

North Tyneside Council

Report to Head of Law and Governance

Date: 12 July 2019

ITEM

Title: Wideopen 1, 2, 3, 4, 4a, 5, and 6 North Tyneside Council Definitive Map and Statement Modification Orders 2019

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 which were in use 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 1, 2, 3, 4, 4a, 5, and 6. The Orders are 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 of the following Orders:
 - (i) Public Footpath LB38 & Bridleway Wideopen 1 North Tyneside Council Definitive Map & Statement Modification Order 2019; and
 - (ii) Wideopen 2, 4, 5 & 6 & Public Footpath 4A Definitive Map & Statement Modification Order 2019, 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.

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 Orders for which approval is sought is the North Tyneside Council Definitive Map and Statement Modification Order 2019 and has amended reference codes and definitive statements to better reflect the current line of each path on the ground and extinguished routes that are no longer relevant.

The paths in question are:

- Wideopen 1 – Bridleway (Diversion & Statement update)
- Wideopen 2 - Bridleway (Statement update)
- Wideopen 3 - Public Footpath (Change of Status at South end & Statement update)
- Wideopen 4 - Bridleway (Statement update)
- Wideopen 4A - Public Footpath (Record)
- Wideopen 5 – Bridleway (Statement update)
- Wideopen 6 – Bridleway (Statement update)

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

The Order was sealed on 18th April 2019 and advertised in local press and placed on site on the 1st May 2019, in accordance with the legislative requirements set out in 1.1 and consultation with user groups. On the 12th July 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 aforementioned Orders, which updates the Definitive Map and Statement for the borough of North Tyneside

Option 2

Not authorise the confirmation of the aforementioned Orders.

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: Public Footpath LB38 & Bridleway Wideopen 1 North Tyneside Council Definitive Map & Statement Modification Order 2019

Appendix 2: Wideopen 2, 4, 5 & 6 & Public Footpath 4A Definitive Map & Statement Modification Order 2019

Appendix 3: Public Footpath LB38 & Bridleway Wideopen 1 Map

Appendix 4: Wideopen 2, 4, 5 & 6 & Public Footpath 4A 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 Orders 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 arising directly from this report.

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.

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