



Highways Committee

Date Thursday 31 January 2013
Time 10.45 am
Venue Hamsterley and Low Westwood Community Association,
Derwent Cote, Hamsterley Colliery, NE17 7PB

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of interest, if any
4. Proposed Definitive Map Modification Order to add a footpath to the Definitive Map and Statement - Hamsterley Mill, B6310 to High Hamsterley Road - Joint Report of Corporate Director, Regeneration and Economic Development and Head of Legal and Democratic Services (Pages 1 - 72)
5. Such other business, as in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom

Head of Legal and Democratic Services

County Hall
Durham
23 January 2013

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

Councillor G Bleasdale (Chair)
Councillor J Robinson (Vice-Chair)

Councillors B Arthur, A Bainbridge, D Burn, N Foster, D Hancock,
S Hugill, D Marshall, J Maslin, A Naylor, J Shiell, P Stradling,
T Taylor, L Thomson, R Todd, E Tomlinson, J Turnbull, C Woods,
A Wright and R Young

This page is intentionally left blank

Special Highways Committee

31 January 2013



**Proposed Definitive Map Modification
Order to add a footpath to the Definitive
Map and Statement**

**Hamsterley Mill, B6310 to High
Hamsterley Road**

**Joint Report of Ian Thompson, Corporate Director, Regeneration
and Economic Development and Colette Longbottom, Head of Legal
and Democratic Services**

1.0 Purpose of the Report

1.1 To consider a proposal to modify the Definitive Map and Statement of Public Rights of Way.

2.0 Background

2.1 In February 2012 the Rights of Way team was alerted by local residents about the obstruction of this path by tree cuttings, a wooden fence and stacked up paving slabs which had been removed from the surface of the path by the owner of the land.

2.2 The path is 29 metres long and follows in a north – south direction from the stub of the cul de sac of High Hamsterley Road between nos 17 and 20 to join the B6310. The path crosses a grassed area between these 2 properties before reaching 9 steps with a handrail leading up to the B6310. Prior to February 2012 where the path crossed the grassed area it was constructed with a double line of paving slabs, being 1.2 metres wide. The location is shown on the plan at **Document A**.

2.3 The proposal to record the path as a public footpath has been supported by evidence of usage. 106 people have completed user evidence questionnaires detailing their use of the path over a period of time. The oldest recollection dating to the early 1950's. Formal Statements have been taken from 11 of these path users. These statements and a summary of the forms are attached at **Document B**.

2.4 The path crosses land which is part of 17 High Hamsterley Road and has been in its current ownership since 1992. The owner has been consulted and indicates that she objects to the registration of the path as public footpath. Her submissions are shown in **Document C**.

- 2.5 In addition to the owner, consultations have been carried out with Local Members, the Ramblers Association and the utilities. Responses have been received from the utilities who do not object to the proposals. No other responses have been received to the consultation

3.0 Legal Framework

- 3.1 The briefing note attached at **Document D** sets out the legal framework and considerations for modifications to the Definitive Map & Statement. The County Council, as Surveying Authority, has to make a decision in accordance with the law and in particular the provisions of the Wildlife and Countryside Act 1981. .
- 3.2 Under the provisions of Section 53 of the Wildlife and Countryside Act 1981, the County Council as Surveying Authority has a duty to keep the Definitive Map and Statement under review and is required to make a Modification Order (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 a right of way subsists or is reasonably alleged to subsist. The evidence 'discovered' by the County Council in this case is the evidence of use of the path submitted by the public.
- 3.3 The Highways Act 1980, Section 31, states that, in the absence of contrary intention, a way may be 'deemed to have been dedicated as a highway', where 'it has been actually enjoyed by the public as of right and without interruption for a full period of 20 years', that period to be calculated retrospectively from the date when the right of public use was brought into question. In this case the obstruction of the path in February 2012 is considered an interruption to usage sufficient to bring the right of public use into question. The owner also states that the path was obstructed in 1992. The 20 year period must be calculated retrospectively from one of these dates. This is discussed further in the report.

4.0 Evidence of use

- 4.1 In total, 106 people have provided evidence of pedestrian use of the route spanning the period from the early 1950's to present. Of these users 49 people state they have used the path for the 20 years from 1992 – 2012 and 12 people from 1972 – 1992. Of the total users 89 people are from the main Hamsterley Mill estate, 14 from Parklands and 3 who live elsewhere locally. Some users have mentioned that they have cycled the route but it is considered that the presence of the steps would not make it possible for the whole route to be cycled so it would not be possible to acquire rights for cyclists.
- 4.2 The evidence of usage consistently describes that the footpath was open and available right up until February 2012. None of the users recall any obstructions up until then nor that anyone had been given permission or been challenged in any way.

- 4.3 Usage of the route can be divided into those using it for leisure to gain access to walks along the Derwent Walk and Hamsterley Hall area and those using it for the specific purpose of reaching the bus stops and the post box on the A694. The latter utility usage only includes those on the Parklands estate.
- 4.4 The users who were interviewed by Officers and provided Statements were unclear as to when the paving slabs or handrail were placed in the path. The most elderly witness (no. 44) who has lived on the estate since the late 1940's believes that the steps were constructed on instruction from Lord Gort (a previous landowner) around 1960.

5.0 Documentary Evidence

- 5.1 Little can be gleaned from maps and documents predating the building of the Hamsterley Mill estate, as prior to the building of the estate (bulk built in 1960's) the land was fields and woodlands. The parcel of land over which the path passes resulted from the laying out of the estate. The parcel of land is consistently shown on modern maps, including that shown at Document A, as a rectangular strip, however, nothing can be deduced from these as to the status of the path.
- 5.2 The Hamsterley Mill Residents Association appear to have been actively interested in local footpaths and have provided copies of AGM minutes relating to maintenance they have carried out on the footpath. In the minutes from their April 1994 AGM it is reported that they had replaced the handrail on the path over the previous year and at the April 1990 AGM that an all weather footpath had been laid. It is likely that this refers to the paving slabs. The 1990 works followed an item in the 1988 minutes where it was noted that their request to Derwentside District Council for an all weather path had been turned down. 'The reason given is that this work would conflict with the Council's present policy which is to use all the available resources on the repair of existing paths and roads'. These minutes are shown in **Document E**.

6.0 Objections/Rebuttal Evidence

- 6.1 The owner has provided information about the footpath and the land it crosses and considers that the path cannot have acquired public footpath rights. Her submissions include the following and are found in **Document C**
- 6.2 She confirms that she bought the land in March 1992 and there was no physical footpath denoted on any plans when she bought it. She says that at that time the land was very wild and overgrown and that there was no concrete path or handrail. The steps were obscured by overgrown bushes. She states that in 1992 she cleared the land and erected fencing along her boundary. However, at that time she was informed by an enforcement officer from the Council that she could not have her fence in this position because of the footpath. She therefore moved it back. This alteration of the fence line is confirmed by the builder from that time. The original fence was in place for 3-4 days. She also states that between 1998 and 2000 the Hamsterley Mill Residents Association arranged for the laying of the concrete slabs, the widening/opening of the steps and installation of a handrail, without

consideration of her as owner. She includes a recent letter from the previous owner of her property stating that when she lived there (pre 1992) there was not a concrete path in place.

Response

The ownership of the land is a matter of public record and is not therefore in dispute. The owner indicates that in 1992 there were steps leading from the B6310 onto the land although it is suggested that the land was very overgrown. The evidence of obstruction of the footpath in 1992 appears to conflict with the user evidence as none of the users can recall any such obstruction at that time.. Although the owner asserts that the obstruction existed for 3-4 days, it is surprising that, having regard to the regularity of the usage put forward, no one has any direct recollections of the route being obstructed or closed at that time. In any case the owner indicates that she moved her fence so that it was along her boundary rather than specifically for the purpose of blocking the footpath which would be necessary to be considered an interruption to usage. There is also a conflict of evidence as to the laying of the concrete slabs as the owner states these were laid between 1998 and 2000 together with the installation of a handrail. The former owner of 17 High Hamsterley Road (until 1992) also recalls that there was not a concrete path while she was resident and also comments that the grassed area had always been kept well mown by her husband. However, the minutes of the Residents Association AGM of April 1994 indicate that the slabs were laid in the previous year, 1993/4, and the April 1990 minutes that a handrail was replaced 1989/90. In terms of whether a public right of way has been established the exact timings of the laying of concrete slabs and replacement of the handrail are not crucial but do seem to reflect that there was demand for such facilities due to usage of the path and did not lead to any objection by the owner until recently. These issues can only be resolved at a Public Inquiry where the competing evidence will be tested.

- 6.3 A copy of an 'Abstract of Title' for 17 High Hamsterley Road from 1959 is provided that reads '...conveyed unto the Purchasers.....all that piece of land.....AND TOGETHER with right of way for the Purchasers.....on foot and with or without horses carts and other carriages including mechanically propelled vehicles over and along the road or roads leading from the said piece of land to the public highway from Newcastle upon Tyne to Shotley Bridge for access to and egress from the said piece of land from and to the said public highway

Response

The title document relates to the sale of the property in 1959. If it was a common clause for all the properties in Hamsterley Mill it could have functioned as an easement. Although the roads on the estate were adopted by the County Council as publicly maintainable highways in 1987, that would not extinguish the private easement which would effectively co-exist from that time onwards with the public highway rights. However, the easement did not encompass a right to use all the roads on the estate, just those necessary to reach the A694 and crucially, it only relates to a right of way to gain access from the property to the A694 (Newcastle Shotley Bridge road) so could never have related to the footpath as this was never a 'road' but a 'grass verge'.

- 6.4 From the Abstract of Title a restrictive covenant was imposed on the sale of plots to the effect that the purchasers 'would not use the grass verge in front of the site for any other purpose than as a grass verge and will not do or permit or suffer anything to be done to prevent or interfere with the maintenance as such by them'.

Response

The restrictive covenant makes specific reference to the use made by the purchaser of the grass verge. The purchaser's own use of the verge would not affect how any other persons may use the verge nor prevent the acquisition of public rights. The covenant appears to be concerned with ensuring that the verges remain as grassed areas.

- 6.5 The main road into Hamsterley Mill Estate had a Private Road sign erected on it for the period 1949 -1987 when the estate roads were adopted. Prior to 1987 the footpath would therefore not have run from a highway to another highway. Use during the period 1972 – 92 was not by the public at large and the 12 people who had used the path for this full period were from an exclusive group ie the residents. In the period post 1987 the Hamsterley Mill Residents Association had had requests declined by Derwentside District Council to provide the path as an all weather surface (1988 AGM mins) and to replace the handrail (1994 AGM mins).

Response

There is no direct evidence provided that a Private Road sign existed and in any case the sign could certainly not be interpreted to relate to the footpath as it is not a road. It is also doubtful that such a sign would have been sufficient to demonstrate a lack of an intention to dedicate by the landowner for all classes of public right because of its ambiguity: the words could merely be interpreted as showing an intention to deny the existence of a carriageway. However, its existence would appear to be consistent with the right of way referred to in the title of 17 High Hamsterley Road. It is not accepted that the lack of adoption of High Hamsterley Road prior to 1987 is in itself sufficient to indicate that the footpath prior to this date could not have acquired public rights because of a lack of 'public' termination points. The B6310 has been a public highway for longer than the Hamsterley Mill estate has existed and use of the estate roads, over and beyond any rights to reach the A694, even by residents would have established public rights. Evidence of Derwentside District Council declining to carry out footpath works is not sufficient to be interpreted that footpath rights do not exist. It is likely to represent a pragmatic response to a request for works that the Council had no statutory responsibility for as the former Derwentside District Council was not the Highway Authority.

7.0 Recommendations and Reasons

- 7.1 It is Officers' view that there is sufficient evidence that a public right of way on foot is reasonably alleged to subsist on the basis of acquisition by statutory deemed dedication under Section 31 of the Highways Act 1980 whether the date of interruption is taken as 2012 when tree branches and other items were placed across the path or in 1992 when the owner states that she placed fencing across it.

This is because the most contemporary 20 year period (1992-2012) includes evidence of continuous use by 52 people and the earlier period (1972-1992) by 11 people.

- 7.2 It is accepted that the footpath has steps and a handrail and was paved with concrete slabs, the latter having been removed in February 2012. Although there is a conflict in evidence as to the dates of repairs or new works, the essential issue is whether the claimed way was used by members of the public as of right over the relevant 20 year period rather than the existence or otherwise of the paving slabs and handrail at any given time. However, their existence does tend to suggest that the path was used. There does not however appear to be a dispute that the steps were constructed, possibly in the 1960's.
- 7.3 There is a conflict of evidence as to the 1992 fencing works. If it is accepted that the path was blocked for a few days, it appears that the motive for the proposed fencing was to realign the property's boundary rather than to prevent use of the footpath. Indeed at the time of moving into the property in 1992 the owner indicates that the steps were obscured by overgrown bushes and the land wild and unkempt. For the purposes of Section 31 of the Highways Act 1980 it is considered that the 1992 actions stated by the owner are not sufficiently clear to amount to either an interruption or a lack of intention to dedicate the path. It is accepted that the actions of the landowner in February 2012 in blocking the path would be sufficient to demonstrate a lack of intention to dedicate. However, if it is the case that the fencing works were undertaken in 1992 and that the intention of the landowner in doing so was to obstruct or prevent public access, then there would be a break in the continuity of the user evidence such that as of February 2012 when the footpath was obstructed by the landowner, a full 20 years had not elapsed.

This issue is something which is only likely to become clear in the context of a Public Inquiry (assuming that the owner objects to any Order which may be made by the Council, thereby necessitating the holding of a Public Inquiry). However, it is not necessary for Members to reach a firm conclusion one way or the other on the issues of whether the path was in fact blocked in 1992 or what was the intention of the owner in doing so at this stage because firstly, it is sufficient if Members are satisfied that the path is no more than *reasonably alleged* to exist as a public right of way (which is a lower threshold test to be met than whether there is sufficient evidence to establish that the right of way *does* exist) and secondly, there is ample evidence of user as of right over the 20 year period immediately preceding 1992 i.e. 1972 – 1992. Therefore, even if it is considered that there was an interruption adequate for Section 31 of the Highways Act 1980 in 1992, the Modification Order should still be made.

- 7.4 It is considered that there is insufficient evidence contained in the Abstract of Title to support the assertion that the Hamsterley Mill Estate was entirely a private estate and use of all the roads by all residents was by virtue of a right of way granted by Lord Gort, until the roads were adopted in 1987. However, even if that were the case, the private rights of way (easements) granted did not relate to the claimed footpath. Nor is it accepted that a public right of way could not be acquired, over land connected at one end to one of these roads.

- 7.4 In conclusion, on the balance of probabilities, taking into account the above matters, it is considered that sufficient evidence exists for a presumption of dedication under the provisions of Section 31 of the highways Act 1980 and at common law. It can be reasonably alleged that a public footpath subsists either on the basis of 20 years usage as of right for the period between 1972 - 1992 or between 1992 - 2012. Accordingly the requirements of Section 53 (3) (c) (i) of the Wildlife and Countryside Act 1981 have been fulfilled.
- 7.5 It is therefore recommended that a Modification Order be made under the Wildlife and Countryside Act 1981 to add a public footpath along the route shown in Document A to the Definitive Map and Statement

Attached Documents

Document A	Plan showing location of the footpath
Document B	Summary of user evidence forms and more detailed statements from 11 people
Document C	Submissions made by owner
Document D	Briefing Note for Committee on Definitive Map Modification Orders
Document E	Minutes of Hamsterley Mill Residents Association Minutes from 1988, 1990 and 1994

Contact:	Audrey Christie	Tel: 03000 265332
	Neil Carter	Tel: 03000 269722

Appendix 1: Implications

Finance – Not applicable to the decision

Staffing – Not applicable to the decision

Risk – Not applicable to the decision

Equality and Diversity / Public Sector Equality Duty – Not applicable to the decision

Accommodation – Not applicable to the decision

Crime and Disorder – Not applicable to the decision

Human Rights – The County Council, as Surveying Authority, has to make a decision in accordance with the law and in particular the provisions of the Wildlife and Countryside Act 1981. Given these legal criteria, a decision must reflect this legislation despite any other rights of individuals.

Consultation – As detailed in paragraph 2.5 of the report

Procurement – Not applicable to the decision

Disability Issues – Not applicable to the decision

Legal Implications – A Modification Order is the legal process by which changes are made to the Definitive Map and Statement. If the Modification Order is made and the landowner objects, there will be a need for the Secretary of State to hold a Public Inquiry at which all parties will have an opportunity to be heard and produce evidence, in order to inform the decision whether or not to confirm the Order.



IAN THOMPSON
CORPORATE DIRECTOR
REGENERATION AND
ECONOMIC DEVELOPMENT
DURHAM COUNTY COUNCIL
COUNTY HALL
DURHAM DH1 1JQ

**Proposed Definitive Map
Modification Order
Hamsterley Mill
B6310 to High Hamsterley
Road**

**Proposed footpath to be
added to the Definitive Map
and Statement**



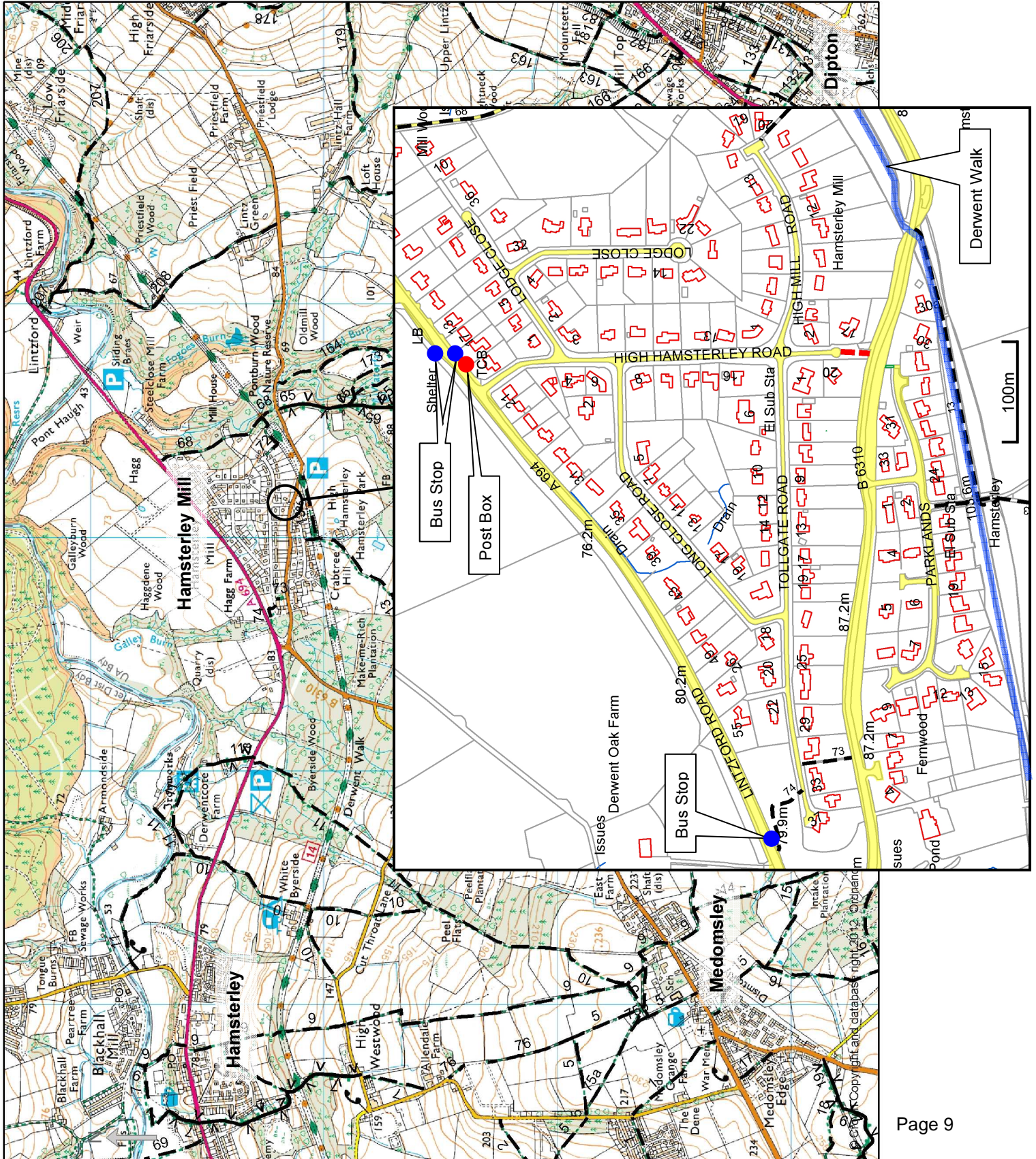
Scale: 1: 22,000

Date: 18 October 2012

**PUBLIC RIGHTS OF WAY
not affected by the proposals:**

- Footpath
- |-|-|-| Bridleway
- Λ Λ Λ Λ Λ Byway

**Document
A
Plan
showing
path and its
location**



This page is intentionally left blank

Summary of users 1992 - 2012 and 1972 - 1992

Document B

Form no.	Name	1992-2012	1972-1992	No. users completing form >1
1	Aird I&S			
2	Armstrong J			
3	Bailey S			
4	Berry B			
5	Berry GA			
6	Bertenshaw/Cook A/G			x 2
7	Blewitt S			
8	Booth C			
9	Booth P			
10	Bower M			
11	Bowring P			
12	Britton H&D			x 2
13	Brown S			
14	Buxton V			
15	Bygrave V			
16	Carter M			
17	Chapman P			
18	Connolly W			
19	Cooper R			
20	Cowan J			
21	Cowan C			
22	Davies BJ			
23	Davis G&J			
24	Edmonds DL			
25	Edwards SE			
26	Emmett J			
27	Fairless J			
28	Fairless Nicholson J			
29	Fairless Nicholson N			
30	Frost C			
31	Gill M			
32	Graham LB			
33	Graham A			
34	Hall/Adnett D/B			x 2
35	Harbinson C			
36	Harbinson AE			
37	Harbinson MJ			
38	Harlow GR			
39	Harrison B			
40	Hunt C			
41	Hutchinson M			
42	Hutchinson J			
43	Jack G			
44	Johnson AD			
45	Lambert D			
46	Lawson E&D			x 2
47	Lindsay AD			
48	Little JL			
49	Longrigg J&N			x 2
50	Lowery P			

Form no.	Name	1992-2012	1972-1992	No. users completing form >1
51	Lowes R			
52	McCormack JE			
53	McCormack AO			
54	McDermott MM			
55	McDermott JR			
56	McKay F			
57	McNestry A			
58	Meadowcroft J			
59	Mongan K			
60	Mongan M			
61	Moore K			
62	Morris AJ			
63	Morris R			
64	Murray B			
65	Newman R			
66	Nichols R&F			x 2
67	Nicholson R			
68	Oakley I			
69	Oxley A			
70	Oxley K			
71	Pensom AJ			
72	Phillips SM			
73	Phillips S			
74	Raine A			
75	Rayner D			
76	Reay TE			
77	Reece IH			
78	Saunderson P			
79	Spratt S			
80	Spry WH			
81	Tan K			
82	Taylor EE			
83	Taylor J			
84	Taylor R			
85	Taylor AM			
86	Temple A			
87	Turner R			
88	Turner M			
89	Turner D&R			x 2
90	Vasey MF			
91	Watts D			
92	Webster S			
93	Webster P			
94	Weeks A			
95	Weeks F			
96	Worthy J			
97	Wright C			
98	Wright R			
99	Wright L			

This page is intentionally left blank

**Hamsterley Mill Estate/Parklands –
locations of those completing user evidence questionnaires**

	<i>Questionnaire numbers</i>
High Hamsterley Road	2, 3, 11, 12, 25, 30, 49, 68, 84, 90, 91
High Mill Road	15, 18, 31, 39, 58, 75, 87, 88
Lintzford Road	1, 16, 17, 23, 26, 27, 28, 29, 32, 33, 35, 36, 37, 42, 48, 54, 55, 67, 72, 73, 76, 77
Lodge Close	7, 8, 9, 10, 13, 34, 38, 45, 59, 60, 64, 79, 82, 83, 92, 93, 97, 98, 99
Long Close Road	4, 5, 47, 62, 63, 85, 94, 95
Mill Farm Road	6, 20, 21, 51, 61, 78
Parklands	19, 43, 44, 50, 52, 53, 56, 57, 65, 66, 81, 89
Tollgate Road	22, 24, 40, 46, 69, 70, 71, 74, 86, 96
Other addresses	14, 41, 80

This page is intentionally left blank

Document B - evidence spreadsheet

No	Initial	Surname	Year evidence submitted	Interviewed	Class of Use	Start Date	End Date	Start Date	End Date	Consecutive Years (max.)	No. of Yrs Use (form)	No. of times used per year	Destination		Purpose	Route always the same	Gates, Stiles etc	Notices	Obst'n hedges, fences etc	Employee or Tenant of	Ever sought permission	Ever stopped	Ever told not public	Ever used as private right	Route enclosed
													To / From												
1	I&S	Aird	16/02/2012		FP	1998	2012			14	14	600+	Home to Derwent Walk Parklands		Dog walking, cycling, visiting friends	Y	N	N	Y	N	Y	Y	Y	N	N
2	J	Armstrong	15/02/2012		FP	2005	2012			7	7	365	Home to Derwent Walk		Dog walking and recreation	N	N	N	N	-	N	N	N	N	Y
3	S	Bailey	17/02/2012		FP	2003	2012			9	9	30/40	Home to Derwent Walk		Walks with family	Y	N	N	N	Y	N	N	N	N	Y
4	B	Berry	19/02/2012		FP	1978	2012			34	34	12	Close Road to Derwent Walk/Woods		Recreation	Y	N	N	Y	Y	N	N	N	Y	Y
5	GA	Berry	19/02/2012		FP	1978	2012			34	34	10-12	Hamsterley Mill to Parkland/Woods		Collect HMRA Fees, Recreation	Y	N	N	Y	Y	N	N	N	Y	Y
6	A/G	Bertenshaw / Cook	15/02/2012		FP	2001	2012			11	11	150+	Derwent Walk to Home		Walking dogs	Y	N	N	Y	-	N	N	N	N	N
7	S	Blewitt	15/02/2012		FP	2004	2012			8	8	300	Home to Home		Dog Walks	N	N	N	Y	-	N	N	N	Y	N
8	C	Booth	18/02/2012		FP	2004	2012			8	8	6	Lodge Close to Derwent Walk		Cycling/ walking	Y	N	N	N	N/A	N	N	N	N	N
9	P	Booth	19/02/2012		FP	2004	2012			8	8	8	Lodge Close to Derwent Walk		Walking/ running	Y	N	N	N	N/A	N	Y	N	N	N
10	M	Bower	19/02/2012		FP	1966	1971	1963	2012	49	51	100+	Hamsterley Mill to Parklands/Derwent Walk		Leisure	Y	N	N	N	N	N	N	N	N	N
11	P	Bowring	10/02/2012		FP	1975	2012			37	37	75	Hamsterley Mill to Parklands and Derwent		Leisure	Y	N	N	N	N	N	N	N	N	N
12	LJ & D	Britton	15/02/2012		FP	2000	2012			12	12	100	Hamsterley Mill to Parklands		Visiting friends	Y	N	N	N	-	N	N	N	-	-
13	Page 5	Brown	14/02/2012		FP	2006	2012			6	6	200	B6310 to Hamsterley Mill		To collect daughter from school bus	Y	N	N	N	Y	N	N	N	N	Y

Document B - evidence spreadsheet

No	Page 16 Initial	Surname	Year evidence submitted	Interviewed	Class of Use	Start Date	End Date	Start Date	End Date	Consecutive Years (max.)	No. of Yrs Use (form)	No. of times used per year	Destination		Purpose	Route always the same	Gates, Stiles etc	Notices	Obst'n hedges, fences etc	Employee or Tenant of	Ever sought permission	Ever stopped	Ever told not public	Ever used as private right	Route enclosed
													To / From												
14	V	Buxton	17/02/2012		FP	1993	2012			19	19	-	Medomsley to Lintford Rd, Hamsterley Mill	Walking with dog and visiting family	Y	N	N	N	-		N	N	N	N	N
15	V	Bygrave	16/02/2012		FP	2000	2012			12	12	60	Hamsterley Mill to Rowlands Gill and Consett	Shopping, Leisure, walking	Y	N	N	N	Y		N	N	N	Y	
16	M	Carter	19/02/2012		FP	1982	2012			30	30	-	Home to Viaduct	Walking	Y	N	N	N	-		N	N	N	N	
17	P	Chapman	15/02/2012		FP	1965	1979	1990	2012	22	34	30	Lintford Road to B6310	Recreational Walk	Y	N	N	N	Y		N	N	N	N	N
18	W	Connolly	19/02/2012		FP	2007	2012			5	5	50	Hamsterley Mill to Derwent Walk	Recreation	Y	N	N	N	Y		N	N	N	Y	
19	R	Cooper	14/02/2012		FP	2000	2012			12	12	> 500	Parklands to Main Estate	Catch school bus, visit friends, walk dog	Y	N	N	N	N		N	N	N	N	N
20	J	Cowan	19/02/2012		FP	2011	2012			1	1	52	Home to Derwent Walk	Leisure	Y	N	N	N	Y		N	N	N	N	N
21	C	Cowan	18/02/2012		FP	2011	2012			1	1	52	Home to Derwentside Walk	Leisure	Y	N	N	N	Y		N	N	N	N	N
22	B J	Davies	16/02/2012		FP	1975	2012			37	37	-	Tollgate Road to Derwent Walk	Leisure and dog walking	Y	N	N	N	Y		N	N	N	N	N
23	G&J	Davis	16/02/2012		FP	2004	2012			8	8	-	Estate to Derwent Walk	Walking dog	-	-	-	-	-		N	N	N	-	
24	DL	Edmonds	19/02/2012		FP	2006	2012			6	6	270	Tollgate Road to Derwent Walk/ Parklands/B63 10	Cycling, dog walking, visit friends, get to bus stop	Y	N	N	N	N		N	N	N	Y	
25	SE	Edwards	19/02/2012		FP	1999	2005	2005	2012	7	13	300+	Home to the Derwent Walk	Walking the dog	Y	N	N	N	-		N	N	N	Y	Y
26	J	Emmett	16/02/2012		FP	2009	2012			3	3	200	Home to Derwent Way	Pleasure, walking the dog, cycling	Y	N	N	N	N		N	N	N	N	Y

Document B - evidence spreadsheet

No	Initial	Surname	Year evidence submitted	Interviewed	Class of Use	Start Date	End Date	Start Date	End Date	Consecutive Years (max.)	No. of Yrs Use (form)	No. of times used per year	Destination		Purpose	Route always the same	Gates, Stiles etc	Notices	Obst'n hedges, fences etc	Employee or Tenant of	Ever sought permission	Ever stopped	Ever told not public	Ever used as private right	Route enclosed	
													To / From													
27	J	Fairless	19/02/2012		FP	1987	2012		2012	25	25	600	Home to Derwent Walk	Home to Derwent Walk	Walk or cycle	N	N	N	N	-	N	N	N	N	Y	N
28	J	Fairless Nicholson	17/02/2012		FP	1992	2012		2012	20	20	200	Home to Derwent Walk or Parklands	Home to Derwent Walk or Parklands	Walking, cycling, visiting friends	Y	N	N	N	-	N	N	N	N	N	N
29	N	Fairless Nicholson	17/02/2012		FP	1997	2012		2012	15	15	200	Home to Derwent Walk and Parklands	Home to Derwent Walk and Parklands	Walking, cycling or to visit friends	Y	N	N	N	-	N	N	N	N	N	N
30	C	Frost	16/02/2012		FP	1992	2012		2012	20	20	300	Home to Derwent Walk/ Parklands	Home to Derwent Walk/ Parklands	Walking, visiting friends	Y	N	N	N	N	N	N	N	Y	N	N
31	M	Gill	17/02/2012		FP	1991	2012		2012	21	21	52	Home to Derwent C2C Walk	Home to Derwent C2C Walk	Recreation	Y	N	Y	Y	Y	N	N	N	N	N	N
32	L B	Graham	09/02/2012	Yes	FP	1961	1984	1984	2012	51	51	50 - 100	Tollgate Road TOM B6310	Tollgate Road TOM B6310	Recreation	Y	N	N	N	N	N	N	N	N	N	Y
33	A	Graham	18/02/2012		FP	1961	2012		2012	51	51	50+	Tollgate Road to B6310	Tollgate Road to B6310	Walking	Y	N	N	N	-	N	N	N	N	N	-
34	D/B	Hall/Adnett	-		FP	1979	2012		2012	23	23	Continuously	Lodge Close to Parklands/accs to Derwent Country Park	Lodge Close to Parklands/accs to Derwent Country Park	Visit houses in Parklands/ Country Walks/ Walking Dogs	Y	N	N	N	Y	N	N	N	N	N	N
35	C	Harbinson	18/02/2012		FP	1977	2012		2012	35	35	400	Hamsterley Mill to Derwent Walk or Parklands	Hamsterley Mill to Derwent Walk or Parklands	Recreation and exercise	Y	N	N	N	N	N	N	N	N	Y	N
36	A E	Harbinson	18/02/2012		FP	1991	2012		2012	21	21	216	Hamsterley Mill to Derwent Walk/ Parklands	Hamsterley Mill to Derwent Walk/ Parklands	See friends/ exercise/ recreation	Y	N	N	N	N	N	N	N	N	Y	N
37	J	Harbinson	18/02/2012	Yes	FP	1965	2012		2012	47	47	456	Hamsterley Mill to Derwent Walk	Hamsterley Mill to Derwent Walk	Recreation and exercise	Y	N	N	N	N	N	N	N	N	Y	N

Document B - evidence spreadsheet

No	Page 18 Initial	Surname	Year evidence submitted	Interviewed	Class of Use	Start Date	End Date	Start Date	End Date	Consecutive Years (max.)	No. of Yrs Use (form)	No. of times used per year	Destination		Purpose	Route always the same	Gates, Stiles etc	Notices	Obst'n hedges, fences etc	Employee or Tenant of	Ever sought permission	Ever stopped	Ever told not public	Ever used as private right	Route enclosed	
													To / From													
38	GR	Harlow	18/02/2012		FP	1975	2012			37	37	40	Hamsterley Mill to Derwent Walk	Recreation	Y	N	N	Y Feb 2012	N		N	N	N	N	N	N
39	B	Harrison	11/02/2012		FP	1988	2012			24	24	150	Home to Derwent Walk		Y	N	N	N	N		N	N	N	N	N	N
40	C	Hunt	19/02/2012	Yes	FP	1976	2012			36	36	200	Home to Derwent Walk	Exercising my dog	Y	N	N	Y		Y	N	N	N	N	N	N
41	M	Hutchinson	15/02/2012		FP	1952	1969	1972	2012	40	57	30-50	Home to Derwent Walk	Attend School	Y	N	N	N	N		N	N	N	N	N	N
42	J	Hutchinson	14/02/2012	Yes	FP	1950	2009			61	61		Hamsterley Mill to Burnopfield to Lanchester	To get to job at school	Y	N	N	N	N		Y	N	N	Y	N	N
43	G	Jack		Yes	FP	1972	2012			40	40	250	Parklands to Newcastle Road	Posting letters, catching bus, walking	Y	N	N	N	N		Y	N	N	Y	N	N
44	A D	Johnson	28/02/2012		FP	1978	1992	1992	2012	20	34	6	Home to Bus Route/ Garden Centre/ shopping walking	Work, leisure, football, shopping walking	Y	N	-	-		Y	N	N	N	Y	-	N
45	D	Lambert	18/02/2012		FP & cycle	1985	2012	1995	2012	27	27	100+	Home to Derwent Walk	Recreation	Y	N	N	N	N	-	N	N	N	N	N	N
46	E&D	Lawson	15/02/2012		FP	1994	2012			18	18	50	Tollgate Road to Woodland Trust & Derwent Walk	Walking, cycling	Y	N	N	N	N	Y	N	N	N	Y	N	N
47	AD	Lindsay	14/02/2012		FP	2005	2012			7	7	100	Home to B6310	To access paths and public transport	Y	N	N	N	Y		N	N	N	N	Y	N
48	J L	Little	09/02/2012		FP	1980	2012			32	32	150	Hamsterley Mill to Parklands and Derwent Walk	Access to Parlands	Y	N	N	N	N		N	N	N	N	Y	Y

Document B - evidence spreadsheet

No	Initial	Surname	Year evidence submitted	Interviewed	Class of Use	Start Date	End Date	Start Date	End Date	Consecutive Years (max.)	No. of Yrs Use (form)	No. of times used per year	Destination		Purpose	Route always the same	Gates, Stiles etc	Notices	Obst'n hedges, fences etc	Employee or Tenant of	Ever sought permission	Ever stopped	Ever told not public	Ever used as private right	Route enclosed		
													To / From														
49	J & N	Longrigg	10/02/2012	Yes	FP	1966	2012			46	46	200		Hamsterley Mill to Parklands and Derwent Walk	Recreation	Y	N	N	N	N	N	N	N	N	N	Y	
50	P	Lowery	14/02/2012		FP	1996	1999	2000	2012	12	15	500		Parklands to A694 Road	Taking children to catch school bus and post box	Y	N	N	N	-	N	N	N	N	N	N	
51	R	Lowes	16/02/2012		FP	1994	2011			20	20	Very rarely		Hamsterley Mill to Parklands	Social visit	Y	N	N	N	N	N	N	N	N	N	N	
52	J E	McCormack	16/02/2012		FP	1976	2012			36	36	Frequently		Parklands Estate to Main A694 Road	To get to bus stops and post box and residents on the estate	Y	N	N	N	N	N	N	N	N	Y	Y	
53	A O	McCormack	16/02/2012	Yes	FP	1976	2012			36	36	Frequently		Parklands Estate to Main A694 Road	To get to bus stops and post box	Y	N	N	N	N	N	N	N	N	Y	Y	
54	MM	McDermott	16/02/2012		FP	2004	2012			8	8	50		Hamsterley Mill Estate to B6310	To access the Derwent Walk	Y	N	N	N	-	N	N	N	N	N	N	N
55	JR	McDermott	16/02/2012		FP	2004	2012			8	8	250		Hamsterley Mill Estate to B6310	To access the Derwent Walk	Y	N	N	N	-	N	N	N	N	N	N	N
56	F	McKay			FP	1976	2012			36	36	200		Bus Stop A694 to Parklands	Walk to bus stop	Y	N	N	N	-	N	N	N	N	N	N	N
57	A	McNestry			FP	2003	2012			9	9	300		Hamsterley Mill to Blaydon home to Derwent Walk/Pont Burn Wood	Walking children to school bus	Y	N	N	N	-	N	N	N	Y	N	Y	
58	P	Meadowcroft	17/02/2012		FP	2007	2012			5	5	300+		Derwent Walk/Pont Burn Wood	Cycling, leisure, walking	Y	N	N	N	Y	N	N	N	N	N	N	N
59	R	Mongan	19/02/2012		FP	1997	2012			15	15	260		Home to access the Derwent Walk	Walking and cycling	Y	N	N	N	N	N	N	N	N	Y	N	N

Document B - evidence spreadsheet

No	Page 20 Initial	Surname	Year evidence submitted	Interviewed	Class of Use	Start Date	End Date	Start Date	End Date	Consecutive Years (max.)	No. of Yrs Use (form)	No. of times used per year	Destination		Purpose	Route always the same	Gates, Stiles etc	Notices	Obst'n hedges, fences etc	Employee or Tenant of	Ever sought permission	Ever stopped	Ever told not public	Ever used as private right	Route enclosed
													To / From												
60	M	Mongan	19/02/2012		FP	1997	2012			15	300		Home to Derwent Walk or Parklands Estate	Dog walking, cycling, visiting friends	Y	N	N	N	Y	N	N	N	N	Y	Y
61	K	Moore	15/02/2012		FP	1975	2012			37	6/8		Home to Derwent Walk	Walking, cycling	Y	N	N	N	Y on 11 Feb 2012	-	N	N	N	Y	Y
62	A J	Morris	11/02/2012		FP	1972	1983	1984	2012	28	39	156	Hamsterley Mill to Parklands and Derwent Walk	Recreation	Y	N	N	N		N	N	N	N	Y	Y
63	R	Morris	20/02/2012	Yes	FP	1972	1983	1984	2012	28	39	220	Hamsterley Mill Estate to Parklands, Derwent Walk, B6310	Walking, dog walking	Y	N	N	N		N	N	Y	Y	N	N
64	B	Murray	09/02/2012		FP	1987	2012			25	30		Estate to Derwent Walk	Recreation	Y	N	N	N		N	N	N	Y Jan	N	Y
65	R	Newman	14/02/2012		FP	-	-			-	-		Parklands to Hamsterley Estate	To get to bus stop	Y	N	N	N		Y	N	N	N	Y	Y
66	R and	Nichols	12/02/2012	Yes	FP	1970	2008	2008	2012	42	200	200	Lintford Road to Parklands	to catch bus	Y	N	N	N		N	N	N	N	N	Y
67	R	Nicholson	12/02/2012		FP	1987	2012			25	300 / 400		Home to Derwent Walk	Leisure - walking and cycling	Y	N	N	N		-	N	N	N	Y	N
68	I	Oakley	14/02/2012	Yes	FP	1971	2012			41	41	-	Home to Parklands/Derwent Walk, Hamsterley Hall Estate	Walking and recreation	Y	N	N	N		Y	-	Y	Y	Y	N
69	A	Oxley	19/02/2012		FP	2000	2012			12	312		Tollgate Road to Derwent Walk	Recreation	N	N	N	N	Y	Y	N	Y	Y	Y	N
70	K	Oxley	19/02/2012		FP	2000	2012			12	300+		Tollgate Road to Derwent Walk or Parklands	Dog walking, cycling, visiting friends	N	N	N	N	Y	Y	N	Y	Y	Y	N

Document B - evidence spreadsheet

No	Initial Page 22	Surname	Year evidence submitted	Interviewed	Class of Use	Start Date	End Date	Start Date	End Date	Consecutive Years (max.)	No. of Yrs Use (form)	No. of times used per year	Destination		Purpose	Route always the same	Gates, Stiles etc	Notices	Obst'n hedges, fences etc	Employee or Tenant of	Ever sought permission	Ever stopped	Ever told not public	Ever used as private right	Route enclosed
													To / From												
82	EE	Taylor	19/02/2012		FP	1982	2012			30	30	250	Lodge Close to Derwent Walk		Y	N	N	N	N	N	N	N	N	N	Y
83	J	Taylor	18/02/2012		FP	1998	2012			14	14	250 / 280	Lodge Close to Derwent Walk/ Rowlands Gill/ Ebchester	Walking, dog walking, cycling	Y	N	N	N	-	N	N	N	N	N	Y
84	R	Taylor	15/02/2012		FP	1986	2012			26	26	10	Home to Derwent Walk/ Hamsterley Hall Road	Exercise	Y	N	N	N	Y	Y	N	N	N	Y	
85	AM	Taylor	14/02/2012		FP	2005	2012			7	7	30/40	Home to woods catch bus	Leisure, to catch bus	Y	N	N	N	Y	Y	N	N	N	N	Y
86	A	Temple	16/02/2012		FP	-	-			-	-	-	Tollgate Road to B6310	Walking	Y	N	N	N	N	N	N	N	N	-	
87	P	Turner	09/02/2012		FP	1977	2012			35	35	10	Home to Derwent Walk	Recreation	Y	N	No	N	N	N	N	N	N	N	N
88	M	Turner	18/02/2012		FP	1977	2012			35	35	20	Hamsterley Mill Estate to Parklands or Derwent Walk	To see friends, walk	Y	N	N	Y	N	N	N	Y	N	N	N
89	D&R	Turner	14/02/2012	Yes	FP	1978	2012	4		34	34	200+	Parklands to A694, HM stop, visit Estate and post box	To get to bus stop, visit friends, post box, walks	Y	N	N	N	Y	Y	N	N	Y	Y	
90	MF	Vasey	19/02/2012		FP	1976	2012			36	36	3	High Hamsterley Road to Parklands	Visiting friends	Y	N	N	N	-	N	N	N	N	-	N
91	D	Watts	19/02/2012		FP	2009	2012			3	3	6	High Hamsterley Road to B6310	Recreational Walking	Y	N	N	N	Unknown	N/A	N	Y	N	N	Y
92	S	Webster	18/02/2012		FP	1977	2012			35	35	12	Home to Derwent Walk	Recreation	Y	N	Y	Y	Y	Y	N	N	N	N	Y
93	P	Webster	18/02/2012		FP	1977	2012			35	35	50	Lodge Close to Derwent Walk Footpath	Recreation	Y	N	Y	Y	Y	Y	N	N	N	N	Y

Document B - evidence spreadsheet

No	Initial	Surname	Year evidence submitted	Interviewed	Class of Use	Start Date	End Date	Start Date	End Date	Consecutive Years (max.)	No. of Yrs Use (form)	No. of times used per year	Destination		Purpose	Route always the same	Gates, Stiles etc	Notices	Obst'n hedges, fences etc	Employee or Tenant of	Ever sought permission	Ever stopped	Ever told not public	Ever used as private right	Route enclosed	
													To / From													
94	A	Weeks	10/02/2012		FP	1969	2012			42	42		Hamsterley Mill to Parklands and Derwent Walk	Recreation	Y	N	N	N	N	N	N	N	N	N	N	N
95	F	Weeks	19/02/2012		FP	1969	2012			43	-		Home to public footpath into Ham Hall Est and Parklands Est. Access to Derwent Walk	Exercise, walk dogs, visit friends	Y	N	N	N	N	Y	N	N	N	Y	N	
96	J	Worthy	19/02/2012		FP	2003	2012			9	9	100	Hamsterley Mill to Derwent Walk	Walking, cycling	Y	N	N	N	N	Y	N	N	N	N	Y	
97	C	Wright	18/02/2012		FP	2003	2012			9	9	50 / 70	Home to Derwent Walk	Cycling, walking, running	Y	N	N	N	N	-	N	N	N	N	N	
98	R	Wright	18/02/2012		FP	2003	2012			9	9	100 / 150	Home to Derwent Walk Path	Walking/ cycling/ recreation	Y	N	N	N	N	-	N	N	N	N	-	
99	L	Wright	17/02/2012		FP	2003	2012			9	9	100 / 150	High Hamsterley Road to Derwent Walk	Cycling, running and walking	Y	N	N	N	N	-	N	N	N	N	N	

This page is intentionally left blank

32

**Claimed Footpath between B6310 and High Hamsterley Road,
Hamsterley Mill**

**Statement by Mr Lawrence Graham of Lintzford Road Hamsterley Mill
NE39 1HG**

My name is Lawrence Graham and I have lived at 53 Lintzford Road since September 1961.

There were fewer houses in the estate at that time. I knew about the link path to the B6310 Burnopfield Road as it was regularly used by local people and by Lord Gort, who would use the path on his way from Hamsterley Hall to the bus stop on the A694.

I first used the path immediately after moving to Lintzford Road in 1961, initially to get to the grounds of Hamsterley Hall and later to access the Derwent Walk. From about 1984 my wife and I began to use the path a lot more often for recreation, as our children had grown up and we had more leisure time. We used the path to visit people on the Parklands Estate and also to access the Derwent Walk.

When I first used the path it had a grass surface. I cannot recall exactly when the flagstones were laid. I am not entirely certain of the date when the steps were installed, but they were probably put in because Lord Gort used the path.

Over the years I have seen many people, including walking groups and cyclists, using the path. I cannot recall the path ever being obstructed, and have never heard from friends or neighbours of anything about the path being closed.

There have never been gates, stiles or signs on the path. I never sought permission from Lord Gort to use the path, and have never been challenged when walking it. I have always used the path for leisure purposes or for visiting people.

I state that this correctly describes the information I gave to Kevin Telford from Durham County Council by telephone on Wednesday 26 September 2012

Signed



Date

1 October 2012

37

**Claimed Footpath between B6310 and High Hamsterley Road,
Hamsterley Mill**

**Statement by Dr Michael John Harbinson of Lintzford Road Hamsterley
Mill NE39 1HG**

My name is Michael John Harbinson and I live at 35 Lintzford Road Hamsterley Mill.

I moved to Hamsterley Mill in 1965, and lived at 13 High Hamsterley Road until 1977, when I moved to 35 Lintzford Road. I can recall the footpath to the B6310 Burnopfield road being there when we first moved to Hamsterley Mill, as we used it to get to the Burnopfield road to watch the Parklands Estate being built.

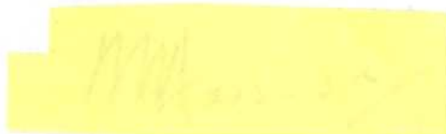
My main use of the path has always been for recreation, and I use it to get to the Derwent Walk, Hamsterley Hall and Pont Burn Woods, and also to visit friends in Parklands. I use the path frequently, sometimes several times each day. The path has always been well used by other people, by both local residents and by people who do not live on the Hamsterley Mill or Parklands Estates.

I do not recall the path ever being obstructed or closed. There have never been gates, stiles or notices on the path. As far as I can remember the steps were on the path when I first started using it in 1965. The flags were put down sometime during the 1980s, and may have been paid for by the Residents Association.

I never sought permission from anyone to use the path, and I have never been challenged when walking it. I have always used the path for leisure purposes or for visiting people.

I state that this correctly describes the information I gave to Kevin Telford from Durham County Council by telephone on Monday 1 October 2012.

Signed

A yellow rectangular box redacting the signature of Dr Michael John Harbinson.

Date

8.10.12.

40

**Claimed Footpath between B6310 and High Hamsterley Road,
Hamsterley Mill**

Statement by Mrs Carol Hunt of Tollgate Road Hamsterley Mill NE39 1HF

My name is Carol Hunt and I have lived at 25 Tollgate Road Hamsterley Mill since May 1976.

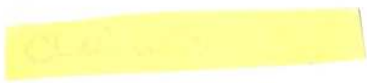
I first used the path between the B6310 Burnopfield Road and High Hamsterley Road in the late 1970s. The bus which brought the children from High Westwood School stopped at the top of the steps. I recall the path having a natural surface with 2 steps leading to the B6310.

In 1984 we acquired a pet dog, and I began to use the path more for recreation, primarily to access the Derwent Walk. At this time I bought an Ordnance Survey map of the area, which clearly shows a route through the estate where the path is. I have since used the path almost on a daily basis to exercise our dog. I consider the path to be public as I have always used it since moving to Hamsterley Mill, and I have seen many other people using it.

I can't recall exactly when the paving slabs were laid, but it may have been sometime during the 1990s. In the time I have used the path it has never been obstructed. There have never been gates, stiles, notices or signs on the path. I have never been stopped from using the path and have never sought permission from anyone to use the path. I have never used the path for business purposes.

I state that this correctly describes the information I gave to Kevin Telford from Durham County Council by telephone on Thursday 4 October 2012.

Signed



Date

18.10.2012.

42

**Claimed Footpath between B6310 and High Hamsterley Road,
Hamsterley Mill**

**Statement by Mrs Joyce Hutchinson of Lintzford Road Hamsterley Mill
NE39 1HG**

My name is Joyce Hutchinson and I was born in Hamsterley Colliery. I have lived at 39 Lintzford Road since 4 February 1949, having purchased the land from Lord Gort two years earlier.

There were very few houses when ours was built and apart from the main through road no estate roads as such. I can't remember exactly when the link path to the B6310 Burnopfield Road was first used, but I recall Lord Gort using the path to get to and from Medomsley Church and his house. He would stop to talk to people in the estate on his walks.

I first used the path from the early 1950s when I was a part time teacher at Lanchester School. I used the path to get to the bus which ran between Burnopfield and Lanchester. I would sometimes come home this way, but two or three times a week I would return via Consett. There was no bus stop as such; we just got on and off the bus at the hole in the hedge where the path leaves the road.

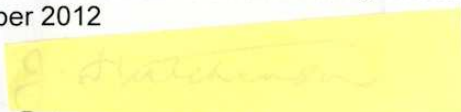
After 1955 I mainly used the path to go on countryside walks to Hamsterley Hall and through the grounds to Dipton. When the railway closed I used the path to get to the Derwent Walk. My son had a milk round he took over from his father-in-law, and for an 18 month period between 1976 and 1978 I also used the path to deliver milk and collect money from the Parklands Estate. During this time I still used the path for recreation. I last used the path in 2009.

The steps were put in on the path by Lord Gort around 1960. Previous to that there was just a slope leading to the road. The Hamsterley Mill Residents Association bought the concrete slabs which were laid on the path by the local Council, but I can't remember the exact date they were laid, or when the handrails were installed next to the steps.

There have never been gates or signs on the path. During the time I used it the path has never been obstructed and always kept open. I never sought permission from Lord Gort to use the path, and have never been challenged when walking it. I have seen many other people using the path over the years.

I state that this correctly describes the information I gave to Audrey Christie and Kevin Telford from Durham County Council at my home on Monday 24th September 2012

Signed



Date

1/10/2012

43

**Claimed Footpath between B6310 and High Hamsterley Road,
Hamsterley Mill**

Statement by Mrs Georgina Jack of Parklands Hamsterley Mill NE39 1HH

My name is Georgina Jack and I live at 26 Parklands, Hamsterley Mill.

I first used the path between the B6310 Burnopfield Road and High Hamsterley Road straight after moving to Parklands in 1972. My husband used the path to get to the bus stop on the A694 to catch the bus to Newcastle, and I used it regularly to get to the bus stop and to post letters. On Sundays I also did a recreational circular walk around the estate using the path.

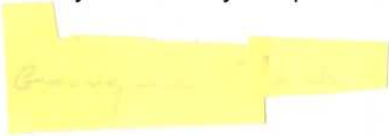
The path as it was when I first started using it is almost exactly the same as it is now. It has always followed the same route and I recall the steps and two handrails being on the path from the time I first started using it. I can't recall exactly when the paving slabs were laid, but they may have been paid for by the Residents Association. I do remember thinking after the flagstones had been laid that the path was in better condition than the Parklands path on the opposite side of the B6310, which had a cinder surface.

I have seen many other people using the path. Since I started using it I cannot recall the path ever being obstructed or overgrown. The path has always been well used as it is the only way to get to the main road through the estate.

There have never been gates, stiles or signs on the path. I never sought permission from anyone to use the path, and have never been challenged when walking it. I have never used the path for business purposes.

I state that this correctly describes the information I gave to Kevin Telford from Durham County Council by telephone on Monday 1 October 2012.

Signed



Date 11.10.12

49

**Claimed Footpath between B6310 and High Hamsterley Road,
Hamsterley Mill**

**Statement by Mr James Longrigg of High Hamsterley Road Hamsterley
Mill NE39 1HD**

My name is James Longrigg and I have lived at 4 High Hamsterley Road since September 1966.

I recall the link path to the B6310 Burnopfield Road from the time I moved to Hamsterley Mill. I clearly remember using the path with my wife to get to the field where Parklands was built. I have always considered the path to be for public use, and believe that Lord Gort had prescribed that paths should be provided in the estate. My use of the path is entirely recreational. I use it frequently to get to and from the Derwent Walk, and occasionally to visit friends in Parklands.

I do not know the date when the steps and handrails were put in, but there was open access when we first started using the path in 1966. The flagstones were laid relatively recently. I don't recall exactly when they were laid. In the time I have used the path it has never been blocked and I have always been able to walk it free of hindrance, even before Parklands was built.

I have never seen any notices or signs and there have never been any gates or stiles on the path. I never sought permission to use the path, and have always assumed it was a common right of way. Over the years I have seen many people using the path, both local residents from the estate and people from elsewhere.

I state that this correctly describes the information I gave to Kevin Telford from Durham County Council by telephone on Tuesday 2 October 2012

Signed

Date


17 October 2012

53

Statement by Mrs Audrey Oxley McCormack of Parklands, Hamsterley Mill, NE39 1HH

Footpath between B6310 and High Hamsterley Road, Hamsterley Mill

I have lived at my current address since March 1976. Almost immediately after moving in I began to use the path. I have always used it to visit people on the bottom estate and to post letters using the box on the main road (A694). Five years into living here I joined Hamsterley Mill wives where we would meet at someone's house on an evening, often on the bottom estate so I would walk that way. During my time living here I have used the path about once a week.

For a particular period from 1976 to 1984 I used to come home from work by bus 1 day a week and got off on the A694 and walked through to Parklands via the path. I would usually get a lift going to Newcastle.

Since I retired, about 16 years ago, I have also come back from Newcastle on the bus and walked back home via the path. In that time I have also walked more for leisure and have also gone that way to go to Lintzford, walking along the footpath alongside the A694.

My recollection is that the steps and handrail on the path are exactly as they were when I arrived at Hamsterley Mill in 1976. The paving slabs came later but I cannot be sure when. I can recall that prior to them the path could be muddy. There has always been grass on either side of the path.

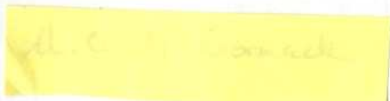
I cannot remember obstacles across the path until in 2012. I have never asked anyone permission to use the path, and have never been challenged or used the path to visit nos 17 or 20 High Hamsterley Road.

When my children were at school, in Newcastle, they used to often come back by bus and walk back home from the bus stop via the footpath. They normally had a lift to school. My son was at school from September 1976 to Summer 1982 and my daughter from September 1979 to Summer 1986. For a period of 3 years my daughter came back by bus every day.

We have always taken the path to be a public right of way. I have never been stopped by anyone saying it's not a public path. I have heard that the steps were put in by Lord Gort for him and the people of the estate to use.

I state that this correctly describes the information I gave to Audrey Christie from Durham County Council by telephone on Monday 17 September 2012

Signed



Date 13th October, 2012.

63

Statement by Mrs Rosemary Morris of Long Close Road, Hamsterley Mill, NE39 1HQ

Footpath between B6310 and High Hamsterley Road, Hamsterley Mill

I have lived at my current address since August 1972 until present with a break of about 10 months in 1983/4 when I lived in Canada. For all the time I have lived here I have used the footpath and since 1975 have always had a dog to walk. Until 2007 I walked the path about 4 or 5 times a week and since then once a day, either to walk around Parklands, into the grounds of Hamsterley Hall and certainly since the 1980's to gain access to the Derwent Walk (to the east of Hamsterley Mill).

In my memory there have never been any stiles or gates on the path, nor signs or obstructions until 2012. I am aware that others may remember an obstruction for a short time around 1990 but I never saw anything. I have never asked permission to use the path nor have I ever been challenged by anyone. I have not used the path to visit anyone at nos 17 or 20 High Hamsterley Road. I recall during the 1980s children have sledged there and been asked not to.

I understand that the steps were put in by Lord Gort's then Estate Manager Billy Chapman. Possibly the handrail was put in later by the Residents' Association. I think there was an intention for it to be put in as a road exit on early estate plans but this idea was abandoned. I think that the Residents' Association in conjunction with the Council laid the paving slabs using work experience lads in the mid to late 1980's because it was becoming muddy and this was paid for out of the Residents' Association's funds.

More recently the residents were concerned that some slabs were shifting and lifting up, probably due to nearby tree roots.

The path has been used for a considerable period of time and by everyone on the Estate. I think it was Lord Gort's intention for the path to be used by everyone to gain access to his grounds in nearby Hamsterley Hall which he encouraged and he often used it prior to his death in 1975 to visit people in houses here and gain access to the A694.

I state that this correctly describes the information I gave to Audrey Christie from Durham County Council by telephone on Friday 21st September 2012

Signed

Rosemary Morris

Date

25th September 2012

66

Statement by Dr Roy Nichols of Parklands, Hamsterley Mill, NE39 1HH
Footpath between B6310 and High Hamsterley Road, Hamsterley Mill

I have lived at my current address since Christmas 1969. I started using the footpath in 1970 and have continued to do so for a number of reasons. I have walked it to access the bus stop on the A694 (travelling in Newcastle direction), visit people on the bottom estate, use the postbox and when taking a walk down to the Lintzford nursery (now garden centre). Up until 2008 I used the path on average 200 times a year.

Since 2008, due to changes in bus services, I have used the footpath less regularly, but still about 150 times a year.

I have never encountered any obstructions on the path, until 2012, nor seen any signs or notices on or near it. I have never asked anyone permission to use the footpath nor been challenged by anyone.

I can always remember the steps and handrail where the path comes down from the B6310. The paving slabs weren't there when I first knew the path and I think they were put down more than 10 years ago. Previously it had just been grass. The hedge alongside 20 High Hamsterley Rd has always been in the same place but I remember that the garden fence for no 17 was erected about 15 years ago.

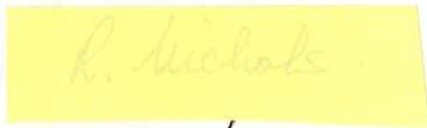
My children used to walk the path every day during term time to access the bus stop on the A694 to go to and from school (in Newcastle) between 1976 and 1985. They were friendly with the children at no 20 High Hamsterley Road between about 1972 and 77 so would use the path to go there, as did I.

My wife has also used the path, and probably more so than I as she was at home when the children were smaller and more regularly uses the facilities in Rowlands Gill by bus.

I can remember when we first moved here that Lord Gort would himself walk the path to visit the estate on a Sunday. I understand that even before we even came here that the residents of the bottom estate walked that way for taking their dogs out. Until recently we had never heard of any objections or problems with using the path.

I state that this correctly describes the information I gave to Audrey Christie from Durham County Council by telephone on Thursday 27 September 2012

Signed



Date

16/10/2012.

68

**Statement by Mrs Irene Oakley of High Hamsterley Rd, Hamsterley Mill,
NE39 1HD**

Footpath between B6310 and High Hamsterley Road, Hamsterley Mill

I have lived at my current address since September 1971. I can remember at this time my children were primary school age and we used to regularly go for walks with them that way. We had a particular favourite walk via the footpath, along to the Derwent Walk, passing the old Lintzford ink works and back up the main road home. We'd also sometimes walk onto Lord Gort's land (Hamsterley Hall) via the footpath as well as going blackberrying during September and October. I had friends in Parklands that I would walk to via the footpath. I would say that in that time, up until the mid 1980's when my children left home, I used the path a couple of times a month.

After the mid 1980's I still used the path, but less frequently, about once every 2 months. I would often go walking by myself at weekends, leaving the estate that way.

I last walked the path about 2 years ago.

I can remember that when my children were primary school age they tobogganed down the footpath and the owner of 20 High Hamsterley Road had complained that it was making the footpath too muddy. *slippery.*

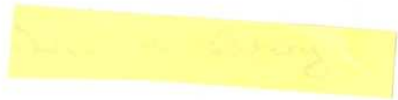
I have never seen any obstructions across the path nor any signs or notices. I never asked anyone for permission to use it.

I can always remember there being steps and a handrail but the paving slabs came later. I don't know when they were put down.

Everyone's always regarded the path to be a public right of way and it's been used by residents and people from outside the village.

I state that this correctly describes the information I gave to Audrey Christie from Durham County Council at my home on Thursday 27 September 2012

Signed



Date

21/10/2012.

89

Statement by Mr David Turner, Parklands, Hamsterley Mill, NE39 1HH
Footpath between B6310 and High Hamsterley Road, Hamsterley Mill

I have lived at my current address in Parklands since 1 April 1978 and used the path from this time onwards.

I have walked the path in order to gain access to the bus stops on the A694 when going to Newcastle, Consett and Shotley Bridge. I've also used it to visit friends on the Hamsterley Mill Estate, to go to the post box on the A694 and when going on leisure walks. One of our favourite walks is to go down the Derwent Walk, along to Lintzford, back along the A694, through the Hamsterley Estate and via the footpath back up to Parklands. I have on average used the path about 100 times a year and about 80% of my use has been in getting to the bus stop and walks.

The steps and hand rail have been in place for as long as I can remember. The paving slabs are more recent and I remember prior to this that the path was an earth surface that could get quite rough. I don't know exactly when the slabs were laid but it could be about 30 years ago.

I cannot recall there ever being any obstructions to the path until 2012. Similarly I have never seen any signs or notices on the path.

When you descend the steps you are surrounded by scrubby bushes but the path then crosses a grassed area which I cannot remember ever being overgrown. I have always assumed land on either side of the path to be no man's land.

We have never asked anyone permission to use the footpath and no one to my knowledge has ever been stopped from using it.

The path is important as we don't have any pavements along the B6310 and we don't want to trample along wet road verges. The road is dangerous and my wife broke her ankle slipping on the verge when the path was shut in 2012.

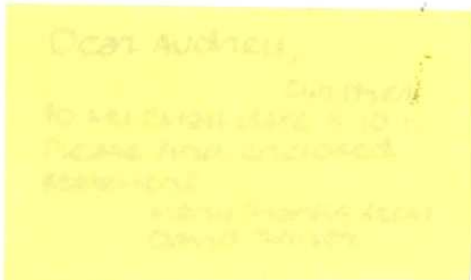
My wife has used the path as much as me from 1978 to 2012 as access to the bus stops and during walks

Everyone has just used the path as if it was a public right of way. I wasn't aware that the land was private until it was closed off in 2012.

I state that this correctly describes the information I gave to Audrey Christie from Durham County Council at my home on Wednesday 3 October 2012

Signed David R Turner

Date 3rd October 2012



This page is intentionally left blank

HISTORY

The large strip of land outside my property was purchased for a sum of money directly from Lord Gorts Estate in the Summer of 1992

Lord Gorts Estate did not record a physical foot path in any of the original plans or updated deeds in 1992

The physical appearance of the land in 1992

The large strip of my land was completely wild and overgrown with bushes

There was no concrete path at that time

(SEE PLAN A 1992)

There were no handrails on my garden steps at that time

There was a set of garden steps in the top corner however these were virtually obscured by overgrown bushes

The general appearance of the strip of land was unkempt and very wild so much so the side path to my house and side gate were also overgrown

(All the other land on the estate was landscaped and fully grassed and belonged to Lord Gorts Estate which has strict protocol attached to it)

In 1993 we cleared all of the overgrown large strip of land of its weeds and bushes **(SEE PLAN B 1993)**

The land was landscaped and turfed

Fence-posts were concrete founded the entire length of the boundary

A fence between the boundary was erected

We were visited an ENFORCEMENT OFFICER from County who told us that a member of the Residents Association had complained

We were advised we could not erect a fence on a public footpath .This indicated to us that **part of the large strip** of land we had just cleared was not on our land and was **beyond our boundary line**

(The officer did not see the land before we cleared it of the bushes and undergrowth)

We were asked to place the fence 3.5 meters back from the boundary line which was further back than the original overgrown bushes and hedges which created a natural boundary

We were told by county that this visit was enforceable.

We took the advice as sound removed the fence and paid fo a new fence

Between 1998-2000

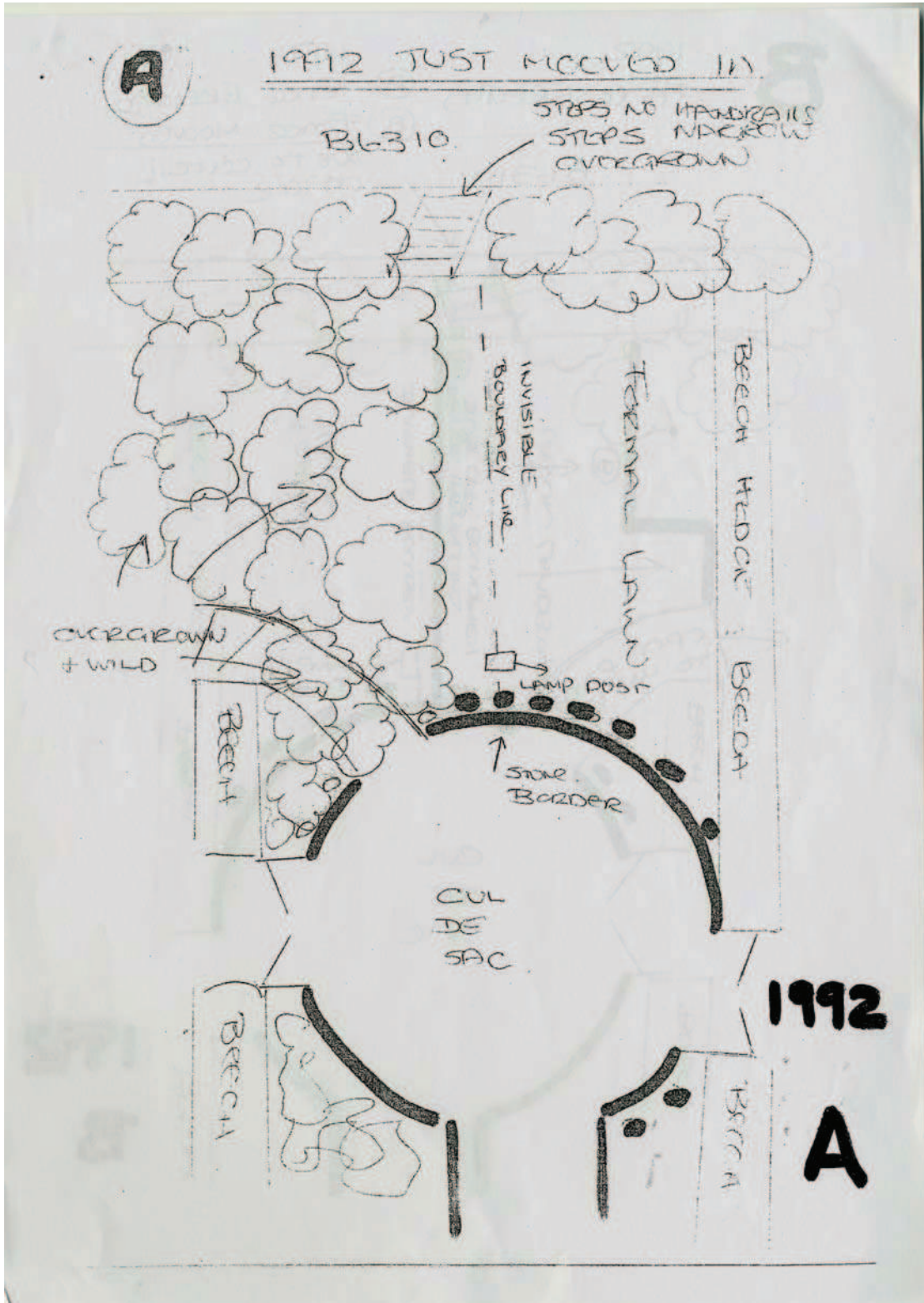
The Residents association

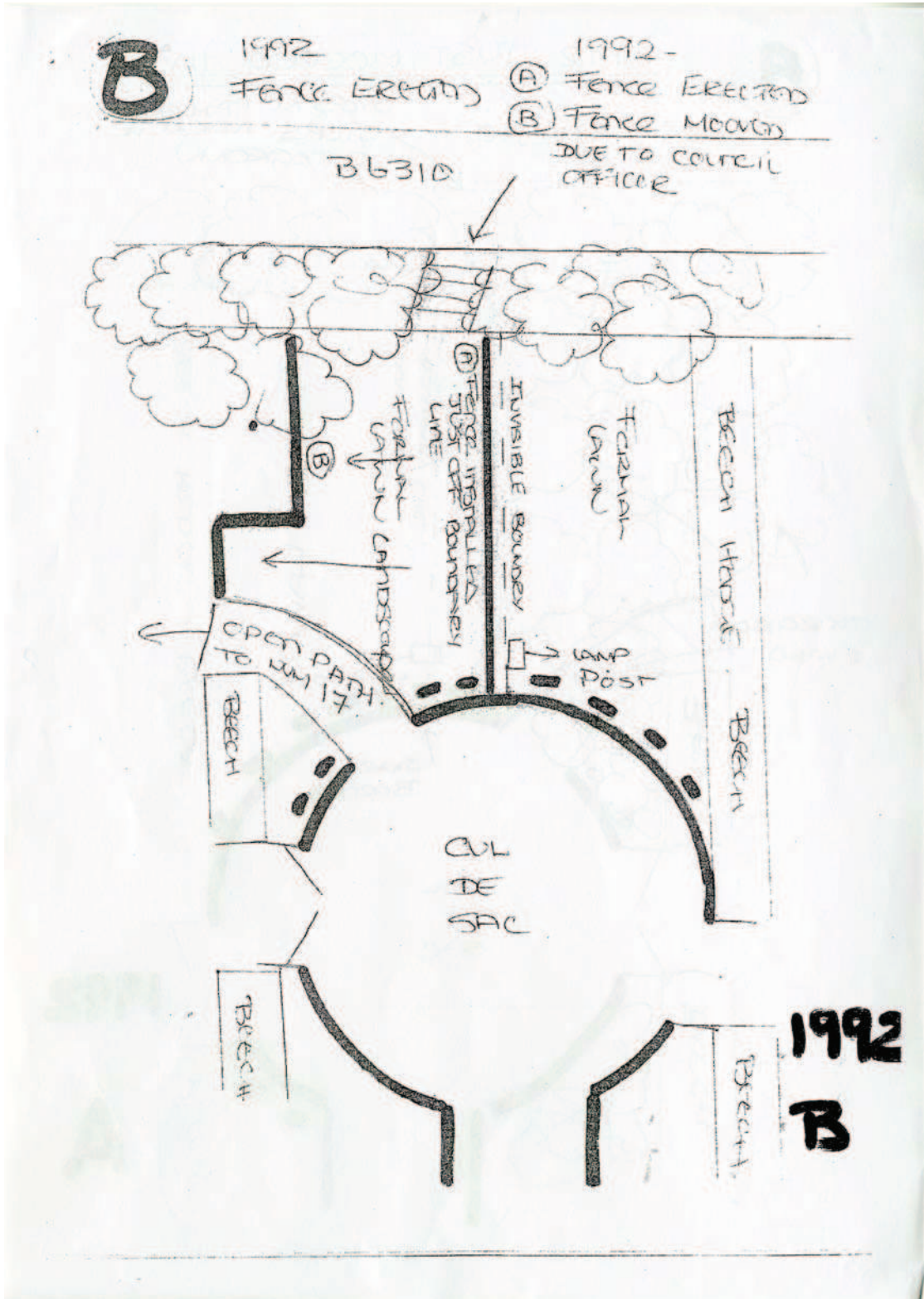
arranged the placement of

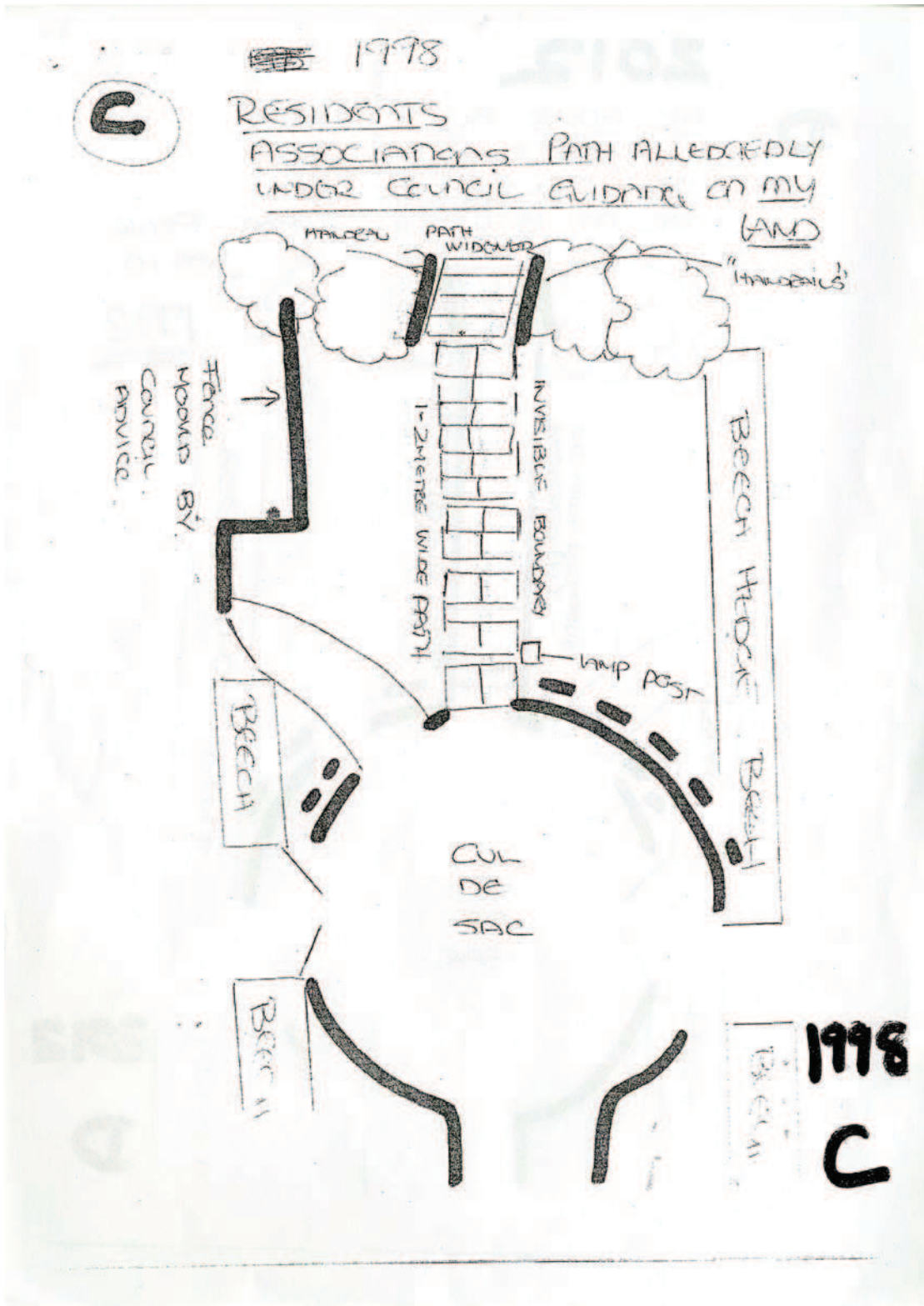
A physical 1.2 metre wide path in the form of concrete slabs path

B Widening/Opening of the steps and installed handrails on what I had been told was **not on my land**

This path was installed it is alleged by the Residents Association under the guidance of the **Local Authority**







This page is intentionally left blank

From: Nicola Garrington
Sent: 03 January 2013 17:22
To: Audrey Christie; Nicola Garrington
Subject: Further evidence Nicola Garrington
Attachments: [REDACTED]

Flaws in recommendation by Durham County Council

Earlier period 1972-1992

Outside of all "freehold plots" were grass verges and a private road to the public highway
All the grass verges in the earlier period including the roads belonged in fee simple to Lord Gorts Estate (The Vendor)
Lord Gorts Estate was the absolute owner of all of the "protected lands"
All of the protected lands had "restrictive covenants" upon them
These protected lands for the time being were **by way of lease** by the vendor (Lord Gorts Estate)

Therefore the purchasers (are an exclusive group of residents)
had:

freehold title inside their plots -

leashold title outside their plots - purchasers were tenants

SEE EVIDENCE RESTRICTIVE COVENANT

The exclusive groups of people the purchasers were restricted in their activities regarding the grass verges

"The purchasers would not use the grass verge in front of the site for any other purpose than as a grass verge and will not do or permit or suffer anything to be done to prevent or interfere with the maintenance as such by them"

SEE EVIDENCE LEASHOLD PRIVATE RIGHT OF WAY T

Exclusive groups of people the purchasers (The residents)
had a *"right of way to the highway"*

Item A PRIVATE ROAD

From 1949- 1987 there was only one main entrance to the Main Estate and the only
"Surfaced route" for pedestrian and vehicular access to the entrance of the Estate

This entrance had a notice which was on the left Hand Side was located on the entrance to High Hamsterley Road and it clearly stated PRIVATE ROAD

This notification was installed by Lord Gorts Estate Management and clearly demonstrated the following

“The landowner must not be able to demonstrate he had no intention to dedicate the way”

Miss Garrington has appointed a Barrister Christopher Vane of Trinity Chambers his opinion Notes the following ;

That it could be argued that such a notice should be read as applying to the route in question as well as the estate road .

The fact there was only one main private estate road and the route in question which was grassed Before 1990 led onto this gives significant weight to this argument

(An example would be that if you took a short cut through a parcel of land but left by the main entrance to get to the public highway you would know you had committed a trespass once you read the “ Private Road “sign)

Item B CUL -DE -SAC

The alleged route prior 1987 therefore did not run from public highway to public highway

As long as the estate road remained Private it is argued that the alleged route was really a private cul- de -sac with no public rights of way over it

Item C Route not shown or included in conveyance

1987 Estate roads adopted

The route in question was not included in that conveyance however the official alternative route was

1988 HMRA AGM MEETING

A request to Derwentside Council by the residents Association for an all -weather path to be laid

This was turned down by the local authority

(The existing highways have no historical records on file)

1994 HMRA AGM MEETING

A request to Derwenside Council by the residents Association for installation of handrails to be laid installed on the alleged route in question

This was turned down on the grounds it was not adopted by the county council

(The existing highways have no historical records on file)

Item D The public at large must have used the way

Use must be by the public at large, not just certain tenants or employees of an estate.

Miss Garrington has appointed a Barrister Christopher Vane of Trinity Chambers his opinion

The Residents Association and its members are of course are neither “the public” nor each of the residents on Hamsterley Mill Estate no more are local authorities “the public”

12 users recorded 1972-1992 are part of an exclusive group of people on the estate who do not represent the public at large

- Contemporary period 1992 -2012

It is stated that in the said draft report on item 6.1

“Although the owner asserts that the obstruction existed for 3-4 days it is surprising that having regard to the regularity of the usage put forward
no one has any recollection of the route being obstructed”

Evidence to the contrary

Statement 63 of long close road Hamsterley Mill

“I am aware **that others may remember an obstruction** for a short time around 1990 but I never saw anything”

Response; this indicated that others who ever they are did witness an obstruction

The statement is made by someone who

- a) Is reluctant to divulge the names of such individuals as the witnessing of an obstruction would not be beneficial to this individual who is complainant
- b) The fact is the statement is made by an individual who has been notified of an obstruction in the 1990s
- c) The term “others” is plural not singular indicating that more than one individual notified this individual of the obstruction

Non complainants

The only statements have been taken from complainants only

Various non- complainants have witnessed the fence being moved but have not been approached by the rights of way team
or notified by public notice

The only contact has been via the HMRA which do not represent all the residents

Local authority record keeping

No records have been retained by the Council of

- All Correspondence with HRMA at that time
- Detailed Schedule of works for adoption of Roads and sewers
- Removal of old signs and replacement of Estate and street signs
- Notification of enforcement officer regarding the obstruction of the route

The fact that they are no records does not indicate an event did not occur

Substantial evidence

It is stated that in the said draft report on item 7.2

“Recommendations and reasons that contemporaneous written minutes of meetings should be given greater weight than the recollections of the owner”

Evidence to the contrary

The previous owner (1976-1992) has provided a written signed letter stating that during her ownership

*SEE EVIDENCE LETTER FROM PREVIOUS OWNER *(I have removed the address)

“There was no concrete path up to the set of steps”

The previous owner also states

“I remember this because a horse rider used to go up to the steps to the top road and in wet weather there were deep hooves in the grass from the horses hooves”

“The residents association were never involved”

Additional factors

The existing owner has never contacted the previous owner before therefore there is no reason for the previous owner to distort the facts

There is no benefit to the previous owner to this case

The HMRA actually complained to the council regards horses on the estate and steps were taken To prohibit their route through the estate

It is stated that in the said draft report on item 7.3

“There is no evidence of lack of intention to dedicate the part of the owner During either 20 year period”

This statement is incorrect

Earlier period 1972-1992

The landowner Lord Gorts Estate was in-fact the absolute owner at that time
Of the said grassed area.

The estate owner demonstrated he had **no intention to dedicate** the way by placing a Private sign at its entrance to High Hamsterley Road

-
-
Use must be by the public at large, not just certain tenants or employees of an estate
The residents are not the public at large they were tenants outside of their freehold plots
All evidence of 12 users submitted pre 1992 were an "exclusive group purchasers called residents" of whom had restrictive covenants within their title deeds and a right of way to the highway"

The 12 users pre 1992 are not the public at large

Contemporary period 1992-2012

-
Purchase of freehold grassed verge 24.03.1992
Aim to fence off new boundary line – no concrete path present
Just grassed area

Between late Summer 1992-1993
Fence off boundary line by D Foggin Builders

Complaint by George Maughan
HRMA stating the route was on Lord Gorts Estate and was "the residents land "

Visit by Derwentside district council Enforcement officer

TOLD TO MOOVE THE FENCE AS IT WAS OBSTRUCTING A PUBLIC FOOTPATH
IT WAS STATED THAT OBSTRUCTING THE RIGHT OF WAY WAS AN OFFENCE
IT WAS STATED THAT THE CONSEQUENCES OF NOT MOOVING THE OBSTRUCTION WAS AN OFFENCE

I WAS INSTRUCTED BY THE OFFICER THAT THE WAY WAS A PUBLIC FOOTPATH AND I FOLLOWED THE INSTRUCTION TO TREAT IT AS SUCH
I HAD NO REASON NOT TO FOLLOW AN OFFICER OF THE COUNTY

1998

Installation of concrete path by HMRA

-
Concrete path a HMRA installed on my land
Concrete path b HMRA installed on highway land on parklands side

Please note the path b on the highway is known to the local authority

A resident has broken a limb in 2012 on this path b and the highway in conjunction with Councillor Watts Stelling have acknowledged that the path is dangerous
Path B has still not been removed

MAY /JUNE 2011

*SEE EVIDENCE PARKLANDS *

EXCLUSIVE CONSULTATION WITH HIGHWAY TO PLACE A SIGNIFICANT PUBLIC PATH OPPOSITE MY PROPERTY

Its only route it to serve access over my private land

I WAS NOT CONSULTED UNTIL I FOUND OUT ON 6TH NOVEMBER 2012

The majority of residents have not been included the Council have only consulted with the residents association HMRA and a few individuals

The the route channels people for one purpose only to cross my land to the public highway

AUGUST/SEPTEMBER 2011

HRMA Visit

Asked who was responsible for the path as it was dangerous and residents were complaining about its dangerous state

_____ when challenged denied any knowledge that the HMRA were responsible for the installation of the path and the negligence surrounding its maintenance

Visit by _____

I instructed _____ to get the HMRA path removed

This was not instigated by _____

Item G 25th October 2011 Council

The path is not adopted or a registered public right of way

ITEM H- I- J- K

30TH November 2011 HRMA Letter and visit by _____

Confirming the path was dangerous and that it belonged to me and was my responsibility

Visit BY _____

_____ when challenged acknowledge that the HMRA were responsible for the installation of the path

31TH January 2012 Abandonment of path by HMRA

-
Closure of path before the 20 year period was up

-
Summary of contemporary period 1992 -2012

There was no lack of intention to dedicate in the intervening contemporary years

-
because

-
I followed the instruction of the county council

Who advised THE ROUTE WAS A PUBLIC FOOTPATH

Who instructed TO REMOVE THE FENCE WHICH OBSTRUCTED A HIGHWAY

This advice was discovered in 2011 to be negligent

-
Due to the negligent action of the county council in

tolerating / ignoring HMRA path b on highways land Installed by HMRA

This action gives credibility to the actions of the HMRA path a and path b

-
Bias of local authority

The HMRA has a significant advantage with the Local Authority

The HMRA has been given the advantage of information in contrast to myself and other interested parties who have been excluded

I am the only individual in the example below where this outcome would have a adverse impact to my freehold property

EXCLUSIVE CONSULTATION AND SUBSEQUENT AGREEMENT WITH HIGHWAY TO PLACE A SIGNIFICANT PUBLIC PATH ON THE HIGHWAY ON PARKLANDS SIDE WHICH SEVES ONLY TO DIRECT TRAFFIC TO CROSS MY PRIVATE PROPERTY THIS EXCLUSIVE CONSULTATION STARTED IN APRIL 2011 MISS GARRINGTON WAS PROHIBITED FROM ANY INFORMATION UNTILL ADMITTED ON 26TH NOVEMBER 2012

It is stated that in the said draft report on item 7.4

“It is difficult at this stage to form a view on whether the path was in fact blocked by the owner in 1992/1993”

The original builder D. Foggin Builders has been contacted and he has verified the movement of the obstruction/fence to another location following the instructions of the local authority

***SEE EVIDENCE D FOGGIN ***

Hi Nicola

With ref to your inquirey regarding various buiding work carreid out my my company in 1992 /3 i can comferm that we erected the fence around the boundrey of you property instructed by yourselves and then we had to reposition the west side away from the path
after your conserdation with the local authority who advised you it was an obstruction

REGARDS

Additional factors

The existing owner has never contacted the Builder since 1992
There is no benefit to the Builder to this case

Statement 63 of long close road Hamsterley Mill

"I am aware that others may remember **an obstruction** for a short time around 1990 but I never saw anything"

The complainant utilises the word **obstruction** which further supports the way had an obstacle in its path

Statements of non-complainants has not been instigated by the local authority

The local authority have only taken statements from complainants submitted by the HMRA.
The HMRA omitted to disclose to those individuals petitioned that they in-fact had instigated the event and committed a civil wrong

Letter from previous owner
(prior to 1992) of 17 High
Hamsterley Road

Your problem with the Residents Association.

There was no concrete path up to the set of steps. I remember this because a horse rider used to go up to the steps to the top road and in wet weather there were deep holes in the grass from the horse's hooves.

Outside our hedge there were one or two small shrubs which my husband had planted. Both he and Mr. Armstrong kept that entire grassed area neatly mown. The Residents Association were never involved.

Unfortunately the photographs I have one of the houses both externally and internally, none show ^{the} path up to the steps. (When I say path, the only pathway was to my side gate — all the rest was grassed.)

I'm aware that none of this information helps your case but don't be intimidated by the Residents Association. I think they would need to involve Lord Gort's solicitors if they want to make changes.

Sorry I can't be more helpful. I hope you've enjoyed living at 17 High Hamsterley Road as much as we did. You can't have better neighbours than the Applebys.

Kind regards.

Pat Nickolls

P.S. I'm sending this via Rose as she is up-to-date.

Rose: all my news to follow in my Xmas letter.

Email from builder who had moved fence in 1992

Date: Mon, 17 Dec 2012 16:06:09 +0000

Subject: Re: MOVEMENT OF FENCE

From: [redacted]@spencerhousegroup.co.uk

To: nicola@[redacted]

Hi Nicola

With ref to your inquirey regarding various buiding work carred out my my company in 1992 /3 i can conferm that we errected the fence around the boundrey of you property instructed by yourselves and then we had to reposition the west side away from the path after your conserdation with the local authority who advised you it was an obstruction

REGARDS

Extracts from 1959 Abstract of
Title for 17 High Hamsterley Road

②
1 9 5 9.

ABSTRACT OF TITLE

relating to freehold dwellinghouse
situate and known as "Hall Garth",
No. 17, High Hamsterley Road,
Hamsterley Mill, Rowlands Gill in the
County of Durham.

Davies, Bell & Co.,
Newcastle upon Tyne.

ABSTRACT OF TITLE relating to freehold dwellinghouse situate and known as "Hall Garth", No. 17, High Hamsterley Road, Hamsterley Mill, Rowlands Gill in the County of Durham

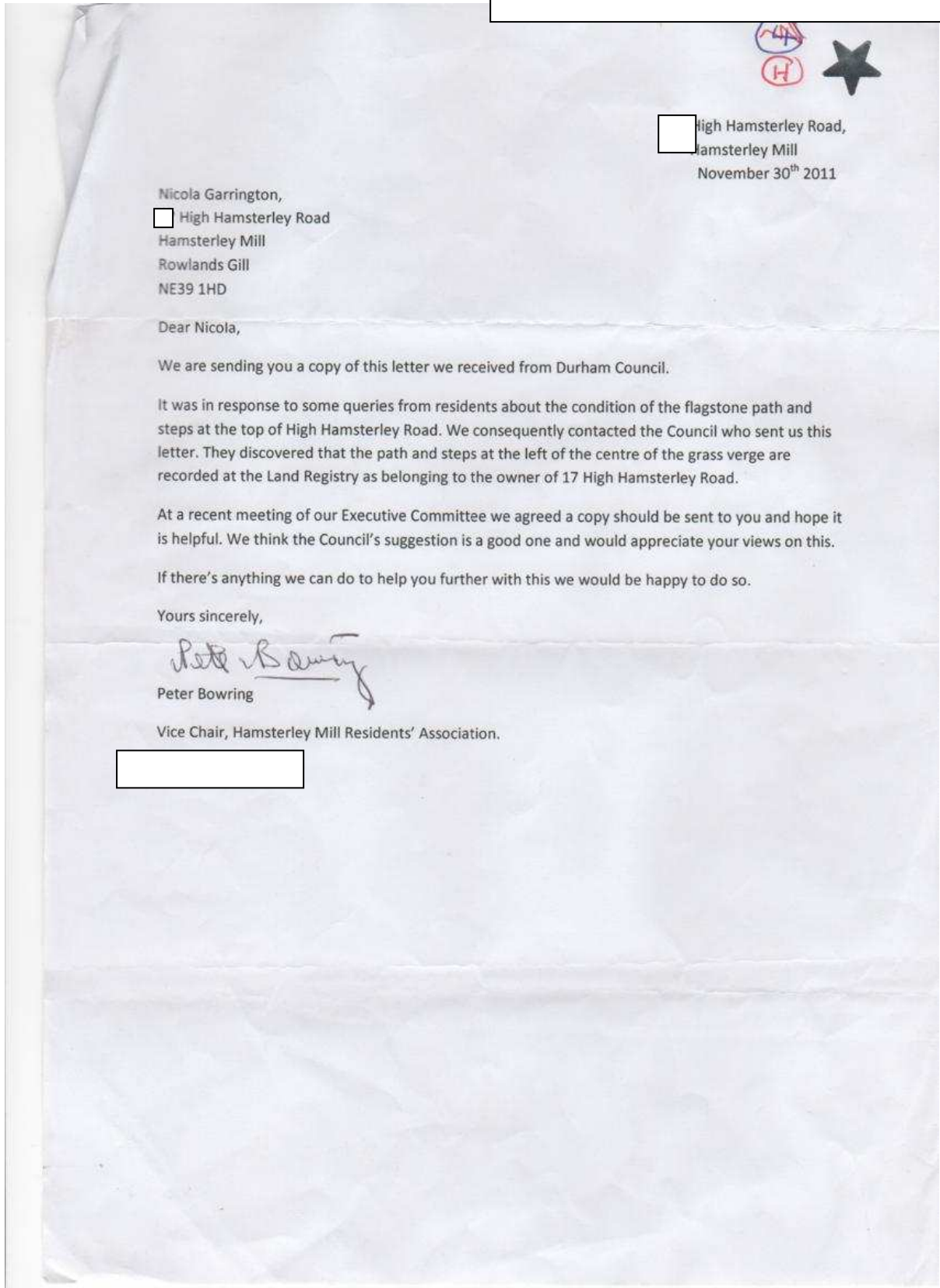
1. CONVEYANCE of this date made between THE RIGHT HONOURABLE STANDISH ROBERT GAGE PRENDERGAST VISCOUNT GORT (thereinafter called "the Vendor") of the one part and CLARENCE ARTHUR WHITING Draughtsman and MABEL WHITING his Wife both of 21 Holystone Crescent in the City and County of Newcastle upon Tyne (together thereinafter called "the Purchasers") of the other part

3. IT WAS WITNESSED that in pursuance of the said agreements and in consideration of the sum of Two hundred and fifty eight pounds fifteen shillings on or before the execution thereof paid to the Vendor by the purchasers (the receipt etc) the Vendor as beneficial owner thereby conveyed unto the Purchasers

4. ALL THAT piece of land situate at or near Long Close Gate in the Township of Medomsley in the County of Durham and forming part of the Vendors Hamsterley Estate and containing by admeasurement Two thousand and seventy square yards or thereabouts and with the dimensions abuttals and boundaries thereof delineated in the plan marked 'A' annexed thereto and thereon coloured round with red TOGETHER with the self-contained dwellinghouse known as "Hall Garth" and outbuildings then erected on part of the said piece of land by the Purchasers AND TOGETHER with right of way for the Purchasers (in common with the Vendor and other persons for the time being authorised by him) on foot and with or without horses carts and other carriages including mechanically propelled Over/....

vehicles over and along the road or roads leading from the said piece of land to the public highway from Newcastle upon Tyne to Shotley Bridge for access to and egress from the said piece of land from and to the said public highway AND TOGETHER with liberty for

Correspondence between landowner and
Hamsterley Mill Residents Association
Nov 2011 to Feb 2012



Nicola Garrington,
 High Hamsterley Road
Hamsterley Mill
Rowlands Gill
NE39 1HD

High Hamsterley Road,
Hamsterley Mill
November 30th 2011

Dear Nicola,

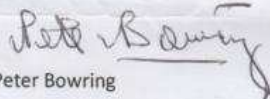
We are sending you a copy of this letter we received from Durham Council.

It was in response to some queries from residents about the condition of the flagstone path and steps at the top of High Hamsterley Road. We consequently contacted the Council who sent us this letter. They discovered that the path and steps at the left of the centre of the grass verge are recorded at the Land Registry as belonging to the owner of 17 High Hamsterley Road.

At a recent meeting of our Executive Committee we agreed a copy should be sent to you and hope it is helpful. We think the Council's suggestion is a good one and would appreciate your views on this.

If there's anything we can do to help you further with this we would be happy to do so.

Yours sincerely,


Peter Bowring

Vice Chair, Hamsterley Mill Residents' Association.

Contact: Kevin Telford
Direct Tel: 0191 3834536
Fax: Kevin.Telford@durham.gov.uk
email:
Your ref: RED/ROW/KT
Our ref:



Rosemary Morris
Secretary Hamsterley Mill Residents Association
 Long Close Road
Hamsterley Mill
Rowlands Gill
Tyne and Wear
NE39 1HQ

25 October 2011

Dear Rosemary

Unregistered footpath at Hamsterley Mill

As promised during our recent telephone conversation, I am writing to clarify our position regarding the unregistered footpath which passes between nos. 17 and 20 High Hamsterley Road, Hamsterley Mill.

The footpath is not adopted nor a registered public right of way, and according to information provided by the Land Registry, it is on privately owned land. Accordingly, Durham County Council as Highway Authority is not responsible for the maintenance of the path.

Maintenance consequently rests with the owner of the land, who may be liable in the event of an accident resulting from the condition of the path. The maintenance and liability burden would be substantially reduced if the landowner were to dedicate the footpath as a public right of way and add it to the Definitive Map, as under existing highways legislation Durham County Council would become responsible for the maintenance of the surface of the path to a standard appropriate for its use.

Continued/....

Regeneration & Economic Development
Durham County Council, County Hall, Durham DH1 5UQ
Tel (0191) 383 3000 Minicom (0191) 383 3802 Text 07786 026956



17TH January 2012

Mr Bowring
[] High Hamsterley Road
Hamsterly Mill
NE39 1HD

Without prejudice

*The Residents Association instigated and organised the laying of the path without carrying out

Appropriate land and legal searches

Legal written permission of the landowner

Payment of money for the said land

I must ask the Residents Association to remove the pathway at their cost due to

A health safety risk caused by their actions

The current situation

The actions of the Residents association have just cause for litigation

- A) By **placing objects** on my land without my legal permission
- B) By potentially **dispossessing** me of my land and rights over the land by the said action of a representative of the Residents association

I do not at this juncture wish to pursue this avenue

The action by the residents association has created the impression that the land is a public footpath.

I have no intention of dedicating my property as a public right of way

I would ask that you remove your property from my land
With immediate effect

Ms N Garrington

[]
[] High Hamsterly Road NE39 1HD

Ms. Nicola Garrington,

[Redacted]
High Hamsterley Road

Hamsterley Mill

NE 39 1HD.

Thank you for your letter dated 17th January 2012.

We acknowledge receipt and will be taking advice.

Hamsterley Mill Residents' Association.

31st January 2012



Mr Bowering
[redacted] High Hamsterley Road
Hamsterly Mill
NE39 1HD

6th February 2012

Dear Mr Bowering

The letter of the 31ST of January is unsigned by an appointed representative of the residents association

The letter of the 31ST of January has no forwarding address

The previous action of your Association has resulted in

- *A serious health and safety risk to the general public
- *A series of illegal acts on my property in an attempt to dis-inherit me from my property
- *The trespass committed has resulted in an adverse burden upon myself through no fault of my own

As your letter fails to address the complaints raised by my letter of the 17th of January I will have no other alternative than to take steps to protect

- *the general public
- *my personal liability
- *my legal status as a landowner

Ms N Garrington

[redacted]
[redacted] High Hamsterly Road NE39 1HD

This page is intentionally left blank

BRIEFING NOTE FOR THE HIGHWAYS COMMITTEE

Public Rights of Way - Modification of the Definitive Map

The following briefing sets out the legal framework and considerations for modifications to the Definitive Map.

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife & Countryside Act 1981 places a duty upon the County Council as 'Surveying Authority' to keep the Definitive Map under continuous review and make Modification Orders in consequence of:

Section 53(3)(b) - the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path.

Section 53(3)(c) - the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows:

- (i) 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;
- (ii) that a highway shown in the map and statement as a highway of a particular description ought to be shown as a highway of a different description; or
- (iii) that there is no public right of way over land as shown in the map and statement as a highway of any description, or other particulars contained in the map and statement require modification.

Section 53(5) - any person may apply to the Authority for an order which makes such modifications as appear to the Authority to be requisite in consequence of the occurrence of one or more events falling within 53(3), (b) or (c).

Modification Orders made under the above provisions are published and notices served upon owners and occupiers of land affected. Any objections or representations to the Order are considered by an inspector appointed by the Secretary of State for the Environment to determine the matter, usually after a public inquiry. Applicants under Section 53(5) may appeal to the Secretary of State if the Council decide not to make an Order .

Before deciding to make a modification order the Council has a duty to investigate the matter. This may involve interviewing witnesses, archive research etc and will seek to clarify any serious discrepancies in the evidence. The owner should be given the opportunity to produce evidence and comment upon other evidence.

The Highways Committee, when considering a Modification Order are acting in a quasi-judicial role and must ensure the principles of natural justice are complied with. The Committee must only look at relevant evidence and apply the relevant legal test.

The Committee's officers have a duty to inform the Committee of the legal criteria and the weight to be given to the evidence.

However, the Committee does not need to follow the formal practices of a public inquiry or a court.

In considering a Modification Order the Committee is not altering public rights. The Definitive Map records public rights, it does not create or alter them. The question is what public rights exist, not what rights the Council, landowners or the public would like to have. Lawful public rights may have languished unused or been obstructed for years, nonetheless they are rights. Conversely if a right of way is shown on the Map and Statement, but is proved not to exist then the error must be remedied and the way deleted. Modification Orders are not concerned with the suitability for use of the rights alleged. If there is a question of whether a path or way is suitable for its legal status or that a particular way is desirable for any reason, then other procedures exist to create, extinguish, divert or regulate use - but such procedures are under different powers and should be considered separately.

HIGHWAYS ACT 1980 SECTION 31 Presumed Dedication

The effect of S31 is, very broadly, that in certain circumstances 20 years public use of a way can lead to deemed dedication of that way as a highway unless there is evidence of a contrary intention. To understand the operation of the section it is necessary to examine its precise wording. This begins as follows:

- (1) Where a way over any land other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.
- (2) The period of 20 years referred to in subsection (1) above is to be calculated retrospectively from the date when the right of the public to use the way is brought into question whether by a notice such as is mentioned in subsection (3) below or otherwise.
- (3) Where the owner of the land over which any such way as aforesaid passes:
 - (a) has erected in such manner as to be visible by persons using the way a notice inconsistent with the dedication of the way as a highway; and
 - (b) has maintained the notice after the 1st January 1934, or any later date on which it was erected;

the notice, in the absence of proof of a contrary intention, is sufficient evidence to negative the intention to dedicate the way as a highway.

- (4) In the case of land in the possession of a tenant for a term of years, or from year to year, any person for the time being entitled in reversion to the land shall, notwithstanding the existence of the tenancy, have the right to place and maintain

such a notice as is mentioned in subsection (3) above, so, however, that no injury is done thereby to the business or occupation of the tenant.

- (8) Nothing in this section affects any incapacity of a corporation or other body or person in possession of land for public and statutory purposes to dedicate a way over land as a highway if the existence of a highway would be incompatible with those purposes.
- (9) Nothing in this section operates to prevent the dedication of a way as a highway being presumed on proof of user for any less than 20 years, or being presumed or proved in any circumstances in which it might have been presumed or proved immediately before the commencement of this Act.
- (10) Nothing in this section or section 32 below affects section 56(1) of the Wildlife and Countryside Act 1981 (which provides that a definitive map and statement are conclusive evidence as to the existence of the highways shown on the map and as to certain particulars contained in the statement).
- (11) For the purpose of this section 'land' includes land covered with water.

HIGHWAYS ACT 1980 SECTION 32

Evidence of dedication of way as highway

A court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.

MORE ON SECTION 31

To establish the presumed dedication of a right of way under S31, it is necessary to show that the following **all** apply:

- (a) The nature of the way was not such that dedication could not be presumed at common law.
- (b) The public at large must have used the way.
- (c) The use must have been over a period of at least 20 years without effective interruption.
- (d) The use must be 'as of right.'
- (e) That 20-year period must have ended with an act that brought into question the public's right to use the way.
- (f) The landowner must be able to demonstrate he had no intention to dedicate the way.

'A way over land'

The section applies to any way, ie a footpath, a bridleway or a carriageway. 'Land' is defined as including land covered by water. Thus the section can apply to the acquisition of a right of way through a ford or along a causeway covered in water at some stage of the tide.

"Other than a way of such a character that its use could not give rise at common law to any presumption of dedication"

An example would be a way the use of which was a criminal offence, eg to walk along a motorway except for the purpose of obtaining assistance.

Similarly, in the case of land held for some statutory purpose and dedication would be inconsistent with that purpose. This can also apply to corporations or other bodies or persons.

Limitations or conditions

The public's right to use a way may be subject to limitations or conditions. For example, the landowner may have a right to erect and maintain a stile or gate to prevent movement of stock. If the public freely uses a way subject to such a limitation during the qualifying period, the right of way is held to have been dedicated subject to the limitation. But once the way has been dedicated, no further limitation can be imposed other than by statutory means, such as the authorisation of a stile under Section 147 of the Highways Act.

"Actually enjoyed"

There must have been sufficient use of the way for the required period. This will be a matter of fact to be determined in each case. The motive in using the way is irrelevant. It will accordingly be sufficient if the sole purpose of the use was recreation.

"By the public"

Use must be by the public at large. It is not sufficient if the use has been merely by a class of the public, such as the employees of a particular employer, customers of a particular business or tenants of a particular landlord.

"As of right"

This means that the use must have been as if a right of way existed. There will be no deemed dedication if the landowner can show that the use was by his permission, or that the use had entailed force. Use must also be 'open', ie it must have been such that the landowner could have challenged it if he wished.

Inherent within the requirement of use as of right is the notion that there must have been acquiescence by the landowner. (Acquiescence should not be interpreted as permission but clearly there can have been no acquiescence if the user was by force or if it was undetectable). The onus is not on the user to show that the landowner acquiesced; it is on the landowner to show that he did not.

"Without interruption"

"Interruption" means "actual and physical stopping of the enjoyment" of the public's use of the way by the landowner or someone acting lawfully on his behalf, eg an employee acting in the course of his employment. The words do not refer to interruption of use; there is no requirement that the use must have been constant, although it must have been sufficient to satisfy the requirement that the way was "actually enjoyed".

The interruption must be with intent to prevent public use of the way. It will not be sufficient if the interruption is shown to have been for some other purpose, eg to prevent cattle straying.

"Deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it"

The opening words of Section 31 create a presumption that a way has become a highway, the class of highway (footpath, bridleway or carriageway) depending on the use made of the way. However the above words emphasise that they create no more than a presumption which is rebuttable by evidence of a contrary intention.

The landowner must show sufficient evidence that there has been no intention to dedicate. This is often demonstrated by overt acts directed at users. However such acts are not strictly necessary if there is other sufficient contemporaneous evidence of a lack of intention.

A common method of showing a contrary intention is by a notice with such words as "Private road (or Private path), no public right of way" sometimes followed by a reference to the legislation current when the notice was erected. Section 31(3) confirms that such a notice, erected so as to be visible to users of the way, will be sufficient evidence of an intention that the way is not intended to be dedicated.

"The period of 20 years ... is to be calculated retrospectively from the date when the right of the public to use the way is brought into question"

It might be thought that the 20-year period would start when use began, but this is not how the Act operates. The period is 20 years calculated backwards from the date when the right of the public to use the way is "brought into question" by the landowner (or his agent) doing some act that challenges the public's right to use the way. So the 20-year period of use has no fixed starting point, only a fixed finishing point.

Bringing the right to use the way into question

Acts that would bring the public's right to use the way into question include the following:

- (a) Locking a gate, so as to prevent public use.
- (b) Putting up a notice denying the existence of a right of way.
- (c) Physically preventing a walker from proceeding along a path.
- (d) Bringing an action for trespass (for damages or for an injunction to prohibit future use).

- (e) Seeking a declaration from the court that the way is not public.
- (f) Opposing an application for a definitive map modification order that adds the way to the definitive map or lodging an objection to such an order.

In *Owen v Buckinghamshire CC* (1957) it was held that the ploughing-up of a path was not sufficient to bring the right of the public to use the path into question.

The effect of a notice denying right of way status should be noted. If after, say 10 years' use of a path a landowner puts up such a notice, this rebuts any presumption of dedication and even if the public uses the path for a further 10 years, no right of way will arise by virtue of the Act.

It should also be appreciated that in some instances an act which brings the right of the public to use a way into question could also be considered an act which demonstrates a lack of intention to dedicate.

Presumed Dedication at Common Law

The provisions of Section 31 of the Highways Act 1980 do not supersede the principles of implied dedication at common law. Indeed Section 31(9) expressly preserves these principles.

At common law a landowner must have an intention to dedicate a right of way over his land. Public user may be evidence from which that intention may be inferred. However mere tolerance will not be sufficient.

It is for the claimant to prove that it can be inferred from the landowner's conduct that he actually dedicated the route as a public right of way.

The length of time necessary to demonstrate sufficient use will depend on the circumstances. Generally the more intensive and open the use of the route by the public, the shorter the period that will be necessary to raise an inference. In one case, 18 months was held to be sufficient.

Any such dedication will be ineffective if that person does not have the capacity to dedicate. A landowner may be able to show title would preclude dedication e.g. lessees, the Church, Charities prior to 1993. Certain public bodies operating within specific statutory provisions do not have capacity and implied dedication will not arise if the existence of a public right of way would be incompatible with the purposes of a corporation or other body or person in possession of land for public or statutory purposes.

Hamsterley Mill Residents Association

Approved at AGM
30/3/89

Annual General Meeting

Document E

8-0 pm 31 March 1988 at Ebchester Community Centre

Minutes

The number of Members present was fiftytwo.

1) Apologies for absence.

Apologies were received from Mr & Mrs Cookson, Mr & Mrs Napier, Mr Moore and Mr Haddy.

2) Approval of minutes of AGM 1987.

The minutes were accepted unanimously.

3) Matters arising.

a) Ownership of the grass verges.

On the 10 December 1984 we wrote to the solicitors of the Executors of Lord Gort proposing that the ownership of the grass verges should be transferred to the respective residents, as previously discussed with him at a meeting of the Executive Committee on the 14 November 1984. In order to avoid legal costs the proposal was based on transfer by default. That is the ownership passes to each individual resident automatically after twelve years. At the meeting the solicitor raised no objection to this arrangement as the Executors were no longer interested in owning the grass verges and the Durham County Council had no wish to acquire them as part of the road adoption.

In spite of several reminders we have had no response from the solicitor and therefore your committee has decided on the following actions:

1) To take the lack of response to our letter to imply that the solicitor and therefore the Executors have no objection to transfer of the ownership of the grass verges by default.

2) To assume that the twelve year period commenced on the date of the original letter, that is the 10 December 1984

Important Note. Members are advised to make a note of this decision for future reference. It is suggested that this page should be attached to your deeds.

b) Sign posting of Hamsterley Mill.

Derwentside District Council has agreed to our request to provide a sign post or sign posts to indicate the location of Hamsterley Mill and the County Council has been asked to make the necessary arrangements to erect "village" signs.

c) Public Telephone hazard.

The request for the removal of the telephone box at the entrance of the Estate to avoid the potential hazard caused by parked cars has been turned down by the Council and British Telecom.

The reason given is that before deciding to replace the old type box the requirement was reviewed and it was decided that a telephone was still required and that the existing position was the most suitable. After

considering our request they can see no reason for changing their decision.

Document E

Footpath from High Hamsterley Road to the B6310

Our request to Derwentside District Council for an all weather path to be provide at the end of High Hamsterley Road has been turned down. The reason given is that this work would conflict with the Council's present policy which is to use all the available resources on the repair of existing paths and roads

4) Election of Officers and Committee Members.

Nominations from the committee for officers were:

Chairman and Hon Secretary - George Maughan, Vice-Chairman - George Turner, Hon. Treasurer - Brian Murray. They were elected unanimously after a proposal by Mr J Cockwill seconded by Mr S Webster. The Chairman stated that the Committee had expressed their satisfaction with the way in which the combining of Chairman and Hon. Secretary had worked in the past two years and had agreed that the arrangement should now put on a formal basis.

Nominations from the committee for committee members were:

Gordon Berry, Jimmie Cockwill, Ronnie Jack, Kieran Moore, and Steven Webster. They were elected unanimously after a proposal by Mr G Fearnihough seconded by Mr D Haselhurst.

5) Hon. Treasurers Report.

Gordon Berry the Hon Treasurer presented his report, a copy of which is attached to these minutes. It was accepted unanimously after a proposal by Mr B Murray seconded by Mr R Silk.

The Chairman expressed his thanks to the retiring Treasurer for the excellent support he has given to the Association in the last four years.

6) Chairmans Report.

a) Adoption of Roads and Drains.

From a telephone conversation with the Northumbrian Water Authority I understand that as far as they are concerned the drains were adopted on the 11 December 1987 and that in due course responsibility for maintainance would be taken over by the Derwentside District Council who would also issue a formal notification of adoption. This also applies to the drains from Parklands which connect with those on the main part of the estate.

In response to my enquiry the Derwentside District Council stated that in case of complaints, blockages etc you should contact the Chief Technical Officer's Department at Stanley and ask for Mr F Vickers Tel No Stanley 234911.

In a later discussion with the Council it became clear that notification of formal adoption is dependent on the completion of a small amount of work still outstanding on the drains on the main part of the estate.

b) Mill Farm Road.

I am very pleased to report that the Executor's solicitor has finally abandoned his efforts to obtain a very substantial contribution from the

FILE
Approved at AGM 4/4/91

J. M. Langham

HAMSTERLEY MILL RESIDENTS ASSOCIATION

Document E

Annual General Meeting

8-0 pm 29 March 1990 at Ebchester Community Centre

MINUTES

The number of Members present was forty.

1) A very interesting and informative talk on the Woodland Trust was given by Miss Liz Strange who is the Trust's officer covering the North East.

We are fortunate in that there are nearly three hundred acres of woodland within easy walking distance of the Estate which have been acquired by the Trust. The woods are open to the public and will be maintained and developed by the Trust. It is obviously to members advantage that we have this guarantee that the area will remain as woodland.

Anyone wishing to become a member of the Trust should contact Liz Strange at 4, Alma Cottages, Tow Law, Bishop Auckland, CO. Durham. DL13 4EU. Telephone 0388 730065

2) Apologies for absence.

Apologies for absence received from Mr Haddy. Mr & Mrs Silk and Dr Berry.

3) Approval of minutes of AGM 1988.

Approval of the minutes was unanimous. Proposed by Mr J Cockwill and seconded by Mr A Penson.

4) Matters arising.

a) The path from the east end of High Mill Road to Mill Farm Road belongs to the Executors of Lord Gort who would like to dispose of it. Your committee is of the opinion that it should be taken over by the Council.

b) With regard to the spare land between Long Close Road and Tollgate Road, Smiths Gore the agents for the Executors have agreed in principle to the division of the land and its disposal to members whose property is adjacent to it. Details of the area and price of each section has yet to be decided and is a matter for discussion between the agent and individual members concerned.

c) The unsatisfactory design of the new fence on the A694 road at Lintzford has been raised with Gateshead Council several times. There has been no response.

d) With regard to the hazard caused by users of the public telephone parking their vehicles at the entrance to the estate, the police have arranged for their patrols to warn people parking there and committee members will pass on the registration numbers of any cars seen.

d) Transfer of ownership of grass verges.

Document E

All members with grass verges should have received a letter from Wilkinson Maughan the Executors solicitors enclosing a document making a gift to them of their grass verge. I asked our solicitor to check that the document is satisfactory for its purpose and his advice is that it is in order and there is no point in going to the expense of a conveyance. However he stresses the importance of making certain that the area marked green on the map describes the verge correctly. Errors should be taken up with Wilkinson Maughan.

e) Improvement of footpaths.

Just after the last AGM a planning application was received for the building of a house on a vacant plot at 31, Tollgate Road. No objection was raised to the proposal except to insist that the public right of way footpath along western edge of the plot should be kept open. The County Council made enquiries and confirmed that a right of way existed and the then owners of the plot, the Executors of Lord Gort, were instructed to take appropriate action.

The result is that an all weather path two metres wide bordered by a close boarded fence is now in place.

At the last AGM I reported our proposal for an all weather path from High Hamsterley Road to the B6310 road. I am pleased to say that this work was completed a few weeks ago and your committee is now negotiating with the Training Section of the Council to improve four other paths on the Estate.

These are, the path from High Mill Road to Mill Farm Road, the path through the wood from Tollgate Road to the bus stop on the A694 road and two paths from the B6310 road to Parklands. One at the east and the other at the west end of Parklands.

It is proposed that the Parklands paths will be in the form of a sweeping curve down the slope finishing roughly parallel with the road and made up of dolomite retained by wooden steps fitted with a handrail. The other two paths will be made up of dolomite.

f) Covenants in house deeds.

We have been advised that the support of the Executors of Lord Gort is required to enforce the covenants and the Associations solicitor has been instructed to discuss this with their solicitor. The initial approach will deal specifically with the two cases where planning permission was given to build a second dwelling on the same plot.

g) Rubbish in wood at west end of Tollgate Road.

For sometime this wood has been in a disgusting state caused by members dumping rubbish of every kind. Various actions have been taken to discourage this practice, none of which have been effective. Drastic action appears to be the only thing left and arrangements have been made for the council to put up a warning notice. Anyone seen leaving rubbish will be reported to the police and will be liable, under the new litter law which comes into operation shortly, to a fine of upto £1000.

FILE

Hamsterley Mill Residents Association

Annual General Meeting Document E

8-0 pm 19 April 1994 at Ebchester Community Centre

APPROVED AT
AGM 27/4/95

J. Mungahan

MINUTES

1) Apologies for absence were received from Mrs J Turner, Mrs Low, Brian Murray and Gordon Berry.

2) Approval of minutes of AGM 1993.

Approval of the minutes was unanimous. Proposed by Mr Taylor and seconded by Mr Bell.

3) Matters arising.

a) Request for street light at the entrance to Parklands.

No further progress on extra lighting but pressure for action by the County Council is being maintained.

b) Durham County Tidy Village Competition.

We gained second place in last year's competition, in the section for Hamlets. Members are asked for their support in ensuring that we win in this year's competition. Judging will take place in May and July. A proposal that last year's certificate should be displayed at the Hamsterley Mill Garage was agreed to by the owner with considerable enthusiasm and it has been on display, in a suitable frame, since last September.

4) Roads and Footpaths.

a) Repairs to the footpath on the south side of Lintzford Road.

The reason given for only a part of the path being repaired was that this was all that the budget for that year would bear. The remainder of the work has now been completed.

b) Repairs to road name signs.

This work has been completed.

c) Sign to indicate Hamsterley Mill.

A suggestion to the Council that the Association might be prepared to pay for a sign has had the desired effect. A sign has been made and will shortly be set up at the west end of the estate near to the RAC telephone. All paid for by the Council.

Mrs Week's comment that a second sign at the east end of the estate would be helpful to people coming from Newcastle was noted.

6) Chairmans Report.

a) Replacement of handrails on the steps at the end of High Hamsterley Road.

A request to the Council for the repair of these handrails was turned down because, it was claimed, the steps had not been adopted by the Council. Strictly speaking this makes it the responsibility of Lord Gort's executors but as past experience indicates that to persue this course of action is likely to take years with the chance of success about nil, it was decided to have the work carried out at the expense of the Association. Several quotations were obtained and various designs were considered. A tubular steel construction was selected as being acceptable both from the point of view of cost and durability. The work was completed in December last year.

b) Organic Farm.

Originally planning permission for the Organic Farm was turned down by the Council and subsequently this decision was overturned by an inspector from the Ministry of the Environment. It was thought it might be useful to write to the inspector pointing out the lack of use being made of the site and the damage to the environment for no useful purpose. The reply received from the Ministry's Enforcement Support Group stated that "neither the Secretary of State nor the inspector appointed to determine the appeal has any further jurisdiction.... suggest you again approach the local council".

The Council say that they are watching the situation but there is nothing they can do if the activities on the site conform with planning permission.

Within the last few days a for sale sign has appeared. It is understood that this applies to part of the site only. It is therefore any ones guess as to whether or not the result of the sale will be favourable.

7) Neighbourhood Watch.

Ray Taylor reported as follows.

a) Twentyfive scheme.

There is now a scheme, designed to assist the police in spotting stolen cars, by which for fee of £1 stickers can be displayed on the front and rear of a car which gives the message to the police "this car may be stopped if anyone less than twentyfive years old is driving it"

b) Tracker scheme.

The Tracker scheme is now available by which an electronic device is fitted to a vehicle, in any of several concealed positions. which if it is stolen can be activated by a police radio to transmit a homing signal to guide the police to its position. The system is understood to be giving good results. I expect to have full details in the near future.