

Ms J Upchurch
Rights of Way Officer
Access & Rights of Way Team
Durham County Council
County Hall
Durham
DH1 5UQ

Our ref: [REDACTED]

Your ref:

Date: 19th October 2022

Dear Josephine,

MY CLIENT: MR [REDACTED]
DMMO APPLICATION - [REDACTED]

I write in relation to the above application for a Definitive Map Modification Order that my client, Mr [REDACTED] of [REDACTED] [REDACTED] [REDACTED] has received in relation to an alleged public bridleway that crosses his farm, across Windyside Moor.

I enclose responses to all of the evidence that has been put forward in relation to the alleged bridleway.

In summary, as you will see from the responses contained in the attached schedule, we are of the strong opinion that there is not sufficient evidence to determine that there is a public bridleway along the route shown in the DMMO application, nor is there sufficient evidence that the route has been a designated public bridleway in the past.

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

[REDACTED]
Robert Jauneika MRICS FAAV
Associate
Chartered Surveyor & RICS Registered Valuer

[REDACTED] uk
Enc: Responses to Evidence

PROPERTY | RURAL | DEVELOPMENT | ENVIRONMENT

H&H Land & Estates Limited

[REDACTED]
e: durham@hhlandestates.co.uk

hhlandestates.co.uk



RESPONSE TO EVIDENCE AND OBJECTION RELATING TO ALLEDGED PUBLIC BRIDLEWAY AT WINDYSIDE MOOR.



Prepared By: Robert Jauneika MRICS FAAV
on behalf of Mr. [REDACTED]

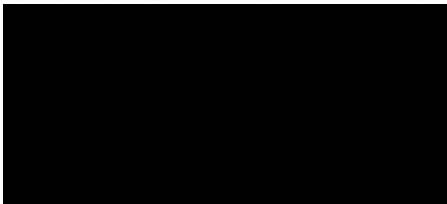
Evidence	Comment
<p>1 – 1799 Weardale Inclosure ACT Extracts from Durham Record Office (DRO) DCG 13/492</p>	<p>This submission contains no evidence that suggests an existing public bridleway/right of way along the route.</p> <p>There are no maps contained in this section of the bundle of evidence that show the location of any proposed public rights of way, historical or otherwise.</p> <p>We do not accept there is sufficient evidence here to justify modifying the Definitive Map.</p>
<p>2 – 1895 OS Revised 1st Edition 1:2,500 (25") extract from www.old-maps.co.uk and Area Book (DRO) D/CG13/322</p>	<p>This submission contains no evidence that suggests an existing public bridleway/right of way along the route. The plan accompanying the extract has been modified with arrows and points added.</p> <p>This map is actually evidence that there are no public bridleways/rights of way along the alleged route. Given the date of this map (being 1895), we would have expected to see any existing bridleways shown on this historic map, if they existed.</p> <p>We therefore do not accept that this element of the bundle of evidence provides any sufficient evidence to justify modifying the Definitive Map and further provides evidence to prove there should not be public bridle way added along the alleged route.</p>
<p>3 – 1815 Weardale Inclosure Windyside Moor Public Bridle Road Award Original and Plan PAL 1_3_2 IX</p>	<p>We accept that at face value, the plan provided appears to show a form of road/track along the alleged route.</p> <p>However, the road and labels has been hand drawn on and we cannot comment on the authenticity of this plan. We would require to see original copies before providing further comment.</p> <p>Subsequent historical plans do not include any reference to a bridleway here, and as such it is possible any historical right of way that may have existed has been extinguished.</p> <p>We therefore cannot rely on this plan to comfortably ascertain that a public right of way exists along the alleged route.</p>
<p>4 – Current day Map of North Grain Public Bridle Road, Chapel Pasture Public Bridle Road and Windyside Moor</p>	<p>This submission contains no evidence that suggests an existing public bridleway/right of way along the route.</p> <p>This map is simply a blank copy of modern day OS mapping, that has been annotated (presumably by the Applicant) and holds no evidential value.</p>

5 - Photographic Evidence Windyside Moor Public Bridle Road	<p>This submission contains no evidence that suggests an existing public bridleway/right of way along the route.</p> <p>These show the current use of the site, which is not a used bridleway and are in any case irrelevant from an evidence point of view for this purpose.</p>
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Conclusion

Taking all evidence provided into account, we do not consider that there is sufficient evidence to agree that there is a public right of way along the alleged route. The evidence provided is vague at best, and irrelevant at worst.

The creation of a new public right of way will lead to significant detriment to the landowner and without firm evidence that a right of way does exist (which we do not consider there is), we cannot agree to the inclusion of the alleged public right of way in the Definitive Map, and it would be unequitable to the Landowner to do so on the basis of the supplied evidence.



Robert Jauneika MRICS FAAV

Associate
Chartered Surveyor & RICS Registered Valuer



From: [REDACTED] com
Sent: 26 October 2022 21:06
To: Josephine Upchurch
Subject: RE: [EXTERNAL]:Bridle Ways - St Johns Chapel

Follow Up Flag: [REDACTED]
Flag Status: [REDACTED]

Dear Josephine

Following the Stanhope Parish Council meeting I have been asked to send the comments from the councillors.

The councillors wish to object to all three applications that have been sent.

Concerns are raised about 4x4 vehicles and motorbikes also using these possible routes.

If the fields have cows and young calves in it can be dangerous as cows are very protective and there have been many cases where peoples lives have been lost.

Gates could be left open or accidentally left open causing much work for the landowner/farmer sorting stock out.

Have the routes actually been walked as some of the ground is unsuitable for horses.

The ground behind Pinfold Farm, St Johns Chapel has a beck to cross with a deep gutter so is very unsuitable.

The councillors do not see the point of advertising new routes when there are plenty of existing routes that need maintaining.

Kind regards

[REDACTED]
Clerk to the Parish Council

From: Josephine Upchurch <josephine.upchurch@durham.gov.uk>
Sent: 17 October 2022 09:47
To: [REDACTED] com
Subject: RE: [EXTERNAL]:Bridle Ways - St Johns Chapel

Dear Ms [REDACTED]