

**21<sup>st</sup> 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**

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### **Summary**

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

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### **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.

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Contact:      Zoe Jones      Ext. 3094

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**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.

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