

Mr Nick Howell  
Rights of Way Officer  
Access & Rights of Way Team  
Durham County Council  
County Hall  
Durham  
DH1 5UQ

Our ref: [REDACTED] - Windyside

Your ref:

Date: 1<sup>st</sup> August 2019

Dear Nick,

**DMMO APPLICATION**  
**WINDYSIDE MOOR ALLEGED PUBLIC BRIDLE ROAD**  
**MY CLIENT: MR [REDACTED]**

I write in relation to an application I have received, addressed to my client, Mr [REDACTED] to modify the Durham Definitive Maps to include a bridleway over the land shown on the attached plan as **Appendix 1**. The proposed route is shown on this plan.

I note that supporting information has been submitted in the form of the Weardale Inclosure Act 1799 and associated Award and Plan, as well as an OS plan dated 1895.

I appreciate that the Inclosure Award seems to suggest a bridleway across the route shown, however as I'm sure you are aware the correct interpretation of the Inclosure Awards is difficult and often cannot be a certainty without other supporting information. I would have expected to see Tithe maps, Finance Act documents etc submitted as well to support the application.

I am advised by my client that his Grandfather had this alleged bridleway stopped up in approximately the 1970's to 1980's. Unfortunately, my client holds no documentation in relation to this and my client's Grandfather is now deceased. Neighbouring landowners also recall the stopping up of a bridleway across this land. You will be aware that we have had a phone conversation during which you were to see if Durham County Council had any records confirming the legal stopping up of the right of way, although I appreciate that you advise that historic record keeping by Durham County Council has been poor up until recent times.

I cannot agree or support the application that has been put forward for the creation of a public bridleway along the route alleged in the Definitive Map modification application. My clients strongly oppose the application.

There are extremely old stone walls blocking off this route in numerous places, and I can see no evidence of any form of a historic bridleway in any case. The creation of a bridleway along

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the length of the proposed route would have a harmful effect on the boundary features and the character of the land in my opinion.

There are numerous public bridleways in very close proximity to the alleged route and it seems to me to be unnecessary to create further rights that are not adequately shown to exist, nor would do I think it would bring significant benefit to the equestrian community, given the numerous lengths of other bridleways that are in existence in the locality.

If Durham County Council hold evidence that the bridleway was not stopped up I would be grateful if you could please let me know. I am of the opinion that as the stopping up of a public right of way is a legal matter, the onus to maintain adequate records of such is on the Local Authority and it does not seem fair that my client suffers as a result of these records potentially being lost due to historic poor record keeping by the Council.

I trust you find this all to be in order but should you have any queries please do not hesitate to contact me.

Yours sincerely



Robert Jauneika MRICS FAAV  
Chartered Surveyor



.uk

*Enc: Plan*

# APPENDIX 1 – PLAN SHOWING ALLEGED BRIDLEWAY ROUTE

