

# **NOTICE OF ORDER**

## **WILDLIFE AND COUNTRYSIDE ACT 1981**

### **SECTION 53**

Northumberland County Council  
Definitive Map Modification Order (No 18) 2016 Byway Open to All Traffic No 26  
(Parish of Ellingham)

Notice is hereby given that the above referenced Order has been submitted to the Secretary of State for Environment, Food and Rural Affairs for determination. An Inspector will be appointed by the Secretary of State to determine the Order.

The **start date** for the above Order is **23 November 2017**.

Consideration of the Order will take the form of a public local inquiry.

The Inquiry will be held at the **Warkworth Meeting Room in County Hall, Morpeth, Northumberland, NE61 2EF** on **Wednesday 16 May 2018** at 10.00am.

The effect of the Order, if confirmed without modifications, will be to modify the definitive map and statement for the area by:-

**Former Berwick-upon-Tweed Borough**

#### **Byway Open to All Traffic No 26 (Parish of Ellingham)**

Adding thereto a byway open to all traffic, from a point marked Q, on the U2027 road, 100 metres south-west of The Nest, in a general north-westerly then westerly direction along the U2050 road for a distance of 895 metres, to a point marked P, on the U2022 road, 480 metres east of where the A1 road crosses the Priestsdean Burn.

Any queries relating to this Order should be referred to Helen Sparks at The Planning Inspectorate, Rights of Way Section, Room 3/G Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Telephone: 0303 444 5646. Email: [helen.sparks@pins.gsi.gov.uk](mailto:helen.sparks@pins.gsi.gov.uk) Please quote reference number ROW/3182652 on all correspondence.

Any person wishing to view the statements of case and other documents relating to this Order may do so by appointment during normal office hours (i.e. 9:00 – 5:00 pm Mondays to Thursdays and 9:00 – 4:30 Fridays) at the following location: Infrastructure Records Team office, County Hall, Morpeth, Northumberland, NE61 2EF. To arrange a viewing, please contact Mr Alex Bell on Telephone Number 01670 624133 or e-mail address [alex.bell@northumberland.gov.uk](mailto:alex.bell@northumberland.gov.uk)

#### **Timetable for sending in statements of case and proofs of evidence**

**Within 8 weeks of the start date by [by 18 January 2018]**

The Order Making Authority must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a copy (excluding copies of any supporting documents - these will be available to view at the Authority's offices) to everyone who has made an

objection or representation and the applicant and any other person who has written to us in respect of the Order.

**Within 14 weeks of the start date [by 1 March 2018]**

Everyone who has made an objection or representation and anyone who wishes to give evidence at the Inquiry must ensure their statement of case<sup>1</sup> is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send full copies to the Authority. Copies will also be sent to the applicant, every person who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

Within the same period the applicant (if applicable) must ensure their statement of case is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send a full copy to the Authority. Copies will also be sent to everyone who has made an objection or representation and any other person who has written to us in respect of the Order (excluding copies of any supporting documents - these will be available to view at the Authority's offices).

**4 weeks before the date of the inquiry [by 18 April 2018]**

The Authority, everyone who has made an objection or representation, the applicant (if applicable) and anyone who wishes to give evidence at the Inquiry must ensure their proof of evidence (together with any summary) is received by the Secretary of State. As soon as possible after the deadline, the Secretary of State will send copies of:

- i) the Authority's proof of evidence to everyone who has made an objection or representation, the applicant and anyone who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence);
- ii) the applicant's proof of evidence to the Authority, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence); and
- iii) all other proofs of evidence to the Authority, the applicant, everyone who has made an objection or representation and anyone else who has submitted a statement of case (excluding copies of any supporting documents – although none should be submitted with a proof of evidence).

All parties must keep to the timetable set out above and ensure that statements of case and proofs of evidence are received by the Secretary of State on time. Late documents will be returned.

We cannot accept any libellous, racist or abusive comments. Any documents containing such comments will be returned.

Notice of order for inquiry

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<sup>1</sup> If you wish to make a legal submission, this should be submitted at the same time as your statement of case. Otherwise legal submissions will have to be submitted in writing on the day of the inquiry.

# **Wildlife and Countryside Act 1981**

## **Definitive Map and Statement of Public Rights of Way for the County of Northumberland**

### **The Northumberland County Council**

#### **Definitive Map Modification Order (No 18) 2016**

##### **Byway Open to All Traffic No 26 (Parish of Ellingham)**

This Order is made by Northumberland County Council under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the Definitive Map and Statement of Public Rights of Way for the County of Northumberland require modification in consequence of the occurrence of events specified in Section 53(3)(c)(i) and (iii), namely, the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic; and that there is no public right of way over land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

The authority has consulted every local authority whose area includes the land to which the order relates. The Northumberland County Council hereby order that:

1. For the purposes of this Order the relevant date is 1 July 2016.
2. The Definitive Map and Statement of Public Rights of Way for the County of Northumberland shall be modified as described in 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 Northumberland County Council Definitive Map Modification Order (No 18) 2016.

# Definitive Map Modification Order (No 18) 2016

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Parish	Path No.	Modification	OS Map Nos.	Def Map Nos.
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Ellingham	BOAT 26	Addition	NU 12 NE	41

# Definitive Map Modification Order (No 18) 2016

## Description of Modification to Definitive Map and Statement

### Former Berwick-upon-Tweed Borough

#### **Ellingham**                      **Footpath No 12**    **(NU 12 NE)**

Part I      Map:              The map is not affected.

Part II      Statement:      To be amended as follows:  
A 1.5 metre wide path, from the U2027 road, 140 metres north-east of Harelaw, through a field gate and in a westerly direction for a distance of 220 metres, then in a southerly direction for a distance of 10 metres, crossing the stream by means of a footbridge, to a point 105 metres north-west of Harelaw, thereafter as a path in a westerly then north-westerly direction to join Byway Open to All Traffic No 26 (the Priest's Dean - The Nest road).

#### **Ellingham**                      **Footpath No 13**    **(NU 12 NE)**

Part I      Map:              The map is not affected.

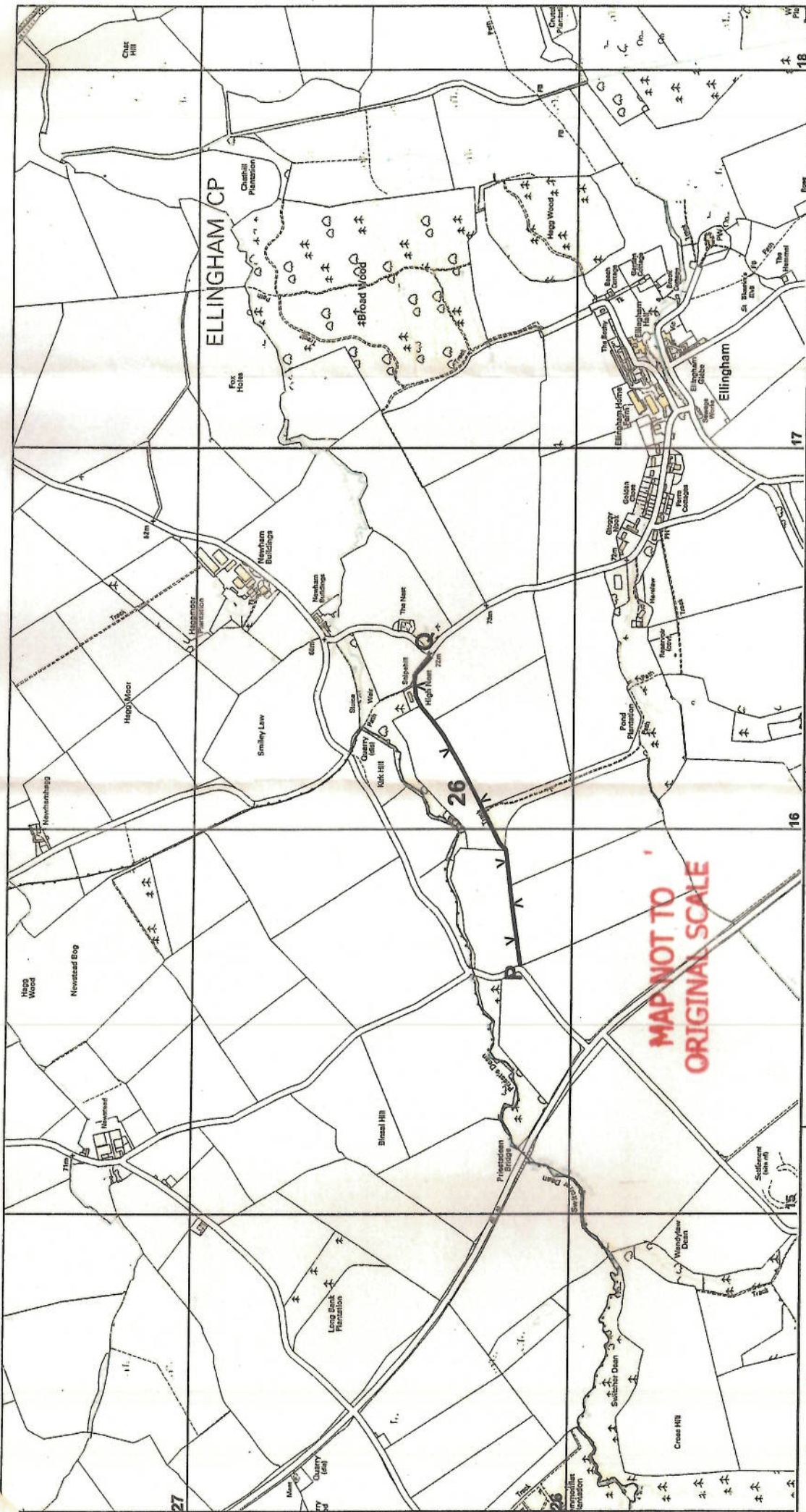
Part II      Statement:      To be amended as follows:  
From Byway Open to All Traffic No 26 (the Priest's Dean - The Nest road) west of The Nest in a north-westerly direction crossing the bridge over Priestsdean Burn to join Footpath No 3 at the Adderstone with Lucker Parish boundary at the Priestsdean Burn.

**Ellingham**

**Byway Open to All Traffic No 26**

**(NU 12 NE)**

- Part I**      **Map:**      Adding thereto a byway open to all traffic, from a point marked Q, on the U2027 road, 100 metres south-west of The Nest, in a general north-westerly then westerly direction along the U2050 road for a distance of 895 metres, to a point marked P, on the U2022 road, 480 metres east of where the A1 road crosses the Priestsdean Burn.
- Part II**      **Statement:**      To be prepared as follows:  
As a 10.5 to 7.5 metre wide byway open to all traffic, from the U2027 road, 100 metres south-west of The Nest, in a north-westerly direction for a distance of 60 metres. Thereafter as a 5 to 7.5 metre wide byway in a westerly direction for a distance of 55 metres. At this point the road narrows, briefly, to 4.8 metres. Thereafter as a 5 metre wide byway in a south-westerly direction for a distance of 30 metres to a 4.5 metre wide gap. Thereafter as a 5 metre wide byway in a south-westerly direction for a distance of 445 metres, then in a westerly direction for a distance of 305 metres, to join the U2022 road, 480 metres east of where the A1 road crosses the Priestsdean Burn.



<p><b>Northumberland</b> Northumberland County Council Infrastructure Local Services County Hall Morpeth Northumberland Telephone 0845 600 6400 NE61 2EF</p> <p><small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. NORTHUMBERLAND COUNTY COUNCIL - OS Licence No. 100049048</small></p>	<p>Wildlife and Countryside Act, 1981</p> <p><b>Definitive Map of Public Rights of Way for the County of Northumberland</b></p>	<p><b>The Northumberland County Council</b></p> <p><b>Modification Order (No.18) 2016</b></p>	<p>Public Footpath to be deleted Public Footpath Public Bridleway Restricted Byway Byway Open to All Traffic</p>	<p>O.S. Map NU 12 NE Former District(s) Berwick</p>	<p>Definitive Map No. 41 Parish(es) Ellingham</p>	<p>Scale: 1/10,000 Date: April 2016</p>
	<p><i>WJH/2016</i></p>					

IN WITNESS whereof the Common Seal of the County Council of Northumberland was hereunto affixed on the 15<sup>th</sup> day of August 2016

**The Common Seal of the County Council of Northumberland** was hereunto affixed in the presence of:-

*N. J. Mason*

**Duly Authorised Officer**



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