

**North Tyneside Council
Report to Louise Watson
Senior Manager, Legal Services
and Information Governance
Date: 4th September 2018**

**Officer Delegated Power Report (non
executive decisions)**

Title of Report: Definitive Map Modification
and Public Path Order/s –Seaton Burn Area
Authority to – Confirm Orders

Report from Service Area:

Responsible Officer: Highways
Phil Scott

(Tel: 0191 643 6086)

Ward affected: Weetslade

PART 1

1.1 Executive Summary:

The Countryside and Rights of Way Act 2000 requires that the definitive map and statement (DM&S) is continually updated. A number of routes were identified within the Seaton Burn area and the associated unopposed orders require confirmation.

1.2 Recommendation(s):

It is recommended that:

The Head of Law and Governance confirms the unopposed definitive map modification and public path orders for the Seaton Burn Area see Appendix 1 attached with copies of previously signed, unopposed Orders.

1.3 Information:

Background

In accordance with LG67 within the Council's Constitution and Delegation Scheme the Senior Manager of Legal Services and Information Governance has the authority to confirm unopposed definitive map modification and public path orders within the Borough.

As set out above the Authority is required, by virtue of the Countryside and Rights of Way Act 2000 to update the DM&S to ensure the particulars contained in the map and statement are up to date. The process has started in the North West and will continue this process throughout the Borough in the coming years.

As is due process in legislation the Orders are first drafted and signed, they are then placed on site and in the local press. The public then have 42 days to object. No objections were received in relation to any of the aforementioned paths.

The reference codes and definitive statements have also been updated to better reflect the current line of each path on the ground, these can be seen in the Appendix and the attached Orders.

The paths in question are:

Seaton Burn 1: Upgrading whole of footpath to bridleway
Seaton Burn 1, 2 and 6: Update definitive statement
Seaton Burn 3: Upgrading section of footpath to bridleway
Seaton Burn 4 & 5: Record as footpath & bridleway respectively
LB36: Extinguish

As no objections have been received in relation to the Orders it is now requested that the Orders are confirmed. Once this Delegated Decision is signed and recorded the attached Notice of confirmation will be published on site, available for inspection within the Council offices and published in the local press in the same way as the Orders were advertised.

1.4 Decision options:

The following decision options are available for consideration:

Option 1

The Senior Manager of Legal Services and Information Governance can agree to arrange for the formal confirmation of each order.

Option 2

Refuse to agree to arrange for the formal confirmation of each order.

Option 1 is the recommended option.

1.5 Reasons for recommended option:

None of the orders received an objection and therefore require confirmation in order for the process to be completed.

1.6 Appendices:

Appendix 1 – signed unopposed Orders for:

Seaton Burn 1: Upgrading whole of footpath to bridleway
Seaton Burn 1, 2 and 6: Update definitive statement
Seaton Burn 3: Upgrading section of footpath to bridleway
Seaton Burn 4 & 5: Record as footpath & bridleway respectively
LB36: Extinguishment

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

(i) Article 13 of North Tyneside Council's Constitution which sets out the Authority's approach to decision making, and (ii) the Cabinet/Council/Officer Reports Guidance Note)

2.1 Finance and other resources

Cost of publication to be met by Highways and Engineering budget.

2.2 Legal

Orders and confirmation process carried out in accordance with Countryside and Rights of Way Act 2000.

2.3 Consultation/community engagement

2.3.1 Ward Councillors see Appendix 2

2.3.2 Statutory bodies and Landowners see Appendix 2 attached

2.4 Human rights

There are no known Human Rights implications.

2.5 Equalities and diversity

There are no known direct equalities and diversity implications.

2.6 Risk management

There are no known risk management implications.

2.7 Crime and disorder

There are no known crime and disorder implications.

2.8 Environment and sustainability

Upgrading footpaths to bridleway will provide legal access to horse riders and people on bikes.

Seaton Burn 1, Seaton Burn 2 (south) and Seaton Burn 3 (west) form part of the Reivers National Cycle Route.

The narrow bridge crossing from Seaton Burn 3 (west) to Little Waters Lane has recently been replaced with a widened structure to support future use and new surfacing.

