment Order 2021

The Committee considered a report of the Corporate Director of Regeneration, Economy and Growth which advised of the proposed changes to the Traffic Regulation Order (TRO) in Consett and requested that they consider the objections made during the informal and formal consultation period (for copy see file of minutes).

The Traffic Management Section Manager gave a detailed presentation which included site location plans, aerial photos and photographs of the sites and details of the following restriction:

- To introduce 'no waiting at any time' restrictions (double yellow lines) on the south west side of Victoria Road (rear) for the full extent to address access, visibility and road safety concerns due to occasions where vehicles were parked on both sides of the road restricting access. Two objections were received in the informal consultation phase.
- To introduce 'restricted waiting and loading' restrictions (Mon-Fri 08.30-09.30 & 14.30-15.30) on both sides of Waterfront Gardens where the pedestrian access is from St Patrick's RC Primary School to address access, visibility, and road safety concerns during school gate drop off/ pick up. The route is used by students from two schools (St Patrick's Primary and Consett Academy) in the vicinity. Three objections were received in the informal consultation phase.

Councillor Watson, local member, addressed the Committee in support of the restrictions. He referred to Waterfront Gardens and agreed that restrictions needed to be introduced due to irresponsible parking. He gave examples of resident's driveways being blocked during school drop off and pick up times and that this had led to threats of violence. He stated that in future, parking should be provided for any new school building to reduce the impact on residents. In relation to Victoria Road, he advised that the rear of this road had always experienced issues and that the introduction of double yellow lines would address these. He confirmed that he was happy with the officer's recommendation.

Councillor Boyes referred to the school drop off and pick up and asked Councillor Watson whether St Patricks RC Primary attracted people outside of the catchment area due to the school being Roman Catholic and asked if there was an alternative area where they could park instead.

In response, Councillor Watson advised that the school served a larger area with the school being Roman Catholic but that some people insisted on bringing their car when the short distance to the school could be walked.

Councillor Tinsely commented that from experience a change in parking regulations at schools could have a positive impact on the area. He stated there was no sustainable reason to object to the proposal and **moved** the recommendation to be approved.

Councillor Sterling agreed with the comments from Councillor Watson and advised that she had similar issues in her area with regards to schools and parking. She stated that Consett was not a built-up area in comparison to Durham City Centre and that there would be alternative areas to park. She **seconded** the recommendation to approve.

Resolved:

That the proposal, in principle, to amend the Consett Parking and Waiting Restrictions Order be endorsed.

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**Definitive Map Modification Order
Application for Acton Road South
Bedburn**



Report of Corporate Management Team

**Alan Patrickson, Corporate Director of Neighbourhoods and
Climate Change**

**Councillor John Shuttleworth Cabinet Portfolio Holder for
Highways**

Electoral division(s) affected:

Evenwood and Barony

Purpose of the Report

- 1 In this report the Highways Committee is asked to consider all the relevant evidence gathered in support of an application to modify the Definitive Map and Statement of Public Rights of Way by the addition of a Bridleway which runs from Cloudlam Rake, located at the northwest side of Hamsterley Forest leading south - southeast towards Pennington Rake and continuing south to the west side of Plantation. **(Document A)**.

Executive summary

- 2 An application was received in 2019 from Ms Barbara Herd to modify the Definitive Map. The application is based on historical documentary evidence, primarily an Inclosure Award of 1760 which describes an historic highway that runs south - southeast across along the west side of Hamsterley Forest South Bedburn. The applicant's case is that this highway was created by an Act of Parliament, and it has never been stopped up and should therefore be recorded on the Definitive Map & Statement with the status of public bridleway. The contention is therefore that those rights were established through an Act of Parliament (albeit over a century ago), and that these historic public rights still exist.

- 3 A consultation was carried out on the proposed application route with the landowner, user groups, and the local Parish Council, and local County Councillors. Objections were received, as well as letters of support. Support for the application has been expressed by the British Horse Society, and Ms J. Bird from the Open Spaces Society and Mrs Joan Martin from the Ramblers Association.
- 4 The only objection is from the Forestry Commission (landowner) which claims the route would entail destruction of young conifers as they say there are no open trackways. Whilst not strictly relevant to the assessment of the application, should it be successful, the Council would be willing to work with the Forestry Commission to see how the route can best be accommodated on existing tracks or firebreak roads, following the historic trajectory of the route. Whilst applications based on historical documentary evidence constrain the applicant to apply for a modification based on the original route the actual text of the Inclosure Award, that describes the route as 'running southward' would give a degree of flexibility in terms of reinstating the first section of the route (to High Acton Currick) and the Council is prepared to work with the Forestry Commission to determine this with a view to mitigating the practical impact of the route on the ground should the application be successful.

Consultation letters and Responses are contained in (**Appendix 3**).

Documentary Evidence

- 5 The earliest known documentary evidence which describes the application route is the 1760 Inclosure Award. The Inclosure Act Award and accompanying Plan is a statutory allotment of land which typically also creates or records highways (**Document B**).

1760 Inclosure Plan and Award Bedburn (Copy Plan produced 1884 (DUL) Dean and Chapter: Ref. DHC/III /8).

- 6 The route is described and named within the Award text but not actually shown on the Award Plan, this may be because the current available plan was a copy plan made in 1884; the original plan was described as being in a dilapidated state. However important points on the route are such as Cloudlam Rake and High Acton Currick are depicted. The allotments through which the route passes and mentioned in the Award text, are also depicted (**Documents B and C**).

Award Text transcribed below (Document C)

- 7 *“And we do hereby sett out and appoint another Public Highway of the breadth of Forty Foot thro’ and over that part of the said wastes and commons to be divided, heading southwards from a place called Cloudlam Rake into over and along the west end of Pennington Rake to the road in Smithy Hirst Sike as the same hath also been sett out and staked, which Highway we shall hereafter refer to and call by the name of Acton Road”.*
- 8 Under a section of the Award called “**Names and Uses of the Public Highways**” the text states “*And we do also hereby order and appoint that all the said several common publick Highways abovementioned ascertained and set out and called by the several Names of the Windy Bank Road the North part of the said Crake Scarr Road as is herebefore mentioned and described New Row Road, Redford Road, Crow Nest Road, Shipley Road, Hartup Road, Shull Road, Hoppyland Road, Apeshield Road, Egglestone Road, Redgate Shield Road, Stanhope Road, Hart Sowlings Road, Acton Road and Podshole Mill Road and every of them shall and may from time to time and at all times hereinafter be used by all and all manner of person and persons passing and repassing either on foot or with Horses to asses Carts Carriages or cattle and for all other purposes whatsoever at their free will and pleasure and shall be made and forever remain of the breadth of forty feet at the least and within the ditches and exclusive thereof, and that the same shall within two years from the Date hereof be made and for ever hereafter be repaired and maintained by and at the expense of the owners or occupiers for the time being of the several allotments hereinafter by us assigned and set out for and in respect of their lands and tenement within the Township of South Bedburn aforesaid....” (Document C)*

Historic Maps. Documents

Ordnance Survey Boundary Remark Book 1853 (TNA OS 26/3381) (Document D and E).

- 9 Boundary remark books, also called Perambulation Books, were basically the notes and sketches taken as part of the surveying process for the production of the First Series Ordnance Survey Maps c.1857. These initial surveys often relied on information contained in Inclosure Award books and the accompanying Plan.
- 10 The Boundary Remark Book contains a sketch of the application route crossing Eggleston(e) Road and Redgate Shield Road; both Inclosure Roads (**Document D**). The sketches in the book correspond with the depiction on the Inclosure Plan, which show both Eggleston and

Redgate Shield Roads converging before the parish boundary. Although Acton Road is not shown on the Inclosure Plan, it is shown in the Boundary Remark Book crossing the latter two roads. The next two pages from the perambulation book names all three routes and gives an approximate sketch of the points where Eggleston and Redgate Shield are crossed by the application route (**Document E**). However, it must be noted that both Eggleston and Redgate Shield Road (Today) converge beyond the Unitary boundary, as depicted on later edition Ordnance Survey Maps, and indeed on the current Definitive Map of Rights of Way.

**First Edition Ordnance Survey Maps (DUL) Sheet XXVI.4: 1857
1stEdition OS 1:25: (Document F)**

- 12 A double dash line is shown running southeast from Cloudlam Rake on the map towards Acton Beck. From there it continues in south-easterly direction, passes the location of a 'Currick' and continues east to southeast and 'High Acton Currick' (A 'Currick' is a stone, or pile of stones often set on an elevated point in the landscape which could identify a place, a boundary or mark a route). The continuation of the route south from High Acton Currick, as described in the Inclosure Award, running along the western edge of Pennington Rake is not depicted. Interestingly on this edition map there is no clear representation of either Eggleston Road or Redgate Shield Road (also Inclosure Roads) which Acton Road crosses, however as stated previously they are both mentioned in the Boundary Remark Book and are clearly shown on the 1897 Second Edition Ordnance Map. They are both currently recorded as Public Bridleways.

**Second Edition Ordnance Survey: 2nd Edition OS (1897) 1:25" inch
(Document G).**

- 13 The application route's presumed trajectory is shown running towards High Acton Currick (double dash lines) on the same layout/alignment as on the previous edition map. Redgate Shield Road and Egglestone Road are now both clearly shown. The last section of the route (south end) that runs along the western edge of Pennington Rake Plantation, and as described in the Inclosure Award text is unclear and there is not a clearly corresponding route on this edition Ordnance Survey.

Third Edition Ordnance Survey 1923 1:25": (Document H)

- 14 This edition map shows the first section route as represented previously; it remains unchanged.

Fifth Edition Ordnance Survey 1953 1:10,560 (Document I)

- 15 The first section of the route is still extant on this edition map and follows the same trajectory; on this edition the southern section of the route is also shown, albeit plantation annotation of forestry obscures it a little.

1977 Ordnance Survey 1:10,000 (Document J)

- 16 The first section of the route is lost on this edition obscured by plantation and fire breaks, the section from High Acton Currick is depicted as well as other forest tracks.
- 17 Images towards High Acton Currick (**Document K**)

Legal Framework

- 18 Durham County Council as Surveying Authority has a duty to keep the Definitive Map and Statement under review. Under the provisions of Section 53 of the Wildlife and Countryside Act 1981, the County Council is required to make a Modification Order under Section 53 (3)(c)(i) on the discovery by the authority of evidence which when considered with all other relevant evidence available to them shows that a right of way which is not shown in the Map and Statement subsists, or is reasonably alleged to subsist over land in the area to which the map relates, (being a right of way to which this part applies)
- 19 The evidence in this case is documentary evidence provided by the applicant Mrs B. Herd (who researches on behalf of the British Horse Society) and is based on advice contained in the book 'Rights of Way: restoring the Record' by Sarah Bucks and Phil Wadey, and the County Council's guidance document Applying for a Definitive Map Modification Order.
- 20 Section 32 of the Highways Act 1980 deals with the consideration of documentary evidence when determining whether a highway has been dedicated. It allows for any maps, plans or history of a locality or other relevant document to be tendered in evidence and for appropriate weight to be placed on the document including the antiquity of the document, the status of the person by whom, and the purpose for

which, it was created and the source from which it has been stored and produced.

- 21 Once a highway comes into existence, it can only cease to be a highway in certain circumstances, such as by way of a formal stopping up.
- 22 The Human Rights Act is of relevance. Whilst article 1 to the first protocol (peaceful enjoyment of property) and article 8 (right to respect for family, private life and home) are engaged, it is important to note that these rights are qualified, not absolute, which means that they can be interfered with in so far as such interference is in accordance with domestic law and is necessary in a democratic society for the protection of the rights and freedoms of others. It is considered that any interference occasioned by the making of a Modification Order is both in accordance with domestic law (the Wildlife and Countryside Act 1981) and is in the public interest as it is necessary in a democratic society for the protection of the rights and freedoms of others, namely the public who wish to use the way.
- 23 Should Members resolve in principle that a Modification Order be made in accordance with the above legislation, this is merely the start of the legal process. Once a Modification Order is made, it must be publicised, and the owners will have an opportunity to formally object to it. Should objections be received, the Modification Order would have to be referred to the Secretary of State who would usually hold a Public Inquiry before deciding upon whether or not to confirm the Modification Order

Assessment of the Evidence

- 24 The only considerations that the Council can take account of are those that relate to whether the alleged public right of way is reasonably alleged to subsist. It would be unlawful to consider issues such as the suitability or desirability of the route subject of the application.
- 25 The submitted evidence has been reviewed and the key piece of evidence is the 1760 Inclosure Award (**Documents B, C, D**). This document was produced under an Act of Parliament, as a means of enclosing the 'commons' but also defining a means of traversing the said commons via the establishment of Highways and Paths; Acton Road is one of those Highways. The Award not only names the Road, it describes its minimum width (Forty Foot) and the landscape features

along the way like High Acton Currick, but most importantly for whom and by what manner of transport the road is designated.

The Award states “*herein after be used by all and all manner of person and persons, passing and re-passing either on foot, or with horses to asses to carts to carriages or cattle and for all other purposes whatsoever...*”.

- 26 As there is no evidence of this route having been legally extinguished (stopped up), it is therefore concluded that on the balance of probabilities a Public Right of Way with at least Bridleway status, is reasonably alleged to subsist between the place Cloudlam Rake and the southern extent of the area historically and currently known as Pennington Rake Plantation. It is also clear from the Award text that Acton Road joined another to the south of Pennington Rake Plantation named in the Award as ‘Siddy Sike Road, which is likely the route recorded today as Bridleway 4 (*pers comment*). This runs parallel to the line of the Smithy Hirst beck, formerly Siddy Hirst Sike in the Award text. Smithy Hirst Beck is a tributary of Spurlswood Beck which flows along the southern boundary of Hamsterley Forest.
- 27 Whilst the Award Plan does not show the route of Acton Road, it is a later replacement, the original having become worn out, which may explain why it has been missed off this plan. It is therefore considered that the description in the Award Text is sufficient to enable the route to be ascertained. Furthermore, the later Ordnance Survey maps which show what was on the ground in terms of this route at various dates are supporting evidence in that regard. In particular, these maps show that a route resembling Acton Road existed on the ground up until around 1977 when the route appears to have fallen into disuse and therefore disappears from the OS maps. As these maps were not produced for the purpose of defining public highways, they cannot be determinative of this issue in themselves but are useful corroboratory evidence.

Landowner objection

- 28 The only objection has been submitted by Forestry England, as landowner. They state that they object because the route would pass through an area of recently planted conifers and that clearing this plantation would have a significant effect on forestry operations. As this objection is about the desirability of the route on the ground, it is not relevant to the legal test to be applied, namely whether a bridleway is

reasonably alleged to subsist. In any event, the Council is prepared to work with the landowner to mitigate the impact of the route on the ground, as far as possible.

Main Implications

- 29 If this route is added to the Definitive Map & Statement as a Public Bridleway the County Council as Highway Authority will become responsible for the maintenance of the surface of the route to Bridleway standard. The County Council will also be responsible for the installation of Bridleway gates (where applicable); after six months maintenance of any Bridleway gates becomes the responsibility of the Landowner.

Conclusion

- 30 The submitted evidence has been reviewed and the most significant evidence is the 1760 Inclosure Award (**Document D**). The document demonstrates importantly that the route exists, and secondly for whom and by what it might be used, which the text states was for the use of all manner of persons and vehicles. No stopping up of the route has been discovered and therefore, it is concluded that on the balance of probabilities a Public Right of Way with rights commensurate with Bridleway status is reasonably alleged to subsist between Cloudlam Rake and Southern extent of Pennington Rake Plantation. In particular joining Bridleway 4 at Blackling Hole. Whilst the route is not actually depicted on the Award Plan, this is likely due to the fact that the original plan is no longer available and was replaced by a new copy plan in 1884. However, the description in the Award Text and the later OS map depictions are sufficient, taken together, for the route to be ascertained.

Recommendation

It is recommended that members resolve to:

- i) grant the application by making a Definitive Map Modification Order to add Acton Road as a bridleway to the Definitive Map & Statement of Public Rights of Way and;
- ii) in the event that no objections are received or sustained, to confirm the Definitive Map Modification Order as an unopposed order and;

- iii) in the event that objections are received and sustained, to refer the Definitive Map Modification Order to the Secretary of State for confirmation.

Background papers

- Application papers

Other useful documents

- None

Author(s)

Dagmar Richardson

Appendix 1: Implications

Legal Implications

See para 21-26

Finance

the route, if recorded, will be maintainable at public expense

Consultation

See paras 3 & 4

Equality and Diversity / Public Sector Equality Duty

There are no specific PSED issues raised by this application

Climate Change

N/A.

Human Rights

see paras 22 & 23

Crime and Disorder

N/A.

Staffing

N/A.

Accommodation

Risk

N/At.

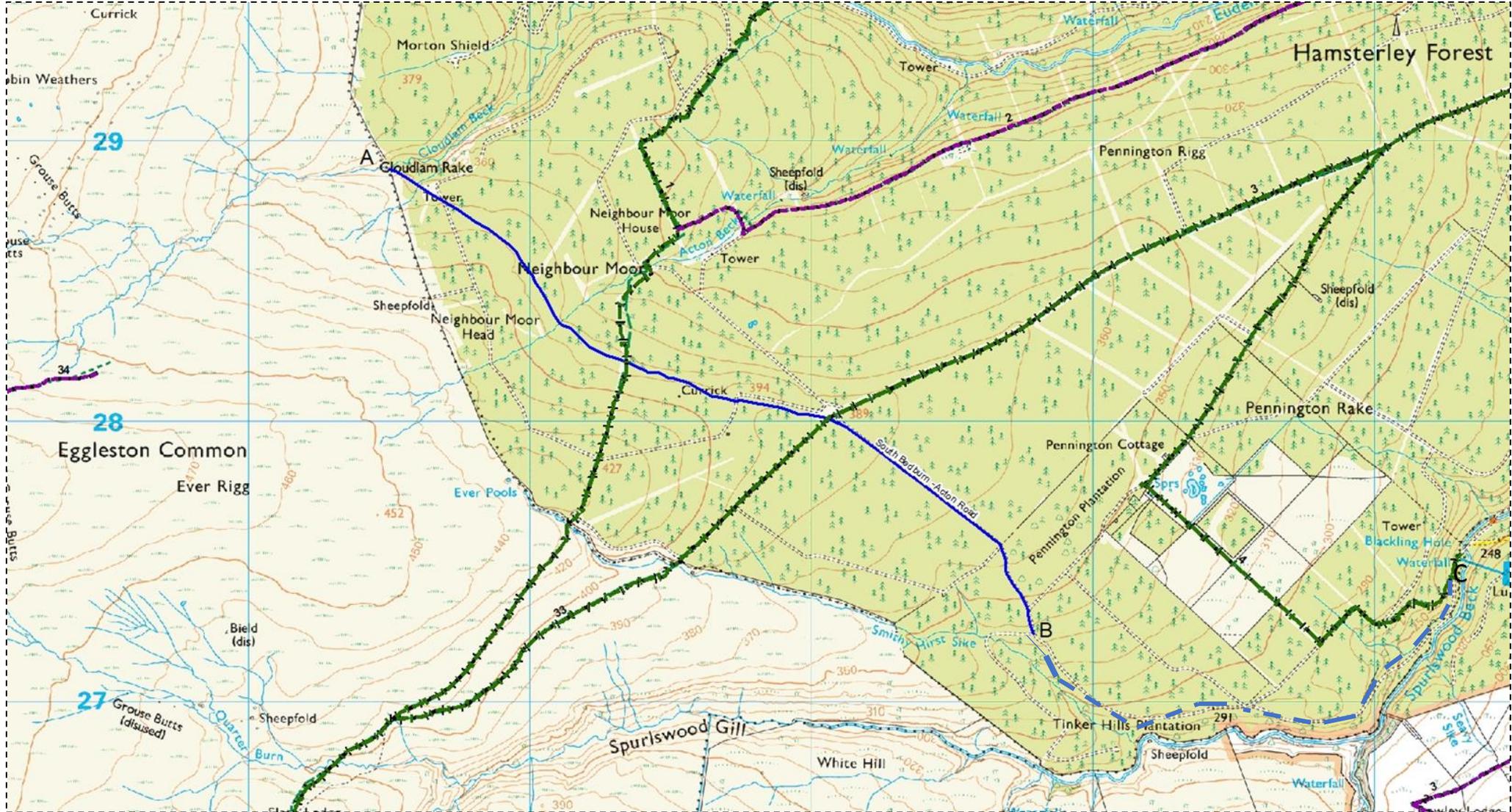
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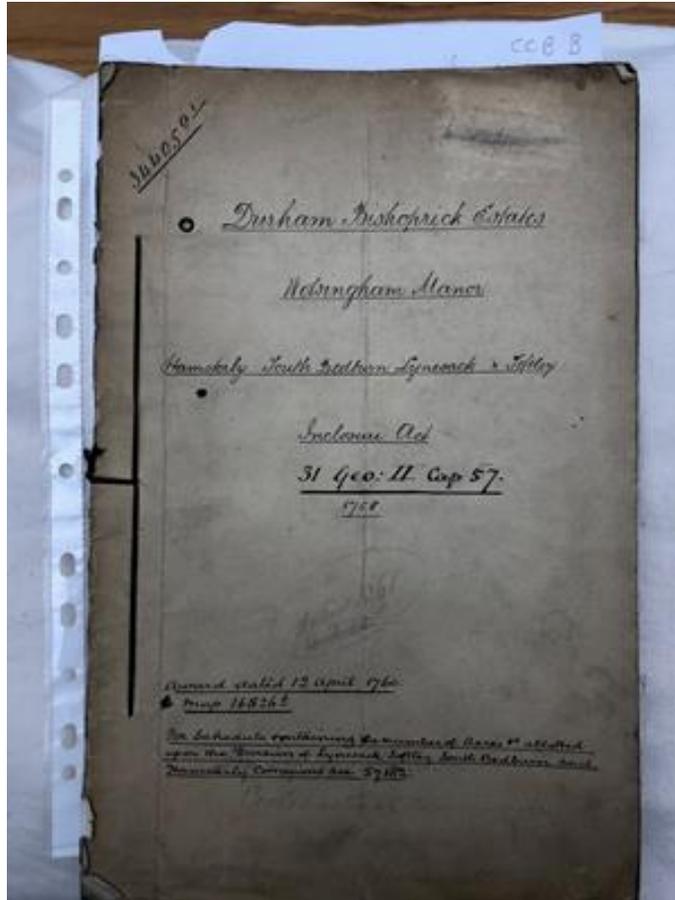
Definitive Map Modification Application 'Acton Road' South Bedburn Document Evidence

Appendix 2

Document A: Depiction of Presumed Line of Original Route in Blue, indeterminate section Dashed Light Blue, Footpaths Purple, Bridleways Green.



Document B: Applicant Looked at the Original Inclosure Act Dated 12 April 1760



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by which the said antient Copyhold or Customary Premises are or have been passed, held, or surrendered, and subject to the same Fees for the said new Surrenders, Admittances, and Copies of the same to which the said antient Copyhold Inclosures are subject; and that such Allotments shall be demised and demisable in such Manner, and be subject to such Suit of Court, Duties, Services, and Customs as the same antient Copyhold or Customary Lands or Tenements are now held or enjoyed and demised respectively; and shall be also subject to, and charged with, the said Rent of Fourpence an Acre to the said Lord Bishop and his Successors, and the said Remedies and Powers herein given and provided for securing the same; and shall also be subject to the Payment to the Lord of the said Manor of a Fine of Fourpence per Acre for every Acre of such Allotments upon every Admission upon the Death or Alienation of each such Copyhold or Customary Tenant thereof, over and besides the Fines now usually paid in such Cases for the said several antient Copyhold Lands or Tenements.

And it is hereby further enacted, That when the said Commons shall be so set out and ascertained and allotted by the said Commissioners and their Successors, or any Three or more of them, by such Instrument or Writing as is herein-after mentioned, the several Persons to whom the said Lands and Grounds shall be allotted respectively shall, within Two Years next after the signing and sealing the Instrument in Writing herein-after mentioned, at their own Expence respectively, inclose, hedge, ditch, and fence their several Lots, Shares, and Proportions of the same in such Manner as the said Commissioners and their Successors, or any Three or more of them, shall direct and appoint:

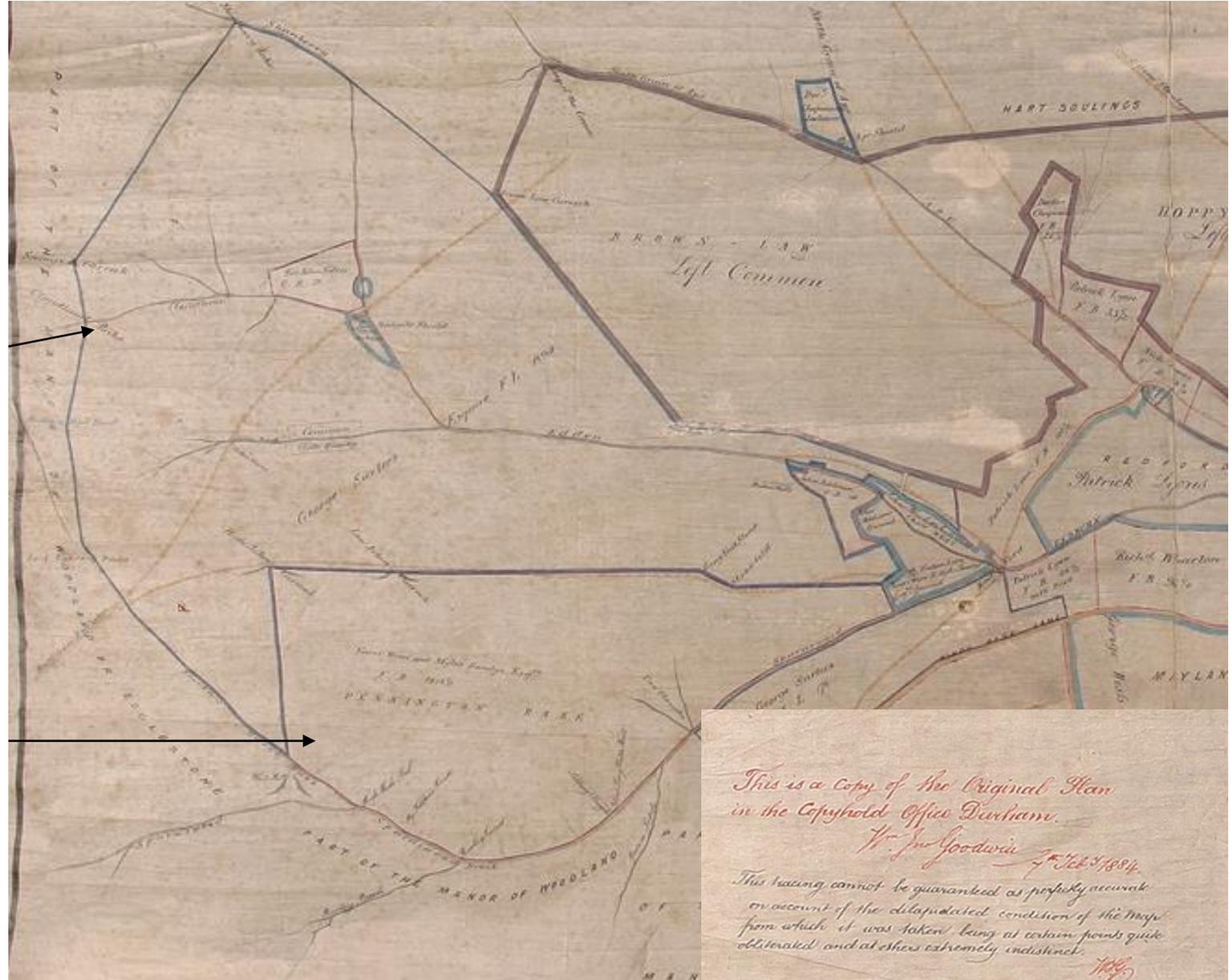
Provided, nevertheless, that convenient Gaps or Openings shall be left in the said Fences and Inclosures for the Space of Twelve Calendar Months next ensuing the execution of the said Instrument or Writing for the Passage of all Cattle, Carts, and Carriages in, by, and through the same, unless the several Parties interested shall agree that the same shall be sooner fenced and inclosed.

And it is hereby further enacted, That the said Commissioners and their Successors, or any Three or more of them, shall and may ascertain, set out, and appoint public and private Ways, Roads, and Passages in and through the Lands and Grounds so to be inclosed as aforesaid, with the Assize and Breadth thereof, all which public Roads so to be made shall be and contain Forty Feet in Breadth at the least between the Ditches, and shall and may order and direct the same public and private Ways and Roads to be made, maintained, and kept in Repair by such Person or Persons, Owners

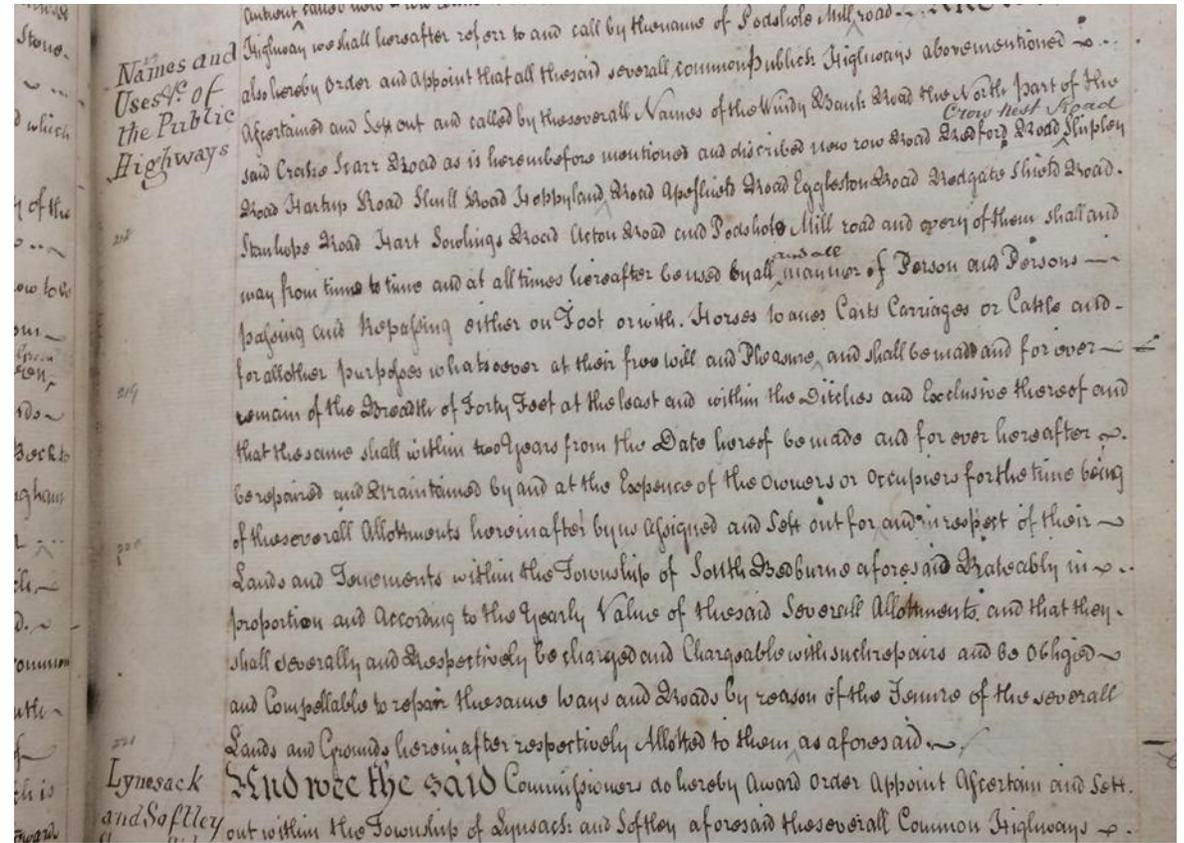
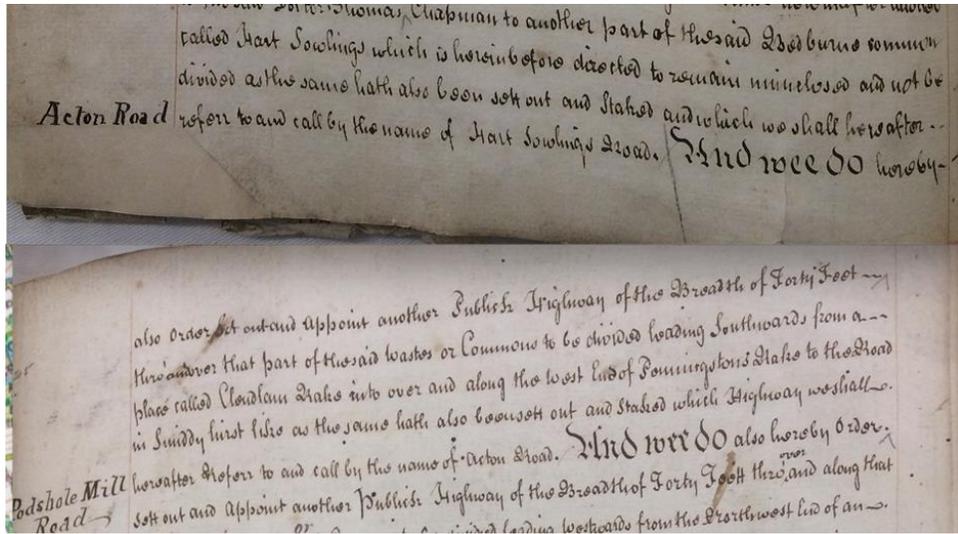
Page 24
Document C:
South Bedburn Copy of
1760 Inclosure Copy Plan, (1884).

Cloudlam Rake

Pennington Rake



Document D: Image of Extract from Award Book for Acton Road, and terms of use (below right).



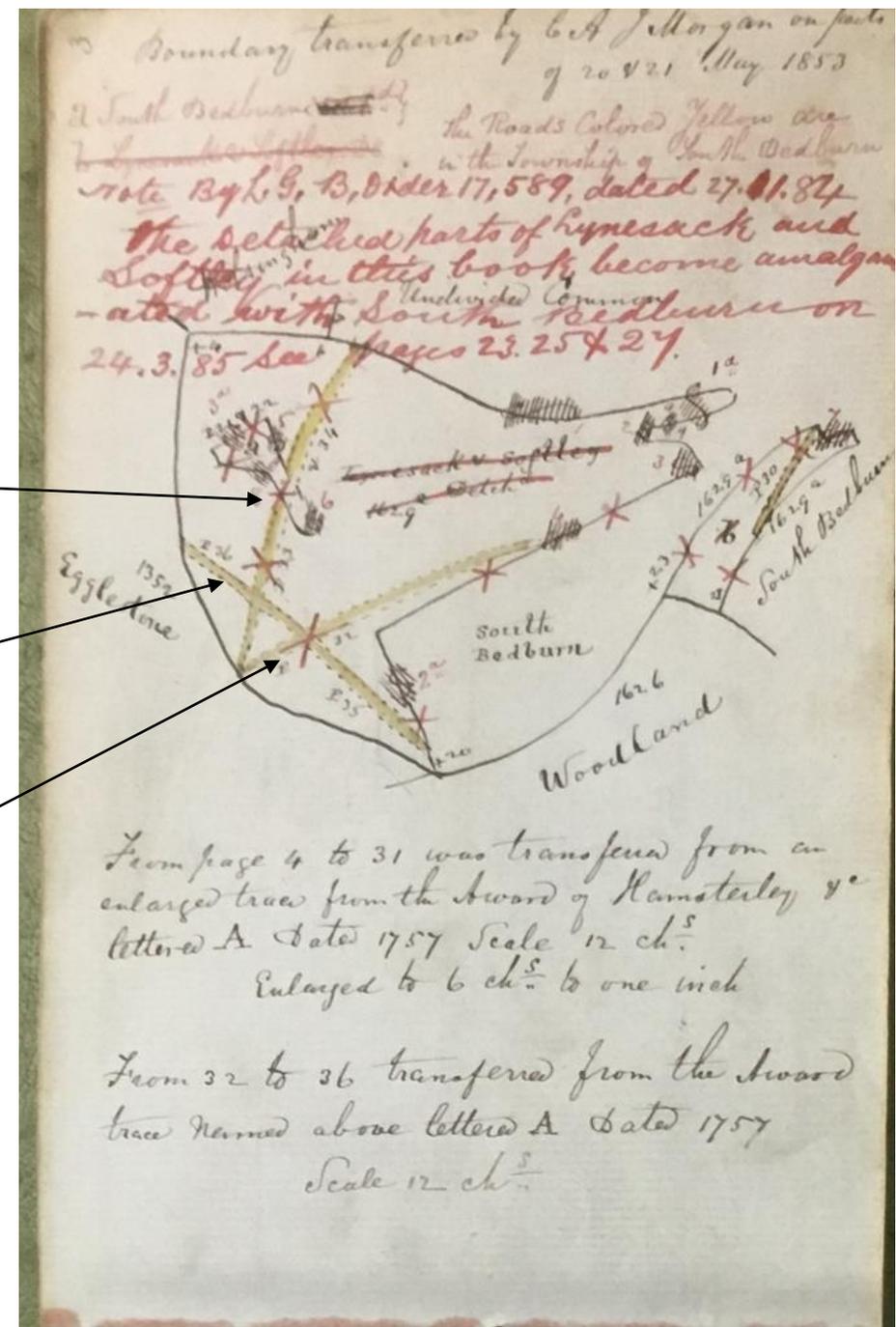
Document E:

Ordnance Survey Boundary Remark Book,
Produced by the Ordnance Surveyor's prior to
publication of First Series Ordnance Survey maps
c.1857

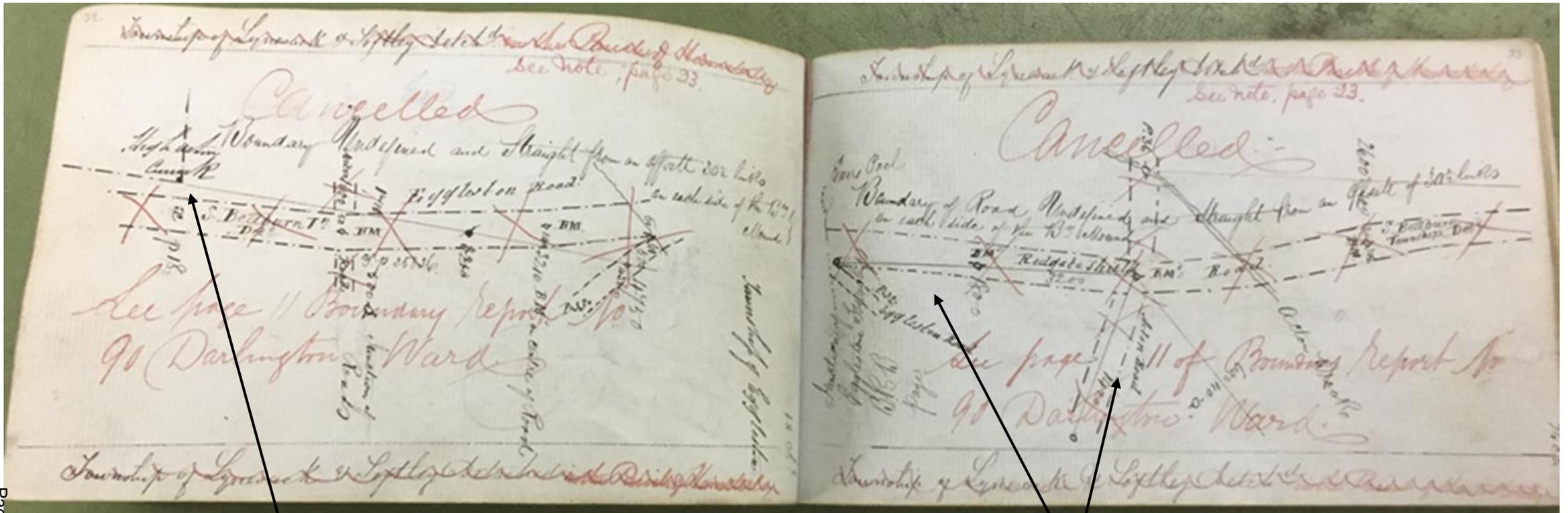
Redgate Shield Road

Acton Road

Egglestone Road



Document F. Ordnance Survey Boundary Remark Book

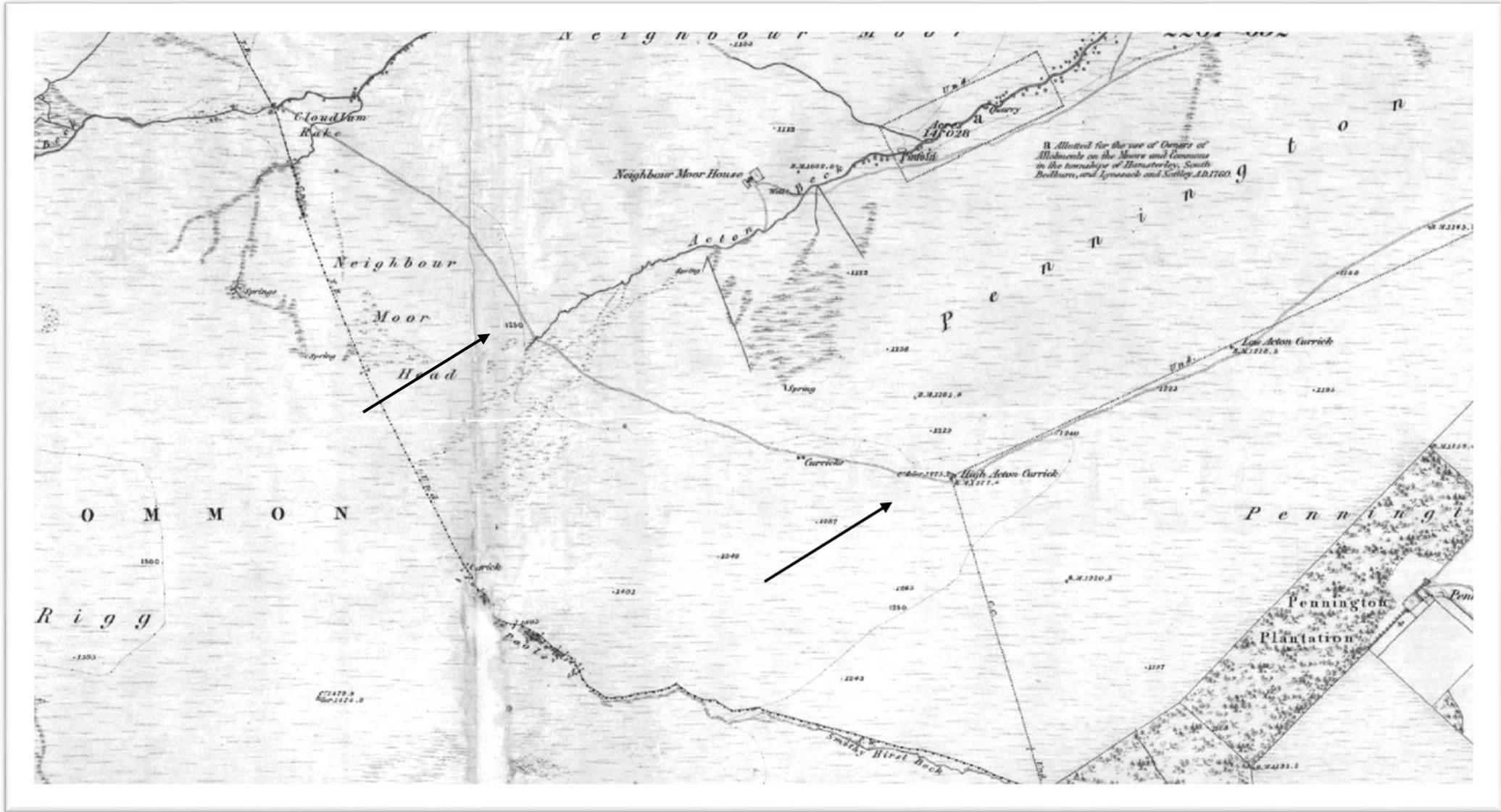


Page 27

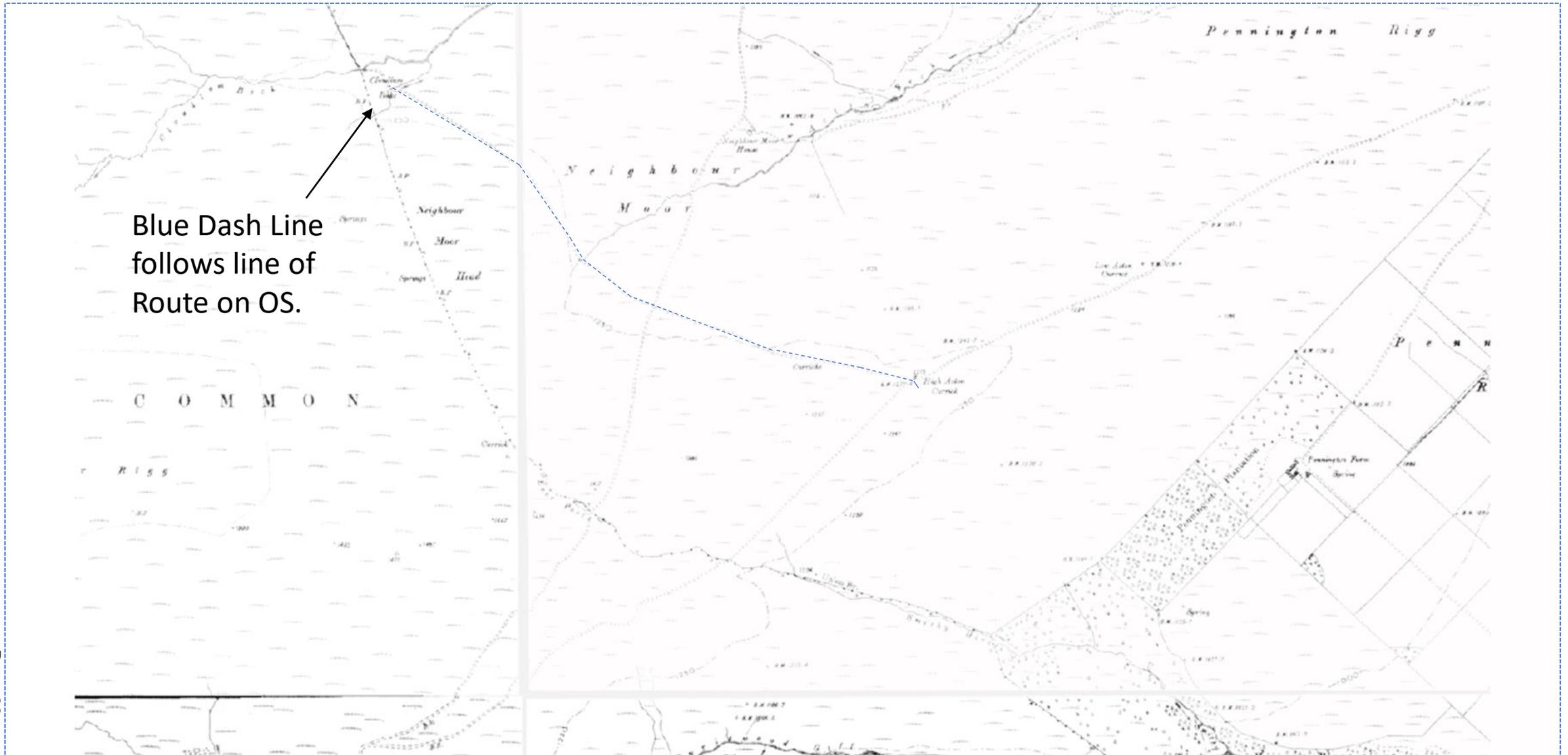
Notes location of High Acton Currick, which here is West of where Acton Road crosses boundary onto Egglestone Common.

Shows Acton Road Crossing Redgate Shield Road, Also Eggleston Road Meeting Redgate Shield Road.

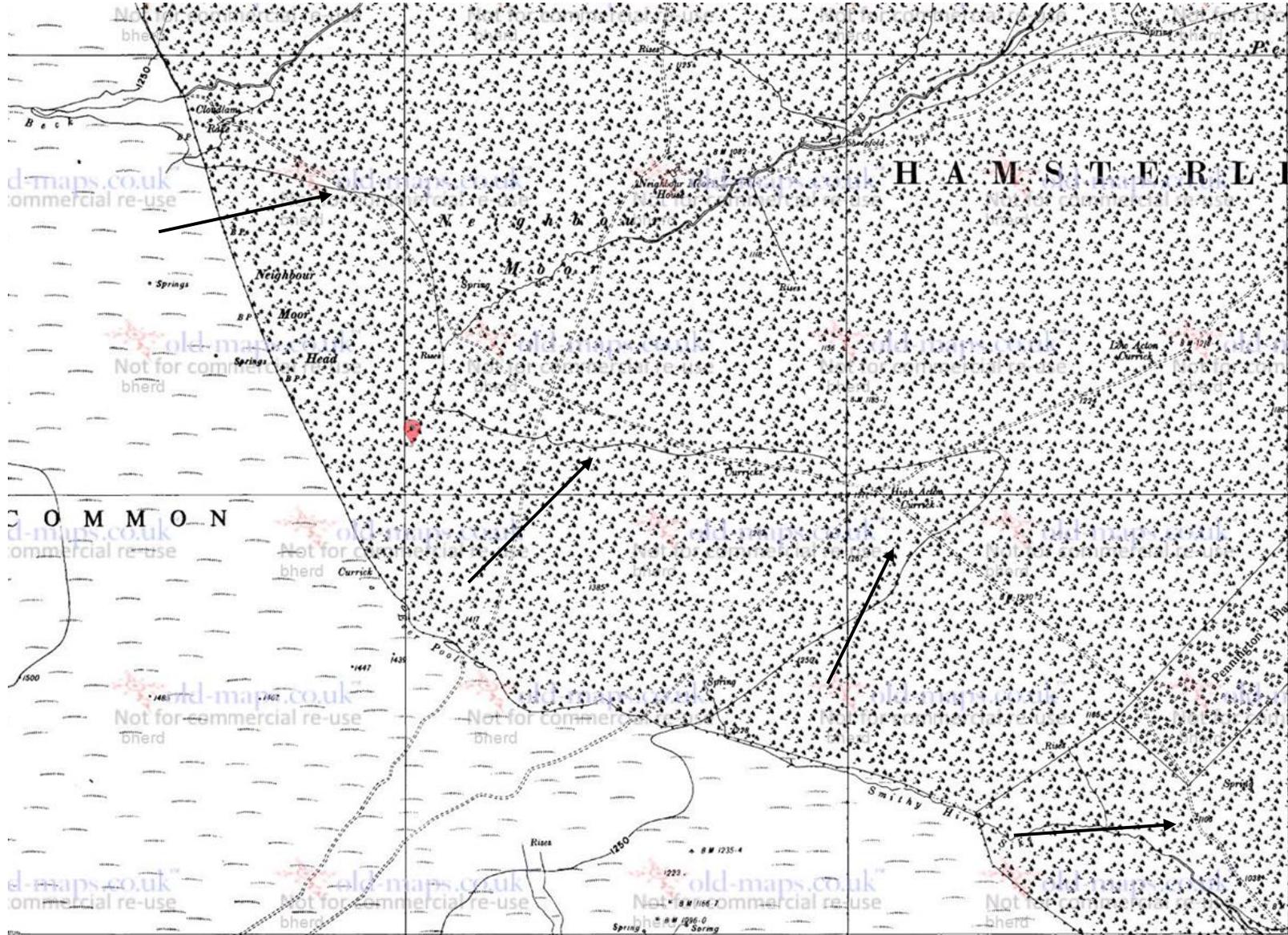
Document G. First Edition Ordnance Survey 1859 shows first section route.



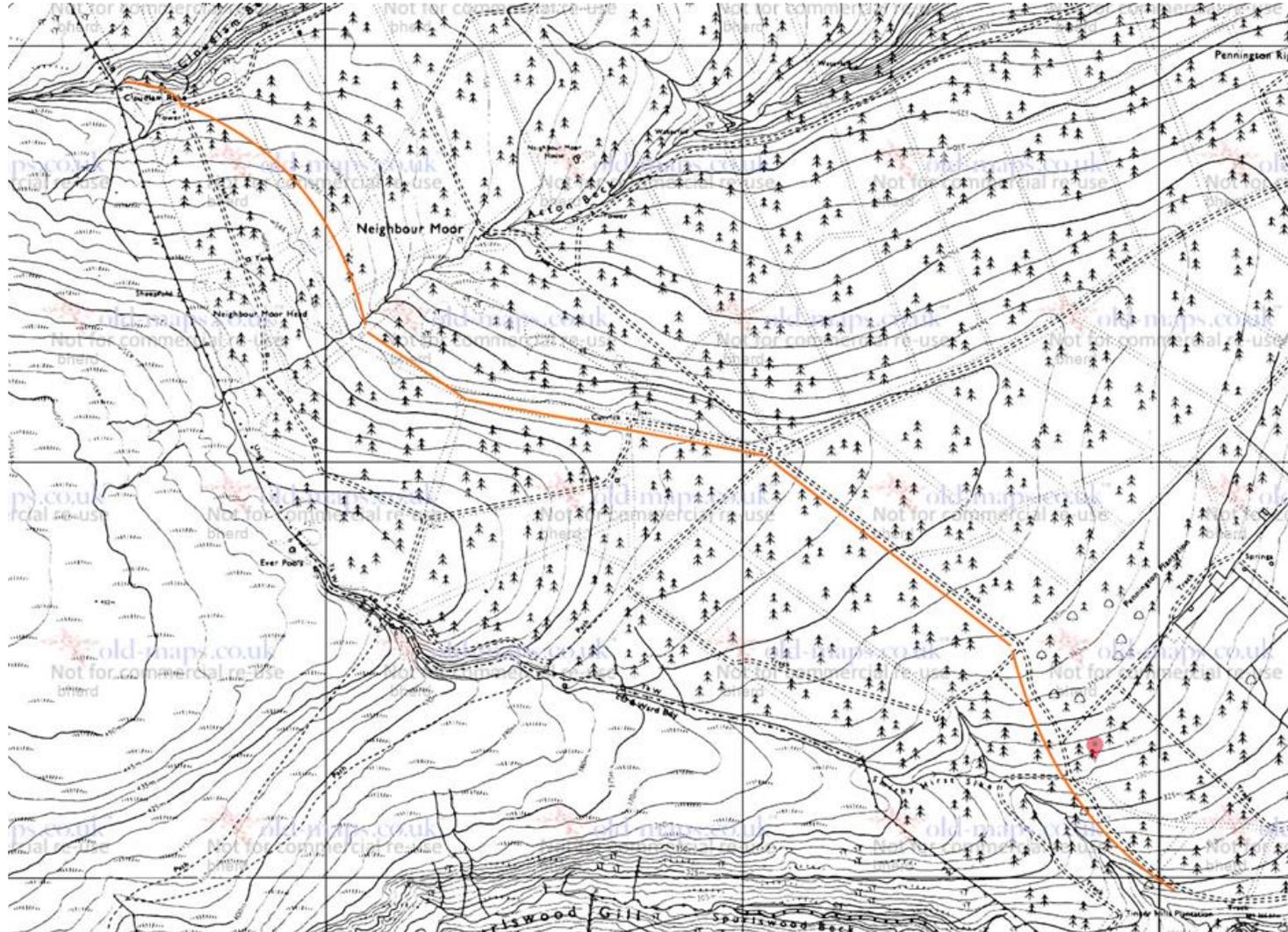
Document H. Second Edition Ordnance Survey 1898 (Blue Dash Line overlaid over first section of route due to poor quality image).



Document I: 1953 Ordnance Survey 1:10,000 Route depicted, obscured by Plantation



Document J: 1977 Ordnance Survey Orange line follows trajectory of route



Document K: Images taken by Applicant Looking towards High Acton Currick



Appendix 3

Acton Road

Consultation Letters and Responses

Contact: Dagmar Richardson / Josephine Upchurch
Direct Tel: 03000 265 340 / 265 341
email: Josephine.upchurch@durham.gov.uk
Dagmar.richardson@durham.gov.uk

Our ref: REAL/ST/AROW/DR/6/19/037

Church Commissioners
Church House
Great Smith Street
London
SW1P 3AZ

6 December 2021

Statutory Consultation – Wildlife and Countryside Act 1981 on Proposed Amendment to the Definitive Map of Public Rights of Way Acton Road Ref: 6/19/037 (Hamsterley Forest)

To Whom it may concern

In November 2019 I contacted you as part of a consultation regarding an application to modify the Definitive Map and Statement to add a Bridleway through Hamsterley Forest called 'Acton Road'. The application is based on historic documentary evidence. The initial consultation period was extended until the end of March 2020, however the Covid 19 lockdown meant we had to stop this earlier than intended and we are now reconsulting. The consultation period will run from receipt of this letter until January 31st, 2022, because of the significant extension given to the previous consultation it will not be extended beyond this date.

The application is for the addition of a Bridleway (Acton Road) through Hamsterley Forest. The road leads from Cloudlam Rake, runs south-east via High Acton Currick then continues south east towards Pennington Rake Plantation. The application was submitted to the County Council on the 08/2/19 (please see attached plan). There is sufficient historic evidence that would suggest the order would likely be approved.

Under the provisions of the Wildlife and Countryside Act 1981 the County Council has a duty to keep the Definitive Map and Statement under continuous review and make appropriate modifications by Order.

I am currently seeking the views of local councillors, the Parish Council, relevant landowners and user organisations and will be pleased to include any comments you may wish to offer regarding the proposed modification to the Highways Committee. A report will be composed for the committee and will incorporate any views, objections and additional evidence submitted by those in receipt of this consultation.

It is likely that the Highways Committee will not review the claim mentioned above until February 2022. However, it would be appreciated that you submit your views, objections or additional evidence by January 31st, 2022.

Please note that if you do make representations, then by virtue of the Local Government (Access to Information) Act 1985, the County Council must make these publicly available when a report on this application is considered by the Committee.

Regeneration & Local Services

Durham County Council, County Hall, Durham DH1 5UQ
Main Telephone 03000 260000

Contact: Dagmar Richardson / Josephine Upchurch
Direct Tel: 03000 265 340 / 265 341
email: Josephine.upchurch@durham.gov.uk
Dagmar.richardson@durham.gov.uk

Our ref: REAL/ST/AROW/DR/6/19/037

Forestry Commission
Eals Burn
Bellingham
Hexham
Northumberland
NE48 2HP

6 December 2021

Statutory Consultation – Wildlife and Countryside Act 1981 on Proposed Amendment to the Definitive Map of Public Rights of Way Acton Road Ref: 6/19/037 (Hamsterley Forest)

To Whom it may concern

In November 2019 I contacted you as part of a consultation regarding an application to modify the definitive map and add a Bridleway through Hamsterley Forest called 'Acton Road (see plan)'. The application was based on historic documentary evidence and the initial consultation period was extended until the end of March 2020, however the Covid 19 lockdown meant we had to stop this earlier than intended and we are now reconsulting. The consultation period will run from receipt of this letter until January 31st, 2022, because of the significant extension given to the previous consultation this will not be extended beyond that date.

The application is for the addition of a Bridleway (Acton Road) through Hamsterley Forest. The road leads from Cludlam Rake, runs south-east via High Acton Currick then continues south east towards Pennington Rake Plantation. There is sufficient historic evidence that would suggest the order would likely be approved.

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Please note that if you do make representations, then by virtue of the Local Government (Access to Information) Act 1985, the County Council must make these publicly available when a report on this application is considered by the Committee.

If you have any queries or wish to discuss the matter, please contact me or my colleague (email address at top).

Your sincerely
Dagmar Richardson

Definitive Map Officer

Public Rights of Way - www.durham.gov.uk/prow - prow@durham.gov.uk

If you have any queries or wish to discuss the matter, please contact me or my colleague (email address at top).

Your sincerely

A handwritten signature in black ink that reads "Dagmar J. Richardson". The signature is written in a cursive style with a large initial 'D'.

Dagmar Richardson

Definitive Map Officer

Public Rights of Way - www.durham.gov.uk/prow - prow@durham.gov.uk

Mobile 07768 107032

From: [REDACTED]
Sent: 13 December 2021 09:07
To: Josephine Upchurch; Dagmar Richardson
Cc: [REDACTED]
Subject: Statutory Consultation - Wildlife & Countryside Act 1981 on Proposed Amendment to the Definitive Map of Public Rights of Way Acton Road Ref: 6/19/037 (Hamsterley Forest)

Follow Up Flag: Follow up
Flag Status: Completed

Dear Josephine and Dagmar

Statutory Consultation - Wildlife & Countryside Act 1981 on Proposed Amendment to the Definitive Map of Public Rights of Way Acton Road Ref: 6/19/037 (Hamsterley Forest)

Thank you for your letter of 6th December 2021 regarding the above proposed amendment. Forestry England has reviewed the proposal and wishes to **object** to the proposed route, as it passes directly through young conifer plantation, with no open trackways. Clearing the plantation from the proposed route would have a significant impact on forestry operations. I am awaiting further information from colleagues but, in the meantime, please accept this email as notice of our objection.

Best wishes
Victoria

Victoria Lancaster MRICS
Area Land Agent - North England Forest District

Forestry England
Eals Burn, Bellingham, Hexham
Northumberland NE48 2HP

DDI: 0300 067 4063
M: 07425 635812

[REDACTED] [.uk](#)



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This email has been scanned for viruses and malware.

From: [REDACTED]
Sent: 27 November 2019 21:22
To: Dagmar Richardson
Cc: Gordon and Jenny Selley
Subject: Re: Definitive Map Modification - Ref:6/19/037 -Consultation Acton Road

There seems to be no problem with this order as it is already forestry tracks.

Ian.

On 20 November 2019 at 12:09 Dagmar Richardson <dagmar.richardson@durham.gov.uk> wrote:

Consultation on Proposed Amendment to the Definitive Map of Public Rights of Way Acton Road Ref: 6/19/037 (Hamsterley Forest)

Dear Mr Martin

I have received evidence in support of the Council making an order to register a right of way on the Definitive Map. The application is for the addition of a Bridleway (Acton Road) through Hamsterley Forest. The road leads from Cloudlam, runs south-east via High Acton Currick then continues south east towards Pennington Plantation. The application was submitted to the County Council on the 08/2/19 (please see attached plan). There is sufficient historic evidence that would suggest the order would likely be approved.

I am currently seeking the views of local councillors, the Parish Council, relevant land owners and user organisations and will be pleased to include any comments you may wish to offer regarding the proposed modification to the Highways Committee. A draft report will be composed and will incorporate any views, objections and additional evidence submitted by those in receipt of this consultation. Parties responding to the consultation will receive a copy of the draft report to ensure their representations have been noted accurately.

It is likely that the Highways Committee will not review the claim mentioned above until 2020. However, it would be appreciated that you submit your views, objections or additional evidence within 30 days of receipt of this letter.

Government (Access to Information) Act 1985, the County Council must make these publicly available when a report on this application is considered by the Committee.

If you have any queries or wish to discuss the matter, please contact me or my colleague.

Your Sincerely

Dagmar Richardson

Definitive Map Officer

Public Rights of Way

County Hall

Durham

DH1 5UQ

03000 265340

www.durham.gov.uk/prow

Customer Notice

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From: [REDACTED]
Sent: 01 December 2019 11:37
To: Dagmar Richardson
Cc: Josephine Upchurch
Subject: Re: Definitive Map Modification - Ref:6/19/037 -Consultation Acton Road

The Open Spaces Society has no objection.

Yours sincerely

Jo Bird

From: Dagmar Richardson
Sent: Wednesday, November 20, 2019 12:10 PM
To: Jo Bird
Cc: Josephine Upchurch
Subject: Definitive Map Modification - Ref:6/19/037 -Consultation Acton Road

Consultation on Proposed Amendment to the Definitive Map of Public Rights of Way Acton Road Ref: 6/19/037 (Hamsterley Forest)

Dear Ms Bird

I have received evidence in support of the Council making an order to register a right of way on the Definitive Map. The application is for the addition of a Bridleway (Acton Road) through Hamsterley Forest. The road leads from Cloudlam, runs south-east via High Acton Currick then continues south east towards Pennington Plantation. The application was submitted to the County Council on the 08/2/19 (please see attached plan). There is sufficient historic evidence that would suggest the order would likely be approved.

I am currently seeking the views of local councillors, the Parish Council, relevant land owners and user organisations and will be pleased to include any comments you may wish to offer regarding the proposed modification to the Highways Committee. A draft report will be composed and will incorporate any views, objections and additional evidence submitted by those in receipt of this consultation. Parties responding to the consultation will receive a copy of the draft report to ensure their representations have been noted accurately.

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Please note that if you do make representations, then by virtue of the Local Government (Access to Information) Act 1985, the County Council must make these publicly available when a report on this application is considered by the Committee.

If you have any queries or wish to discuss the matter, please contact me or my colleague.

Your Sincerely

Dagmar Richardson

Definitive Map Officer
Public Rights of Way
County Hall

Durham
DH1 5UQ
03000 265340
www.durham.gov.uk/prow

Customer Notice

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From: Dagmar Richardson
Sent: 20 November 2019 12:04
To: Sylvia Briggs
Cc: Sue Gamble; 'Josephine Upchurch (josephine.upchurch@durham.gov.uk)'; Barbara Herd
Subject: Definitive Map Modification - Ref:6/19/037 -Consultation Acton Road
Attachments: Image of app route .pdf

Consultation on Proposed Amendment to the Definitive Map of Public Rights of Way Acton Road Ref: 6/19/037 (Hamsterley Forest)

Dear Sylvia

I have received evidence in support of the Council making an order to register a right of way on the Definitive Map. The application is for the addition of a Bridleway (Acton Road) through Hamsterley Forest. The road leads from Cloudlam, runs south-east via High Acton Currick then continues south east towards Pennington Plantation. The application was submitted to the County Council on the 08/2/19 (please see attached plan). There is sufficient historic evidence that would suggest the order would likely be approved.

I am currently seeking the views of local councillors, the Parish Council, relevant land owners and user organisations and will be pleased to include any comments you may wish to offer regarding the proposed modification to the Highways Committee. A draft report will be composed and will incorporate any views, objections and additional evidence submitted by those in receipt of this consultation. Parties responding to the consultation will receive a copy of the draft report to ensure their representations have been noted accurately.

It is likely that the Highways Committee will not review the claim mentioned above until 2020. However, it would be appreciated that you submit your views, objections or additional evidence within 30 days of receipt of this letter.

Please note that if you do make representations, then by virtue of the Local Government (Access to Information) Act 1985, the County Council must make these publicly available when a report on this application is considered by the Committee.

If you have any queries or wish to discuss the matter, please contact me or my colleague.

Your Sincerely

Dagmar Richardson

Definitive Map Officer
Public Rights of Way

County Hall

Durham

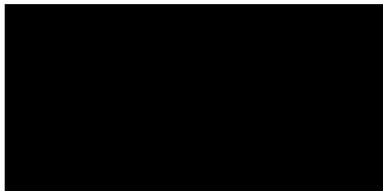
DH1 5UQ

03000 265340

www.durham.gov.uk/prow

Contact: Dagmar Richardson / Josephine Upchurch
Direct Tel: 03000 265 340 / 265 341
email: Josephine.upchurch@durham.gov.uk
Dagmar.richardson@durham.gov.uk

'AROW/DR/6/19/037



DL14 9RX

6 December 2021

Consultation on Proposed Amendment to the Definitive Map of Public Rights of Way Acton Road Ref: 6/19/037 (Hamsterley Forest)

Dear Councillor Cosslett,

I am contacting you as part of a consultation regarding an application to modify the definitive map and statement to add a new Bridleway through Hamsterley Forest called 'Acton Road (See attached plan)'. The application is based on historic documentary evidence.

A previous consultation was started in November 2019 and was eventually extended until the end of March 2020, however the Covid 19 lockdown meant we had to put this on hold, so we are now reconsulting. The consultation period will run from receipt of the letter until January 31st, 2022, because of the significant extension of consultation time given previously there will be no extension beyond that date.

The application is for the addition of a Bridleway (Acton Road) through Hamsterley Forest. The road leads from Cloudlam Rake, runs south-east via High Acton Currick then continues south towards, and along the western edge of Pennington Rake Plantation. The application was submitted to the County Council on the 08/2/19. There is sufficient historic evidence that would suggest the order would likely be approved.

Under the provisions of the Wildlife and Countryside Act 1981 the County Council has a duty to keep the Definitive Map and Statement under continuous review and make appropriate modifications by Order.

I am currently seeking the views of local councillors, the Parish Council, relevant landowners and user organisations and will be pleased to include any comments you may wish to offer regarding the proposed modification to the Highways Committee. A report will be composed for the committee and will incorporate any views, objections and additional evidence submitted by those in receipt of this consultation.

It is likely that the Highways Committee will not review the claim mentioned above until February 2022. However, it would be appreciated that you submit your views, objections or additional evidence by January 31st, 2022.

Neighbourhoods and Climate Change

Durham County Council, County Hall, Durham DH1 5UQ
Main Telephone 03000 260000

Please note that if you do make representations, then by virtue of the Local Government (Access to Information) Act 1985, the County Council must make these publicly available when a report on this application is considered by the Committee.

If you have any queries or wish to discuss the matter, please contact me or my colleague (email address at top).

Your sincerely

A handwritten signature in black ink that reads "Dagmar J. Richardson". The signature is written in a cursive style with a large initial 'D'.

Dagmar Richardson

Definitive Map Officer

Public Rights of Way - www.durham.gov.uk/prow - prow@durham.gov.uk

Mobile 07768 107032

Contact: Dagmar Richardson / Josephine Upchurch
Direct Tel: 03000 265 340 / 265 341
email: Josephine.upchurch@durham.gov.uk
Dagmar.richardson@durham.gov.uk

Our ref: REAL/ST/AROW/DR/6/19/037

c/o Member Services
County Hall
Durham
DH1 5UL

6 December 2021

Consultation on Proposed Amendment to the Definitive Map of Public Rights of Way Acton Road Ref: 6/19/037 (Hamsterley Forest)

Dear Councillor Potts,

I am contacting you as part of a consultation regarding an application to modify the definitive map and statement to add a new Bridleway through Hamsterley Forest called 'Acton Road (See attached plan)'. The application is based on historic documentary evidence.

A previous consultation was started in November 2019 and was eventually extended until the end of March 2020, however the Covid 19 lockdown meant we had to put this on hold, so we are now reconsulting. The consultation period will run from receipt of the letter until January 31st, 2022, because of the significant extension of consultation time given previously there will be no extension beyond that date.

The application is for the addition of a Bridleway (Acton Road) through Hamsterley Forest. The road leads from Cloudlam Rake, runs south-east via High Acton Currick then continues south towards, and along the western edge of Pennington Rake Plantation. The application was submitted to the County Council on the 08/2/19. There is sufficient historic evidence that would suggest the order would likely be approved.

Under the provisions of the Wildlife and Countryside Act 1981 the County Council has a duty to keep the Definitive Map and Statement under continuous review and make appropriate modifications by Order.

I am currently seeking the views of local councillors, the Parish Council, relevant landowners and user organisations and will be pleased to include any comments you may wish to offer regarding the proposed modification to the Highways Committee. A report will be composed for the committee and will incorporate any views, objections and additional evidence submitted by those in receipt of this consultation.

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Neighbourhoods and Climate Change

Durham County Council, County Hall, Durham DH1 5UQ
Main Telephone 03000 260000

If you have any queries or wish to discuss the matter, please contact me or my colleague (email address at top).

Your sincerely

A handwritten signature in black ink that reads "Dagmar J. Richardson". The signature is written in a cursive style with a large initial 'D'.

Dagmar Richardson

Definitive Map Officer

Public Rights of Way - www.durham.gov.uk/prow - prow@durham.gov.uk

Mobile 07768 107032

From: Cllr Robert Potts
Sent: 06 December 2021 17:17
To: Dagmar Richardson
Cc: Josephine Upchurch; Cllr James Cosslett
Subject: Re: Consultation - Definitive Map Modification Application Affecting Hamsterley Forest

Follow Up Flag: Follow up
Flag Status: Completed

Hi Dagmar,

That's really fascinating, I'm amazed that so much historical work has gone into this application. I have not been approached by any of my constituents and am unaware of any reasons to object.

From a personal point of view, I would love to be involved in any site visits, or even just have a discussion, so I can better understand these applications and what's involved from your side.

Thanks Robert

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From: Dagmar Richardson <dagmar.richardson@durham.gov.uk>
Sent: Monday, December 6, 2021 3:29:59 PM
To: Cllr Robert Potts [REDACTED]
Cc: Josephine Upchurch <josephine.upchurch@durham.gov.uk>
Subject: Consultation - Definitive Map Modification Application Affecting Hamsterley Forest

Dear Councillor,

Please find attached consultation notice regarding the application for a 'Bridleway' running through Hamsterley Forest. The application is one based on historic documentary evidence and was submitted in advance of the proposed cut-off date for this type of application, 1st January 2026. Section 53(b)(c)(i) of the 1981 Highways Act allows the surveying authority to modify the Definitive Map and Statement 'upon the discovery of evidence that shows a that 'way' which is not shown in the map or statement subsists or is reasonably alleged to subsist. The applicants contention is that public rights, at least commensurate with those of Bridleway use, were granted historically and as such be recognised and recorded, the consultation ends 31st January 2022. Please find the evidence file attached. If you have queries please do not hesitate to contact me or my colleague Josephine.upchurch@durham.gov.uk

Yours Sincerely

Dagmar Richardson

Definitive Map Officer
Access & Rights of Way Team, Neighbourhoods and Climate Change
County Hall
Durham
DH1 5UQ
03000 265340 / Mobile 07768 107032
www.durham.gov.uk/prow

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Contact: Dagmar Richardson / Josephine Upchurch
Direct Tel: 03000 265 340 / 265 341
email: Josephine.upchurch@durham.gov.uk
Dagmar.richardson@durham.gov.uk

Our ref: REAL/ST/AROW/DR/6/19/037

To the Parish Clerk
Low Burn Lea
How Lea Lane
Hamsterley
Durham
DL13 3PE

6 December 2021

Statutory Consultation on Proposed Amendment to the Definitive Map of Public Rights of Way Acton Road Ref: 6/19/037 (Hamsterley Forest)

Dear Ms Chilcott

In November 2019 I contacted you as part of a consultation regarding an application to modify the definitive map and add a new route at South Bedburn Hamsterley Forest called 'Acton Road'. The application was based on historic documentary evidence and the initial consultation period was extended until the end of March 2020, however the Covid 19 lockdown meant we had to stop this earlier than intended and we are now reconsulting. The consultation period will run from receipt of this letter until January 31st, 2022, because of the significant extension given to the previous consultation there will be no extension beyond this date

The application is for the addition of a Bridleway (Acton Road) through Hamsterley Forest. The road leads from Cloudlam Rake, runs south-east via High Acton Currick then continues south east towards Pennington Rake Plantation. The application was submitted to the County Council on the 08/2/19 (please see attached plan). There is sufficient historic evidence that would suggest the order would likely be approved.

Under the provisions of the Wildlife and Countryside Act 1981 the County Council has a duty to keep the Definitive Map and Statement under continuous review and make appropriate modifications by Order.

I am currently seeking the views of local councillors, the Parish Council, relevant landowners and user organisations and will be pleased to include any comments you may wish to offer regarding the proposed modification to the Highways Committee. A report will be composed for the committee and will incorporate any views, objections and additional evidence submitted by those in receipt of this consultation.

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Please note that if you do make representations, then by virtue of the Local Government (Access to Information) Act 1985, the County Council must make these publicly available when a report on this application is considered by the Committee.

Regeneration & Local Services

Durham County Council, County Hall, Durham DH1 5UQ
Main Telephone 03000 260000

If you have any queries or wish to discuss the matter, please contact me or my colleague (email address at top).

Your sincerely

A handwritten signature in black ink that reads "Dagmar J. Richardson". The signature is written in a cursive style with a large initial 'D'.

Dagmar Richardson

Definitive Maps Officer

Public Rights of Way - www.durham.gov.uk/prow - prow@durham.gov.uk

Mobile 07768 107032

From: Dagmar Richardson
Sent: 06 December 2021 15:27
To: Cllr James Cosslett
Cc: Josephine Upchurch
Subject: Consultation - Definitive Map Modification Application Affecting Hamsterley Forest
Attachments: Councillor J Cosslett.pdf; Application Route Map.pdf; Application Documents - DMMO & Evidence (Inc. Photos).pdf

Dear Councillor,

Please find attached a consultation notice regarding the application for a 'Bridleway' running through Hamsterley Forest. The application is one based on historic documentary evidence and was submitted in advance of the proposed cut-off date for this type of application, 1st January 2026. Section 53(b)(c)(i) of the 1981 Highways Act allows the surveying authority to modify the Definitive Map and Statement upon the discovery of evidence that shows a that 'way' which is not shown in the map or statement subsists or is reasonably alleged to subsist. The applicants contention is that public rights, at least commensurate with those of Bridleway use, were granted historically and as such be recognised and recorded, the consultation ends 31st January 2022. Please find the evidence supporting the application attached. If you have queries please do not hesitate to contact me or my colleague Josephine.upchurch@durham.gov.uk

Yours Sincerely

Dagmar Richardson

Definitive Map Officer
Access & Rights of Way Team, Neighbourhoods and Climate Change
County Hall
Durham
DH1 5UQ
03000 265340 / Mobile 07768 107032
www.durham.gov.uk/prow



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