



Northumberland County Council

MORPETH LOCAL AREA COUNCIL
12 August 2019

REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED PUBLIC BRIDLEWAY NO 54 PARISH OF STANNINGTON

Report of the Executive Director of Local Services
Cabinet Member: Councillor Glen Sanderson, Environment & Local Services

Purpose of report

In this report, the Council is asked to give consideration to all the relevant evidence gathered in support and rebuttal of a proposal to upgrade to public bridleway existing Parish of Stannington Public Footpath No 17 from a point on the eastern boundary of the A1 Trunk road at the junction with Public Footpath No 46 in an easterly direction, in part over the access road to Briery Hill Farm, to join existing Public Bridleway No 51 north-east of Plessey Mill Farm.

Recommendation

It is recommended that the Council agree that:

In the light of the evidence submitted it appears that public bridleway rights have, on the balance of probability, been proven to exist over the route.

1.0 BACKGROUND

- 1.1 By virtue of Section 53 of the Wildlife and Countryside Act, 1981, the County Council is required to keep the Definitive Map and Statement under continuous review and make modification orders upon the discovery of evidence, which shows that the map and statement need to be modified.
- 1.2 The relevant statutory provisions which apply to adding and upgrading a public right of way on the Definitive Map and Statement based on historical

documentary evidence is Section 53(3)(c)(ii) of the Wildlife and Countryside Act, 1981, which requires the County Council (as Surveying Authority) to modify the Definitive Map and Statement following:

“the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows:

“that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description;”

- 1.3 All the relevant statutory provisions and competing rights and interests have been considered in making this report. The recommendation is in accordance with the law and proportionate, having regard to individuals' rights and the public interest.

2.0 PUBLIC EVIDENCE

- 2.1 In February 2018, Susan Rogers of Glanton, Alnwick submitted an application to amend the Definitive Map and Statement by upgrading to public bridleway existing Parish of Stannington Public Footpath No 17 from a point marked T on the eastern boundary of the A1 Trunk road at the junction with Public Footpath No 46 in an easterly direction for a distance of 2420 metres in part over the access road to Briery Hill Farm to a point marked U on existing Public Bridleway No 51, 215 metres north-east of Plessey Mill Farm.
- 2.2 The application is supported by historical evidence including Armstrong's Map of 1769, Fryer's County Map of 1820, Greenwood's County Map of 1828, the 1835 Cow Causey & Buckton Burn Turnpike Road Improvement deposited plan, the 1840 Tithe Award for the township of Stannington, the 1844 Newcastle to Berwick deposited railway plan and book of reference, the 1st Edition O.S. 25" plan of 1866 with the accompanying Book of Reference, the 1st Edition O.S. 6" plan of 1866, the 2nd Edition O.S. 6" plan of 1898, the 1st Edition O.S. 1" plan of 1895, the 2nd Edition O.S. 1" plan of 1898, the 1910 Finance Act records and the 3rd Edition O.S. 6" plan of 1924.
- 2.3 The application was also accompanied by the following submission:

Briery Hill Lane

The alleged route

“1. The alleged route is in the parish of Stannington and is shown on OS Explorer 316. It is along the line of part of public footpath 421/017.

“2. The historic route ran from the original line of the Great North Road as it passed through Stannington, starting at GR NZ 214793 and continuing eastwards to Hartford Bridge at GR NZ 238798. However as a result of the impact of the improvement works on the A1 resulting in the village of Stannington now being separated from the land by a dual carriageway and the

quite separate development of the Plessey Woods Country Park, close to Hartford Bridge, only a section of that route is the subject of this application.

“3. The application route runs from GR NZ 215792, on the eastern side of the now dualled A1 (B) and continues eastward through the underpass under the East Coast Mainline to Briery Hill (C). This section is a fenced lane with a hard surface, approximately 5 metres wide. After Briery Hill, it passes through several fields until it reaches the boundary of Plessey Woods Country Park (D) at GR NZ 238798 where it joins public bridleway 421/051 which continues to Hartford Bridge.

“4. This leaves the application route as a dead end at its west end (B) where it used to cross the A1 at grade. From there a public footpath (421/046) to the slip road adjacent to the east side of the A1 underpass at GR NZ 214793 (A), was created as part of the duelling process.

“5. However negotiations took place in 2004 at the time of the duelling of the A1 between the Highways Agency and Northumberland County Council as the likelihood of public footpath Stannington 17 having higher rights had been raised by a user group. It was agreed that if higher rights were found to exist between Stannington and Hartford Bridge, efforts would be made to ensure that this missing link would be recorded with similar rights.

See enclosed photographs

Documentary evidence

1. 1769 Armstrong’s County Map

The historic route going east from Stannington is clearly shown passing a property, which, although not labelled, is located where Briery Hill is today. It is shown as being fenced and of the same status as other minor roads in the area.

See extract

2. 1820 Fryer’s County Map

The historic route from Stannington to Hartford Bridge is clearly shown passing through Briery Hill which is now labelled. To the east of the farm the route is now shown as being unfenced.

See extract

3. 1828 Greenwood’s County Map

Again the historic route linking Stannington to Hartford Bridge via Briery Hill is shown clearly in a similar manner to other minor roads in the area.

See extract

4. 1835 Cow Causey & Buckton Burn Turnpike Road Improvements QRUp 32

“This plan shows improvements that were proposed for the Great North Road. The extract of the plan in the Stannington area shows an unlabelled spur leaving the village in an easterly direction which would appear to be the alleged route.

“Today this road, to the west of the current A1 within Stannington Village, has the name ‘Briery Hill Lane’ and is the postal address of the houses along it. It is normal for roads to have the name of their destination so this fact supports the view that in the early 19th century there was a public route leading to Briery Hill along the alleged route.

See extract and photograph

5. 1840 Tithe Award for Stannington Township DT 437M

“The alleged route and other minor roads are not shown on the tithe plan. The only road of any substance labelled is the Cow Causey & Buckton Turnpike, showing that the proposals made in the document above were implemented. East of the turnpike, the land, including Briery Hill and East Moor, was owned by the Earl of Carlisle..

6. 1844 Newcastle to Berwick Railway Plan & Book of Reference QRUp 58

“The alleged route is shown on this plan to be in Stannington parish, Stannington township. Where it passes under the railway it is shown on the plan to be in plot 9. In the Book of Reference on page 105 this plot is shown to be an occupation road from Stannington tom Briery Hill and a **public bridle road** to Hartford Bridge. It was in the ownership of the Earl of Carlisle and **the Surveyors of Highways for the Township of Stannington.**

See extracts

7. 1866 OS 1st ed. scale 1:2,500, the 25" Sheets LXXII/14 & 15

“The sheet (LXXII/14) covering the western part of the route is missing from Woodhorn.

On sheet LXXII/15 east of Briery Hill (C), the route is shown passing along the south side of the fence line, braced with the two fields it passes through, which have the plot numbers 166 and 172. It then strikes across plot 173 to enter plot 174 close to the edge of woodland known as Stannington Banks, which it follows to pass into plot 178. It then turns to the northeast, not far from the stepping stones across the river from Plessey Mill, to meet the boundary of the woodland (D), which is now part of Plessey Woods Country Park.

There are spot heights and bench marks along the full length of the road. These normally indicate that the route is a public road. A number of other minor public paths join it, which also suggests it is public.

See extract

OS Book of Reference for Stannington Parish, Stannington Township

Working from west (C) to east (D), the plot numbers and their land use are recorded:

Plot 166	Arable etc
Plot 172	Arable etc
Plot 173	Arable etc
Plot 174	Pasture etc
Plot 178	Pasture etc

Although 'roads' as such are not mentioned, it is often found that 'etc' includes minor public routes in OS Books of Reference from Northumberland.

See extract

8. 1866 OS 1st ed, scale 1:10,560, the 6"

Roll 12

This map shows the whole route as described above.

See extract

9. 1898 OS 2nd ed 6"

Sheets LXXII/SE & SW

This series shows the whole route clearly as described above. The section to the east of Briery Hill is **labelled 'BR'** indicating that the surveyor understood it to carry horse traffic.

See extract

10. OS 1st ed 1" 1895 & 2nd ed 6" 1898 National Library of Scotland online

These show the alleged route clearly as described above.

See extracts

11. 1910 Finance Act Plan

NRO 436/LXXII/14 & 15

"The western part of the alleged route showing the fenced part of the route to Briery Hill, labelled BR, can be seen to be in hereditament (plot) 40 on sheet LXXII/14.

The eastern part, shown on sheet LXXII/15, is the unfenced section leading up to the boundary with Plessey Woods. It is shown with spot heights and bench marks and is labelled BR and is in hereditament (plot) 38.

See extracts

Plot 40, which is described as 'Briery Hill & agricultural land' is owned by Viscount Ridley and the occupiers are Messrs Reid. The entry is on page 5. Plot 38 is described as 'East Moor & agricultural land'. It is under the same ownership and occupation.

In neither case is there a deduction for 'right of way or user'. But this is not unusual where the land is owned by a major estate. In fact there are no deductions of this type for any of the hereditaments in this Field Book.

12. 1924 OS 3rd edition

The route is unchanged on this more modern edition of the OS.

See extract

Conclusion

The documentary evidence listed above suggests that the alleged route may have carried public rights higher than footpath ones since the 19th century. Please can this matter be investigated.

Note: Should the Council decide that an order for public bridleway be made, BRAG (Bridleways & Riders Action Group) who negotiated with the Highways Agency at the time of the A1 improvements in this area, will produce all the papers associated with the negotiations in the hope that it will be possible for the council to make a creation agreement with the relevant landowner to link the historic route from (B) to the public highway (A). This would mean that a through route would become available for horse riders living in Stannington to reach the network of bridleways in Plessey Woods Country Park by using the underpass under the A1 dual carriageway and this route."

3. LANDOWNER EVIDENCE

3.1 By letter dated 19th June 2018, Matthew Williamson of Land Factor Limited responded with the following comments.

- i) "The estate wishes to rebut the application for the alleged bridleway and would like to bring to your attention the following:
- ii) "There was an application back in 1996 to claim a bridleway over part of this route - marked A to B on the attached plan 1. This was dismissed by the Planning Inspectorate on 27 May 2002 and would draw your attention to his findings. If you require sight of his final report this can be provided by the estate office.
- iii) "The alleged bridleway between point U and X is over land occupied by Messrs Thompson. One of the brothers, Alan Thompson, resides at Briery Hill and has been invited to respond to this consultation. Within the tenancy agreement for the farm is a requirement for the Tenant to

use his best endeavours to prevent any encroachment being made on the holding. In conversations with Mr Thompson he confirms that they have done this and have not seen horses or cyclists using the alleged bridleway. If he had seen them he would have asked them to turn back and head towards the public road or already designated bridleway. They can recall no incidents of horses or bicycles using the alleged bridleway..

- iv) “After the A1 Stannington bypass was completed and the new service road to serve Briery Hill and East Moor was completed the estate ensured that a no-bicycles disc was placed at point T on the plan. I believe my predecessor, Mr Mark Wood, may have lodged a letter and photo of the disc when it was installed.
- v) “The owner of East Moor informed me that on Sunday 4th February 2018 he encountered a horse rider at the western end of the alleged bridleway. He pointed out to the rider that he was on a footpath and that he should return to the public road. Mr Mark Wood had always asked the residents served by the East Moor road to do this.
- vi) “The estate has a horse rider permit scheme which allows permitted riders to enjoy non-public rights of way. This shows that the estate is not “anti-horse” and would welcome applications.
- vii) “The route of the bridleway appears to be a cul-de-sac ending at point T. It does not join with any bridleway at point T. Point T is also just off the A1 - having this as a bridleway may see horses or bicycles attempting to use the A1.
- viii) “As requested I have indicated the extent of the estates ownership on the east side of the A1 on Plan 2.”

3.1 By letter dated 19th June 2018, Mr A Thompson of Briery Hill Farm responded with the following comments.

- i) “I write in connection with your letter dated 21st March 2018 regarding the alleged public bridleway running from point U to point T on the enclosed plan. My family have been the tenants of Briery Hill and the land at East Moor (the extent of which is indicated by a red line on the plan) since 1976. I have personally resided at Briery Hill Farmhouse since this date and in my time at the property I have not seen any cyclists or horse riders using the alleged bridleway.
- ii) “Within the tenancy agreement for the farm there is a requirement on us preventing encroachment on or across the farm except for those already permitted - e.g. the public footpath. As this is a requirement of our tenancy we have and will continue to ensure there is no trespass by riders.

- iii) “At the point marked X on the enclosed plan, we have removed a gate and installed a stile for the public footpath. This work was done in 2014 and has hence prohibited horses and cyclists (if any were taking entry) access on or off the private road.
- iv) “Since the planning inspectors decision in 2002 to not implement a public bridleway within Plessey Woods we have continually looked to work with the estate to ensure that no future claims for bridleways come forward. If a cyclist or horse rider was come upon we would have immediately asked them to leave the area.”

4. CONSULTATIONS

- 4.1 In March 2018, the County Council carried out a consultation with the Parish Council, known owners and occupiers of the land and the local representatives of the “prescribed and local organisations” listed in the Council’s “Code of Practice on Consultation for Public Path Orders”.
- 4.2 By letter in March 2018 the County Access & Bridleways Officer for the British Horse Society responded to the consultation with the following comments:

“Possible higher rights for this route were first raised when the A1 by-pass for Stannington was being planned around 2004 as the historic route between the village and Plessey Woods along Briery Lane would be cut. Prior to this date, this route was regularly ridden.

The documentary evidence shows that this route goes back to the 18th century and the railway plan shows that the route was considered to be a public bridle road right through to Hartford Bridge as well as providing access to Briery Hill.

It is hoped that the negotiations which began then to provide a new link of bridleway status to overcome the problem created by the new by-pass can now be completed so that horse riders from Stannington and the area to the west of the A1 can still enjoy the good network of bridleways to be found in Plessey Woods.”

5. DOCUMENTARY EVIDENCE

- 5.1 A search has been made, relating to historical evidence and the following copies are enclosed for consideration.

1769 Armstrong’s County Map

There is evidence of a track over the claimed route from Stannington to Hartford identified as a ‘Country Road’.

- 1820 Fryer's County Map
- There is no evidence of a track over the claimed route identified in the Legend as 'Other Roads'.
- 1827 Cary's Map
- There is evidence of a track over the claimed path identified in the Legend as a 'Parochial Road'..
- 1828 Greenwood's County Map
- There is evidence of a track over the claimed route identified in the Legend as a 'Cross Road'.
- 1840 Stannington Tithe Award
- There is no evidence of any tracks to the east of Stannington village.
- c1860 1st Edition O.S. Map: Scale 1:2,500 & Book of Reference (Applicant's Plan)
- There is evidence of a track over the entire length of the claimed route.
- The enclosed track from Stannington to Briery Hill is annotated with the number 216 which is identified in the accompanying Book of Reference as a 'Private road'. East of Briery Hill the track has no specific number but crosses the field parcels numbered 166, 172 - 4 & 178 which are annotated collectively in the Book of Reference as 'Arable', 'Arable, &c and 'Pasture, &c'.
- 1865 1st Edition O.S. Map: Scale 1:10,560
- There is evidence of a track over the claimed route which is enclosed to the west of Briery Hill. The route is identified with Bench Marks.
- 1898 2nd Edition O.S. Map: Scale 1:10,560
- There is evidence of a track over the claimed route which is enclosed to the west of Briery Hill. The route is identified with Bench Marks and annotated as (BR) a Bridle Road.
- 1924 3rd Edition O.S. Map: Scale 1:10,560
- There is evidence of a track over the claimed route which is enclosed to the west of Briery Hill.

1954 Survey & Draft Definitive Maps

There is evidence of a track over the claimed route which is identified as a footpath and numbered 17.

1966 Provisional Edition O.S. Map: Scale 1:10,560

There is evidence of a track over the claimed route which is enclosed from Stannington to beyond Briery Hill as an access to East Moor.

6. SITE INVESTIGATION

- 6.1 A site inspection is scheduled prior to the Council meeting.

7. COMMENTS RECEIVED ON THE DRAFT REPORT

- 7.1 In July 2019, a draft copy of the report was circulated to the applicant and known owners / occupiers of the land who responded to the consultation.

- 7.2 By email received 8th July Susan Rogers, the applicant, responded with the following comments.

- i) “Thank you for the draft committee report that you intend to take to Morpeth Local Area Council in August.
- ii) “I would like to point out to the two objectors that there was no intention to produce user evidence as we are hopeful that the documentary evidence is sufficient to show that the route under investigation carried higher rights in the past. So our case is based on the legal maxim ‘once a highway, always a highway’.
- iii) “Local horse riders are grateful to the Blagdon Estate for the permissive access that they are prepared to grant as riders in Stannington Parish face dangers of mixing with traffic on busy roads whenever they ride their horses. There is a great need to increase the mileage of off-road access all over the county wherever it might be available for that reason. The Wildlife & Countryside Act 1981 provides a means of getting historic bridleways re-instated.”

- 7.3 By email received 19th July Matthew Williamson of Galbraith Solicitors, responded with the following comments.

- i) “Further to your letter dated 5th July 2019, addressed to me in connection with the above, I write with some comments on behalf of the estate, tenant farmer and permitted users of the privately owned track.

- ii) “We are not going to submit any evidence rebutting the evidence. However, we do wonder if there are any historical stopping up agreements that have perhaps been overlooked?”
- iii) “I have spoken to the users of the existing road who have permission to use the private access road with vehicles. They are concerned about the safety of horses and their riders and cyclists as there are a number of blind corners with limited verge space for riders to get out of the way. Also, near to the A1 there is considerable noise from the A1 which may prevent riders noticing traffic behind them.
- iv) “The farm tenant is concerned about gates being left open at both the Country Park and where the proposed bridleway goes from the field to the road.
- v) “Does the County Council really want mountain bikes/horse riders entering the country park where substantial money has been spent developing a children’s park and are actively looking to promote family visits?”
- vi) “Given part of the proposed bridleway is a tarmac road we trust that the Council will contribute to the upkeep of the road surface if the bridleway is confirmed.”

8. DISCUSSION

- 8.1 Section 53(3)(c)(ii) of the Wildlife and Countryside Act 1981, requires the County Council to modify the Definitive Map when evidence is discovered which, when considered with all other relevant evidence available to them shows:

that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description;
- 8.2 When considering an application or proposal for a modification order, Section 32 of the Highways Act, 1980 provides for “any map, plan or history of the locality or other relevant document” to be tendered in evidence and such weight to be given to it as considered justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.
- 8.3 The representation of a path or track on an Ordnance Survey map is not conclusive evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey.
- 8.4 Armstrong, Fryer, Cary and Greenwood’s Maps all depict a track over the full length of the alleged route. If the purpose of the maps was to depict commercial travel routes throughout the County then it is reasonable to assume that the route carried higher rights than public footpath.

- 8.5 All of the Ordnance Survey plans from the 1st Edition map c.1860 to the plan in 1966 depict a track over the full length of the claimed route. It is noted that on all of the plans the access from Stannington to Briery Hill is enclosed while the route east of Briery Hill is depicted as a track. The majority of the plans also show the entire length of the route annotated with Bench Marks. The 'Book of Reference' for the first edition map c.1860 describes the western section from Stannington to Briery Hill as a 'Private road'.
- 8.6 While the information relating to the 1910 Finance Act is useful with regard to the land ownership there is no financial deductions for public rights of way even though the route is currently recorded as a public footpath.
- 8.7 The 1844 plan and schedule accompanying the proposed Newcastle to Berwick railway identifies the route with the number 9. Significantly, although the schedule recognises the route as an Occupation road, it also recognises the route as a Public Bridle Road.
- 8.8 It is accepted that not all of the historical evidence may show the whole of the alleged route. The cumulative evidence would suggest that historically a track existed over the alleged route however, members must be satisfied that on the balance of probabilities, the public use of the route would have been more than just a footpath. Most applications are determined using the lower level 'reasonably alleged' test. This current application might satisfy such a test. However, because this alleged bridleway route is already recorded as a public footpath, the sub-committee must be satisfied that any bridleway/restricted byway rights exist after applying the higher level 'balance of probability' test.
- 8.9 In the light of the evidence submitted it appears that the historical evidence is sufficient to demonstrate that on the balance of probabilities public bridleway rights have been proven to exist.
- 8.10 It is accepted that there is no 'user-evidence' in support of the alleged public bridleway and that the landowner and tenant have on occasions made their intentions clear to users of the route. The tenant states that they have not witnessed any evidence of horseriders or cyclists using the route since the beginning of their tenure in 1976. It is also accepted that in 2002, the Inspector who determined Definitive Map Modification Order (No 3) 1998 to add a public bridleway over the eastern section of the route (primarily based on user evidence) considered that the evidence was insufficient to confirm the Order.
- 8.11 Although the western termination for the application was on the eastern boundary of the A1 (Trunk) road it is clear that the majority of the historical evidence is from documents prior to the creation of the Stannington by-pass. If members are minded that historically public bridleway rights exist over the application route and also the continuation to Stannington village, then any future Definitive Map Modification Order should also include a proposal to upgrade part of existing Public Footpath No 49 where it joins the U9065 (Briery Hill Lane) to the west side of the A1 (Trunk) road to public bridleway status.

- 8.12 In the response from the landowner, concerns were raised regarding safety issues and the possibility of gates being left open. If an order were to be made, it is usual practice for officers to investigate the consequence of the change in the recorded status of the public right of way and the impact on the land management.

9. CONCLUSION

- 9.1 In the light of the evidence submitted it appears that public bridleway rights have on the balance of probability been proven to exist over the route.

BACKGROUND PAPERS

Local Services Group File D/21/54z

Report Author John McErlane – Definitive Map Officer
(01670) 624136
John.McErlane@northumberland.gov.uk

PUBLIC RIGHTS OF WAY

WILDLIFE AND COUNTRYSIDE ACT 1981, PART III
DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF NORTHUMBERLAND

APPLICATION FOR MODIFICATION ORDER

Former Borough/District MORPETHParish STANNINGTON Rights of Way No. 421/017
(on Definitive Map)To: Asset & Infrastructure Manager
Northumberland County Council
County Hall
Morpeth
Northumberland
NE61 2EFI/we Susan Rogers (Name)of Rosendale, West Turpinke, Glanton (Address)
Alnwick, NE66 6AN

hereby apply for an order, under Section 53 (2) of the Wildlife and Countryside Act 1981, modifying the Definitive Map and Statement for the County of Northumberland, by:-

1. ~~Adding the (footpath) (bridleway) (restricted byway) (byway open to all traffic)~~ (*Delete whichever is inapplicable*)

from

to

2. (Upgrading) (~~downgrading~~) to a (~~footpath~~) (~~bridleway~~) (~~restricted byway~~) (~~byway open to all traffic~~) the (~~footpath~~) (~~bridleway~~) (~~restricted byway~~) (~~byway open to all traffic~~) (*Delete whichever is inapplicable*)from NZ 215 792 Eastern edge of the verge of the A1to NZ 238 798 Pleasing Woods Country Park3. Deleting the (footpath) (bridleway) (restricted byway) (byway open to all traffic) (*Delete whichever is inapplicable*)

from

to

4. (Varying) (adding to) the particulars relating to the (footpath) (bridleway) (restricted byway) (byway open to all traffic) (*Delete whichever is inapplicable*)

from

to

by providing that
as shown on the plan attached.

I/We attach copies of the following documentary evidence (including statements of witness) set out overleaf in support of this application.

Dated 5th February 2018 Signed Susan P Rogers

NOTE: This application must be accompanied by a map showing the right(s) of way applied for. Legally such a map must be at a scale of not less than 2½" to 1 mile, but 6" to 1 mile (being the scale at which the Definitive Map is to be prepared and maintained) will normally be preferable.

PUBLIC RIGHTS OF WAY

WILDLIFE AND COUNTRYSIDE ACT 1981, PART III
DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF NORTHUMBERLANDCERTIFICATE OF SERVICE OF NOTICE OF
APPLICATION FOR MODIFICATION ORDER

Former Borough/District MORPETH

Parish STANNINGTON

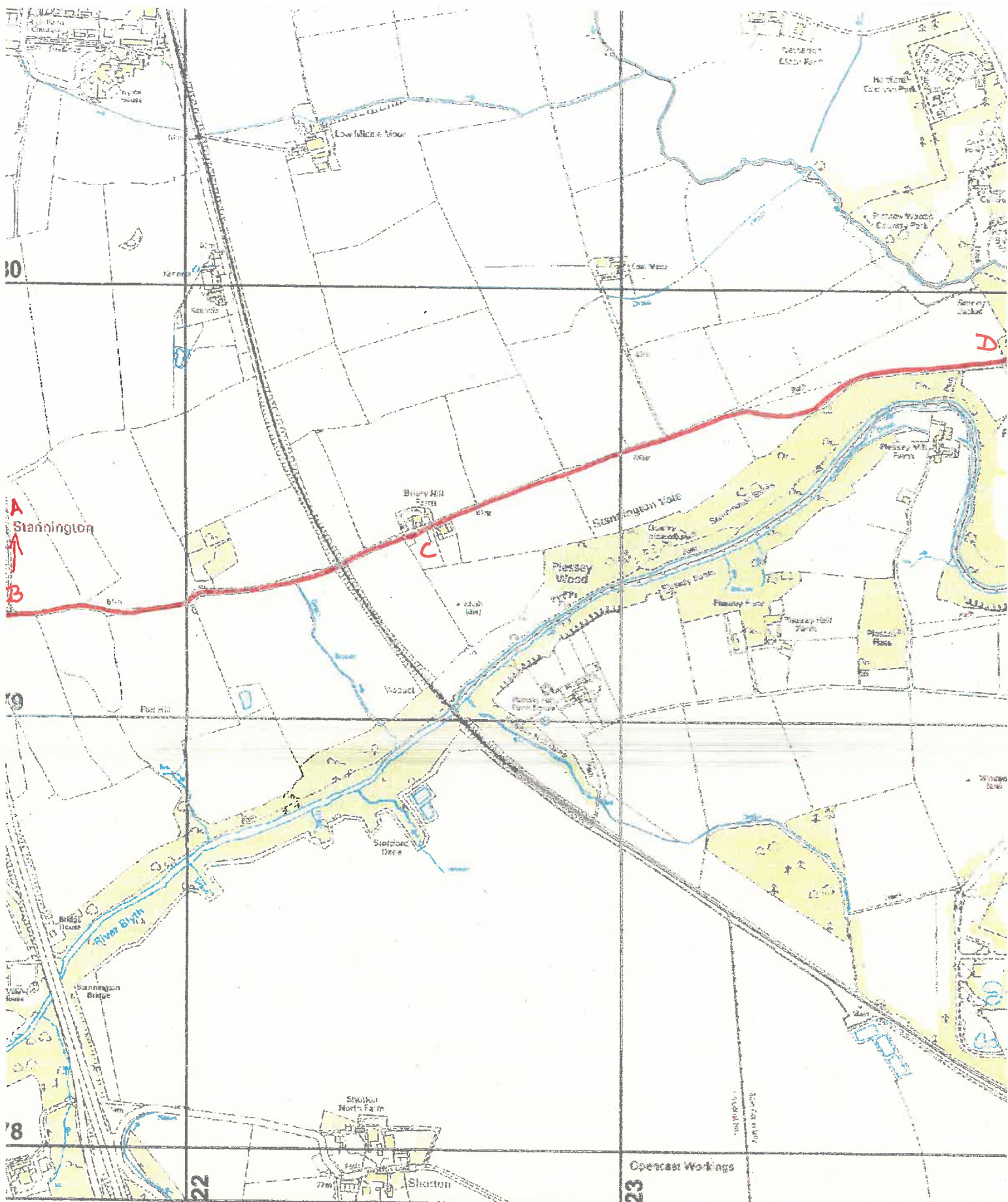
To: Asset & Infrastructure Manager
Local Services Group
Northumberland County Council
County Hall
Morpeth
NE61 2EFI/We Susan Rogers (Name)of Rosewallis, West Turpinke, Glanton, (Address)Alnwick, NE66 4AN

hereby certify that the requirements of Paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with, and each of the following landowners and occupiers affected by the claim have been notified.

Name

Address

Blagdon Estate OfficeSeaton Burn, StanningtonNewcastle upon Tyne, NE13 6DEAlan ThompsonBriary Hill Farm, Stannington,Morpeth, NE61 6ESDated 5th Feb 2018 Signed Susan P Rogers



Northumberland

Northumberland County Council

Infrastructure Local Services
County Hall Morpeth Northumberland
NE61 2EF Telephone 0345 600 6400

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Wildlife & Countryside Act, 1981



Claimed Public Right of Way

Former District
Castle Morpeth

Parish

Stannington

Scale

1:13,000

Briery Hill Lane

The alleged route

1. The alleged route is in the parish of Stannington and is shown on OS Explorer 316. It is along the line of part of public footpath 421/017.
2. The historic route ran from the original line of the Great North Road as it passed through Stannington, starting at GR NZ 214793 and continuing eastwards to Hartford Bridge at GR NZ 238798. However as a result of the impact of the improvement works on the A1 resulting in the village of Stannington now being separated from the land to the east by a dual carriageway and the quite separate development of Plessey Woods Country Park, close to Hartford Bridge, only a section of that route is the subject of this application.
3. The application route runs from GR NZ 215792, on the eastern side of the now dualled A1 (B) and continues eastwards through the underpass under the East Coast Mainline to Briery Hill (C). This section is a fenced lane with a hard surface, approximately 5 metres wide. After Briery Hill, it passes through several fields until it reaches the boundary of Plessey Woods Country Park (D) at GR NZ 238798 where it joins public bridleway 421/051 which continues to Hartford Bridge.
4. This leaves the application route as a dead end at its west end (B) where it used to cross the A1 at grade. From there a public footpath (421/046) to the slip road adjacent to the east side of the A1 underpass at GR NZ 214793 (A), was created as part of the dualling process.
5. However negotiations took place in 2004 at the time of the dualling of the A1 between the Highways Agency and Northumberland County Council as the likelihood of public footpath Stannington 17 having higher rights had been raised by a user group. It was agreed that if higher rights were found to exist between Stannington and Hartford Bridge, efforts would be made to ensure that this missing link would be recorded with similar rights.

See enclosed photographs

Documentary Evidence

1. 1769 Armstrong's County Map

The historic route going east from Stannington is clearly shown passing a property, which, although not labelled, is located where Briery Hill is today. It is shown as being fenced and of the same status as other minor roads in the area.

See extract

2. 1820 Fryer's County Map

The historic route from Stannington to Hartford Bridge is clearly shown passing through Briery Hill which is now labelled. To the east of the farm the route is now shown as being unfenced.

See extract

3. 1828 Greenwood's County Map

Again the historic route linking Stannington to Hartford Bridge via Briery Hill is shown clearly in a similar manner to other minor roads in the area.

See extract

4. 1835 Cow Causey & Buckton Burn Turnpike Road Improvements **QRUP 32**

This plan shows improvements that were proposed for the Great North Road. The extract of the plan in the Stannington area shows an unlabelled spur leaving the village in an easterly direction which would appear to be the alleged route.

Today this road, to the west of the current A1 within Stannington village, has the name 'Briery Hill Lane' and is the postal address of the houses along it. It is normal for roads to have the name of their destination so this fact supports the view that in the early 19th century there was a public route leading to Briery Hill along the alleged route.

See extract and photograph

5. 1840 Tithe award for Stannington Township **DT 437 M**

The alleged route and other minor roads are not shown on the tithe plan. The only road of any substance labelled is the Cow Causey & Buckton Turnpike, showing that the proposals made in the document above were implemented. East of the turnpike, the land, including Briery Hill and East Moor, was owned by the Earl of Carlisle.

6. 1844 Newcastle to Berwick Railway Plan & Book of Reference **QRUP 58**

The alleged route is shown on this plan to be in Stannington parish, Stannington township. Where it passes under the railway it is shown on the plan to be in plot 9.

In the Book of Reference on page 105 this plot is shown to be an occupation road from Stannington to Briery Hill and a **public bridle road** to Hartford Bridge. It was in the ownership of the Earl of Carlisle and **the Surveyors of Highways for the Township of Stannington.**

See extracts

7. 1866 OS 1st ed., scale 1:2,500, the 25"

Sheets LXXII/14 & 15

The sheet (LXXII/14) covering the western part of the route is missing from Woodhorn.

On sheet LXXII/15 east of Briery Hill (C), the route is shown passing along the south side of the fence line, braced with the two fields it passes through, which have the plot numbers 166 and 172. It then strikes across plot 173 to enter plot 174 close to the edge of woodland known as Stannington Banks, which it follows to pass into plot 178. It then turns to the northeast, not far from the stepping stones across the river from Plessey Mill, to meet the boundary of the woodland (D), which is now part of Plessey Woods Country Park.

There are spot heights and bench marks along the full length of the road. These normally indicate that the route is a public road. A number of other minor public paths join it, which also suggests it is public.

See extract

OS Book of Reference for Stannington Parish, Stannington Township

Working from west (C) to east (D), the plot numbers and their land use are recorded:

Plot 166	Arable etc
Plot 172	Arable etc
Plot 173	Arable etc
Plot 174	Pasture etc
Plot 178	Pasture etc

Although 'roads' as such are not mentioned, it is often found that 'etc' includes minor public routes in OS Books of Reference for Northumberland.

See extract

8. 1866 OS 1st ed, scale 1:10,560, the 6"

Roll 12

This map shows the whole route as described above.

See extract

9. 1898 OS 2nd ed 6"

Sheets LXXII/SE & SW

This series shows the whole route clearly as described above. The section to the east of Briery Hill is **labelled 'BR'** indicating that the surveyor understood it to carry horse traffic.

See extract

10. OS 1st ed 1" 1895 & 2nd ed 6" 1898

National Library of Scotland on line

These show the alleged route clearly as described above.

See extracts

11. 1910 Finance Act Plan

NRO 436/LXXII/14 & 15

The western part of the alleged route showing the fenced part of the route to Briery Hill, labelled BR, can be seen to be in hereditament (plot) 40 on sheet LXXII/14.

The eastern part, shown on sheet LXXII/15, is the unfenced section leading up to the boundary with Plessey Woods. It is shown with spot heights and bench marks and is labelled BR and is in hereditament (plot) 38.

See extracts

Field Book to this Plan

NRO 2000/88

Plot 40, which is described as 'Briery Hill & agricultural land' is owned by Viscount Ridley and the occupiers are Messrs Reid. The entry is on page 5.

Plot 38 is described as 'East Moor & agricultural land'. It is under the same ownership and occupation.

In neither case is there a deduction for 'right of way or user'. But this is not unusual where the land is owned by a major estate. In fact there are no deductions of this type for any of the hereditaments in this Field Book.

12. 1924 OS 3rd edition

The route is shown unchanged on this more modern edition of the OS.

See extract

Conclusion

The documentary evidence listed above suggests that the alleged route may have carried public rights higher than footpath ones since the 19th century. Please can this matter be investigated?

Note: Should the Council decide that an order for public bridleway be made, BRAG (Bridleways & Riders Action Group) who negotiated with the Highways Agency at the time of the A1 improvements in this area, will produce all the papers associated with the negotiations in the hope that it will be possible for the council to make a creation agreement with the relevant landowner to link the historic route from (B) to the public highway (A). This would mean that a through route would become available for horse riders living in Stannington to reach the network of bridleways in Plessey Woods Country Park by using the underpass under the A1 dual carriageway and this route.

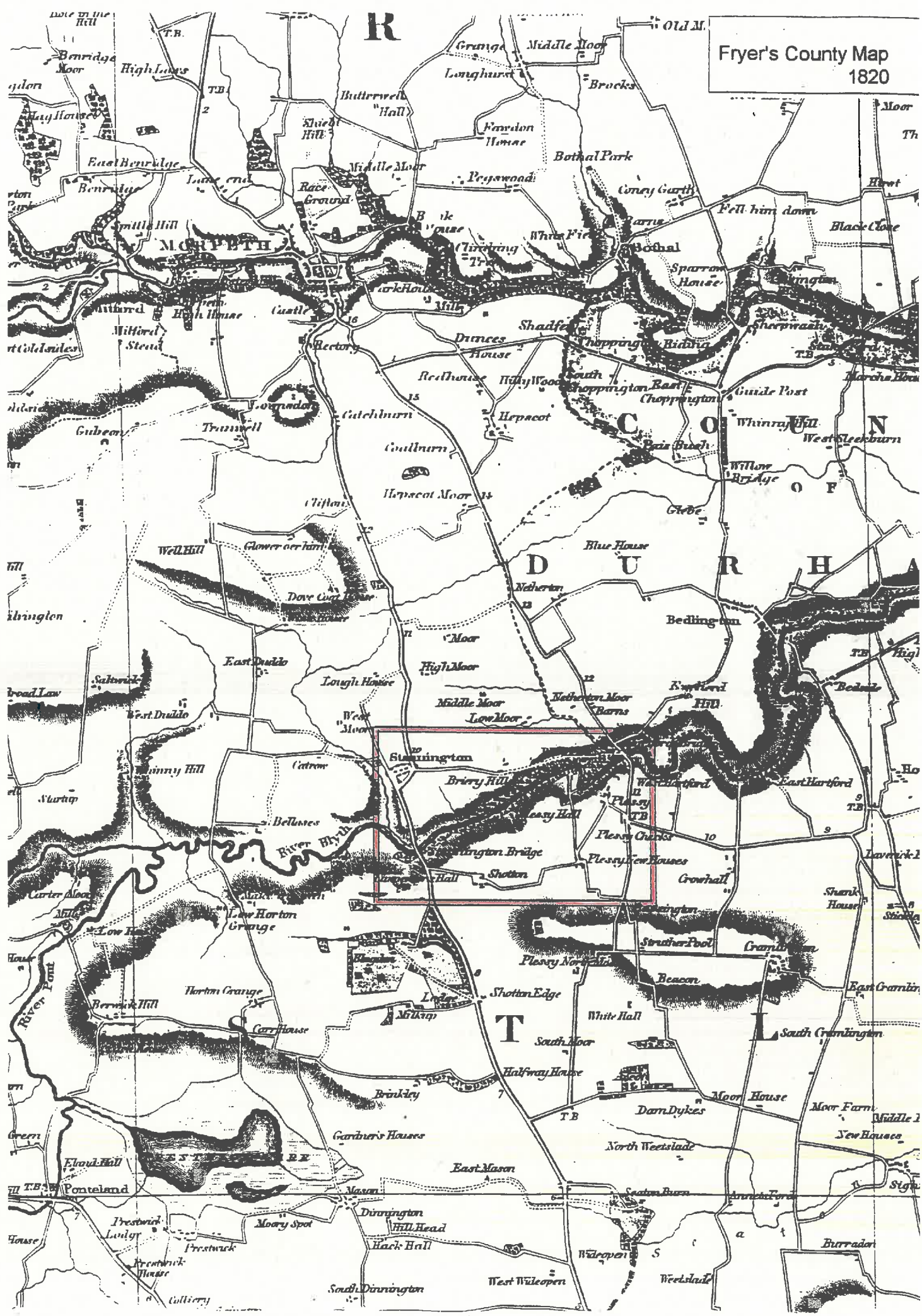
Sent to NCC Feb 2018

Briery Lane passing under the East Coast Mainline

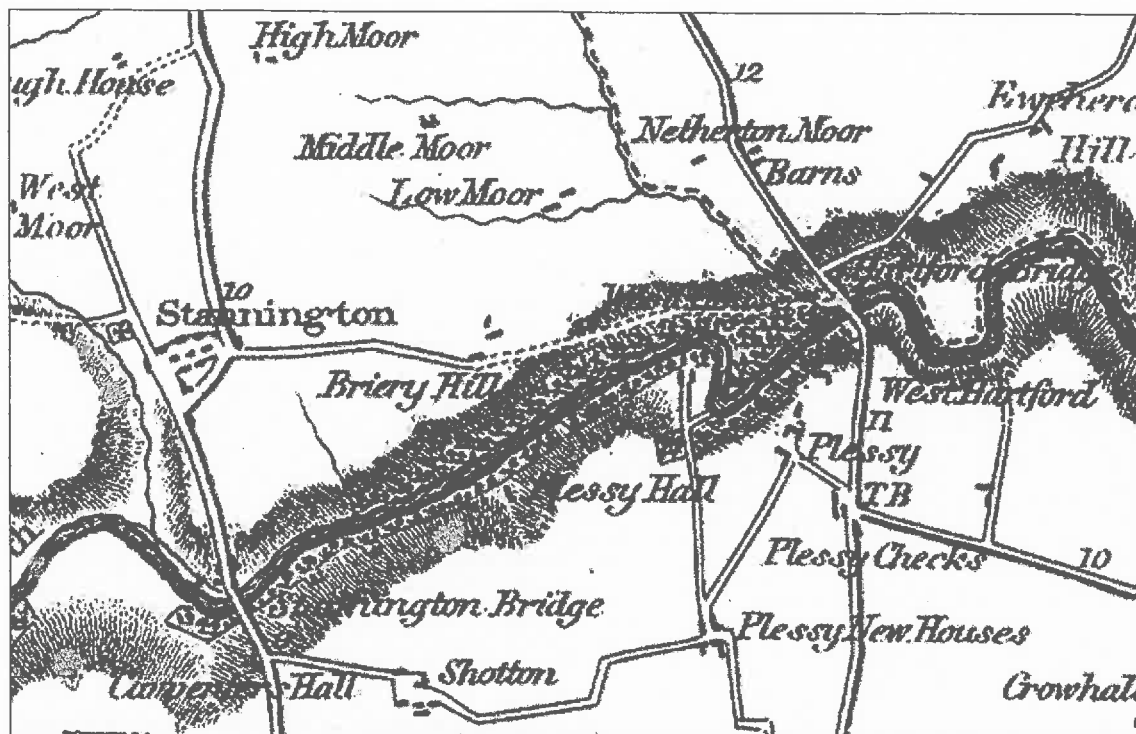


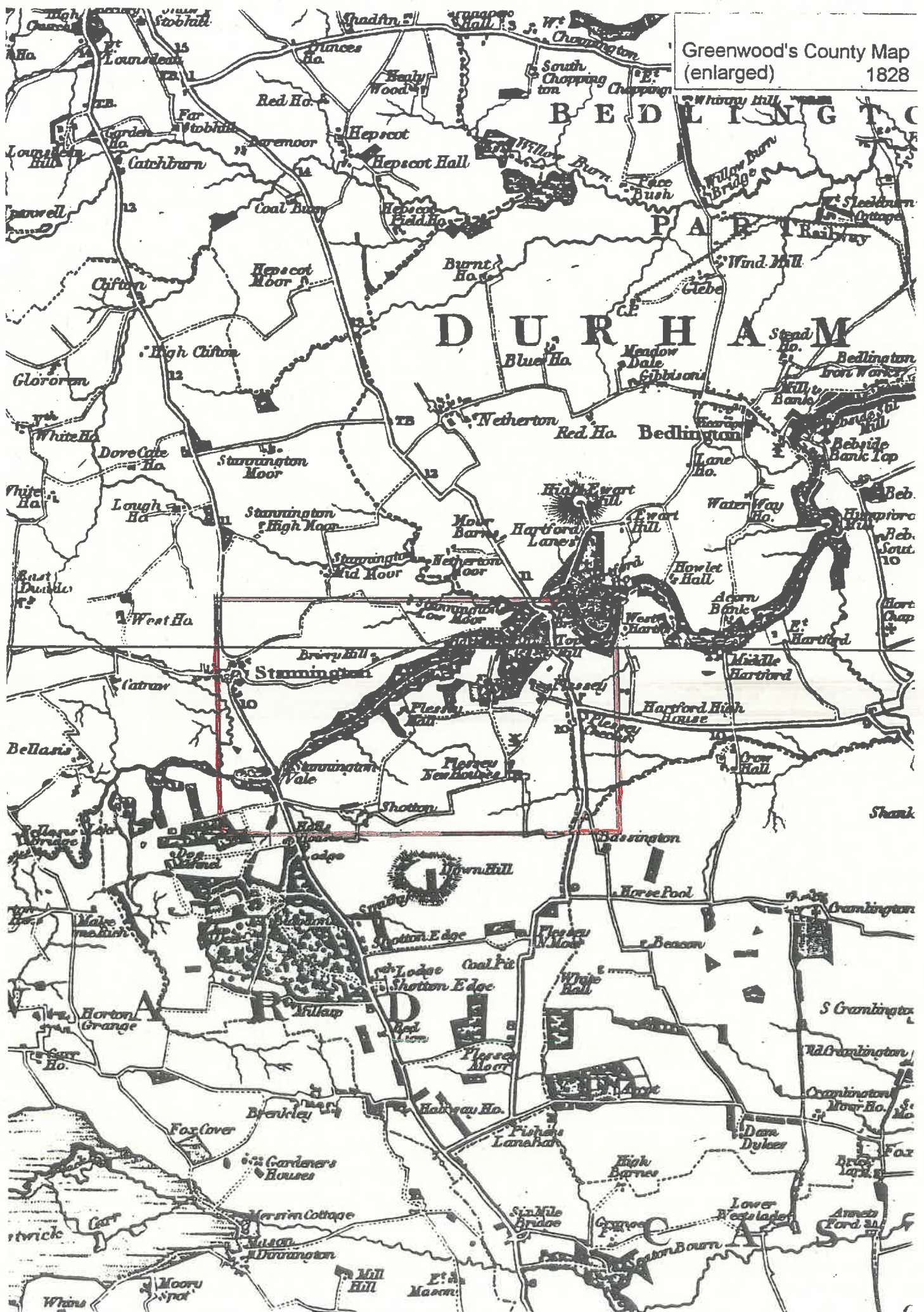


Fryer's County Map
1820



1820 Fryer's map of Northumberland





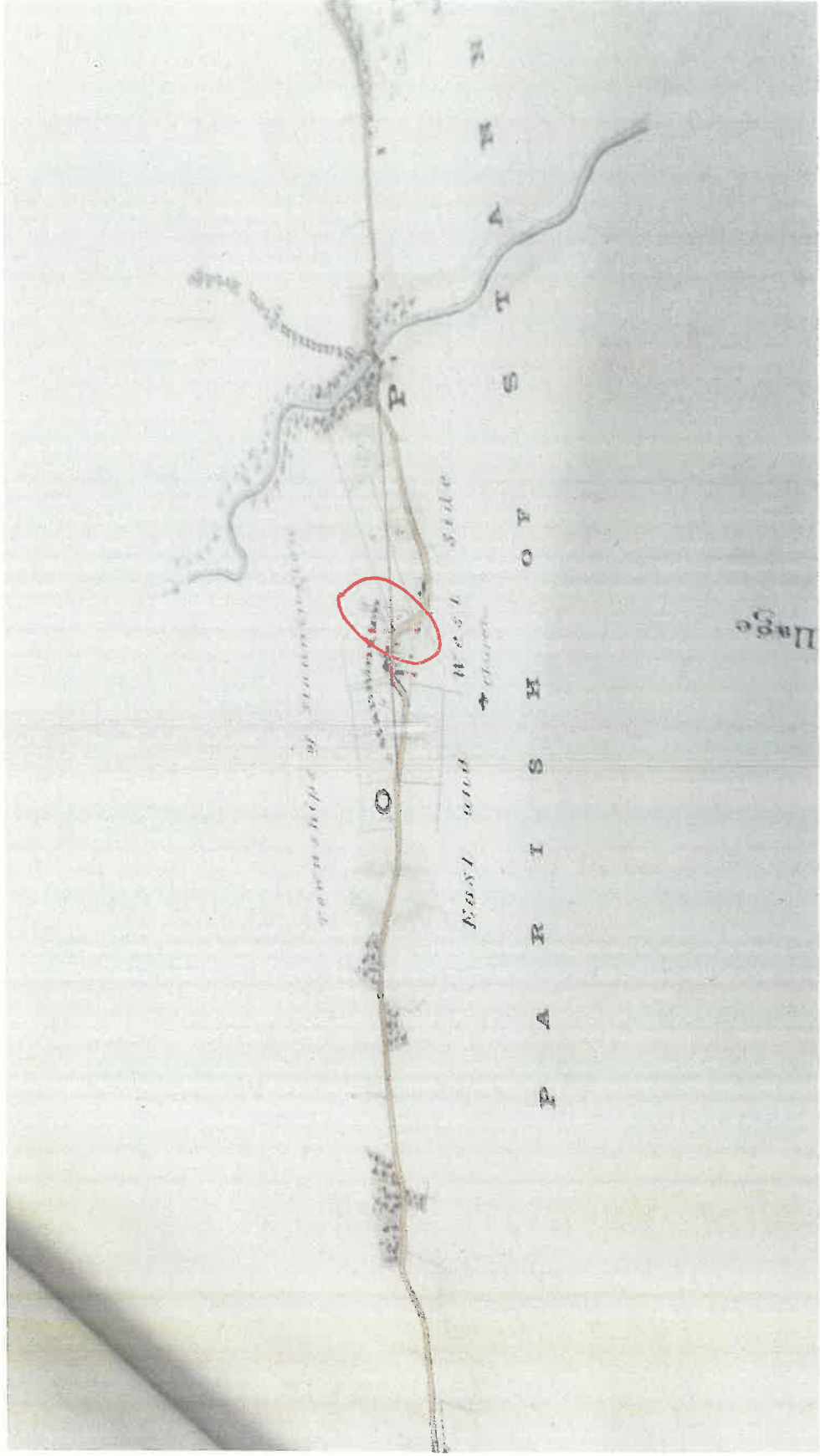
1st Edition 6" O.S. Map
(reduced) c. 1860

Stanington Moor
Netherton Wood
Stanington
Stanington Vale
Shotton
Pleasley Hall
Pleasley Station
Shotton Lane
Down Hill

Acres
2571.766

Acres
2740.762

1835 Cow Causey & Buckton Burn Turnpike Road Improvements



Briery Hill Lane, Stannington



1844 Book of Reference for the Newcastle to Barwick Railway Plan

Purish of *Stannington*

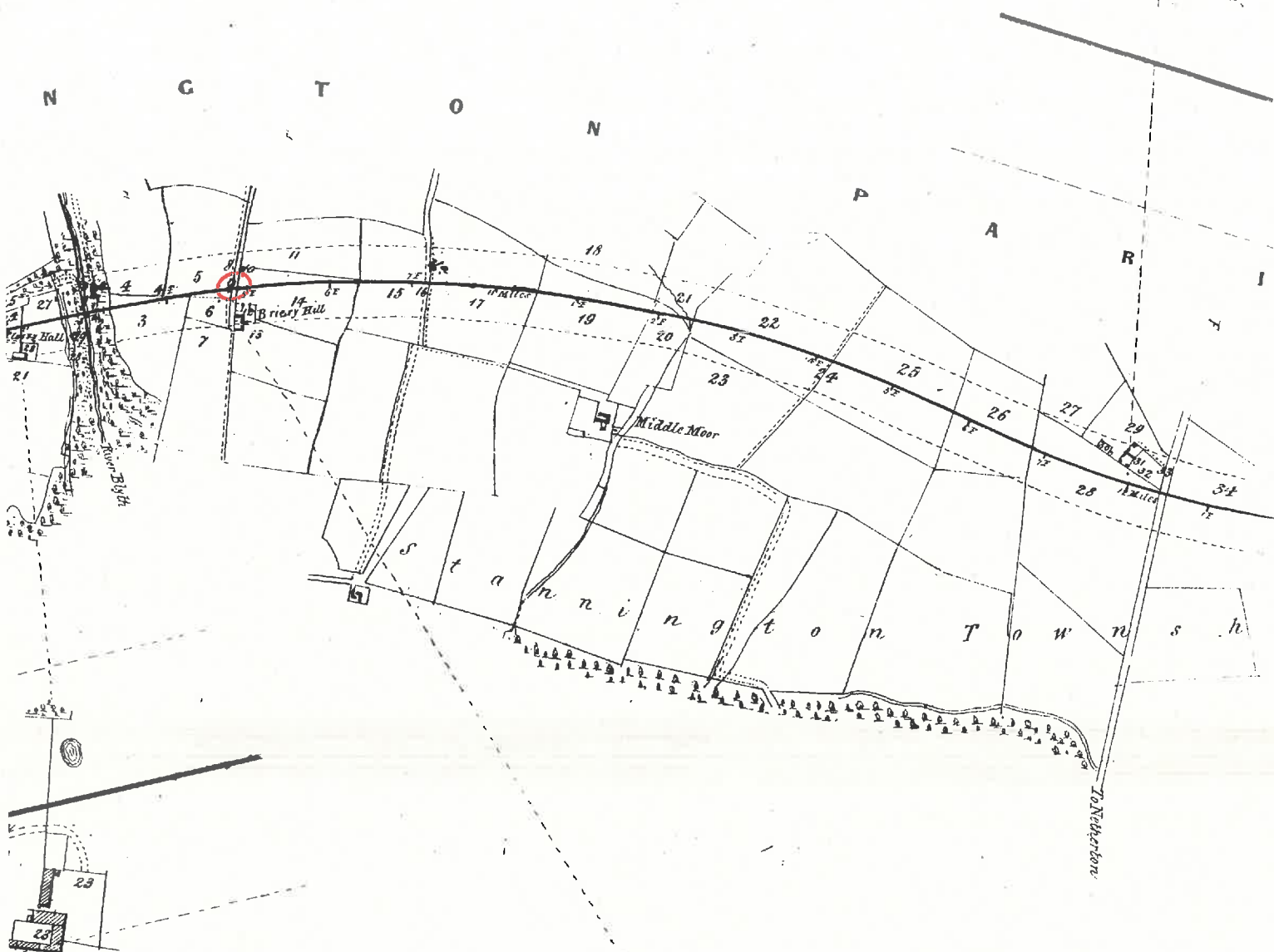
Township of *Stannington*

in the County of Northumberland.

NUMBER ON PLAN.	DESCRIPTION OF PROPERTY.	OWNERS OR REPUTED OWNERS.	LESSEES OR REPUTED LESSEES.	OCCUPIERS.
1	River Wylth forming the Boundary between the Township of Wylth and Shotton and the Township of Stannington.	Sir Matthew White Ridley Bart. and the Earl of Carlisle		Sir Matthew White Ridley Bart. and the Earl of Carlisle
2	Woodland	The Earl of Carlisle		The Earl of Carlisle
2 ^a	Private Road	The Earl of Carlisle		The Earl of Carlisle
3	Field	The Earl of Carlisle		Ann Marshall
4	Field	The Earl of Carlisle		Ann Marshall
5	Field	The Earl of Carlisle		Ann Marshall
6	Field	The Earl of Carlisle		Ann Marshall
7	Field	The Earl of Carlisle		Ann Marshall
8	Public Footpath	The Earl of Carlisle and the Surveyors of Highways for the Township of Stannington		Ann Marshall
9	Occupation Road from Stannington to Bury Hill and Public Bridle Road to Hartford Bridge	The Earl of Carlisle and the Surveyors of Highways for the Township of Stannington		Ann Marshall
10	Pump	The Earl of Carlisle		Ann Marshall
11	Field	The Earl of Carlisle		Ann Marshall
12	Farm Homestead, Stack Yard, Barns, Stable Byre and Hovel	The Earl of Carlisle		Ann Marshall
13	Field	The Earl of Carlisle		Ann Marshall

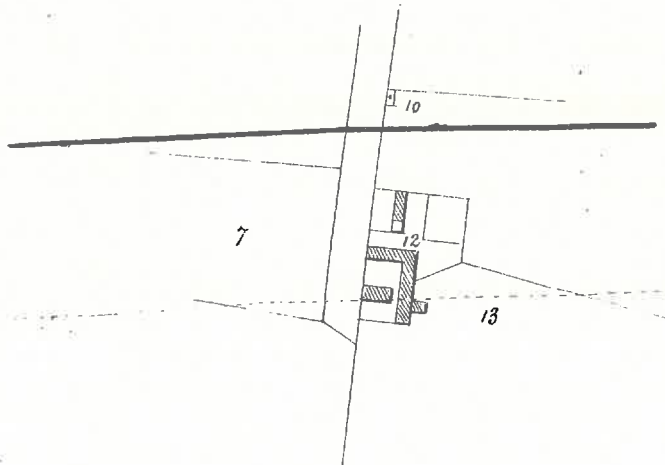
1844 Newcastle to Berwick Railway Plan

Enlarged Plan of Newcastle



sy Hall.

Enlarged Plan of Brierly Hill

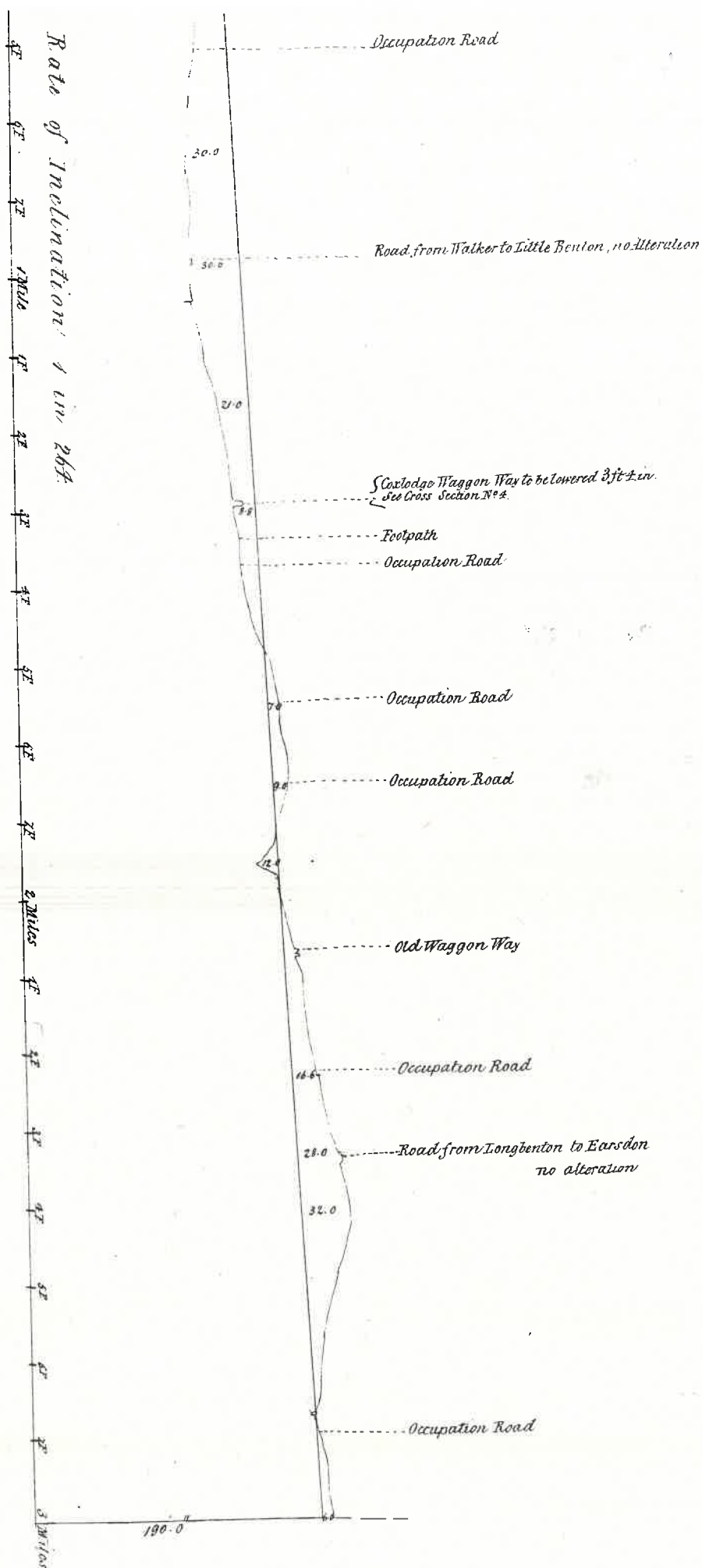


Foot Path

Point of Departure of Branch to Blyth
Foot Path

ROAD TO CRAWLINGTON to be lowered 8 ft 3 in.
crossed on the Level, See Cross Section No 8

Public Brail Road & Occupation Road.



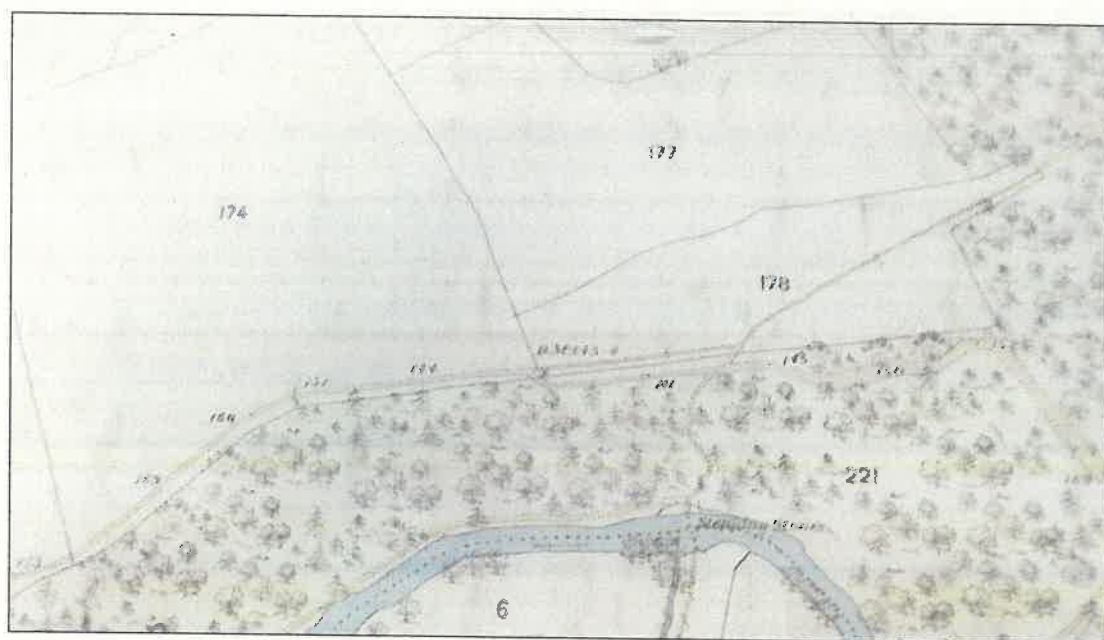
W:

1844 Extract from the Book of Reference to the Railway Plan for the Newcastle to
Berwick Railway

2	Woodhouse	The east of Carlisle
3	Swanley Head	The east of Carlisle
4	Field	The east of Carlisle
5	Field	The east of Carlisle
6	Field	The east of Carlisle
7	Field	The east of Carlisle
8	Public Footpath	The east of Carlisle and the Highways for the Township of Hamlington
9	Occupation Road from Hamlington to Mary Hill and Public Road Road to Hartford Bridge	The east of Carlisle and the Highways for the Township of Hamlington
10	Thump	The east of Carlisle
11	Field	The east of Carlisle
12	From Horneshead, Hack through Broomfield	The east of Carlisle

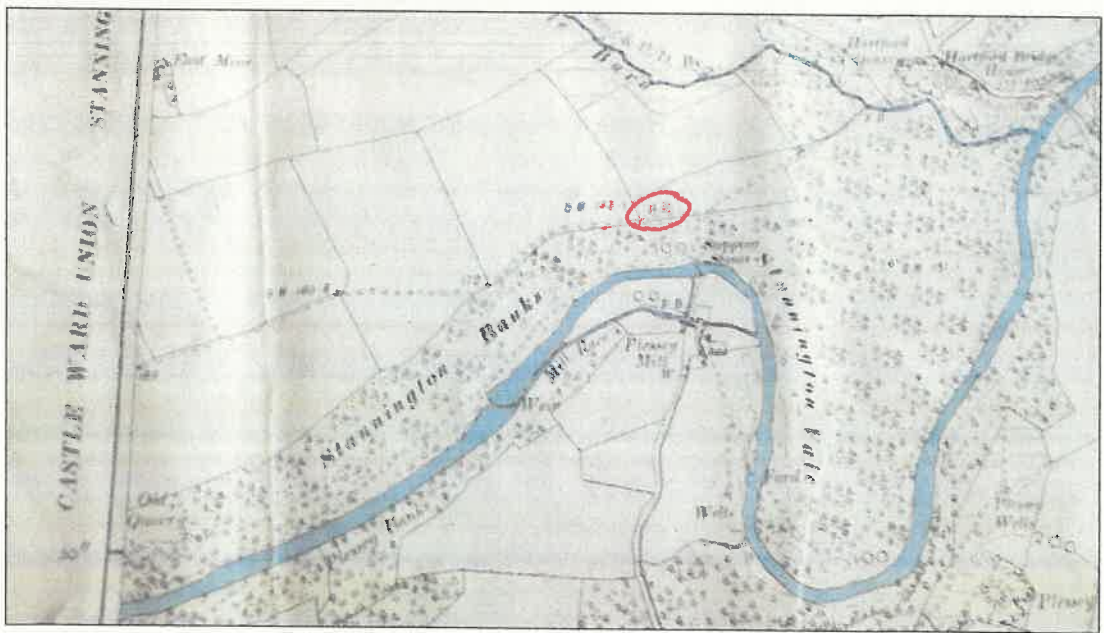
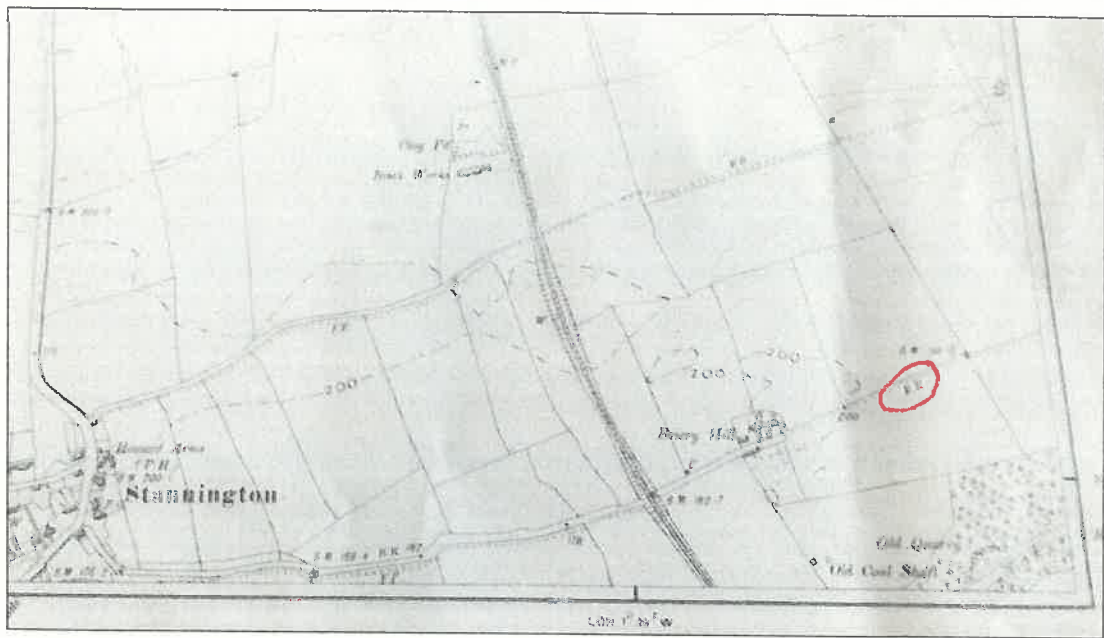
1866 OS 1st ed scale 1:2,500 (25")

Extracts from Sheet LXXII/15

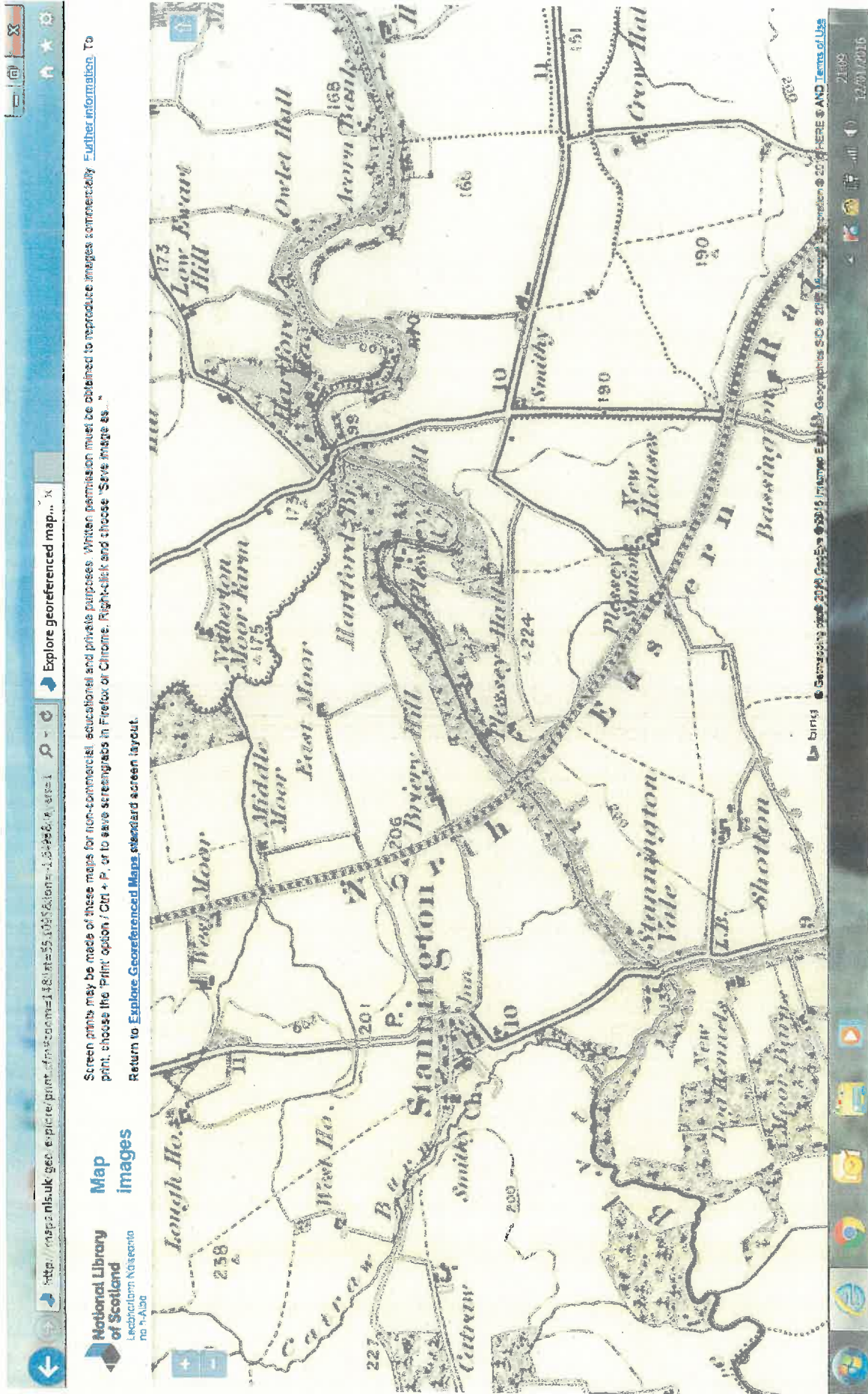


No. on Plan.	Area in Acres.	Remarks.	No. on Plan.	Area in Acres.	Remarks.
	1421.565	<i>Brought forward.</i>		1727.918	<i>Brought forward.</i>
125	18.882	Arable.	171	14.585	Arable, &c.
126	12.487	Pasture, &c.	172	16.911	Arable, &c.
127	1.229	Furze and stream.	173	12.570	Arable, &c.
128	9.524	Arable.	174	12.708	Pasture, &c.
129	9.649	Furze, rough pasture, &c.	175	3.254	Pasture, &c.
130	7.776	Arable.	176	.191	Pasture.
130a	.022	Garden.	177	6.853	Pasture.
131	5.714	Pasture, pond, &c.	178	3.500	Pasture, &c.
132	11.704	Arable, &c.	179	.146	Garden and ruins.
133	21.471	Arable, &c.	180	.065	Garden.
134	15.501	Pasture, &c.	181	2.308	Public road.
135	.638	Pasture.	182	29.923	Arable.
136	.372	Pasture, &c.	183	30.884	Arable.
137	.973	Pasture.	184	.585	Gardens, &c.
138	.572	Pasture.	185	1.566	Pasture.
139	1.530	Pasture.	186	.979	Waste.
140	1.640	Pasture, &c.	187	1.204	Houses, gardens, &c. (Catraw).
141	10.389	Pasture and pond.	188	4.786	Pasture.
142	.510	Pasture.	189	30.612	Pasture, &c.
143	.491	Pasture.	190	36.472	Pasture, &c.
144	.681	Pasture, &c.	191	17.021	Pasture, &c.
145	.766	Pasture, &c.	192	15.062	Pasture, &c.
146	.449	Pasture, &c.	193	.304	Houses and gardens.
147	2.075	Pasture, &c.	194	1.375	Church and grave yard (St. Mary's Church).
148	1.084	Pasture.			
149	.505	Pasture, &c.	195	.063	House and garden.
150	7.440	Pasture, &c.	196	3.127	Houses, yards, and gardens.
151	7.587	Pasture, &c.			
152	13.487	Pasture, &c.	197	6.495	Pasture, &c.
153	5.135	Pasture, &c.	197a	1.836	Houses, yards, gardens, &c.
154	10.972	Pasture, &c.			
155	6.795	Pasture, &c.	198	.202	Waste.
156	7.197	Pasture, &c.	199	.891	Private road.
157	6.702	Arable, &c.	200	3.710	Arable.
158	8.184	Arable, &c.	201	.434	Public road.
159	5.220	Arable.	202	4.137	Houses, yards, gardens, &c.
160	9.886	Pasture.			
161	.683	Houses, yds., gardens, &c. (<u>Briery Hill</u>).	203	.763	Pasture.
162	8.973	Pasture.	204	.227	Pasture.
163	15.046	Arable.	205	.491	Houses, garden, &c.
164	11.904	Arable.	206	.514	Houses, gardens, &c.
165	1.311	Pasture and pond.	207	.228	House, yard, gardens, &c.
166	11.756	Arable, &c.			
167	9.355	Pasture, &c.	208	13.670	Pasture.
168	14.688	Arable.	209	.692	Houses, yards, garden, &c. (Swan House).
169	.721	Private road.			
170	6.677	Arable, &c.	210	12.360	Arable, &c.
	1727.918	<i>Carried forward.</i>		2021.622	<i>Carried forward.</i>

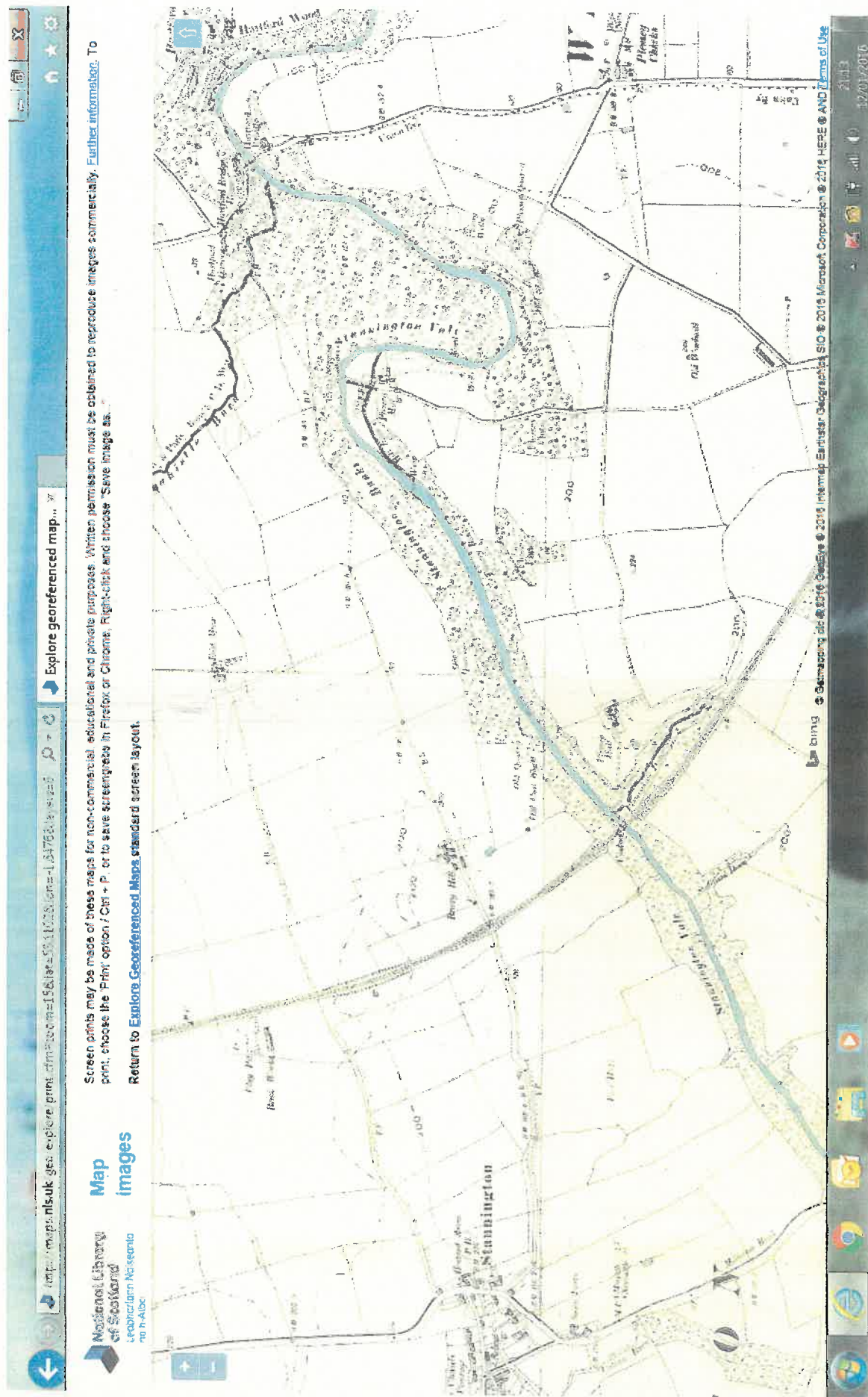
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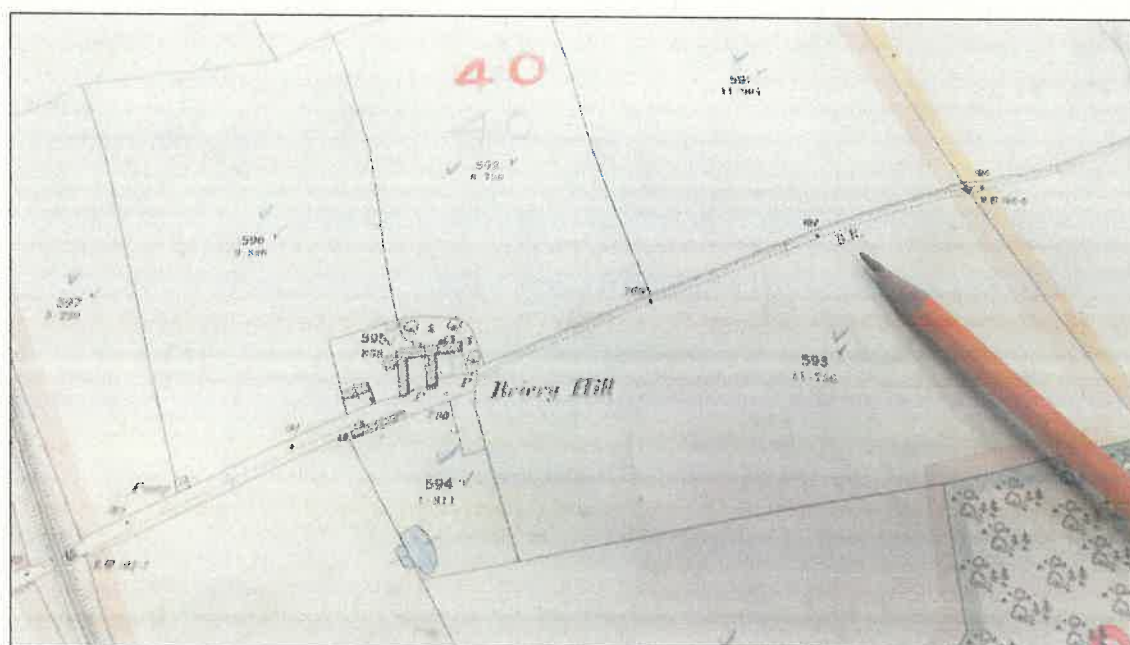
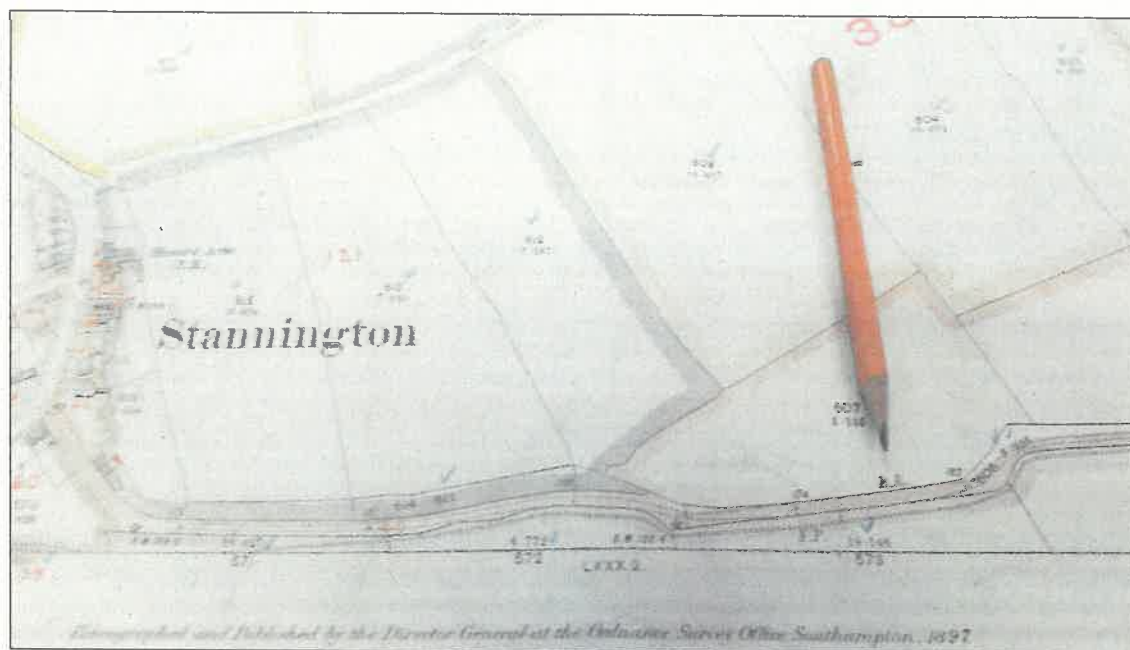
NLS OS 1st ed 1" Revised 1895

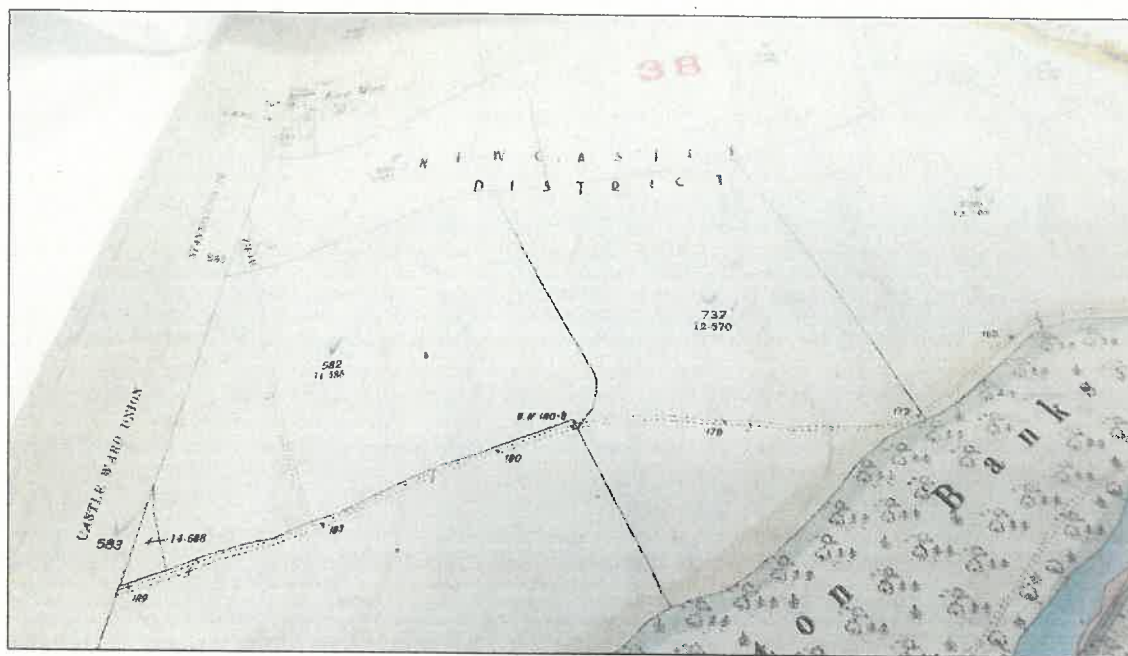


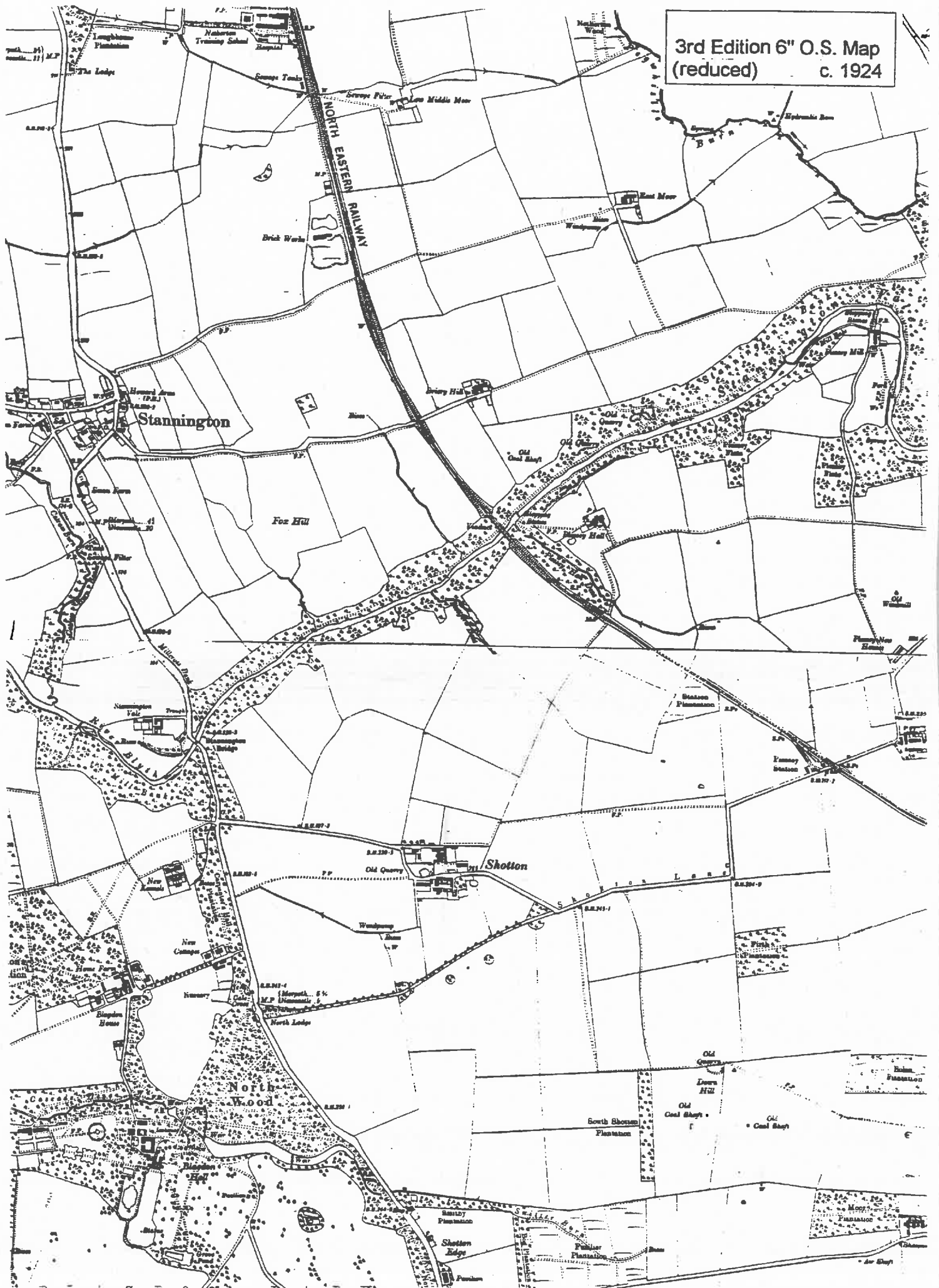
NLS OS Ind ed 6" Published 1898

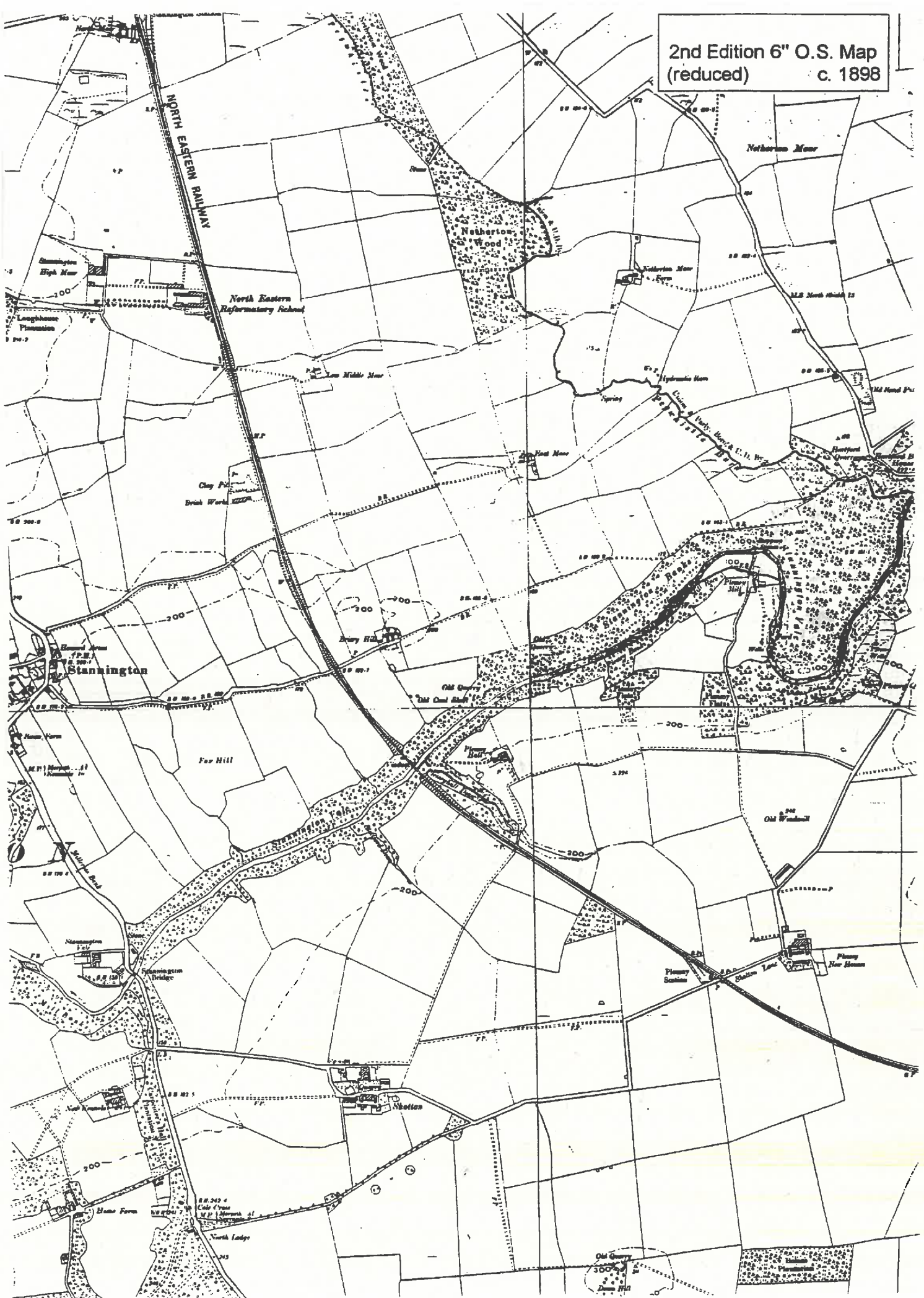


1910 Finance Act plan

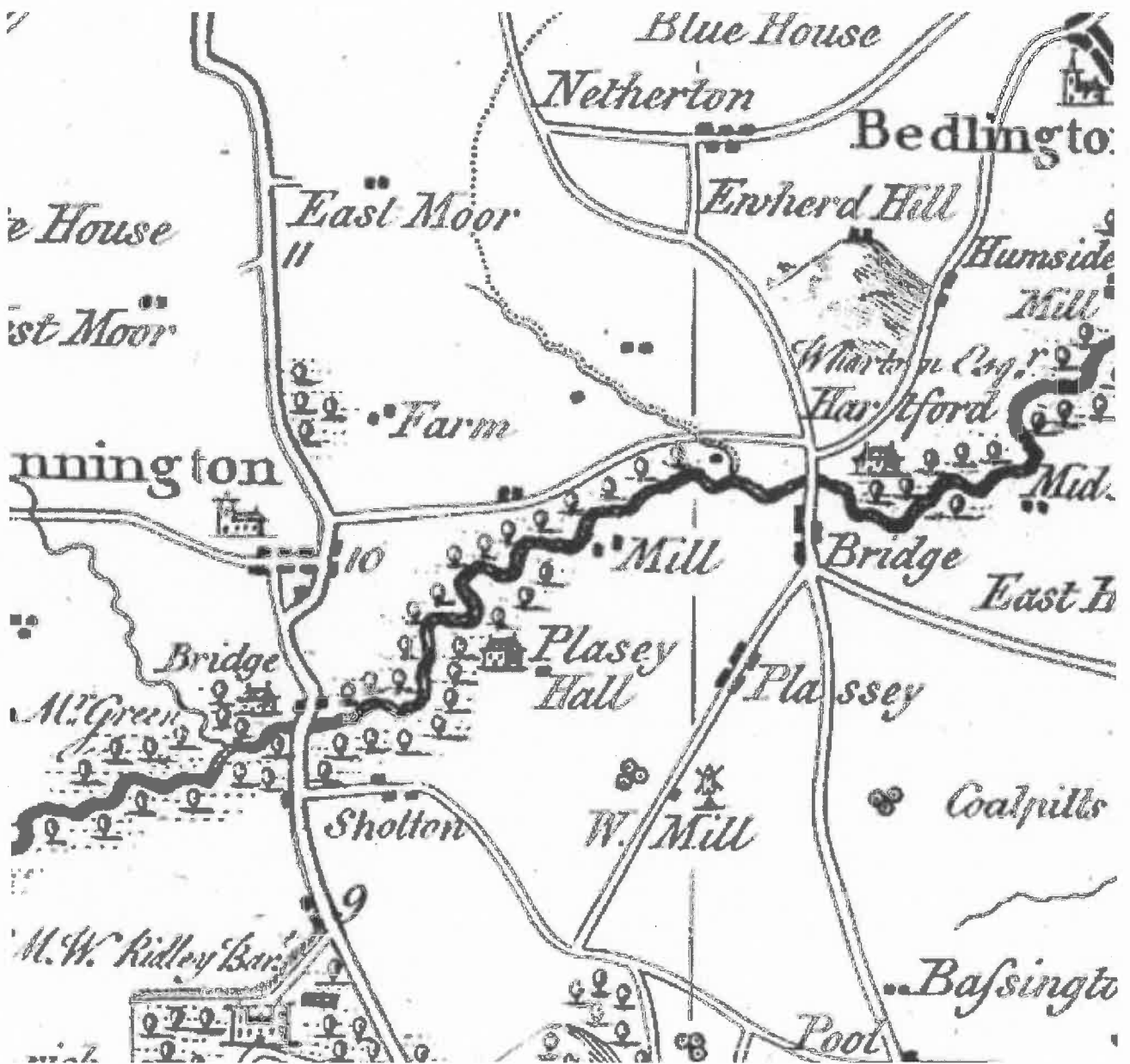








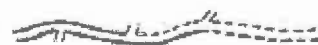
ARMSTRONG'S COUNTY MAP
1769



Wind Mills.....



Turnpike Roads.....



Country Roads.....



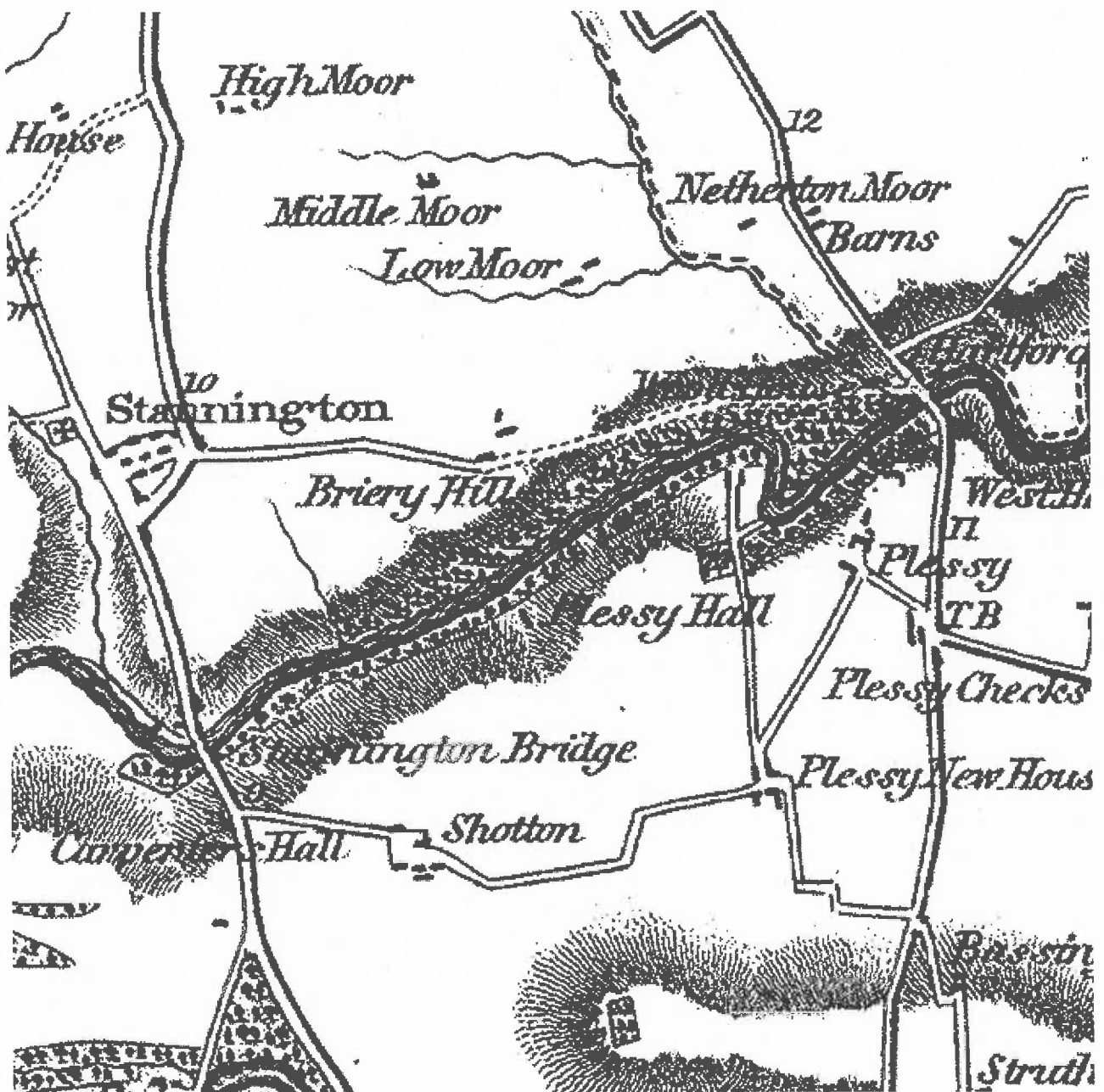
Roman Roads.....



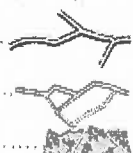
Roman Stations and Camps



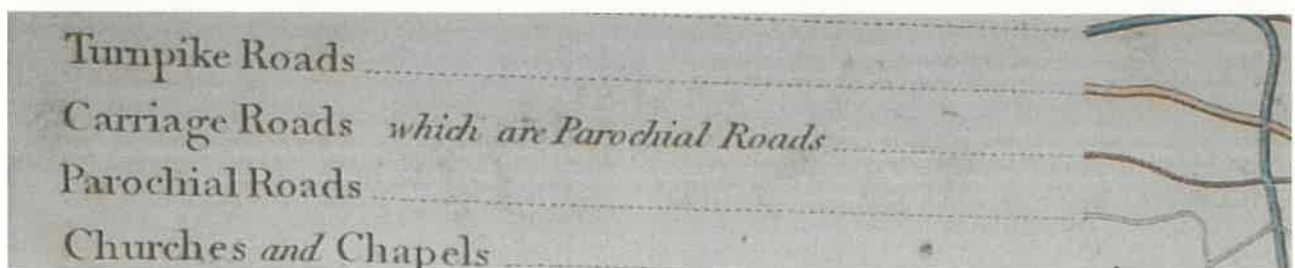
FRYER'S COUNTY MAP
1820



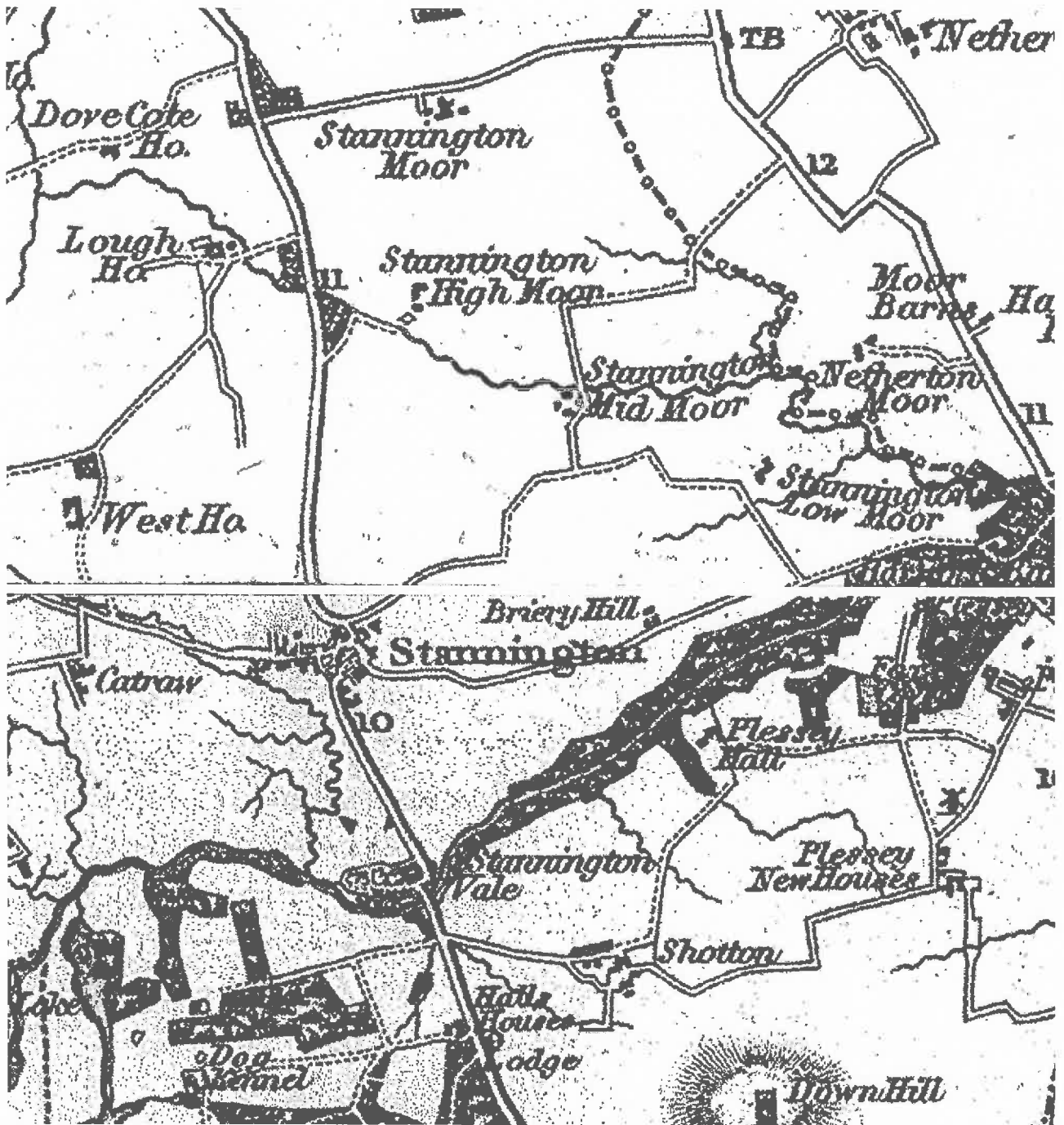
Turnpike Roads
Other Roads
Parks and Pleasure Grounds



CARY'S COUNTY MAP
1820-32

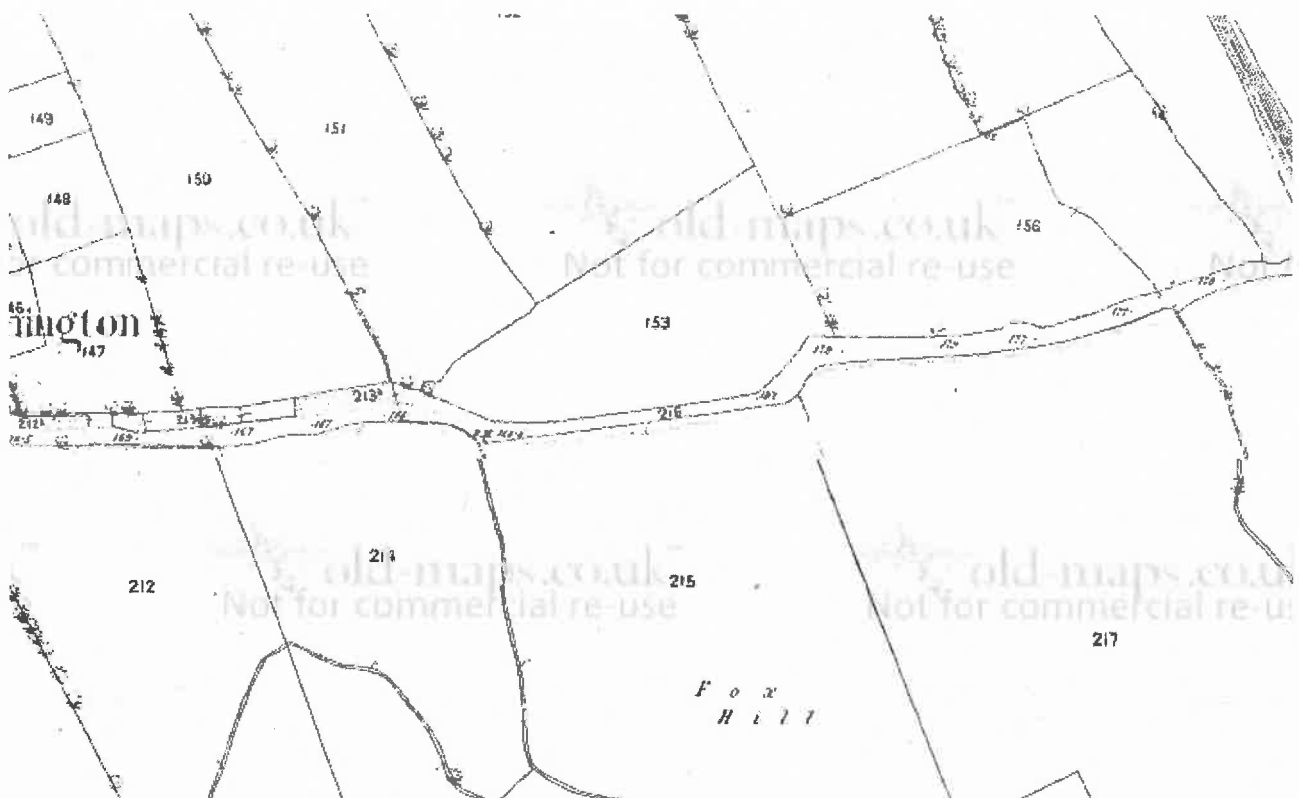


GREENWOOD'S COUNTY MAP
1828



to Parliament
Turnpike Roads & Toll Bars
Cross Roads
Churches & Chapels

ORDNANCE SURVEY 25" BOOK OF REFERENCE



8

Open with

PARISH OF STANNINGTON.

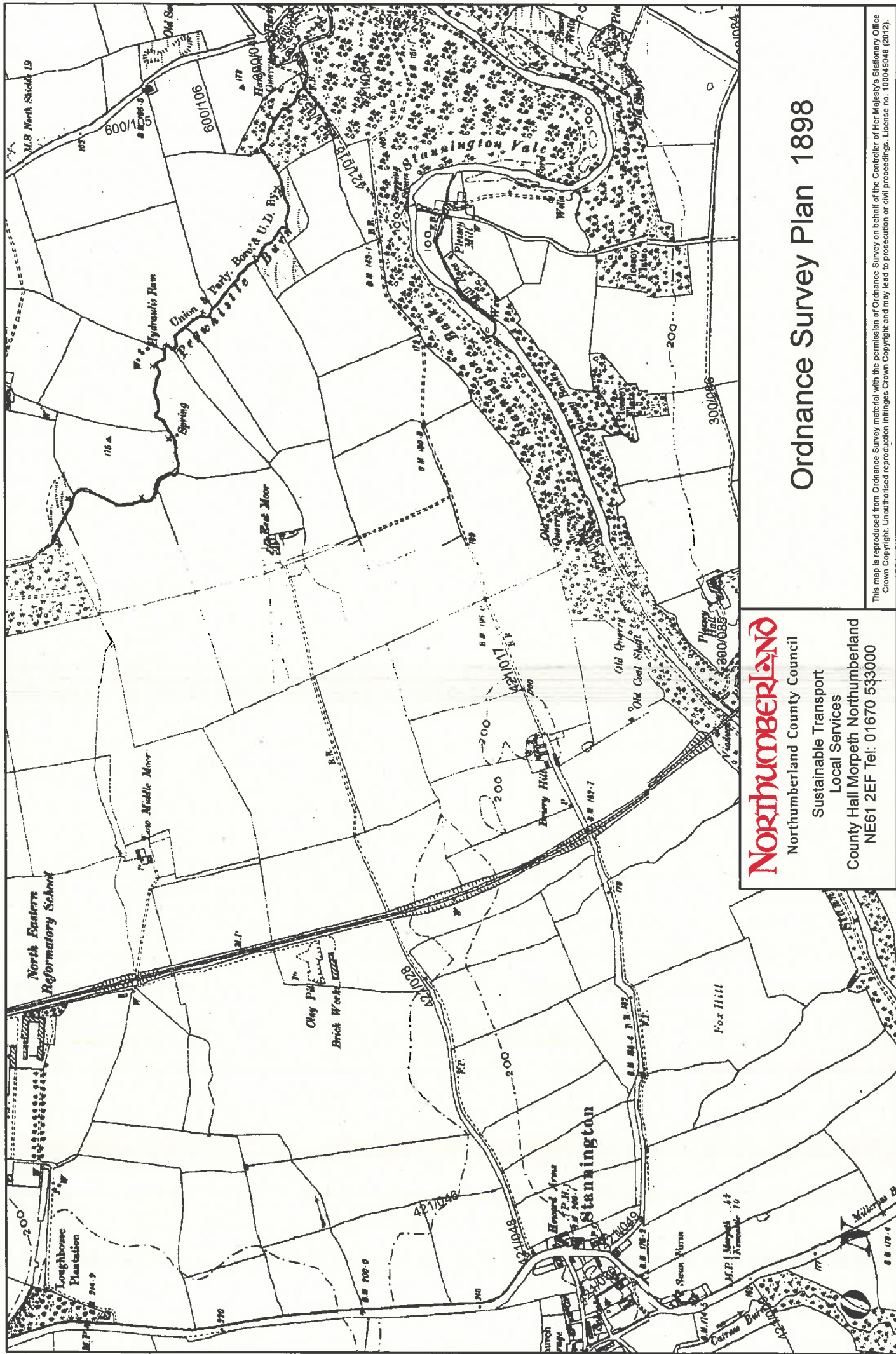
No. on Plan.	Area in Acres.	Remarks.	No. on Plan.	Area in Acres.	Remarks.
	2021·622	<i>Brought forward.</i>		2522·683	<i>Brought forward.</i>
211	1·040	Pasture.	252a	·130	Pond.
212	8·103	Pasture, &c.	253	·340	House, garden, &c.
212a	·200	Rough pasture.	254	11·217	River Blyth.
213	·309	Gardens.	255	15·839	North Eastern Rwy.
213a	·370	Rough pasture.	256	16·283	Public road.
214	6·772	Pasture, &c.	257	3·684	Public road.
215	15·192	Pasture, &c.	258	1·590	Private road.
216	3·347	Private road.			
217	23·195	Arable, &c.			
218	11·557	Arable, &c.		2571·766	Area of township.

ORDNANCE SURVEY 25" BOOK OF REFERENCE



164	11-904	Arable.	206
165	1-311	Pasture and pond.	207
166	11-756	Arable, &c.	
167	9-355	Pasture, &c.	208
168	14-688	Arable.	209
169	-721	Private road.	

marks.	No. on Plan.	Area in Acres.	Remarks.
<i>forward.</i>		1727-918	<i>Brought forward.</i>
	171	14-585	Arable, &c.
&c.	172	16-911	Arable, &c.
d stream.	173	12-570	Arable, &c.
	174	12-708	Pasture, &c.
ugh pasture,	175	3-254	Pasture, &c.
	176	-191	Pasture.
	177	6-853	Pasture.
	178	3-500	Pasture, &c.
	179	1-46	Gravel and water.



Northumberland

Northumberland County Council

Sustainable Transport

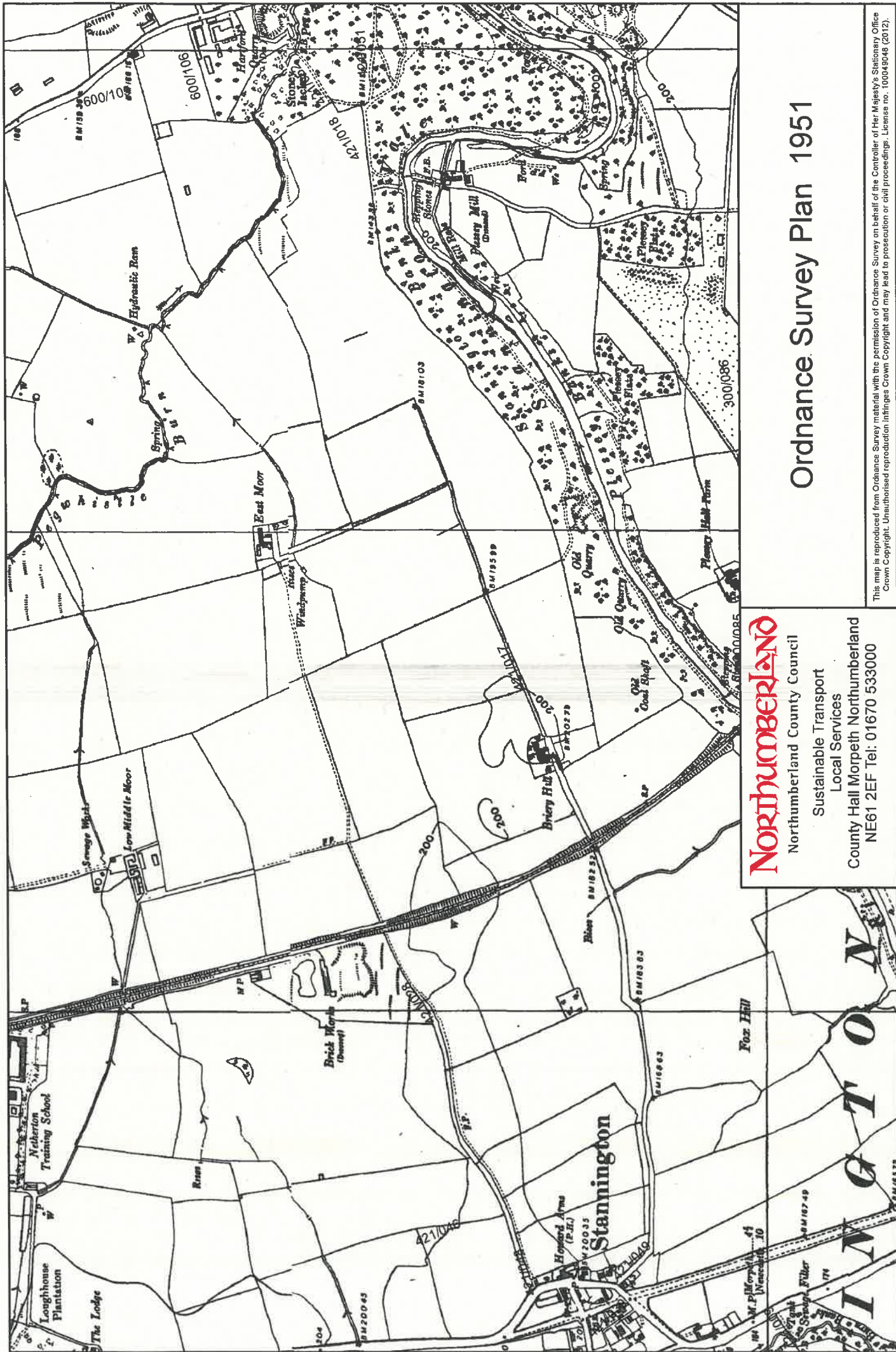
Local Services

County Hall Morpeth Northumberland

NE61 2EF Tel: 01670 533000

Ordnance Survey Plan 1898

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Ordnance Survey Plan 1951

Northumberland

Northumberland County Council

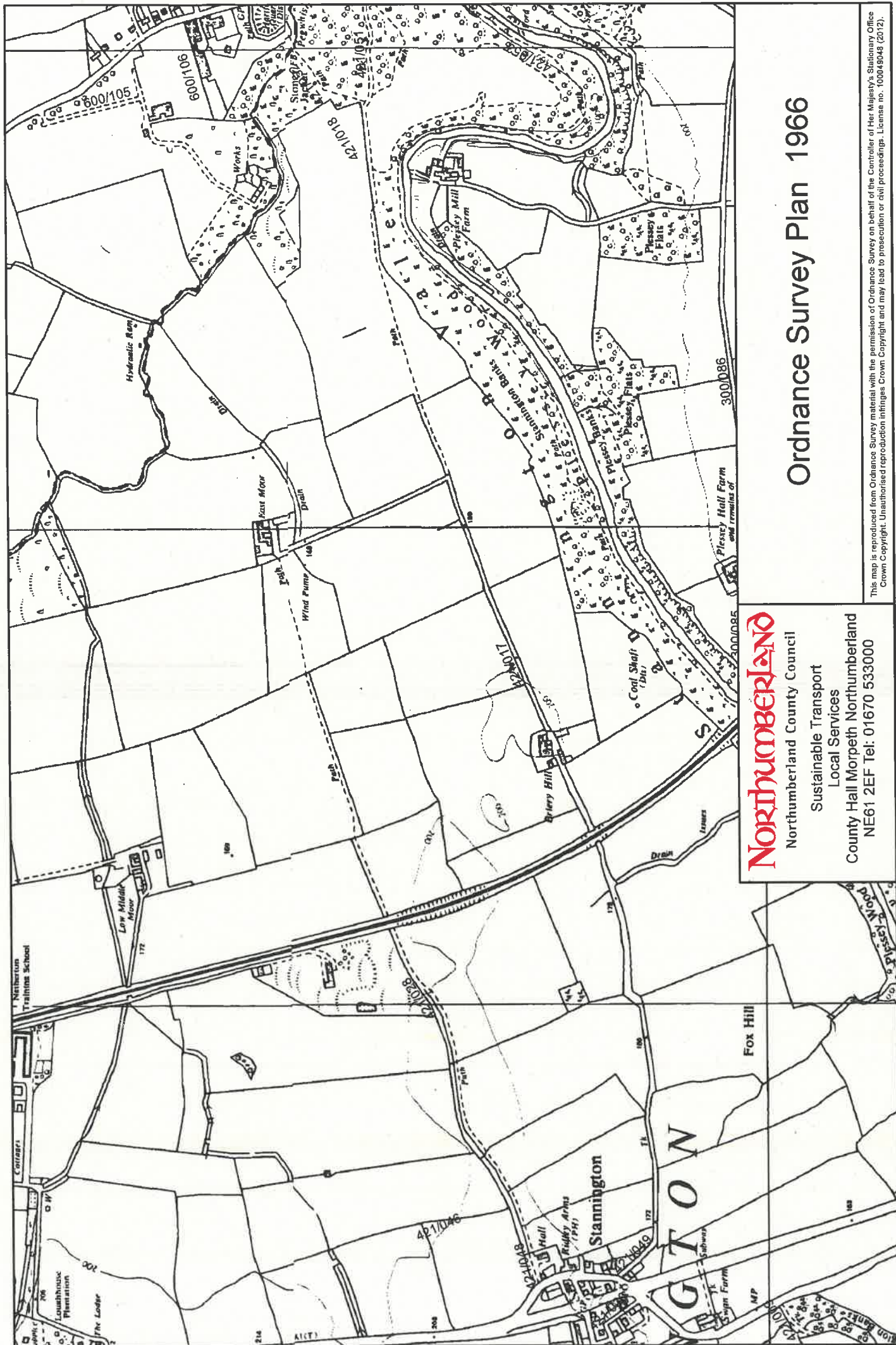
Sustainable Transport

Local Services

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Northumberland

Northumberland County Council

Sustainable Transport

Local Services

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Ordnance Survey Plan 1966

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