

RIGHTS OF WAY COMMITTEE AGENDA

Monday, 6 November 2017 at 4.30 pm in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
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1	Apologies for Absence
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2	Minutes (Pages 3 - 8)
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The committee is asked to approve the minutes of the previous meeting held on xxxxxx

3	Public Path Creation Order to Create a Bridleway at Burnhills, Gateshead (Pages 9 - 14)
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Report of the Strategic Director, Communities and Environment (attached).

4	Proposed Dedication of Bridleway Whickham 220 from Lobley Hill Road to Staithes Road, Gateshead (Pages 15 - 20)
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Report of the Strategic Director Communities and Environment (attached).

5	Progress on Rights of Way Matters (Pages 21 - 24)
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Report of the Strategic Director, Corporate Services and Governance and the Strategic Director, Communities and Environment

Contact: Sonia Stewart, email: soniastewart@gateshead.gov.uk, Tel: 0191 433 3045,
Date: Monday, 30 October 2017

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GATESHEAD METROPOLITAN BOROUGH COUNCIL

RIGHTS OF WAY COMMITTEE MEETING

Friday, 28 July 2017

PRESENT: Councillor K Wood (Chair)

Councillor(s): C Bradley, J Turnbull and A Wheeler

APOLOGIES: Councillor(s): A Geddes, M Ord and D Bradford

RW15 CONSTITUTION

RESOLVED - That the constitution for the Committee for the 2017/18 Municipal Year be noted.

RW16 MINUTES

RESOLVED - That the minutes of the meeting held on 28 March 2017 be agreed as a correct record and signed by the Chair.

RW17 DEDICATION OF BRIDLEWAY WHICKHAM 23 AT DERWENT WALK COUNTRY PARK, WHICKHAM, GATESHEAD.

RESOLVED - (i) that a Deed of Dedication be made on Council owned land to dedicate Bridleway Whickham 23 at Derwent Walk Country Park, Whickham, Gateshead as shown on the plan attached as an appendix to this minute from Point A to B to C to D.
(ii) that the Strategic Director, Corporate Services and Governance be authorised to undertake the following:

(a) To complete and publicise a deed of dedication to dedicate Bridleway Whickham 23 as shown with a broken black line from Point A to B to C to Point D on the attached plan attached as an appendix to this minute.

RW18 MAINTENANCE BUDGET FOR GATESHEAD RIGHTS OF WAY NETWORK

The Committee were presented with a report to update the Committee on the current position with the Rights of Way maintenance budget.

In 2008 the Rights of Way maintenance budget was transferred to, the then named Local Environmental Services. The improvement budget is supported by capital funding from the Tyne and Wear Local Transport Plan whilst the maintenance budget is supported by revenue funding.

Following several years of internal discussion the decision was made to return the

Rights of Way maintenance budget to Transport Strategy in April 2017 and managed by the Right of Way Officer.

For the financial year of 2017/2018 the rights of way improvement budget is £80,000 and the rights of way maintenance budget is around £42,000 (£22,000 of which is allocated to the annual strimming programme). The improvement budget is used for capital funded projects on the rights of way whilst the revenue funded maintenance budget is used for day to day expenditure on the rights of way network.

RESOLVED - That the information contained within the report be noted.

RW19 PROGRESS ON RIGHTS OF WAY MATTERS

The Committee received a report to provide an update on Completed Matters and Principal Works carried out in regard to the Rights of Way Network.

In terms of completed matters with regards to the extinguishment order for Footpath 14 and 15, the matter was sent to the Secretary of State for confirmation as there was an outstanding objection. The Secretary of State has appointed an inspector and the inspector has determined to confirm the extinguishment of Footpath Felling 14 but not Footpath Felling 15 because the public may still use it.

Principal works have been carried out in the following areas.

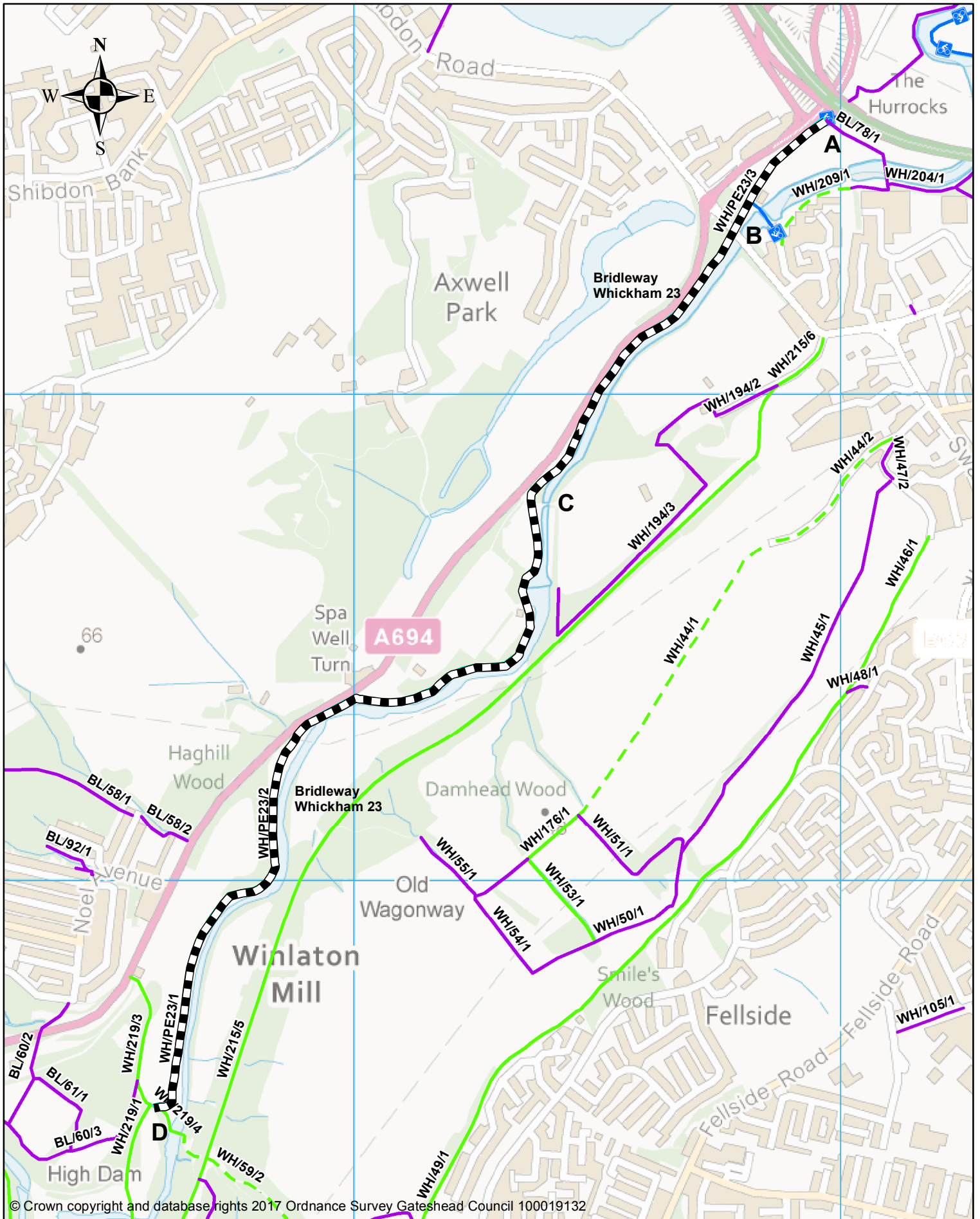
- Section of Footpath Blaydon 11 – Milkwellburn Wood, Blackhall Mill
- New bridleway creation, Milkwellburn Wood, Blackhall Mill
- Footpaths Ryton 41, 49 and 50 – Jacky's Plantation, Greenside

The Committee were advised that the Annual Strimming Programme is also underway.

RESOLVED - That the information contained within the report be noted.

Chair.....

Date of Committee: 28 July 2016	
Proposal:	
Authority is sought for the Dedication of Bridleway Whickham 23 at Derwent Walk Country Park, Whickham, Gateshead	
Declarations of Interest:	
Name	Nature of Interest
None	None
List of speakers and details of any additional information submitted:	
Decision(s) and any conditions attached	
<ul style="list-style-type: none"> (i) That a deed of dedication be made on Council owned land to dedicate Bridleway Whickham 23 at Derwent Walk Country Park, Whickham, Gateshead, as shown with a broken black line on the plan attached from Point A to B to C to D. (ii) That the Strategic Director of Corporate Services and Governance be authorised to undertake the following: <ul style="list-style-type: none"> (a) To complete and publicise a deed of dedication to dedicate Bridleway Whickham 23 as shown with a broken black line from Point A to B to C to Point D on the attached plan. 	
Any additional comments on application/decision	



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Plan of Deed of Dedication Bridleway Whickham 23 Derwent Walk Country Park, Whickham, Gateshead



Bridleway Whickham 23
A - B - C - D



Other Gateshead
Bridleways



Other Gateshead
Restricted Byways

Page 7

Other Gateshead
Footpaths



Scale: 1:10,000

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Report for Rights of Way Committee

6th November 2017

TITLE OF REPORT: **Public Path Creation Order to create a bridleway at Burnhills, Gateshead.**

REPORT OF: **Strategic Director of Community and Environment**

Summary

This report relates to the proposed creation of Bridleway Ryton 115, that would link Sandy Banks, Long Ridge Road, Blaydon Burn to Barlow Lane, Greenside, Gateshead.

Purpose of the report

- 1) To seek authority from the Rights of Way Committee to make a combined public path creation order to create Bridleway Ryton 115, through Bog Wood, Burnhills Landfill Reclamation Site, Gateshead from Point A to Point B, shown with a dashed line on the plan at Appendix 2 to this report.

Background

- 2) The reason for proposing to create Bridleway Ryton 115 is to comply with the Planning Obligation Relating to Land at Burnhills, Gateshead, by virtue of Section 106 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 between Sita North East Limited (now SUEZ Recycling and Recovery UK Ltd) and Gateshead Council.
- 3) The proposed Bridleway Ryton 115 will be created as a link, from Sandy Banks, Long Ridge Road, Blaydon Burn through Bog Wood to Barlow Lane, Greenside and will formalise the status of a route presently used, permissively, by walkers, cyclists, equestrians.
- 4) The majority of land over which the proposed bridleway runs is owned by SUEZ Recycling and Recovery Limited apart from one small section of land which joins the adopted highway at Sandy Banks, which is unregistered. The proposed Bridleway Ryton 115 runs for approximately 45 metres across the unregistered land and has formed part of the permissive bridleway to which the public have had unrestricted access.
- 5) The overall proposal, if the proposed Bridleway Ryton 115 is created, is to make a bridleway that provides a continuous link from Sandy Bank, Long Ridge Road, Blaydon Burn to Barlow Lane Greenside, providing a safer off road route linking Blaydon Burn to Greenside with links to other Gateshead footpaths which give access to Barlow Village.

Proposals

- 6) The terms and effect of the proposed creation order is to :-

- a) To create a bridleway for a distance of over 1.6 kilometres along the route from point A to point B as shown with a dashed line on the plan at Appendix 2 to this report.
- b) The accommodation works to implement and improve the proposed bridleway will consist of vegetation clearance and a review of the access controls, which will be financed from the existing rights of way improvement budget.
- c) The Council will be responsible for the maintenance of the proposed bridleway on confirmation of the creation order.

Legislation

- 7) Section 26(1) of the Highways Act 1980 provides for the making of a public path creation order where it appears to the highway authority that:

“(a) the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area; and

(b) the effect which the creation of the path or way would have on the rights of persons interested in the land, account being taken of the provisions as to compensation contained in section 28 below,

it is expedient that the path or way should be created, the authority may by order...create a footpath, bridleway or restricted byway over the land”.

- 8) Section 28 of the Highways Act 1980 does provide for the Council to pay compensation where it is shown that the value of an interest in the land has depreciated or a person has suffered damage by being disturbed in their enjoyment of the land. An “interest” for the purposes of section 28 of the Highways Act 1980, includes any estate in land or right over the land, whether that is exercisable by ownership, licence or agreement. The majority of the land, subject to the creation order, is owned by Suez Recycling and Recovery UK Ltd and is an area to which the public have open access. Suez is complying with the requirements of the Planning Obligation Relating to Land at Burnhills Gateshead under Section 106 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1990. The creation of the bridleway, part of the landfill re-instatement, will enhance the public’s use and enjoyment of the area by creating a continuous off road link between Sandy Bank, Long Ridge Road, Blaydon Burn and Barlow Lane, Greenside, for walkers, equestrians and cyclists. As the creation of the bridleway is in compliance with a planning obligation a claim for compensation from the landowner is not expected.
- 9) When a public path creation order is made, it does not modify the definitive map and statement until a legal event order is made. However local authorities can now make combined orders, which in effect, incorporates section 26 of the Highways Act 1980 along with section 53A(2) of the Wildlife and Countryside Act 1981. The result is that by doing a combined order the definitive map and statement will be modified once the order is made without the need for a legal event order to enable the modifications to the definitive map and

statement.

- 10) Section 29 of the Highways Act 1980 places a duty on local authorities to have regard to agriculture and forestry, and the desirability of conserving flora, fauna and geological and physiographical features. There are no such potential implications in this matter.

Consultation

- 11) Letters were sent out to the representatives of 6 local user groups, The British Horse Society, Chopwell Wood Horse Riders Association, Cycling UK, Gateshead Ramblers, Ryton Pathfinders and The Local Access Forum with 3 replies being received from Cycling UK, Ryton Pathfinders, and the British Horse Society, all in favour of the proposal. The British Horse Society representative commented, *"As a representative of the British Horse Society and the Bridleways and Riders Action Group I am so pleased to see that this route is finally to be added to the Definitive Map. It is a very popular route for all N M U's and there have been representation to planning applications to ensure its future use for all. It is a strategic link in the bridleway network and also provides a circular route for more local use"* Suez Recycling and Recovery UK Ltd have also been consulted during the process and are in support of the proposal. The relevant Ward members have been sent copies of the consultation letter without response.

Recommendation

- 12) Approval is sought from the Rights of Way Committee for:

(1) A combined public path creation order to be made to create a bridleway at Burnhills Gateshead, between Points A to B shown with a dotted line on the plan at Appendix 2 to this report.

If the Committee recommends that such action should be taken, it is requested the Strategic Director of Corporate Services and Governance is authorised to undertake the following:

- i) To make a combined public path creation order to create a bridleway from Points A to B as shown with a dotted line on the attached plan at Appendix 2 to the report.
- ii) If no objections are received, to confirm the order or if objections are received and not subsequently withdrawn, to send the order to the Secretary of State for determination as an opposed order.

Contact: Rob Hindhaugh

Ext. 3094

1 FINANCIAL IMPLICATIONS

The cost of making and advertising the order will be covered by existing budgets.

2 RISK MANAGEMENT IMPLICATIONS

None

3 HUMAN RESOURCES IMPLICATIONS

Staff from Legal, Democratic and Property in conjunction with the Public Rights of Way Officer, will carry out the processing of the Order.

4 EQUALITY AND DIVERSITY IMPLICATIONS

Access controls will be assessed prior to the making of the order, however there are not considered to be any identified equality or diversity implications with this proposal.

5 CRIME & DISORDER IMPLICATIONS

None

6 SUSTAINABILITY IMPLICATIONS

None

7 HUMAN RIGHTS IMPLICATIONS

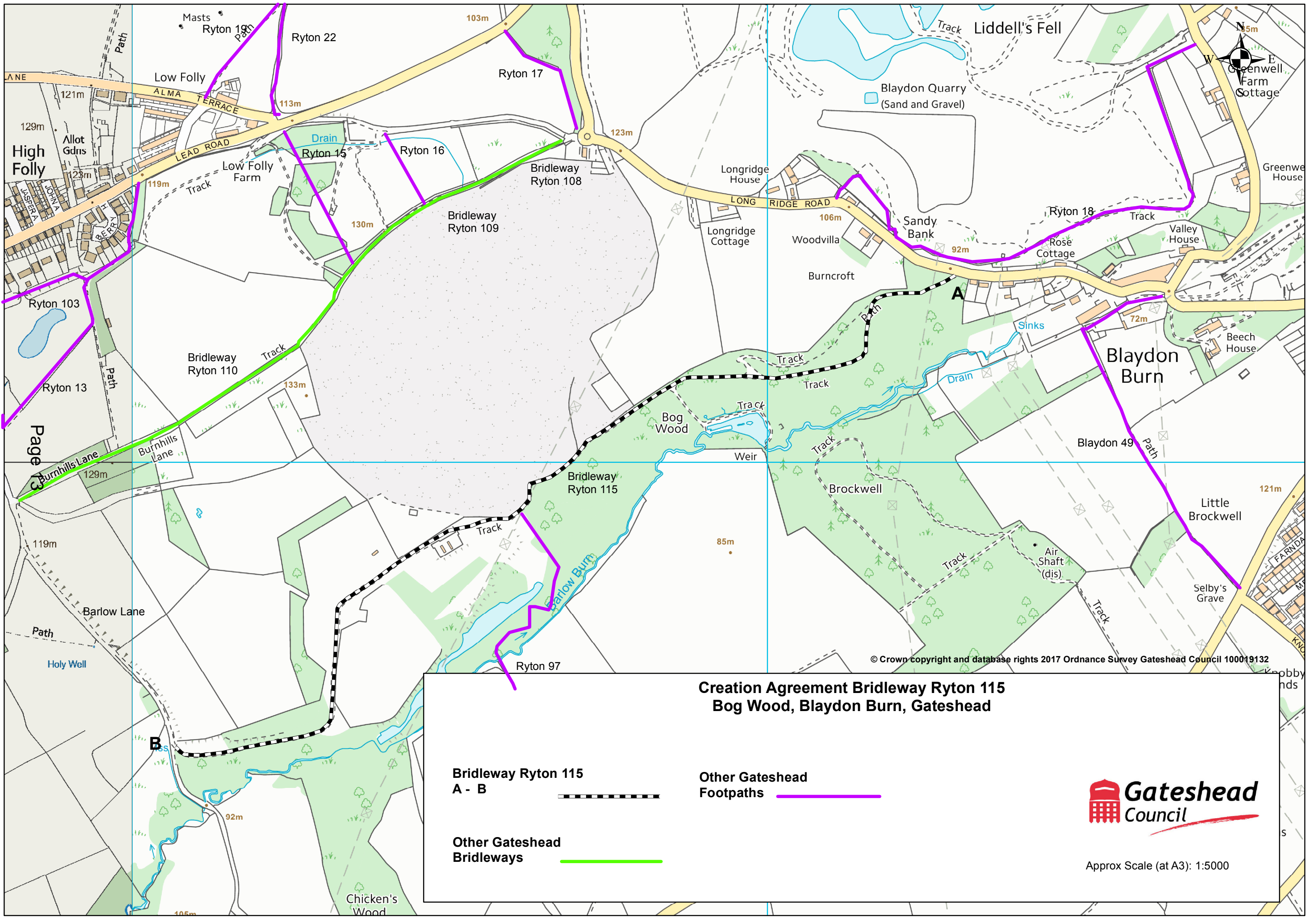
Under Article 8, everyone has the right to respect for his or her private and family life, home and correspondence. There is not considered to be any impact on those rights from this proposal.

8 WARD IMPLICATIONS

Crawcrook and Greenside

9 BACKGROUND INFORMATION

None



**Creation Agreement Bridleway Ryton 115
Bog Wood, Blaydon Burn, Gateshead**

**Bridleway Ryton 115
A - B**



**Other Gateshead
Bridleways**



**Other Gateshead
Footpaths**



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**Report for Rights of Way
Committee**

6TH November 2017

TITLE OF REPORT: **Proposed dedication of Bridleway Whickham
220 from Lobley Hill Road, to Staithes Road,
Gateshead.**

REPORT OF: **Strategic Director of Communities and Environment**

Summary

This report relates to the proposed dedication of Bridleway Whickham 220 from Lobley Hill Road, Teams to Staithes Road, Dunston, Gateshead.

Purpose of the report

- 1) To seek authority from the Rights of Way Committee for a deed of dedication to record a bridleway, to be known as Bridleway Whickham 220, on Council owned land, from Lobley Hill Road to Staithes Road, Gateshead as shown from Point A to B on the plan at Appendix 2 to the report.

Background

- 2) The proposed Bridleway Whickham 220 as shown from Point A to Point B at Appendix 2 to this report has a tarmac surface and runs north westerly from the railway bridge at Lobley Hill Road, to Scrapyard Bridge at Staithes Road, Dunston, Gateshead.
- 3) The proposed Bridleway Whickham 220 forms part of the Teams Cycleway which provides access to the Tanfield Railway Path and Watergate Park to the south and the Keelman's Way to the north. The public have had permissive access over the proposed bridleway which also gives access to other Gateshead footpaths and adopted highways. Also part of the proposed bridleway runs across land formerly part of the Gateshead Garden Festival site.
- 4) The proposed bridleway is suitable for use by equestrians and cyclists and the dedication of the bridleway is to formalise the use by walkers, horse riders and cyclists.
- 5) The Council own all of the land and highways structures the proposed Bridleway Whickham 220 will be dedicated across. The land is managed by Property Services, who have been consulted and have no objections

to the proposed dedication. The surface is in good condition and therefore no remedial works would be required.

The Law

- 6) Due to the proposed dedication of Bridleway Whickham 220 being wholly on Council owned land, the Council can dedicate that bridleway via a Deed of Dedication in accordance with section 1 of the Localism Act 2011. Section 1 of the Localism Act 2011 gives a local authority power to do anything that individuals generally may do, such as dedicating land for public rights of way. The Council if dedicating the bridleway would need to give public notice of the dedication in the local press and on site but it would not be subject to a public objection period in the same way as it would be if it was created via a Creation Order under section 26 of the Highways Act 1980. However the proposed bridleway would ensure the continued use of an off road route through a mainly built up area.
- 7) If a deed of dedication was to be made by the Council for the proposed dedication of a bridleway, due regard will be given to the needs of agricultural and forestry and the desirability of conserving flora, fauna and geological and physiographical features in accordance with Section 29 of the Highways Act 1980.

Consultation

- 8) Consultation is not statutorily prescribed with a deed of dedication. However, local user groups were consulted on the proposed dedication of Bridleway Whickham 220. Letters were sent out to the representatives of 6 local user groups, The British Horse Society, Chopwell Wood Horse Riders Association, Cycling UK, Gateshead Ramblers, Ryton Pathfinders and The Local Access Forum with 3 replies being received from Cycling UK, Ryton Pathfinders and the British Horse Society all in favour of the proposal. The representative of The British Horse Society commented, “ *The proposed dedication of this route as bridleway will ensure the continued legal use of this safe off road route for those non motorised users who are presently using it, enabling them to travel safely through this built up area of Gateshead.*” The relevant Ward members, whose Wards are affected have been sent copies of the consultation letter with one Councillor enquiring as to what change there would be to the existing route.

Conclusion

- 9) In conclusion it is the view of Officers that Bridleway Whickham 220 be dedicated as a bridleway via a deed of dedication as it would formalise the use of the bridleway and provide links with other footpaths, bridleways and adopted highways, adding to the convenience and enjoyment of a substantial section of the public.
- .

Recommendation

The Rights of Way Committee approves:

- i) That a Deed of Dedication be made on Council owned land to dedicate Bridleway Whickham 220 between Lobley Hill Road and Staithes Road, Gateshead as shown from Point A to Point B on the plan annexed to this report.
- .

Grant delegated authority to the Strategic Director of Corporate Services and Governance to undertake the following:

- ii) To complete and publicise a deed of dedication to dedicate Bridleway Whickham 220 as shown with a broken line from Point A to Point B on the plan annexed at Appendix 2 to this report.

Contact: Rob Hindhaugh extension 3094

1 FINANCIAL IMPLICATIONS

The cost of making and advertising the deed of dedication will be covered by existing budgets.

2 RISK MANAGEMENT IMPLICATIONS

None

3 HUMAN RESOURCES IMPLICATIONS

Staff from Legal, Democratic and Property in conjunction with the Public Rights of Way Officer, will carry out the processing of the deed of dedication.

4 EQUALITY AND DIVERSITY IMPLICATIONS

There are no identified equality or diversity implications from this proposal.

5 CRIME & DISORDER IMPLICATIONS

None

6 SUSTAINABILITY IMPLICATIONS

None

7 HUMAN RIGHTS IMPLICATIONS

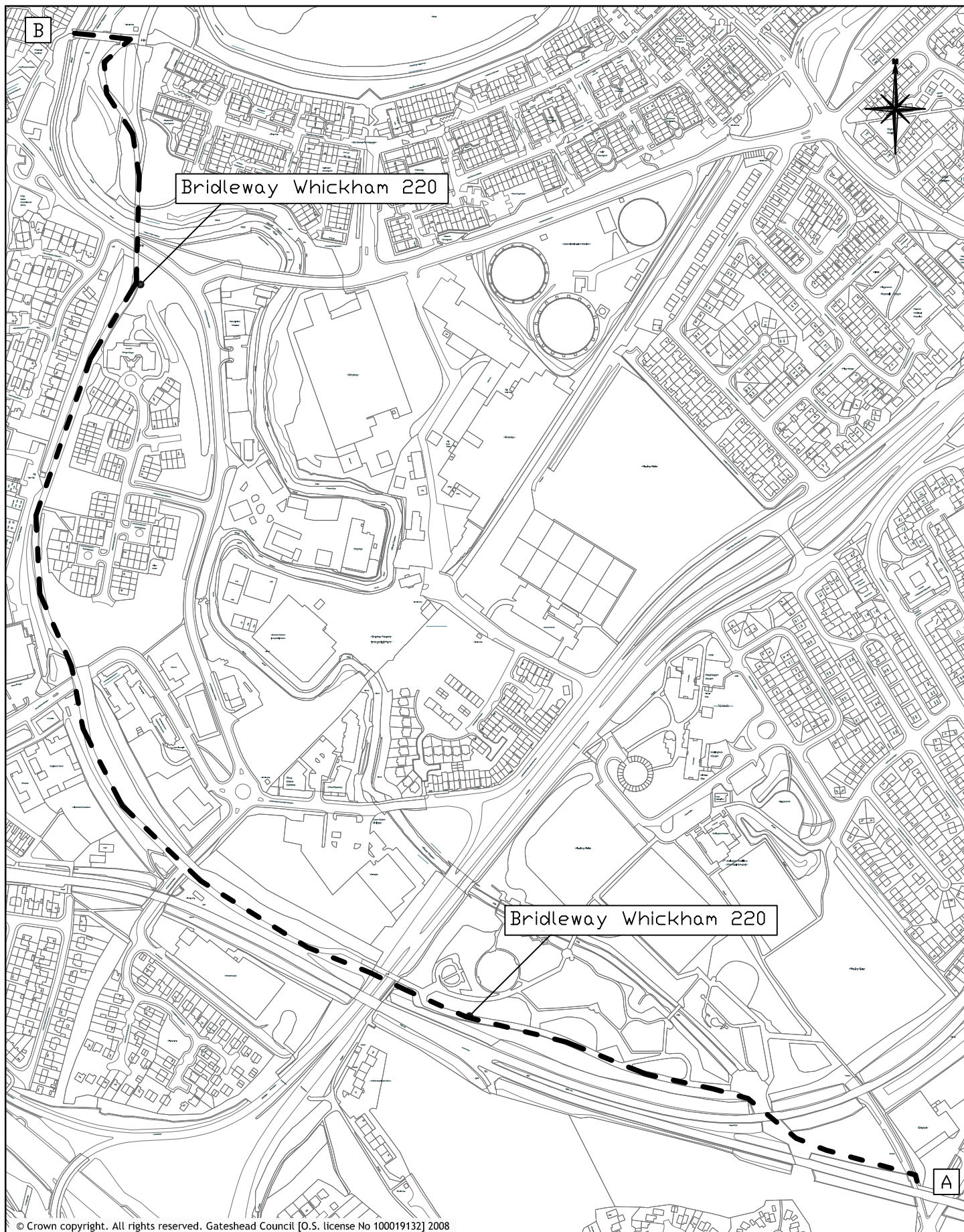
Under Article 8, everyone has the right to respect for his or her private and family life, home and correspondence. There is not considered to be any impact on those rights from this proposal.

8 WARD IMPLICATIONS

Lobley Hill and Bensham.
Dunston and Teams

9 BACKGROUND INFORMATION

None



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DRAWING TITLE:

Deed of Dedication
Bridleway Whickham 220
A to B **Page 19**

PREPARED BY:

SV

DATE:

13/10/17

CHECKED BY:

RH

SCALE:

1:5

APPROVED BY:

RH

DRAWING NO:

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**REPORT TO RIGHTS OF WAY
COMMITTEE
6th NOVEMBER 2017**

TITLE OF REPORT: Progress of Rights of Way Matters

REPORT OF: Strategic Director, Corporate Services and
Governance and Strategic Director, Communities and
Environment

Purpose of the Report

1. To update Committee on the progress of Rights of Way cases, plus the principle works carried out on the network between July 2017 and November 2017.

Background

2. The rights of way matters and completed matters are set out in Appendix 2.

Recommendations

3. It is recommended that the Committee note the report and the updates highlighted in bold.

Contact: Jennifer Atkins extension 2219 and Rob Hindhaugh extension 3094

1. FINANCIAL IMPLICATIONS

Nil

2. RISK MANAGEMENT IMPLICATIONS

Nil

3. HUMAN RESOURCES IMPLICATIONS

Nil

4. EQUALITY AND DIVERSITY IMPLICATIONS

Nil

5. CRIME AND DISORDER IMPLICATIONS

Nil

6. SUSTAINABILITY IMPLICATIONS

Nil

7. HUMAN RIGHTS IMPLICATIONS

Nil

8. WARD IMPLICATIONS

Chopwell and Rowlands Gill, Blaydon, Ryton Crookhill and Stella, Whickham North, Birtley, Lamesley, Crawcrook and Greenside, Dunston Hill and Whickham South and Sunnyside, Winlaton and High Spen

9. BACKGROUND INFORMATION

Nil

APPENDIX 2

Item No	Case	Ward	Application/ Proposal	Progress/Action
1	North View	Winlaton & High Spen	Definitive Map Modification Order	The order has been made but objections have been received. The Order will need to be sent to the Secretary of State for confirmation.
2	Application to add a bridleway between RB 44 and Derwent Walk.	Whickham North, Blaydon	Definitive Map Modification Order	The definitive map modification order has been drafted and will be advertised in due course.
3	Claim at Thomas Street Eighton Banks Right of Way 62	Lamesley	Definitive Map Modification Order	The order has been made but objections have been received. The Order will need to be sent to the Secretary of State for confirmation.
4	Definitive Map	-----	To bring the definitive map and statements into line with the orders and ensure that they are up to date are reviewed and meet the statutory requirements.	Upon review of the definitive maps for Gateshead by the Legal and Rights of Way officers, it is apparent that there is no map for the excluded area being Gateshead central area and the other definitive maps need to be brought up to date in light of legal events that have occurred. A blank map and statement for the excluded area is now produced and each right of way is being added to it via a definitive map modification order. At the same time a legal event modification order is being drafted to bring the current maps up to date. Once all this work has been completed the maps will be consolidated to produce a single map of definitive rights of way for the Gateshead area. There is now a working copy definitive map on the Council's website.
	Bridleway 35 Northside Birtley	Birtley	Creation and Extinguishment Orders	Committee approved the recommendation on the 24 th October 2008 to make a creation and extinguishment order. A creation order was made by the Council on the 19 th August 2014. The objection period came to an end on the 19 th September 2014. One objection was received to the Order, which was subsequently withdrawn. The works to install the bridleway could not be completed until a survey was conducted of a nearby pond to establish amphibious species and their hibernation areas. The survey revealed that there are no great crested newts in the nearby pond. The creation order was confirmed and came into operation on the 15 th December 2015. The Extinguishment Order will be progressed in due course.
6	Claim for a Footpath at Sherburn Towers, Rowlands Gill	Rowlands Gill, Blaydon	Definitive Map Modification Order	An application was received on the 18 th August 2015 to record a footpath onto the definitive map and statement at Sherburn Towers, Rowlands Gill, which was approved by committee on 18 th March 2016. The order was made on the 9 th June 2016 and the objection period for that order expired on 3 rd August 2016. One objection was received to the order, which was not withdrawn and the Order will be sent to Secretary of State for the Environment, Food and Rural Affairs for confirmation in the next few months.

PRINCIPAL WORKS CARRIED OUT ON THE RIGHTS OF WAY NETWORK – July 2017 – November 2017

July 2017	Bridleway Felling 50 Keelmans Way, Bill Quay	Drainage work and tree root damage repair
September 2017	Bridleway Ryton 76, Ryton Golf Club.	Revetment and surface repair.
September 2017	Bridleway Whickham 219 Derwent Walk, Winlaton Mill	Drainage work and surface clearance
October 2017	Bridleway Felling 28 East View Terrace, Whitehills	Drainage work and surface clearance
October 2017	Bowes Railway Path Bridleway Felling 44, Leam Lane	Severe weather damage to bridleway necessitating temporary closure