

DURHAM COUNTY COUNCIL

**At a Meeting of the Highways Committee held at the Community Centre,
Lanchester on Monday 22 November 2010 at 11am**

Present:

Councillor G Bleasdale

Chair

Members of the Committee:

Councillors Arthur, Hancock, Hugill, Naylor, Todd, Tomlinson, Wright and R Young

Officers:

A Christie (Public Rights of Way Officer), C Freeman (Legal Adviser), Kevin Telford (Countryside Management Assistant), Kirsty Ward (Definitive Map Assistant) and D Roberts (Democratic Services)

Apologies:

Apologies for absence were received from Councillors A Bainbridge, D Marshall, Maslin, Morgan, J Robinson, Shiell, Stradling, L Thomson and Woods.

Also present: Councillor O Johnson (local member), Mr D Reid (in support) and Mr Wright (landowner/objector), together with a number of members of the public.

A1 Declarations of Interest

There were no declarations of interest.

A2 Definitive Map of Public Rights of Way : Applications to register a public footpath and bridleway at Burnhope

The Chair noted that, prior to the meeting, members had met on site and had an opportunity to view and walk the existing footpath (Burnhope public footpath 38) and the application route.

The Committee proceeded to consider the report of the Corporate Director, Regeneration and Economic Development and the Head of Legal & Democratic Services regarding applications to register a public footpath and bridleway at Burnhope.

The Legal Adviser explained the legal framework for consideration of the applications and noted the options with regard to making a decision in each case; she also outlined the procedure that would be followed if the Committee resolved that a Modification Order should be made.

The Countryside Management Officer then reviewed the evidence that had been supplied by users of the route, together with the objections that had been lodged, and outlined the reasons for the officers' recommendations, as detailed in section 6 of the report. It was noted that officers had concluded that, whilst there was sufficient evidence for a presumption of dedication of a public footpath between points A and B on the plan attached to the report (Document A), there was insufficient evidence for

the establishment of a public bridleway along the same route and continuing on to the junction with Bridleway 23 (points A to C on the plan). She reported that four letters had been received that day from people claiming that they had used the route on horseback but she noted that their evidence related to more recent times rather than pre-1965.

The Committee was addressed by Mr D Reid, in support of the footpath application; he stated that a key point was that there was evidence of the path being used between 1965 and 1985, i.e that the path was in use almost half a century ago. He believed that there would be a lot more evidence of use if the period since 1985 could also be taken into account. He emphasised that the path was very important to the people of Burnhope and asked that the Committee recognise this when coming to a decision.

Mr Wright, landowner and objector, also addressed the Committee; he indicated that he would prefer to see the current informal arrangement continue – people were not prevented from using the path and so he saw no need for a Modification Order.

Members then had an opportunity to comment on the applications and ask questions of officers. Members sought clarification as to future maintenance of the route, and any health and safety implications of the making of a Modification Order. The Legal Adviser confirmed that the County Council could, as landowner, permit horseriders to use the route marked B to C on the map attached to the report.

RESOLVED:

That a Modification Order be made under the terms of the Wildlife and Countryside Act 1981 to record in the Definitive Map and Statement a public footpath along the 2010 application route (Points A to B on the plan attached to the report as Document A).

The meeting closed at 11.30am

CHAIR