

RIGHTS OF WAY COMMITTEE AGENDA

Monday, 15 November 2021 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 19 July 2021.
3	Proposed Diversion of Part of Footpath Ryton 62/2 at Bradley Farm (Pages 5 - 12) Report of the Strategic Director, Development, Transport and Public Protection
4	Progress on Rights of Way Matters (Pages 13 - 16) Report of the Strategic Director, Corporate Services and Governance and the Strategic Director, Communities and Environment

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GATESHEAD METROPOLITAN BOROUGH COUNCIL

RIGHTS OF WAY COMMITTEE MEETING

Monday, 19 July 2021

PRESENT: Councillor K Wood (Chair)

Councillor(s): S Dickie, D Bradford, A Geddes and
A Wheeler

RW40 CONSTITUTION OF THE COMMITTEE

RESOLVED - That the constitution of the Committee for the 2021-22 Municipal year be noted.

RW41 MINUTES

RESOLVED - That the minutes of the meeting held on 22 March 2021 be approved as a correct record.

RW42 PROPOSED DIVERSION OF PART OF FOOTPATH RYTON 62/2 AT BRADLEY FARM

The Committee received a report to seek authority for the making of a public path diversion order for the part of Footpath Ryton 62/2 at Bradley Farm, Crawcrook.

RESOLVED - That the Committee were minded to accept the recommendation contained within the report on the proviso of commitments by the landowner, to the satisfaction of the rights of way officer to mitigate the gradient immediately prior to Point C on the plan at the Appendix to this minute and that the matter should be brought back to the next meeting of the Rights of Way Committee for final decision.

RW43 APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER TO CLAIM A BRIDLEWAY FROM BARLOW LANE, GREENSIDE TO BARLOW LANE, BARLLOW

The Committee received a report asking them to consider evidence for a definitive map modification order with regards to the existence of a bridleway over a track that runs from Barlow Lane, Greenside, to Barlow Road, Barlow.

RESOLVED - (i) that approval be given for the making of a definitive map modification order to add the claimed bridleway from Barlow Lane, Greenside to Barlow Road, Barlow as shown with a line from Point A to Point B on the plan attached to this minute.
(ii) that delegated authority be granted to the Strategic Director of

Corporate Services and Governance to undertake to consult statutory consultees and make a definitive map and modification order to add the claimed bridleway at Barlow Lane, Greenside to Barlow Road, Barlow as shown from Point A to Point B on the plan attached to this minute and if not 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 confirmation as an opposed order.

RW44 PROGRESS ON RIGHTS OF WAY MATTERS

The Committee were provided with an update report on Progress with regards to Rights of Way Matters.

The Committee were advised that there have been no changes with regards to the legal matters since the last committee.

Work has been carried out across the Rights of Way Network to make improvements and repairs to paths and bridleways including the following:

- Lingey Lane Felling 44 – Horse stile replacement
- Revetment, Newburn Bridge Ramp – Repair revetment
- Ryton Willows, Ryton 103 – Replace revetment
- Bucks Nook Farm, Blaydon 2 and 4 – Replace Stiles
- Bill Quay, Felling 50 – Birdsmouth fencing
- Path Head, Blaydon 97 – Drainage works

RESOLVED - that the information contained within the report and that presented be noted.

Chair.....



Report for Rights of Way Committee

15th November 2021

TITLE OF REPORT: Proposed diversion of part of Footpath Ryton 62/2, at Bradley Farm.

REPORT OF: Strategic Director, Development, Transport and Public Protection

Summary

This report relates to the proposed diversion of part of Footpath Ryton 62/2 at Bradley Farm, Crawcrook, Gateshead.

Purpose of the report

- 1) To seek authority from the Rights of Way Committee for the making of a public path diversion order for the diversion of part of Footpath Ryton 62/2, at Bradley Farm, Crawcrook, Gateshead.

Background

- 2) The existing line of Footpath Ryton 62/2 is indicated with a bold line marked from Point A to Point C on the plan attached at Appendix 2 to this report.
- 3) The section of Footpath Ryton 62 proposed to be diverted is indicated with a bold line marked from Point A to Point C on the plan attached at Appendix 2 to this report.
- 4) The Council, in its capacity as Local Highway Authority, is requesting approval for the part diversion of Footpath Ryton 62/2 on to a new alignment to the east of the existing footpath. The proposed route of the diversion is indicated by a broken line from Point A to Point B to Point C on the plan attached at Appendix 2 to this report. The application for the diversion has been made by the landowner.

The Proposed Route of the Diversion

- 5) From Point A to Point C, shown on the plan attached at Appendix 2 to this report shows the existing line of Footpath 62/2 running in a north westerly direction for a total distance of approximately 80 metres. From Point A on the plan attached at Appendix 2 to this report, the proposed diverted route, shown with a broken line, would proceed for a short distance in a northerly direction to Point B, then in a westerly direction for a total distance of approximately 112 metres to re-join the original path at Point C, shown on the plan attached at Appendix 2 to this report. From Point A to Point B there would be approximately 12 steps installed to mitigate the gradient. The steps will be 2m wide and constructed from 150mm x 150mm timber with a 75mm stob. Steps will be edged with treated timber to retain the bank on either side.
- 6) The section of Footpath Ryton 62/2 proposed to be diverted around the field edge to allow for fencing to be erected and allow the grazing of livestock. The diverted path is equally as commodious as the original path.

Land Ownership

- 7) The current alignment of the route from Point A to Point C shown on the plan at Appendix 2 to this report; runs wholly across land in the ownership of applicant Mark Tinnion. The proposed diversion of the route from Point A to Point B to Point C would also be solely across land owned by Mark Tinnion.

The Law

- 8) Section 119 of the Highways Act 1980 provides for the making of a public path diversion order where it appears to the highway authority that:
“In the interests of the owner, lessee or occupier of land crossed by the path or way, or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether onto land of the same or of another owner, lessee or occupier), the council may, by order made by them:
 - a) create, as from such date as may be specified in the order, any such new footpath as appears to the council requisite for effecting the diversion, and;*
 - b) extinguish the public right of way over so much of the path or way as appears to the council requisite.”*
- 9) The proposed diverted route should not be substantially less convenient to the public and in the case of Footpath Ryton 62/2 at

Bradley Farm, it is considered to be expedient in the interests of the landowner to protect livestock from footpath users and their dogs.

- 10) Section 119(2)(b) Highways Act 1980 provides that a public path diversion order shall not alter a point of termination of the path or way (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public. The termination point of Footpath Ryton 62/2 will not be altered and it is considered to be substantially as convenient to the public.
- 11) Where a public path diversion order is being made at the request of a landowner or occupier of land crossed by the path, the Council can require them under section 119(5) of the Highways Act 1980, to enter into an agreement to defray or make contributions towards any compensation payable under Section 28 of the Highways Act 1980 below, or to the cost of the works to implement the diversion. The local authority can also request a landowner who has applied for a diversion order to contribute or pay for the cost of processing the diversion order.
- 12) 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. In relation to the part diversion of Footpath Ryton 62/2, there are no other interests in the land that the proposed part diversion will affect, other than the landowner's. Furthermore, the landowner consents to the proposed part diversion of the path and has other public rights of way running across their land. Therefore the landowner's enjoyment of the land is unlikely to be disturbed by the proposed diversion in order to bring a claim under Section 28 of the Highways Act 1980.

Consultation

- 13) No consultation has taken place for this proposed diversion.

Conclusion

- 14) In accordance with Section 119 of the Highways Act 1980 it is within the Council's discretion to make an order if it appears to the Council to be expedient to do so in the interests of the public or of the owner, lessee or occupier of the land crossed by the path. It is considered that the proposed diversion is in the interests of the owner.

Recommendation

15) The Rights of Way Committee approves:

- i) That a public path diversion order be made to divert part of Footpath Ryton 62/2 from Point A to Point C as shown with a bold line on the plan attached at Appendix 2 to this report, to the new alignment from Point A to Point C as shown with a broken line on the plan attached at Appendix 2 to this report.

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 diversion order to divert part of Footpath Ryton 62 from Point A to Point C as shown with a bold line on the plan attached at Appendix 2 to this report, to the new alignment from Point A to Point B to Point C, as shown with a broken line on the plan attached 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 the applicant.

2 RISK MANAGEMENT IMPLICATIONS

None

3 HUMAN RESOURCES IMPLICATIONS

Officers from Legal and Corporate Services, 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 and home.

8 WARD IMPLICATIONS

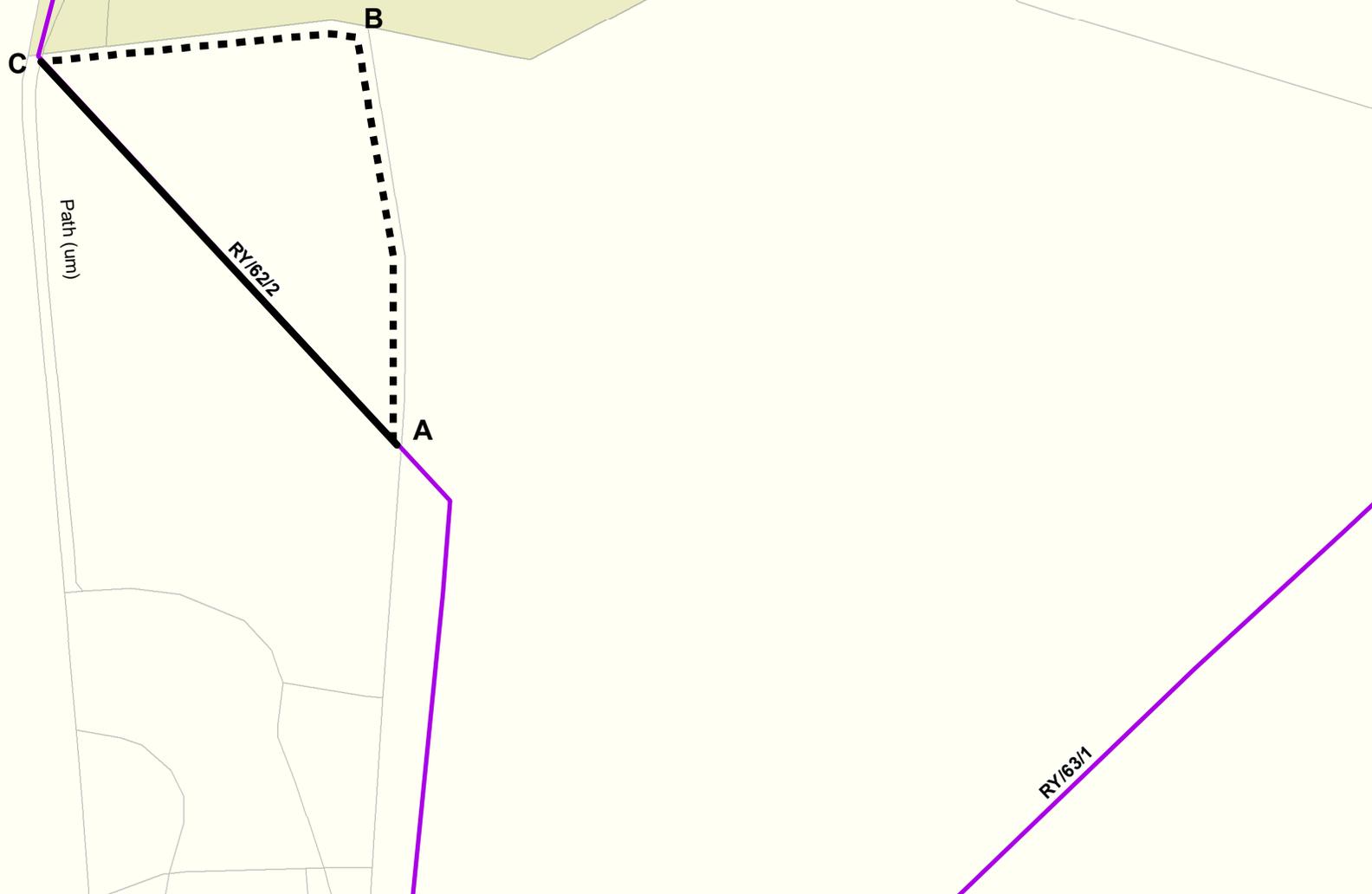
Crawcrook and Greenside

9 BACKGROUND INFORMATION

None

Contact: Zoe Jones Ext 3094

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Proposed Diversion Ryton 62/2

— Current Alignment Point A - C **- - - - -** Proposed Diversion Point A-B-C



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Report to Rights of Way Committee

15th November 2021

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 2021 and November 2021.

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: Brendan McNeany extension 2610 and Zoe Jones extension 3094

APPENDIX 1

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

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 but objections have been received. The Order will need to be sent to the Secretary of State for the Environment, Food and Rural Affairs. This is being prepared to be submitted in due course.
2	Application to add a bridleyway 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.
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.
4	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. The papers were sent to 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. The order was confirmed and a copy of the Inspector's Decision is attached as an appendix to this report.
5	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 the 31 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.
6	Clarty Lane Upgrade public footpath LA/33 to bridleyway	Lamesley	Definitive Map Modification Order	Following committee on 18th November 2019, instructions are with legal to progress making the order.
7	Cushy Cow Lane Upgrade public footpath RY/27 to bridleyway.	Ryton Crookhill Stella Crawcrook Greenside	Definitive Map Modification Order	In progress, application was due to be brought to committee on the 16 th November, but more time was requested by the BHS to gather more user evidence.
8	Claim for a Bridleyway at Barlow Lane, Barlow.	Winlaton High Spen Crawcrook Greenside	Definitive Map Modification Order	An application has been received on the 26 th March 2020 to record a Bridleyway onto the definitive map and statement at Barlow Lane, Barlow.
9	Blackhall Mill to Chopwell Upgrade public footpaths BL/11/1, BL/19/1, BL/19/2 and BL/19/3 to bridleyway.	Chopwell Rowlands Gill	Definitive Map Modification Order	An application has been received on the 17 th August 2020 to upgrade public footpaths BL/11/1, BL/19/1, BL/19/2 and BL/19/3 to bridleyway at Blackhall Mill and Chopwell.
10	Blackhall Mill to Armondside Upgrade public footpath BL/28/1 to bridleyway.	Chopwell Rowlands Gill	Definitive Map Modification Order	An application has been received on the 17 th August 2020 to upgrade public footpaths BL/28/1 to bridleyway at Blackhall Mill.
11	Claim for a Bridleyway at Horsegate, Chopwell.	Chopwell Rowlands Gill	Definitive Map Modification Order	An application has been received on the 17 th August 2020 to record a Bridleyway onto the definitive map and statement at Horsegate, Chopwell.

Completed Matters

None

PRINCIPAL WORKS CARRIED OUT ON THE RIGHTS OF WAY NETWORK – July 2021 and November 2021

August 2021	Ravensworth Golf Course, Gateshead 4 & 5	Vegetation cut back
August 2021	Stargate, Blaydon 104	Vegetation cut back
September 2021	Highfield, Blaydon 33	Vegetation cut back
September 2021	Kibblesworth, Lamsley 72	Resurfacing
September 2021	Burdon Moor, Lamsley 72	Removal of restriction
October 2021	Hikey Bridge, Whickham 191 & 204	Resurfacing and Drainage
October 2021	Whickham 66	Replace bridge
October 2021	Watergate Park, Whickham 87	Resurfacing following water damage
October 2021	Marley Hill, Whickham 148	Replace stile
October 2021	Stargate roundabout, Blaydon 83	Replace fence line and kissing gate