

North Tyneside Council

Report to Head of Law and Governance

Date: 29 March 2019

ITEM

Title: Wideopen 1A to 1E
North Tyneside Council
Definitive Map and
Statement Modification
Order 2018

Portfolio(s): Environment and Transport

Cabinet Member(s): Councillor Carl Johnson

Report from Service

Area: Environment, Housing and Leisure

Responsible Officer: Phil Scott, Head of Environment, Housing and Leisure (Tel: (0191) 643 7295)

Wards affected: Weetslade

PART 1

1.1 Executive Summary:

The Wildlife and Countryside Act 1981 requires Local Authorities to keep the Definitive Map and Statement (DM&S) continually updated. The DM&S is a register containing of all public rights of way (PROW) that are used by the public across the borough. The Countryside and Public Rights of Way Act 2000 set a 'cut-off' date of the 1st January 2026, by which time the entire PROW used in the borough need to be recorded and registered. This means that any unrecorded footpaths and bridleways created before 1949 cannot be recorded after that date. It is therefore important that the Authority continues to update the DM&S before the cut-off date.

The Authority updates the DM&S by creating Definitive Map Modification and Public Path Orders. As the legislation requires, the Orders are drafted and signed in the prescribed form. They are then placed at the site of the Order and an advert is published in the local press. The Orders are also sent to statutory consultees. Members of the public and statutory consultees will then have 42 days to object before the Orders can be confirmed.

In this instance the Authority has carried out the above process for the paths Wideopen 1A-1E. The Order is attached and there have been no objections.

Orders that have completed this process and have received no objections need to be confirmed. In accordance with LG67 within the Officer Delegation Scheme, the Head of Law and Governance has the authority to confirm unopposed Definitive Map Modification and Public Footpath Orders within the Borough. This report requests approval to proceed with confirmation of the aforementioned Order.

1.2 Recommendation(s):

It is recommended that the Head of Law and Governance, in consultation with the Head of Environment, Housing and Leisure authorises:

- (1) the confirmation of the Wideopen 1A to 1E North Tyneside Council Definitive Map and Statement Modification Order 2018, and in doing so;
- (2) the placing of confirmation notices at the site of the Order; and
- (3) the publication of an advert in the local press that confirms the Order; and
- (4) the Definitive Map and Statement for the borough of North Tyneside to be updated in accordance with this Order.

1.3 Forward Plan:

Twenty eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 5th April 2019.

1.4 Council Plan and Policy Framework

This report relates to the following priorities in the Our North Tyneside Plan:

- (1) Provide a clean, green, healthy, attractive, safe and sustainable environment
- (2) Be great places to live

1.5 Information:

As set out in 1.1, the Authority is required by the Wildlife and Countryside Act 1981 to keep the DM&S under continuous review. The Authority began a comprehensive review of public rights of way in the borough in 2018, beginning in Seaton Burn and is continuing this progress into the Wideopen area. The Order for which approval is sought is the Wideopen 1A to 1E North Tyneside Council Definitive Map and Statement Modification Order 2018 and has amended reference codes and definitive statements to better reflect the current line of each path on the ground.

The paths in question are:

Wideopen 1A - Public Footpath
Wideopen 1B - Public Footpath
Wideopen 1C - Public Footpath
Wideopen 1D - Public Footpath
Wideopen 1E – Bridleway

These can be seen in the Appendix and the attached Order.

The Order was drafted and placed at site on the 22nd November 2018, in accordance with the legislative requirements set out in 1.1 and consultation with user groups. On the 8th January 2019, the Order passed from the date of publication the 42 day requirement for stakeholders and members of the public to lodge objections. No objections have been received.

As there have been no objections, the Order needs to be confirmed to allow for the DM&S to be formally updated. If the Head of Law and Governance chooses to authorise the confirmation of the aforementioned Order, Officers can then proceed with the procedural requirements of confirming the Order.

1.6 Decision options:

The following decision options are available for consideration by the Head of Law and Governance:

Option 1

Authorise the confirmation of the Wideopen 1A to 1E North Tyneside Council Definitive Map and Statement Modification Order 2018, which updates the Definitive Map and Statement for the borough of North Tyneside

Option 2

Not authorise the confirmation of the Wideopen 1A to 1E North Tyneside Council Definitive Map and Statement Modification Order 2018

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended for the following reasons:

The Authority is statutorily required to keep the DM&S updated. The Order in question has received no objections and needs confirmation for the DM&S to be updated.

1.8 Appendices:

Appendix 1: Wideopen 1A to 1E North Tyneside Council Definitive Map and Statement Modification Order 2018

Appendix 2: Wideopen 1A-1E Map

1.9 Contact officers:

Graeme Clark, Definitive Map, Public Rights of Way and Cycle Network Officer, tel. (0191) 643 6086

Tessa Crowe, Lawyer, tel (0191) 643 5335

Joshua Farrier, Solicitor Apprentice, tel. (0191) 643 5031

David Dunford, Acting Senior Business Partner, Finance matters, tel. (0191) 643 7027

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

(1) [The Wildlife and Countryside Act 1981](#)

(2) [The Countryside and Public Rights of Way Act 2000](#)

(3) The unopposed Order and Order Maps

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The cost of publication of an advert in the local press is to be met from the Highways and Engineering budget.

2.2 Legal

All legal implications have been considered. The due process for submitting and confirmation of Orders to modify the DM&S, as required by the Wildlife and Countryside Act 1981 has been correctly followed. The Orders have been drafted in the prescribed format required by the Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993.

2.3 Consultation/community engagement

As part of the on-going process to update the Definitive Map & Statement our Public Rights of Way, Definitive Map & Cycle Projects Officer (Graeme Clark) liaises on a continuous basis with user groups and statutory bodies including – Bridleway Access Group, Ramblers, Living Streets and Ward Councillors.

A draft version of the Order was sent to these groups in advance of progression to the formal stage of sealing and advertising in the local press and on site. No objections were received.

2.4 Human rights

There are no known human rights implications.

2.5 Equalities and diversity

There are no known 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

Formally adding the routes to the Definitive Map & Statement legally protects their line and status thereby preserving access into the future for the public at large.

The routes are very popular for leisure walking (Wideopen 1E will also cater for equestrian and cycle use) and provide direct access to and from Big Waters and Brunswick Village via the A1 Motorway overpass and subway.

PART 3 - SIGN OFF

- Chief Executive ☐
- Head(s) of Service ☐
- Mayor/Cabinet Member(s) ☐
- Chief Finance Officer ☐
- Monitoring Officer ☐
- Head of Corporate Strategy
and Customer Service ☐

WILDLIFE AND COUNTRYSIDE ACT 1981

DEFINITIVE MAP AND STATEMENT FOR THE WIDEOPEN AREA

**PUBLIC FOOTPATH WIDEOPEN 1A, 1B, 1C & 1D
AND
BRIDLEWAY WIDEOPEN 1E**

NORTH TYNESIDE COUNCIL MODIFICATION ORDER 2018

This Order is made by North Tyneside Council ("The Authority") under section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act"), because it appears to the Authority that the Definitive Map and Statement for the Wideopen area requires modification in consequence of the occurrence of an event specified in sections 53(3)(c)(i), 53(3)(c)(ii) and 53(3)(c)(iii) namely, the discovery by the Authority of evidence, which shows that four (4) footpaths and one (1) bridleway is situated between Little Waters Lane, Bridge Court, Rayleigh Drive, Havant Gardens, Hayes Walk, Cranwell Drive and the A1 motorway, Wideopen, which are not shown in the definitive map and statement, subsist, or are reasonably alleged to subsist.

The Authority hereby orders that:

1. For the purpose of this Order the relevant date is 22nd November 2018.
2. The Definitive Map and Statement shall be modified as described in Part I and Part II of the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the date it is confirmed and may be cited as the Wideopen 1A to 1E North Tyneside Council Definitive Map and Statement Modification Order 2018.

Date:

The common seal of
**THE AUTHORITY OF THE
BOROUGH OF NORTH TYNESIDE**
was affixed to this document in the
presence of:

Chair

Authorised signatory

SCHEDULE

Part I: Modification of Definitive Map

Wideopen 1A

There shall be added to the Definitive Map a footpath from a point at its junction with a definitive Bridleway on Little Waters Lane, Wideopen at:

Grid Ref: NZ 23702 / NZ 73484 (**Point A**)

to its end point at its junction with another definitive Bridleway at the east access point of the A1 subway west of Hayes Walk, Wideopen:

Grid Ref: NZ 23600 / NZ 72913 (**Point B**)

Comprising a total distance of approximately 635 metres

Wideopen 1B

There shall be added to the Definitive Map a footpath from a point at its junction with a definitive Bridleway on Little Waters Lane, Wideopen at:

Grid Ref: NZ 23920 / NZ 73460 (**Point C**)

to its end point at its junction with Rayleigh Drive, Wideopen at:

Grid Ref: NZ 23919 / NZ 73377 (**Point D**)

Comprising a total distance of approximately 84 metres

Wideopen 1C

There shall be added to the Definitive Map a footpath from a point at its junction with a definitive Bridleway on Little Waters Lane, Wideopen at:

Grid Ref: NZ 23932 / NZ 73462 (**Point E**)

to its end point at its junction with a link path heading to Rayleigh Drive, Wideopen at:

Grid Ref: NZ 23922 / NZ 73440 (**Point F**)

Comprising a total distance of approximately 24 metres

Wideopen 1D

There shall be added to the Definitive Map a footpath from a point at its junction with an allotment access road off Rayleigh Drive, Wideopen at:

Grid Ref: NZ 23785 / NZ 73257 (**Point G**)

to its end point at its junction with a link path between Little Waters Lane and Hayes Walk , Wideopen at:

Grid Ref: NZ 23756 / NZ 73240 (**Point H**)

Comprising a total distance of approximately 34 metres

Wideopen 1E

There shall be added to the Definitive Map a Bridleway from a point east of its junction with Hayes Walk, Wideopen at:

Grid Ref: NZ 23600 / NZ 73913 (**Point I**)

to its end point at its junction with a link path between Little Waters Lane and Hayes Walk , Wideopen at:

Grid Ref: NZ 23756 / NZ 73240 (**Point J**)

Comprising a total distance of approximately 73 metres

Part II: Modification of Definitive Statement

Wideopen 1A

Commencing at its north end at its junction with a definitive Bridleway on Little Waters Lane, Wideopen - the path continues in a generally south and then south west direction to its junction with a definitive Bridleway at the east access point of the A1 subway west of Hayes Walk, Wideopen - comprising of a total distance of approximately 635 metres.

Width 1 metre

Wideopen 1B

Commencing at its north end at its junction with a definitive Bridleway on Little Waters Lane, Wideopen - the path continues south to its junction with a Rayleigh Drive, Wideopen - comprising of a total distance of approximately 84 metres.

Width 1.5 metres

Wideopen 1C

Commencing at its north end at its junction with a definitive Bridleway on Little Waters Lane, Wideopen - the path continues south west to its junction with an adjoining link path to Rayleigh Drive, Wideopen - comprising of a total distance of approximately 24 metres.

Width 1.5 metres

Wideopen 1D

Commencing at its east end at its junction with Rayleigh Drive, Wideopen - the path continues in a south west direction to its junction with a link path between Little Waters Lane and Hayes Walk - comprising of a total distance of approximately 34 metres.

Width 2.6 metres

Wideopen 1E

Commencing at its east end at its junction with Rayleigh Drive, Wideopen - the path continues in a south west direction to its junction with a definitive Bridleway at the east access point of the A1 subway west of Hayes Walk, Wideopen - comprising of a total distance of approximately 73 metres.

Width 3 metres