

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Highways Committee** held in Committee Room 2, County Hall, Durham on **Tuesday 26 September 2023 at 9.30 am**

### **Present:**

**Councillor R Ormerod (Chair)**

### **Members of the Committee:**

Councillors G Hutchinson (Vice-Chair), C Kay, R Manchester, I Roberts, K Robson, A Simpson, M Wilson, D Wood, C Hunt (Substitute) and P Jopling (Substitute)

### **1 Apologies for Absence**

Apologies for absence were received from Councillors I Cochrane, E Mavin, D Oliver, G Smith and F Tinsley

### **2 Substitute Members**

Councillor C Hunt was present as substitute for Councillor A Sterling.  
Councillor P Jopling was present as substitute for Councillor J Howey

### **3 Declarations of Interest, if any**

There were no declarations of interest.

### **4 Minutes**

The minutes of the meeting held on 17 July 2023 were confirmed as a correct record and signed by the Chair

### **5 Definitive Map Modification Application to record, West Lonning Private Carriage Road (PRoW 10) from Waldrige Lane to PRoW 11, Chester-le-Street as a Public Bridleway**

The Committee received a report of the Corporate Director of Neighbourhoods and Climate Change to consider all relevant evidence gathered in support of an application to modify the Definitive Map and Statement of Public Rights of Way by upgrading public footpath number 10, Chester-le-Street (for copy see file of Minutes.

The Definitive Map Officer provided a detailed presentation which included application evidence, site location plans and route photographs to supplement the application and historic maps of the area. Within the report she referred to the evidence in support of the Right of Way which was based on historical documentary evidence. The application route, at point A on the route location map, connected to a public highway, Waldrige Lane (grid reference 389554.536399) and to Public Footpath 11 at point B (currently a public footpath).

The Definitive Map Officer explained that should the upgrade be agreed, point B would terminate on a Public Footpath, making it a cul-de-sac public bridleway. However, the other definitive map modification order application on the agenda, Waldrige Fell Waggon Way Public Bridleway, which, if agreed would result in a Public Bridleway network that connected to public highways of a higher legal status.

An amendment was highlighted within the report that the application had been received in March 2020, and not July 2019.

No objections were received as a result of the consultations. One letter of support was submitted.

Councillor Kay **Moved** that the recommendation be agreed. This was **Seconded** by Councillor Wood.

## **Resolved**

- i. to make a Definitive Map Modification Order to amend the Definitive Map and Statement by way of upgrading Public Right of Way 10 to a public bridleway shown A-B on Document A under section 53(3)(c)(ii) of the Wildlife and Countryside Act 1981.
- ii. that the Definitive Map Modification Order will be referred to the Secretary of State for determination in the event objections are made or confirmed as an unopposed order should no such relevant objections be received, be noted.

## **6 Definitive Map Modification Application to record, Waldrige Fell Waggon Way Public Bridle Road- Waldrige, Edmondsley and Chester-le-Street as a Public Bridleway**

The Committee received a report of the Corporate Director of Neighbourhoods and Climate Change to consider all relevant evidence gathered in support of an application to modify the Definitive Map and Statement of Public Rights of Way by; upgrading Public Footpaths, or sections of, 11, 24 and 22, and by adding a section (currently permissive footpath) to a Public Bridleway (for copy see file of Minutes).

The Definitive Map Officer provided a detailed presentation which included application evidence, site location plans and route photographs to supplement the application, historic maps of the area. Within the report she referred to the evidence in support of the Right of Way which was based on historical documentary evidence.

The Definitive Map Officer explained that the application route, at point A on the route location map, connected to a public highway, Byway Open to All Traffic 11, in Chester-Le-Street (grid reference 425255.551301). The route terminated at point B on Document A where it connected to another public highway, Waldrige Road (C2) (grid reference 425056.550151). Three letters of support had been received and there had been no objections.

The legal officer provided a correction to the report that Paragraphs 4, 40 & 46 of the report referred to the statutory test in Section 53(3)(c)(ii) of the Wildlife and Countryside Act 1981, however they should have also referred to the test in Section 53(3)(c)(i). The former related to the parts of the route subject of the modification application which were currently recorded on the Definitive Map and Statement as footpaths and the latter related to the part which was unrecorded. The C(ii) test was that a highway shown on the Definitive Map and Statement as a highway of a particular description ought to be shown as a highway of a different description and the C(i) test was that a Right of Way which was not shown on the Definitive Map and Statement subsists or was reasonably alleged to subsist.

The conclusion and recommendation of the report had remained unchanged and the application had met both tests and the legal officer advised Members to apply this additional statutory test.

*Councillor Robson entered at 9:39am*

Councillor Simpson **Moved** the recommendation and this was **Seconded** by Councillor Hunt.

## **Resolved**

- i. to make a Definitive Map Modification Order to modify the Definitive Map and Statement by way of upgrading Public Footpaths, or sections of, 11, 24 and 22 and adding a section (currently permissive footpath) of Public Bridleway between Public Footpaths 24 and 22 shown A-B on Document A under section 53(3)(c)(ii) of the Wildlife and Countryside Act 1981.
- ii. the Definitive Map Modification Order will be referred to the Secretary of State for determination in the event objections are made or confirmed as an unopposed order should no such relevant objections be received, be noted.

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