



Order Decision

On papers on file

by Mark Yates BA(Hons) MIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 19 February 2019

Order Ref: ROW/3189691

- This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the 1981 Act") and is known as The Northumberland County Council Definitive Map Modification Order (No 20) 2015.
 - The Order was made by the County Council of Northumberland ("the Council") on 21 December 2015 and proposes to add a bridleway to the definitive map and statement.
 - There were two objections outstanding when the Council submitted the Order for confirmation to the Secretary of State for Environment, Food and Rural Affairs.
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Decision

1. I do not confirm the Order.

Main Issues

2. The Order relies on the occurrence of events specified in Section 53(3)(c)(i) and (iii) of the 1981 Act. The main issue to be determined is whether a public right of way subsists on the balance of probabilities.

Reasons

3. The Council made additional Orders on 30 July 2018 to create and extinguish sections of public rights of way under Sections 26 and 118 of the Highways Act 1980. These Orders were confirmed on 4 December 2018.
4. The section of bridleway believed to subsist between points K-L in the Modification Order has been extinguished. It follows that any public rights that did exist at the relevant date specified in the Order have been stopped up. Therefore, it is not necessary for me to now determine whether a bridleway subsists.

Conclusion

5. For these reasons I conclude that the Order should not be confirmed.

Mark Yates

Inspector
