



Your Ref:
My Ref: [Redacted]
Date: 23rd March 2022

Josephine Upchurch
Definitive Map Officer
Public Rights of Way
County Hall
Durham
DH1 5UQ

BY EMAIL

Dear Josephine

Wildlife & Countryside Act 1981
Application for Definitive Map Modification Order
Alleged Public Footpath: Ladley burn, Wolsingham (3/20/152)
My Client: [Redacted] **Wolsingham, County Durham,**
DL13 [Redacted]

Thank you for consulting ourselves and our Client in respect of the above matter. In terms of a response, we should like to offer the following comments, and request that account also be taken on the matters raised in our letter to you dated 14th May 2020, a further copy of which is attached.

For the avoidance of any doubt my client objects to the application and denies the existence of any public rights over the claimed route. Any use that has taken place has been the subject of acknowledged permissions which have been published, in the public domain and available to anyone who cares to look for them. In particular these permissions have been acknowledged by local interest group the Wolsingham Wayfarers.

My client wishes to make the following comments in response to the user evidence forms that have been submitted:

Nr:	Remarks:
1	These are family members of the previous landowners, who let them (family members) walk anywhere on their land. This was just the shortest route to visit Ladley Burn from their own house (Lawsomn Field)
1	4a: This permissive sign was installed by the Wolsingham Wayfarers with permission of the previous land owners. The signs were removed (presumably by the Wolsingham Wayfarers) after my Client bought the land.

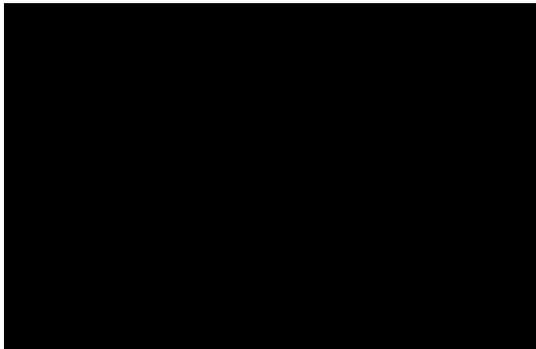
2	This witness states that they had specific permission off the previous landowners i.e. that they were "allowed" to walk the route. 5a: The old fence was replaced with standard 4 foot high stock fencing. It was a like for like replacement.
2	9: They say this path was probably used for 100 years but there is no evidence of this.
3	These are family members of the previous landowners.
4	1d: They never used the path prior to 2008 whilst having grown up in Wolsingham
5	No comment
6	1d & 4a: This sign was placed by the Wolsingham Wayfarers with permission of the previous landowners. My client removed this misleading sign as soon as he discovered it
7	Map is completely incorrect shows this person doesn't know the path.
8	1b: It has never been a public right of way. The fact that they don't know if the ladder stile is still there suggests they don't use the path at all.
9	4a: This sign was placed by the Wolsingham Wayfarers with permission of the previous landowners. My client removed this misleading sign as soon as he discovered it
10	No comment
11	1d: They state that the previous owners "allowed" them to walk the path, thus suggesting permission
12	No comment
13	These are the previous landowners who walked their own land. These same previous landowners did not declare that there was a path on the Property Enquiries section when we purchased the land.
14	No comment
15	There is no evidence on any map that this route was a PRow. There has been a golf course a long time ago but this was a private course, not for the general public.
16	This again is the previous landowner. The local parish council would never put up stiles or steps without the landowner's permission.
17	There is no map evidence. The attached map doesn't even show the correct area.
18	No comment
19	This is a previous tennant farmer of the land
20	This is a family member of the previous owners. They actually state in section 2 that it was permissive and that they knew this was the case. They cannot state that this path was a PRow as it never has been so.
21	This is the previous landowner.
22	It has never been used by horses ever.
23	One does not cross the path at all from Ladley to Wolsingham
24	No comment
25	No comment
26	This is a previous tenant farmer
27	No comment

28	This is a duplicate of nr 2
29	No comment
30	The Wolsingham Wayfares confirmed they always knew this was a permissive path when they thanked the previous landowners after the sale for giving their permission to use the path. This route was not on the Wolsingham Wayfarers map with the local walking routes.
31	No comment

Taking all matters into consideration, it is clear that quite a number of the witnesses, who allege use of the claimed route had a connection with the owners or occupiers of the land and therefore their use cannot be considered to be either “by the public” or indeed “as of right”. Furthermore, anyone with a connection to, or an interest in, the Wolsingham Wayfarers group would have clearly been made aware that use of the route was with the permission of the previous landowners/occupiers and as such their use is not of a nature which may be considered to be “as of right”.

We trust that the above is of assistance in your deliberations.

Yours sincerely



 FIPROW
Principal Consultant



Your Ref:

My Ref: [REDACTED]

Date: 14th May 2020

Josephine Upchurch
Definitive Map Officer
Public Rights of Way
County Hall
Durham
DH1 5UQ

BY EMAIL

Dear Josephine

Re: Permissive Path Running between Wolsingham Footpaths 81 & 87 to the north of Thornhope Beck and north of Leazes Farm, Wolsingham

My Client: [REDACTED] Wolsingham, County Durham, DL13 [REDACTED]

Robin Carr Associates is currently in the process of assisting [REDACTED] with a number of public rights of way related issues on his land at Wolsingham. He has recently passed me your email dated 12th May 2020 (07:54 Hrs) regarding the above and he has asked me to respond.

It is my understanding that the issue of the status of a path running between Wolsingham Footpaths 81 & 87 to the north of Thornhope Beck and north of Leazes Farm and shown approximately by a broken black line on the attached plan. It is my Client's understanding and belief that this route is not a public right of way, and that all and any use has been in the exercise of permissions granted by the former landowner, and in part extended by himself. It is further my Client's belief that this path has the reputation of being permissive in its nature.

In your email, you have requested further information regarding the evidence that my Client has, so far, obtained which confirms that the permissive nature of the path is a matter of public knowledge, and certainly in the public domain.

The minutes of the Wolsingham Parish Council are in the public domain, open to public inspection and are likely to be the subject of local public knowledge. The minutes of their meeting in June 2016 (attached), at page 4, discuss footpaths and a scheme undertaken by the Weardale Area Action Partnership. Within this entry the Parish Council were asked to write to Ken Steel (the former landowner) to thank him regarding the permissive footpath. This clearly indicates, within the public arena, that the route was known to be subject to a permission, and therefore any use was not of a nature that can be considered to be "as of right".

Principal: [REDACTED]

The Wolsingham Wayfarers are a registered charity, founded in 1993, to look after and promote the 140 miles of designated footpaths in the Parish of Wolsingham and Thornley. They are a voluntary organisation, staffed by local people with a direct interest in the Wolsingham area. They work closely with local landowners, the parish council and the county council.

The attached notes are published on the Wolsingham Wayfarers' website (<http://www.wolsinghamwayfarers.co.uk/wayfaring-news>) and includes a summary of work undertaken by local volunteers on paths in the area in 2015/16. This includes (at page 2) reference to works being undertaken on the permissive path. This information is again in the public domain and available to anyone with an interest.

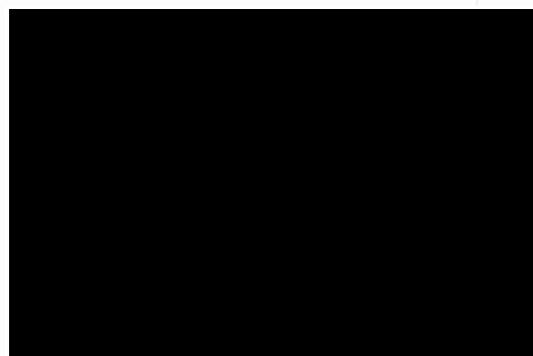
These two documents, taken together, clearly indicate that the Parish Council, and anyone attending their meetings would be aware of the permissive nature of the path. It also indicates that members of the staff and volunteers of the Wolsingham Wayfarers were also aware of the permissive nature of the path. Furthermore, both organisations have published information which clearly identifies that fact that use of this path is subject to the permission of the landowner.

In addition to the above, you may also be aware that my Client has recently made depositions pursuant to Section 31(6) of the Highways Act 1980, and will be following this up with the requires declarations shortly.

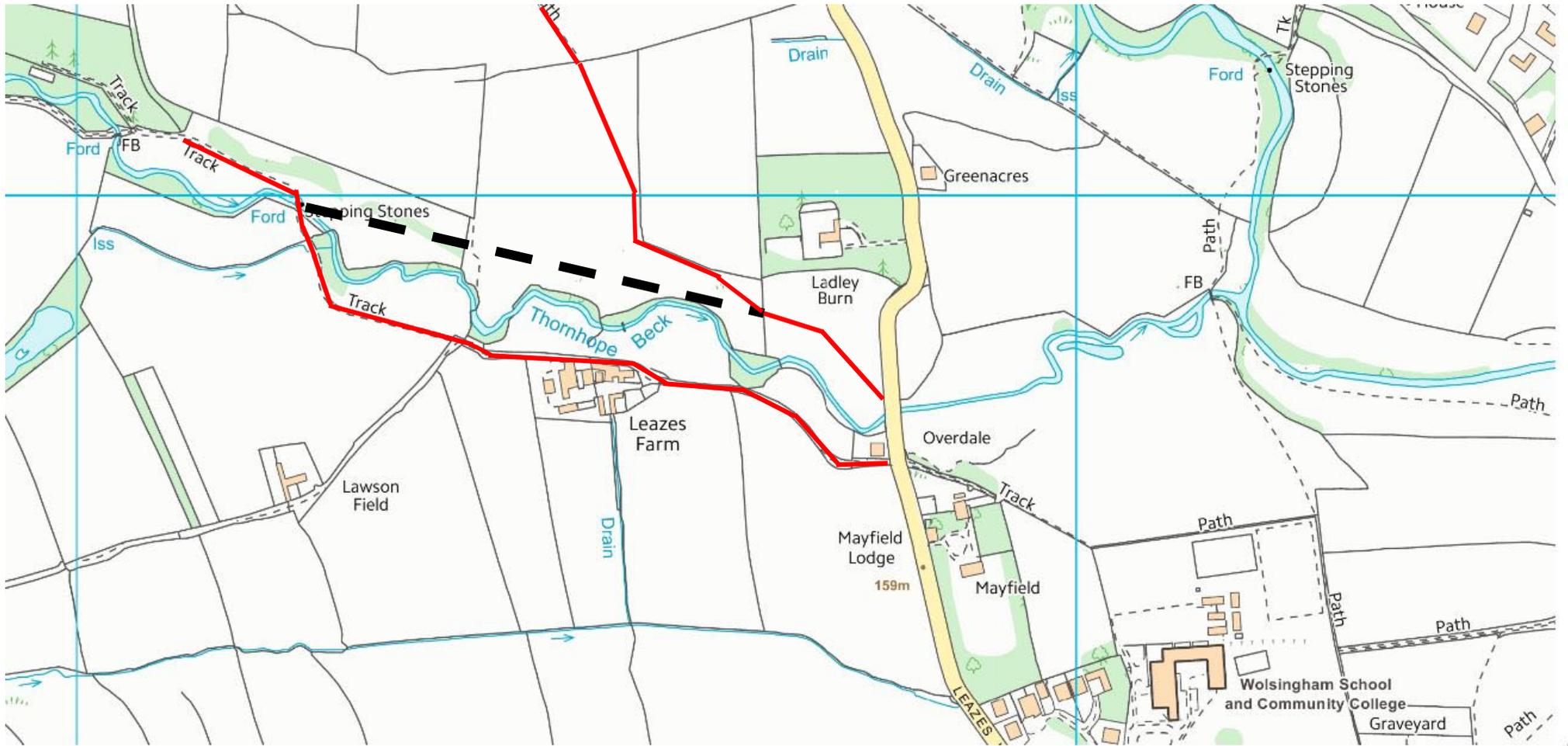
If necessary, we will also seek to collect the confirmed witness testimony of local people and path users who are aware of the permissive nature of the footpath and its local reputation as such.

I trust that the above information helps to clarify my Client's position, however, if I can be of further assistance, please do not hesitate to contact me

Yours sincerely



FIPROW
Principal Consultant



Permissive Footpath North of Leazes Farm, Wolsingham

Permissive Path: **— — — — —**

Definitive Footpaths: **—————**

Wolsingham Parish Council

Minutes JUNE 2016

WOLSINGHAM PARISH COUNCIL

MINUTES OF MEETING HELD

TUESDAY 14TH JUNE 2016

6.30 PM

TOWN HALL, WOLSINGHAM

PRESENT: Chair D. Sugden, Mrs. J. Henderson, , Mrs. A. Savory, G. Price

M/s L Richardson, M. Bell , J. Wilson, D.C. Pattison, Mrs. A. Nelson, Mrs M. Epsly

Public : None

1. **APOLOGIES FOR ABSENCE: D.C. Pattison**
2. **DECLARATIONS OF INTEREST: None**
3. **POLICE REPORT:** No police in attendance , no report to hand. Agreed to write to Police & Crime Commissioner Ron Hogg
4. **MINUTES OF MEETING HELD 10TH MAY 2016** , agreed as a true record and signed as such.
5. **MATTERS ARISING** : Street Lighting Golden Lion Lane to be installed w/ c 13th June
6. **MINUTES OF ANNUAL MEETING HELD 10TH MAY 2016** agreed as a true record and signed as such
7. **MATTERS ARISING :None**
8. **CORRESPONDENCE:** Holy Well Mrs. V. Welsh re : information board , letter attached, agreed to have costed and consider at the Budget proposals for 2017/18

Website Yasmin Hamid environmental concerns letter attached, a suitable response will be made to points of concern. It was agreed to plant some wild flower seeds where the blackthorn was and the new plantation when practical.

Durham Constabulary re Willows Playground, this course of action has not been discussed with any parish councillors as intimated and was not an acceptable outcome. Clerk to write to RSPCA to ascertain what legislation they refer to for nesting ducks , grass , undergrowth not to

be cut between 21st February & 31st August and no herbicides to be used. The Willows Park is not owned by Wolsingham Parish Council, but Durham County Council, but it is classed as a Filed In Trust and will always be a play park.

1. **RECREATION GROUND:** Outdoor Gym work to commence 13th June, contractors were on site early Monday morning and work was progressing well.

Beamish Rally 19th June request to use car park am., agreed

Northumbria Long Distance Walkers use of car park Saturday 25th June. Agreed for use of car park., fee of £2 to be paid by all using the car park.

Playground Inspection Report, nothing major to deal with, Simon Makepeace to be given copy of report so that any remedial works can be carried out. The wooden trim trail was showing signs of rot and ageing and may well be in need of replacement. Also, the record combination play apparatus was nearing its, end of life and may also need to be replaced.

1. **ST. ANNE'S CENTRE:**
2. **BOWLING GREEN :**
3. **ALLOTMENTS:** Mrs. V. Routledge requests a waiving of charge this year, hedge not cut, when cut debris on plot. Not agreed to waiving of charge.

A request had been made to have another skip at the allotments to remove debris & rubbish, Not agreed to, however if allotment holders were willing to pay for the skip hire, they could have a skip.

1. **TOWN HALL:** Clock Smith's of Derby report, was just to hand, pass on to insurers and depending on what the outcome is with the insurance claim, as to whether a new clock is purchased.

Windows Quotations, Four contractors had responded, these were marked randomly as ABC & D and opened.,

Agreed to accept the quotation from Moorview Windows and to with hold a 10% retention fee until work is satisfactorily carried out.

1. **MARKET PLACE:** Cycle racks, Two had been affixed, , awaiting final two to be affixed.

A meeting with the fair ground operators to be arranged.

Town Hall Clock, a report given by Smiths of Derby was to hand with the estimates for repair and renewal. When the insurance claim has been processed a decision to be taken on repair /renewal.

1. **ANGATE STREET TOILETS :**
2. **DEMESNE MILL:** Agreed to look at closing the barrier when Appleby Horse Fair is on next year.

3. **THORNLEY WOOD** Durham Wildlife Trust Plan , awaiting quotations for fencing and gates, before fencing commences a meeting with the adjoining landowner to be arranged. Also to look at provision of car park spaces. Future management costs to be reviewed at budget setting in September.

Weardale Area Action Partnership would help support the scheme under their tourism role.

1. **FOOTPATHS** Wolsingham Wayfareres had held their AGM, and they had a very successful year and other groups in Weardale were keen in using Wolsingham as a role model. The leaflets had been very popular and another print was planned.. Two walks per month are now well supported on Thursday and Saturday , the second week of the month. Lots of way-marking had taken place and the Parish Council were asked to write to Ken Steel on the permissive footpath which crosses the Thornhope beck. The Parish Council wished to place on record the sterling work that had been undertaken over the years and congratulated them.

The "dog" bin had been set on fire at Lydgate Avenue, and needed replacing.

1. **CLOSED CHURCHYARD:**
2. **NEWSLETTER mention community mini bus, willows play park, town hall windows and clock.**
3. **CLERKS BUSINESS:** Annual leave agreed to.

22.PLANNING: DM/16/03797/FPA Egg Production Unit Pole Tree Farm case officer Tim Burnham spoken to , not yet in a position to set a committee meeting, they want the right decision taken on the relevant information to hand.

Design & Conservation Advice, not in favour of current application.

Freedom Food support the application Agreed to write to Stuart Timmis on the matter so that it is resolved.

22.1 The following applications have been approved:

DM/16/01157/FPA Kings Head Cottage, 3, Angate St. change of use two ground floor rooms nail salon

DM/16/01158/AD Kings Head Cottage , 3, Angate St, advertisement consent for 1 fascia sign & 1 hanging sign

DM/16/00778/FPA Green Towers , change of use of garage block to create additional care accommodation(use Class2)

DM/16/00727/FPA Redgate Grange Farm, single storey side extension

DM/15/03477/FPA site of former Sandy Carr Quarry, erection of storage building and temporary use of land for storage of plant and machinery

DM/16/01281/FPA 50, Lydgate Lane, two storey side and single storey rear extension

DM/16/00002/VOC Chapel Walls , Uppertown , amendment to house design, plot 1

22.2 The following application has been withdrawn

DM/16/00031/FPA Land East of Wolsingham Ind. Est. erection of 4 dwellings with access road.

22.3 The following applications have been notified

DM/16/01651/FPA 13, Rectory Lane, erection of detached garage/store/workshop

DM/16/00639/FPA Deneside Lodge Park, installation of decking, storage buildings, paving and raised flower beds at pitches 4,6,7,8,14,16, & 17

DM/16/01690/FPA 46, Front St. single storey rear extension

DM/16/01716/FPA 38, East End, single storey extension to rear

1. **FINANCE** : Finance report to end May 2016, read and accepted.

1. Auditors Report 2015/2016 to be considered at Finance meeting 6th September.

2. Annual Governance Report, agreed and signed

3. Annual Return agreed and signed ready for despatch, for the due date.

To consider such other items of business which, by reason of special circumstances so specified, the Chairman of the meeting is of the opinion should be considered as a matter of urgency.

Wolsingham Parish Council
Town Hall
Wolsingham
Bishop Auckland
Durham
DL13 3AF

[Privacy Policy \(/community/wolsingham-parish-council-7857/privacy-policy/\)](/community/wolsingham-parish-council-7857/privacy-policy/)

The Wolsingham Wayfarers

Maintenance of Public Rights of Way in the Parish of Wolsingham and Thornley January 2015 - January 2016

The Wolsingham Wayfarers monitor and help to maintain the 140 miles of footpaths in this Parish. Working in close collaboration with the landowners and Durham County Council we notify and consult with the relevant bodies, and expedite repairs wherever possible.

Over recent years, financial restrictions have curtailed some of our ambitions, and the retirement of Elaine Crow has meant that there are fewer members of staff in the DCC Rights of Way team. Nevertheless, we are proud of the contribution we have made. The table below shows some of the work carried out over the past twelve months.

We would like to thank all the landowners who maintain the Public Rights of Way on their land, making the path network in Wolsingham one of the best in the country (well we think so!).

Special thanks to Nick Howell DCC Rights of Way Officer, Ken Steel, James Fenwick, Peter and Linda O'Shea, Carol and John Oulton, Philip Walker, Malcolm Jobling, William Wilson, John Spedding, Anthony Watson, and all the other landowners who have carried out repairs or allowed us to carry out footpath works on their land.

Repairs identified	Outcome
Stile on FP 97 leading from Newlands Farm onto A689 opposite Half-Way House	New stile installed
Assist Wolsingham PC planting trees at Demesne Mill	Completed
Miles of Stiles: FP 196 broken handposts and one side of stile inaccessible because step too high	Stile 1: new step and handpost installed Stile 2: New handpost
Missing crossbeams on ladder stile at junction of FPs 129/148 leading to Black Banks	Stile repaired and waymarked

Repairs identified	Outcome
Thornley Road FP 33/34/35 2 broken stiles	Stiles repaired
North Moor FP 41/42/43 2 broken stiles	Stiles and handrails repaired
Permissive path leading to Ladley Burn: broken handpost	Handpost repaired
FP 155 to Tow Law at side of sewage works- overgrown and inaccessible	DCC - work party to clear this spring
Tree ingress on Lover's Lane making access impossible for pushchairs and wheelchairs	DCC to repair - possibly February half-term 2016
Black Banks tree felling resulted in loss of all waymarkers for FP	Waymarkers and posts installed
Missing fingerposts throughout Wolsingham village	Approximately 12 replaced
FP25 Ditch across the path below Greenwell Farm	Ditch bridged for walkers
FP125 riverside, leading to Black Banks plantation	DCC - work party to clear this spring
Significant erosion to the riverbank at Holebeck on FP 98	Ongoing discussion with landowners / Railway and DCC. No likelihood of this being re-opened in the near future and no permission given by landowner to use the cart track to the south of the touring site. Alternative route will be 105
Waymarking throughout the Parish	On going. Approximately 100 replaced this year