



RIGHTS OF WAY COMMITTEE AGENDA

Monday, 21 November 2022 at 4.30 pm in the Bridges Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for Absence
2	Minutes (Pages 3 - 4) The committee is asked to approve the minutes of the previous meeting held on xxxxxx
3	Proposed Change to Public Right of Way, Bridleway Whickham 62 in Derwent Walk Country Park, Swalwell (Pages 5 - 10) Report of the Strategic Director, Corporate Services and Governance and the Strategic Director, Housing Environment and Healthy Communities
4	Proposed Change to Public Right of Way, Footpath Whickham 194 in Derwent Walk Country Park, Swalwell (Pages 11 - 16) Report of the Strategic Director Corporate Services and Governance and the Strategic Director Housing, Environment and Healthy Communities
5	Progress on Rights of Way Matters (Pages 17 - 22) Report of the Strategic Director, Corporate Services and Governance and the Strategic Director, Housing Environment and Healthy Communities

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GATESHEAD METROPOLITAN BOROUGH COUNCIL

RIGHTS OF WAY COMMITTEE MEETING

Monday, 18 July 2022

PRESENT: Councillor K Wood (Chair)
Councillor(s): S Dickie, M Ord, J Simpson and A Wintcher

APOLOGIES: Councillor(s): D Bradford and A Geddes

RW50 CONSTITUTION

RESOLVED - that the constitution of the Committee for the 2022/23 Municipal year be noted.

RW51 MINUTES

RESOLVED - that the minutes of the meeting held on 21 March 2022 be approved as a correct record.

RW52 PROGRESS ON RIGHTS OF WAY MATTERS

The Committee were advised that with regards to Legal Matters listed on the report items 9 and 11 should be at Committee for it's November meeting.

The Committee were advised of the following works undertaken between March 2022 and July 2022.

- Peth Lane, Ryton 84 – Replacement of steps and revetment
- Leam Lane, Felling 44 – Replace horse still and birdsmouth fence line
- The Strimming programme commenced in May 2022
- Marley Hill, Whickham 199 – Installation of 3 way marker posts
- Winlaton / Barlow, Blaydon 48 – replacement of 2 stiles, trimmed and way marker posts added
- Pennyfine Road, Lamesley 12 – Reinstatement of the route.

The Committee were advised of the following planned work to be carried out on the Rights of Way Network between March 2022 and March 2023.

- Lamesley 72 – Sections 6, 7 and 8, Kibblesworth – Removal of restrictions and re-surfacing / drainage work
- Lamesley 69 – Section 3, Wrekenton – Removal of restrictions, update entrance and resurface
- Ryton 33 & 35 – Crawcrook – Installation of directional fingerposts following near completion of development

- Gateshead 1 – Harlow Green – Resurfacing

The Committee were advised of areas of the Rights of Way which have been highlighted as having ASB / Motorbike Issues

- Blaydon Burn – on-going motorbikes issues, the police are aware.
- Marley Hill – St Cuthberts Road, Marley Hill, Sunnyside – working with the landowner to improve legal access and signage to reduce trespassing and anti-social behaviour. Highlighting the issue of motorbike misuse with the police/community safety officers
- Whitehills – Leam Lane Whitehill Drive – ongoing motorbike misuse and fly tipping. Area is currently having access restrictions installed and a new fence line.
- Hill 60 – Crawcrook/ A695 – Anti-social behaviour following the closure of a walked desire line between Hill 60 and the Story Home Development. The resident has had their new fence line ripped out and have been verbally abused as well as named on social media. This desire line is not recorded on Gateshead Definitive Map as a public right of way. All incidents have been reported to the police.
- Stampley Moss Farm – Blaydon 50/Thornley Lane - Several reports of users being attacked by the landowner's dogs. All evidence has been forwarded to the police. This is ongoing

Concern was expressed that someone could potentially be seriously injured by a dog as several residents have approached their ward councillor regarding bites. It was noted that the police are aware and it will be brought to the attention of Gateshead Council's enforcement team for investigation.

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

Chair.....



Report for Rights of Way Committee

21st November 2022

TITLE OF REPORT: Proposed change to Public Right of Way
Bridleway Whickham 62 in Derwent Walk
Country Park, Swalwell, Gateshead

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

Summary

This report relates to the proposed change to a public right of way in Derwent Walk Country Park.

Purpose of the Report

- 1) To seek approval of the Public Rights of Way Committee for the Proposal set out at paragraph 6 in this report.

Background

- 2) Bridleway Whickham 62 is indicated with a solid black line, as shown from Point A to Point C on the attached plan at Appendix 2 to this report.
- 3) The Definitive Statement states that the public right of way, "Continues north-west under Whickham BW 215; the Derwent Walk (dismantled railway) to Goodshield Haugh down a sunken track to dead end".
- 4) The section of Bridleway Whickham 62 that is under Whickham 215 (dismantled railway) is now blocked by an embankment as the underpass has been filled in. This would have occurred during the creation of the Derwent Walk Country Park.
- 5) The existing Bridleway Whickham 62, between Points A and B and shown with a black line on the attached plan at Appendix 2, has created a cul-de-sac in that it does not lead to anywhere but an embankment, which prevents access underneath Whickham 215 (dismantled railway), as shown at Point B on the attached plan. Therefore, there is no access from Point B to Point C. This effectively created two cul-de-sac bridleways either side of Whickham 215 (dismantled railway).

Proposal

- 6) Approval is sought from the Public Rights of Way Committee for the Proposal set out below: -

To extinguish Bridleway Whickham 62 from Point A to Point C on the attached plan at Appendix 2 to this report on the grounds that it is no longer needed for use by the public. It is not currently used by the public and will not be used by the public in future as it is unsafe and inaccessible.

Land Ownership

- 7) The ownership of the land where the above Proposal is to take place if approved by the Public Rights of Way Committee is on Council owned land.

Legislation

- 8) Under section 118 of the Highways Act 1980, the Council has the power to extinguish a footpath, bridleway or restricted byway if it is expedient to do so, on the grounds that the path is not needed for public use. The Council will not be able to confirm an unopposed Order (if approved) unless it is satisfied that it is expedient to do so having regard to the extent to which it appears to the Council that the path (notwithstanding the making of the Order), would be likely to be used by the public and also having regard to the effect the extinguishment would have on land served by the path.
- 9) It is considered that the Proposal to extinguish Bridleway Whickham 62 satisfies this test because the public right of way is not currently used by the public and it is not needed because the public have access to other rights of way in the area.
- 10) Section 28 of the Highways Act 1980 provides 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.
- 11) In relation to the proposed extinguishment of Bridleway Whickham 62, there are no known interests in the land that the proposed extinguishment would affect.

Consultation

- 12) No consultation has taken place.

Conclusion

- 13) In light of the embankment which has resulted in two cul-de-sac sections of Bridleway Whickham 62 and the fact that alternative routes have been created within the Derwent Walk Country Park, the Public Rights of Way Officer would recommend that it is expedient that Bridleway Whickham 62 be extinguished because it is unsafe for public use and not needed for public use now or in the future.

Recommendation

The Public Rights of Way Committee approves:

- i) That a public path extinguishment order be made to extinguish Bridleway Whickham 62 from Point A to Point C as shown with a black line on the plan attached at Appendix 2 to this report.
- ii) Grant delegated authority to the Strategic Director of Corporate Services and Governance to undertake the following:
 - a) To consult the statutory consultees and make a public path extinguishment order to extinguish Bridleway Whickham 62 from Point A to Point C, as shown with a black line on the attached plan at Appendix 2 to this report.
 - b) 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: Zoe Jones Ext. 3094

1 FINANCIAL IMPLICATIONS

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

2 RISK MANAGEMENT IMPLICATIONS

None.

3 HUMAN RESOURCES IMPLICATIONS

Staff from Corporate Services and Governance, in conjunction with the Public Rights of Way Officer, will carry out the processing of the order.

4 EQUALITY AND DIVERSITY IMPLICATIONS

None.

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.

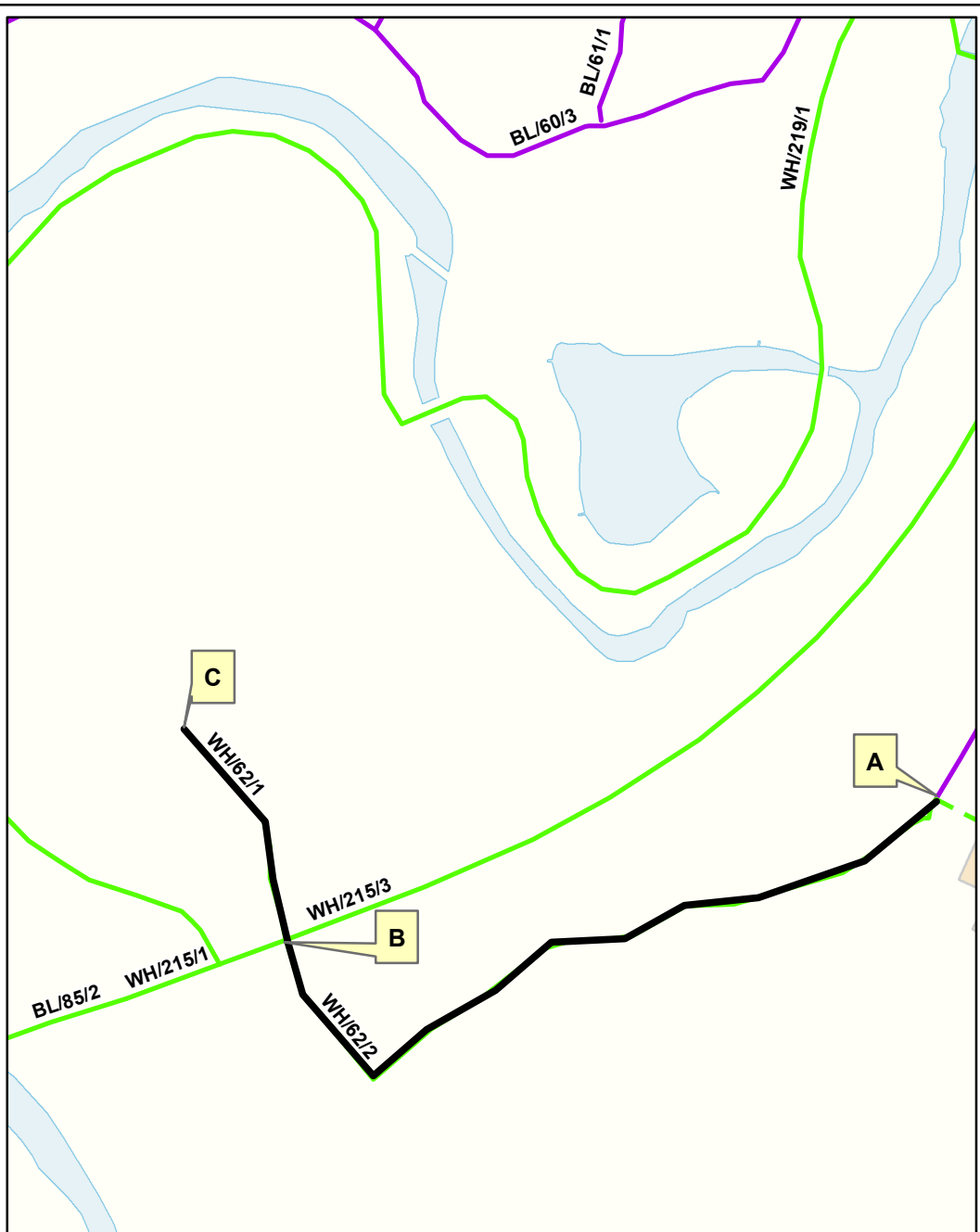
8 WARD IMPLICATIONS

Whickham South and Sunnyside.

9 BACKGROUND INFORMATION

None.

Contact: Zoe Jones Ext. 3094



PROPOSED EXTINGUISHMENT PUBLIC BRIDLEWAY WHICKHAM 62

A-B

Gateshead
Council

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Report for Rights of Way Committee

21st November 2022

TITLE OF REPORT: Proposed change to Public Right of Way Footpath Whickham 194 in Derwent Walk Country Park, Swalwell, Gateshead

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

Summary

This report relates to the proposed change to a public right of way in Derwent Walk Country Park.

Purpose of the Report

- 1) To seek approval of the Public Rights of Way Committee for the Proposal set out at paragraph 4 in this report.

Background

- 2) Footpath Whickham 194 is indicated with a solid black line, as shown from Point A to Point B on the attached plan at Appendix 2 to this report.
- 3) The existing Footpath Whickham 194 has created a cul-de-sac in that it does not lead to anywhere. The alignment runs across Swalwell Visitor Centre Car Park and is blocked by several boundary fences which would have been erected when Derwent Walk Country Park was created over 20 years ago.

The Proposal

- 4) Approval is sought from the Public Rights of Way Committee for the Proposal set out below: -

To extinguish Footpath Whickham 194 from Point A to Point B on the attached plan at Appendix 2 to this report, on the grounds that it is no longer needed for use by the public. It is not currently used by the public and will not be used by the public in future as it is unsafe and inaccessible on its current alignment.

Land Ownership

- 5) The ownership of the land where the above Proposal is to take place if approved by the Public Rights of Way Committee is on Council owned land.

Legislation

- 6) Under section 118 of the Highways Act 1980, the Council has the power to extinguish a footpath, bridleway or restricted byway if it is expedient to do so, on the grounds that the path is not needed for public use. The Council will not be able to confirm an unopposed Order (if approved) unless it is satisfied that it is expedient to do so having regard to the extent to which it appears to the Council that the path (notwithstanding the making of the Order), would be likely to be used by the public and also having regard to the effect the extinguishment would have on land served by the path.
- 7) It is considered that the Proposal to extinguish Footpath Whickham 194 satisfies this test because the public right of way is not currently used by the public and it is not needed because the public have access to other rights of way in the area.
- 8) Section 28 of the Highways Act 1980 provides 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.
- 9) In relation to the proposed extinguishment of Footpath Whickham 194, there are no known interests in the land that the proposed extinguishment would affect.

Consultation

- 10) No consultation has taken place.

Conclusion

- 11) In light of the unsafe alignment of Footpath Whickham 194, along with the fact that alternative routes have been created within the Derwent Walk Country Park, the Public Rights of Way Officer would recommend that it is expedient that Footpath Whickham 194 be extinguished because it is not needed for public use now or in the future.

Recommendation

The Public Rights of Way Committee approves:

- i) That a public path extinguishment order be made to extinguish Footpath Whickham 194 from Point A to Point B as shown with a black line on the plan attached at Appendix 2 to this report.
- ii) Grant delegated authority to the Strategic Director of Corporate Services and Governance to undertake the following:
 - a) To consult the statutory consultees and make a public path extinguishment order to extinguish Footpath Whickham 194 from Point A to Point B, as shown with a black line on the attached plan at Appendix 2 to this report.
 - b) 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: Zoe Jones Ext. 3094

1 FINANCIAL IMPLICATIONS

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

2 RISK MANAGEMENT IMPLICATIONS

None.

3 HUMAN RESOURCES IMPLICATIONS

Staff from Corporate Services and Governance, in conjunction with the Public Rights of Way Officer, will carry out the processing of the order.

4 EQUALITY AND DIVERSITY IMPLICATIONS

None.

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.

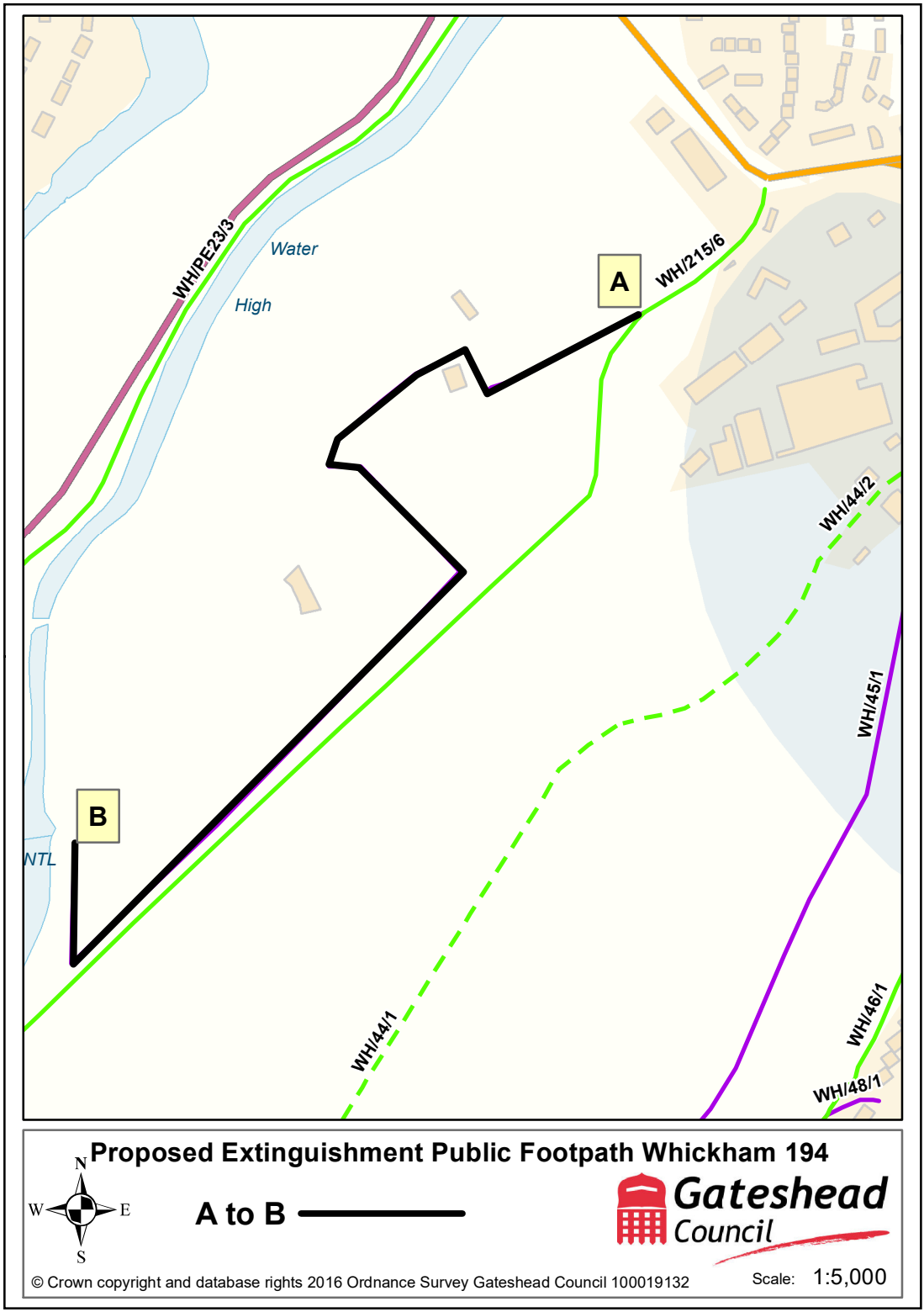
8 WARD IMPLICATIONS

Whickham North.

9 BACKGROUND INFORMATION

None.

Contact: Zoe Jones Ext 3094



Proposed Extinguishment Public Footpath Whickham 194

A to B —————

Gateshead
Council

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Report to Rights of Way Committee

21st November 2022

TITLE OF REPORT: Progress of Rights of Way Matters

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

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 2022 and November 2022.

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: Sonya McCool extension 3862 and Zoe Jones 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, Lamesley, Crawcrook and Greenside, Dunston Hill and Whickham South and Sunnyside, Winlaton and High Spen, Pelaw and Heworth South, Windy Nook and Whitehills, Wardley and Leam Lane.

9. BACKGROUND INFORMATION

Nil

Current Matters

Item No	Case	Ward	Application/ Proposal	Progress/Action
1	North View	Winlaton & High Spen	Definitive Map Modification Order	The Order has been made and objections have been received. The Order will need to be sent to the Secretary of State for the Environment, Food and Rural Affairs. This matter is currently being reviewed.
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 waiting for instruction to advertise it. This matter is currently being reviewed.
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 papers have been prepared and the Order will be sent to the Secretary of State for the Environment, Food and Rural Affairs for confirmation in due course. This matter is currently being reviewed.
4	Clarty Lane – Upgrade public footpath LA/33 to bridleway	Lamesley	Definitive Map Modification Order	Following Committee on 18 th November 2019, instructions are with legal to progress making the order. In progress, the Order has been drafted and Order Plan prepared. Once sealed, the Order will be advertised and if no objections are received, the Order will be confirmed, and the Definitive Map and Statement will be updated. If objections are received, the Order will be sent to the Secretary of State for Environment, Food and Rural Affairs.
5	Cushy Cow Lane – Upgrade public footpath RY/27 to bridleway.	Ryton Crookhill Stella Crawcrook Greenside	Definitive Map Modification Order	In progress, application was due to be brought to committee on 16 th November, but more time was requested by the BHS to gather more user evidence. Following Committee on 22nd March 2021, this matter is being progressed. The Order is being drafted and Order Plan prepared. Once sealed, the Order will be advertised and if no objections are received, the Order will be confirmed, and the Definitive Map and Statement will be updated. If objections are received, the Order will be sent to the Secretary of State for Environment, Food and Rural Affairs.
6	Claim for a Bridleway at Barlow Lane, Barlow.	Winlaton High Spen Crawcrook Greenside	Definitive Map Modification Order	An application was received on 26 th March 2020 to record a Bridleway onto the Definitive Map and Statement at Barlow Lane, Barlow. Following Committee on 19th July 2021, this matter is being progressed. The Order is being drafted and Order Plan prepared. Once sealed, the Order will be advertised and if no objections are received, the Order will be confirmed, and the Definitive Map and Statement will be updated. If objections are received, the Order will be sent to the Secretary of State for Environment, Food and Rural Affairs.

7	Blackhall Mill to Chopwell Upgrade public footpaths BL/11/1, BL/19/1, BL/19/2 and BL/19/3 to bridleway.	Chopwell Rowlands Gill	Definitive Map Modification Order	An application was received on 14 th August 2020 to upgrade public footpaths BL/11/1, BL/19/1, BL/19/2 and BL/19/3 to bridleway status at Blackhall Mill and Chopwell. The application is currently being investigated and a Report will be prepared for Committee.
8	Claim for a Bridleway at Horsegate, Chopwell.	Chopwell Rowlands Gill	Definitive Map Modification Order	An application was received on 14 th August 2020 to record a Bridleway onto the Definitive Map and Statement at Horsegate, Chopwell. The application is currently being investigated and a Report will be prepared for Committee.
9	Mill Lane Urpeth to Riding Lane – claim to upgrade footpaths to a bridleway	Lamesley	Definitive Map Modification Order	An application was received on 19 th July 2021 to upgrade public footpaths LA/25, LA/26/1 and LA/26/2 to bridleway status at Mill Lane Urpeth to Riding Lane. The application is currently being investigated and a Report will be prepared for Committee.

Completed Matters

Item No	Case	Ward	Application/Proposal	Progress/Action
1	Claim for a Footpath at Sherburn Towers, Rowlands Gill	Rowlands Gill, Blaydon	Definitive Map Modification Order	An application was received on 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 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. The papers were sent to the Secretary of State for the Environment, Food and Rural Affairs on 18 th December 2018. The public Inquiry was withdrawn as the objector withdrew their objection. The decision from the Secretary of State was received on 22nd January 2020 and the Order was confirmed.
2	Creation Agreement for Footpath Ryton 120	Ryton	Public Path Creation Agreement	Committee approved the making of a public path creation agreement on 12 th October 2012. The draft agreement was sent to the landowner's agent on 31 st October 2017 but they have indicated that they will not be responding until opportunities for the land to the south of the development site are considered. Legal have attempted to progress this matter however confirmation has been received that the site was transferred to the Woodland Trust in September 2021, the land is no longer in Homes England's management and the creation agreement was not progressed prior to the site transfer.

PRINCIPAL WORKS CARRIED OUT ON THE RIGHTS OF WAY NETWORK – July 2022 and November 2022.

July 2022	Low Spen Wood, Blaydon 120	Replace steps
August/September 2022	Kibblesworth, Lamesley 72	Removal of restrictions and resurfacing/drainage work
September 2022	Crawcrook, Ryton 33 & 35	Installation of 3 x directional fingerposts on A695
September 2022	Keelmans Way, Clara Vale	Work has commenced to reinstate the Keelmans Way

PLANNED WORKS TO BE CARRIED OUT ON THE RIGHTS OF WAY NETWORK – March 2022 and March 2023.

Lamesley 72	Sections 6,7 & 8, Kibblesworth	Removal of restrictions and resurfacing/drainage work Installation of restrictions which include RADAR kissing gate, horse friendly boom gate and accessible gap for cyclists.- Resurfacing/drainage complete on sections 7 & 8. Installation due October.
Lamesley 69	Section 3, Wrekenton	Removal of restrictions, update entrance and resurface – Due to commence November
Ryton 33 & 35	Crawcrook	Installation of directional fingerposts following near completion of development- Complete
Gateshead 1	Harlow Green	Resurfacing
Lamesley 57	Rockcliffe Way, Eighton Banks	Reinstating the public footpath

AREAS OF THE RIGHTS OF WAY NETWORK WITH ASB/MOTORBIKE ISSUES – March 2022 and July 2022.

BLAYDON BURN	Blaydon	Ongoing motorbike issues. Police aware.
MARLEY HILL	St Cuthberts Road, Marley Hill/Sunniside.	Working with the landowner to improve legal access and signage to reduce trespassing and anti-social behaviour. Highlighting the issue of motorbike misuse with the police/community safety officers.
WHITEHILLS	Leam Lane/Whitehill Drive	Ongoing motorbike misuse and fly tipping. Access restrictions have been damaged. Repairs and completion of boundary fence is ongoing.