



Northumberland County Council

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL
RIGHTS OF WAY SUB-COMMITTEE
19 December 2018

REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY

ALLEGED PUBLIC FOOTPATHS Nos 83 & 15 BERWICK TOWN & PARISH OF ORD

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

Purpose of report

In this report, the Council is asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public footpath rights over a route between the eastern end of existing Public Footpath No 15 (Parish of Ord), and the junction of existing Public Footpaths Nos 35 and 78 (Berwick Town) in the vicinity of Tweedmouthmoor.

Recommendation

It is recommended that the Council agrees that there is sufficient evidence to indicate that public footpath rights have been reasonably alleged to exist over the route (V-W-X) and that it be included in a future Definitive Map Modification Order as a public footpath.

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 provision which applies to adding a public right of way to the Definitive Map and Statement, based on historical documentary evidence, is Section 53(3)(c)(i) of the Wildlife and Countryside Act, 1981. This 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 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;”

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

2.0 PUBLIC EVIDENCE

- 2.1 In 2014, officers noted that an anomaly existed with regard to the public rights of way network in the vicinity of Tweedmouthmoor, south of Berwick. Existing Public Footpath No 15 in the Parish of Ord terminates at the Ord - Berwick parish boundary without it connecting with any recorded continuation within Berwick Town, despite there being public footpaths nearby.
- 2.2 The V-W section of Public Footpath No 15 is not currently recorded on the Definitive Map of Public Rights of Way, although there appears to be no good reason for its omission.
- 2.3 In July 2014, the Council consulted known owners and occupiers of the land, the parish councils, the local County Councillor and the local representatives of the “prescribed and local organisations” listed in the Council’s “Code of Practice on Consultation for Public Path Orders” regarding the alleged public right of way.

3. LANDOWNER EVIDENCE

- 3.1 By letter, dated 5 August 2014, Edwin Thompson (Chartered Surveyors) responded to the consultation, on behalf of the Berwick-upon-Tweed Corporation (Freemen) Trustees, stating:

“As requested, I enclose a copy of the map sent with you letter dated 25 July 2014 showing the land at Tweedmouth Moor Farm, Berwick-upon-Tweed owned by the Berwick-upon-Tweed Corporation (Freemen) Trustees.”

4. CONSULTATION RESPONSES

- 4.1 By letter, dated 17th October 2014, Ms E Bamford responded to the consultation, on behalf of the Ramblers' Association, stating:

"My comments are attached. Where we have no facts or evidence and no objections I have written No Comment. We would support these additions.

"Berwick Town Footpath 83 We support this addition. I have walked this path in adolescence though not since. It provides a logical link to Tweedmouthmoor and Ord FP 15.

Parish of Ord Footpath 15 No comment other than to support, though FP 15 is not accessible or waymarked from the B6354."

- 4.2 By letter, dated 28th October 2014, Mr D Roberts responded to the consultation, on behalf of the Cyclists' Touring Club, stating:

"I attach comments and evidence which I judge to be relevant on behalf of Cyclists Touring Club.

"To clarify locations I attach annotated copies of your plans. These are confined to routes of which I have knowledge. Where I have no knowledge of a route or where I know it is surfaced with tarmac and therefore suitable for ALL TRAFFIC I have omitted any comment.

"Where an obstruction has been encountered I have endeavoured to provide as accurate data as possible.

"Routes traced in red have been cycled without problem. [The route of alleged Footpaths Nos 15 and 83 was not one of the ones highlighted by Mr Roberts].

"I have commented on issues where I consider an omission has been made in your consultation.

"No distinction has been made between Restricted and All Traffic Byways."

- 4.3 By email, on 14th October 2014, Ms S Rogers responded to the consultation, on behalf of the British Horse Society, stating:

"PARISH OF BERWICK TOWN

"Alleged Public Footpath 83 / Footpath 15 Ord

This path is a short link joining two existing footpaths. It is shown on map 41. Without its addition, two footpaths would remain as cul de sacs and so be of little use to the public. The BHS supports the addition of this path even though it can't be used by horse riders."

- 4.4 By email, on 4th November 2014, Ms S Rogers responded to the consultation, on behalf of the British Horse Society, stating:

"PARISH OF ORD

"Addition of part of Footpath 15

This short section is a missing link which is needed to join the existing section of FP 15 to FP 83. The BHS supports its addition to the definitive map."

5. DOCUMENTARY EVIDENCE

- 5.1 A search has been made of archives relating to the area. Evidence of Quarter Sessions Records, Council Highways records, County Maps and O.S. Maps was inspected, and the following copies are enclosed for consideration.

1769 Armstrong's County Map

There is no evidence of a track approximating to the route of alleged Footpaths Nos 15 and 83, nor any of the other existing public footpaths in the vicinity of Tweedmouthmoor.

1800 Tweedmouth and Spittle Common Inclosure Award

Although existing Footpath No 14 is clearly identified as a public vehicular right of way (Threap Grounds Road) and a route closely resembling that of existing Footpath No 35 is clearly identified as a public foot road to Spittle, and the southerly continuation beyond the end of Threap Grounds Road is identified as a private road (The Moor Houses Road), the route of alleged Footpaths Nos 15 and 83 is not identified in the Award.

1820 Fryer's County Map

There is clear evidence of a road or track approximating to the route of the Inclosure Awarded road leading towards Tweedmouthmoor (identified as Moffat Stead on this map), but no evidence of a track over the route of alleged Footpaths Nos 15 and 83, nor any of the other existing public footpaths in the vicinity of Tweedmouthmoor.

1820-32 Cary's Map

There is clear evidence of a road or track approximating to the route of the Inclosure Awarded road leading towards Tweedmouthmoor (identified as Moffat Stead on this map), but no evidence of a track over the route of alleged Footpaths Nos 15 and 83, nor any of the other existing public footpaths in the vicinity of Tweedmouthmoor.

1828 Greenwood's County Map

There is clear evidence of a road or track approximating to the route of the Inclosure Awarded road leading towards Tweedmouth Moor, but no evidence of a track over the route of alleged Footpaths Nos 15 and 83, nor any of the other existing public footpaths in the vicinity of Tweedmouthmoor.

1866 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a path or track over the route of alleged Footpath No 83. There is less good evidence of a path or track over the route of alleged Footpath No 15.

1898 Ordnance Survey Map: Scale 1:2500

There is clear evidence of a path or track over all but the western end of the route of alleged Footpath No 83. There is clear evidence of a path (labelled "FP") over the route of alleged Footpath No 15.

1899 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a path or track over all but the western end of the route of alleged Footpath No 83. There is no clear evidence of a path over the route of alleged Footpath No 15.

1924 Ordnance Survey Map: Scale 1:2500

There is clear evidence of a path or track over all but the western end of the route of alleged Footpath No 83. There is no evidence of a path over the route of either alleged Footpath No 15 or existing Footpath No 15.

1925-6 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a path or track over all but the western end of the route of alleged Footpath No 83. There is no evidence of a path over the route of either alleged Footpath No 15 or existing Footpath No 15.

c.1951 Definitive Map – original Survey Schedules & Map (Berwick Town)

The route of alleged Footpath No 83 is identified on the map as being part of Footpath No 32.

c.1954 Definitive Map – original Survey Schedules & Map (Norham & Islandshires)

The route of alleged Footpath No 15 is identified on the map as being part of Footpath No 28. Footpath No 28 is actually shown extending to a point roughly 30 metres north of Point W. It is noted that there are stiles missing at both Point V and the northern end of the path. On the survey schedule, the ground for believing the path to be public is stated as "Has been used within living memory".

Draft Map (Berwick Town)

The route of alleged Footpath No 83 is identified on the map as being part of Footpath No 32.

Draft Map (Norham & Islandshires)

The route of alleged Footpath No 15 (V to W) is identified on the map as being part of the rest of (existing) Footpath No 15.

Draft Map (Modified) (Berwick Town)

The route of alleged Footpath No 83 is identified on the map as being part of Footpath No 32. The whole of Footpath No 32 is annotated with the label "To be deleted".

Provisional Map (Berwick Town)

Although most of Footpath No 32 remains on the Map, the western end of it (i.e. the route of alleged Footpath No 83 (W-X)) is no longer identified as a public right of way.

Provisional Map (Norham & Islandshires)

The route of alleged Footpath No 15 (V to W) is identified on the map as being part of the rest of (existing) Footpath No 15.

1957 / 68 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a track over all but the western end of the route of alleged Footpath No 83. There is no evidence of a path over the route of either alleged Footpath No 15 or existing Footpath No 15.

1962 Original Definitive Map (Berwick Town)

Most of Footpath No 32 is identified as a public footpath on the Map, the western end of it (i.e. the route of alleged Footpath No 83 (W-X)) is not identified as a public right of way.

1962 Original Definitive Map (Norham & Islandshires)

The route of what is, at the present time, recorded as being Public Footpath No 15 in the Parish of Ord is identified on the original Definitive Map. The V-W section of alleged Footpath No 15 is not identified.

1962 First Review Definitive Map (Norham & Islandshires)

The First Review Map has Relevant Date of 1 November 1963. As with the original Definitive Map, the route of what is, at the present time, recorded as being Public Footpath No 15 in the Parish of Ord is identified on the First Review Definitive Map. The V-W section of alleged Footpath No 15 is not identified.

1979 / 88 Ordnance Survey Map: Scale 1:10,000

There is clear evidence of a track over all but the western end of the route of alleged Footpath No 83. There is no evidence of a path over the route of either alleged Footpath No 15 or existing Footpath No 15.

1955 show that there was an objection (by Berwick Corporation (Freemen) Trustees) against the inclusion of Footpath No 32 (Berwick Town) on the Draft Map. The minutes note that of the identified 60 objections to routes being included on the Draft Map, 23 were determined following formal hearings, whilst the other 37 were “settled without the necessity of a formal hearing as a result of discussions and further investigations by the County Surveyor and by the District Councils concerned.” Footpath No 32 appears to comprise one of the latter group.

- 5.3 The original Definitive Statements for the public rights of way that connected with the alleged footpath state:

Public Footpath No 15 (Parish of Ord)

“From the Berwick - Etal Road South of Cornhill in an easterly direction to the Berwick Borough boundary.”

Public Footpath No 32 (Berwick Town)

“From the Berwick - Alnwick Road at Springhill Reservoir in a south-westerly direction to join FP 35 about 300 yards east of Tweedmouthmoor.”

Public Footpath No 35 (Berwick Town)

“From Path No 32 about 300 yards east of Tweedmouthmoor Farm in a south and south-westerly direction to the Borough boundary about 330 yards south of Tweedmouthmoor Farm.”

6. SITE INVESTIGATION

- 6.1 From a point marked V, at the (existing) eastern end of Public Footpath No 15 (Parish of Ord), 85 metres south-west of Tweedmouthmoor, the alleged footpath proceeds in a northerly direction for a distance of 60 metres, through a wire boundary fence / hedge and along an overgrown grass surfaced avenue for a distance of 60 metres to point W. The alleged footpath then proceeds in an easterly direction through a boundary wall / mature hedge and then a vegetable garden area for a distance of 35 metres. Thereafter, a generally 3 metre wide rough tarmac track continues in an easterly direction for a further 85 metres, passing immediately to the south of Tweedmouthmoor. Finally, a 2.5 to 3 metre wide grass surfaced, slightly raised field edge track continues in an easterly direction for a distance of 225 metres to a junction with existing public Footpaths Nos 35 and 78 at a point marked X, 250 metres east of Tweedmouthmoor.

7. COMMENTS RECEIVED ON THE DRAFT REPORT

- 7.1 In September 2018, a copy of the report was circulated to those landowners / occupiers who responded to the initial consultation for their comments.
- 7.2 By email, on 1 November 2018, Edwin Thompson (Chartered Surveyors) made the following additional comments on behalf of the Berwick-upon-Tweed Corporation (Freeman) Trustees:

“I have spoken to the Trustees who have confirmed the following to me:

“1. They do not propose to make any further comment with regard to Footpath 83.

“2. At the current time, the Trustees are not willing to grant a right of access connecting Footpath 16 and 35 to Footpath 15 via point ‘V’.

“3. Provided that the Mr Swanston at Tweedmouth Moor is in agreement, the Trustees would be willing to consider the movement of Footpath 15 from its proposed location running through the garden of Tweedmouth Moor farmhouse so that it connects Footpath 83 with point ‘V’ so that the proposed Rights of Way between point ‘V’ and ‘W’ and ‘W’ and Footpath 83 are extinguished. We would need to discuss the exact location of the new footpath on the ground before formal consent is given by my clients.

“I trust that this is helpful to you and will inform Mr Swanston of my client’s suggestions.”

8. DISCUSSION

8.1 Section 53 (3)(c)(i) 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 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.

8.2 When considering an application / 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 evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey.

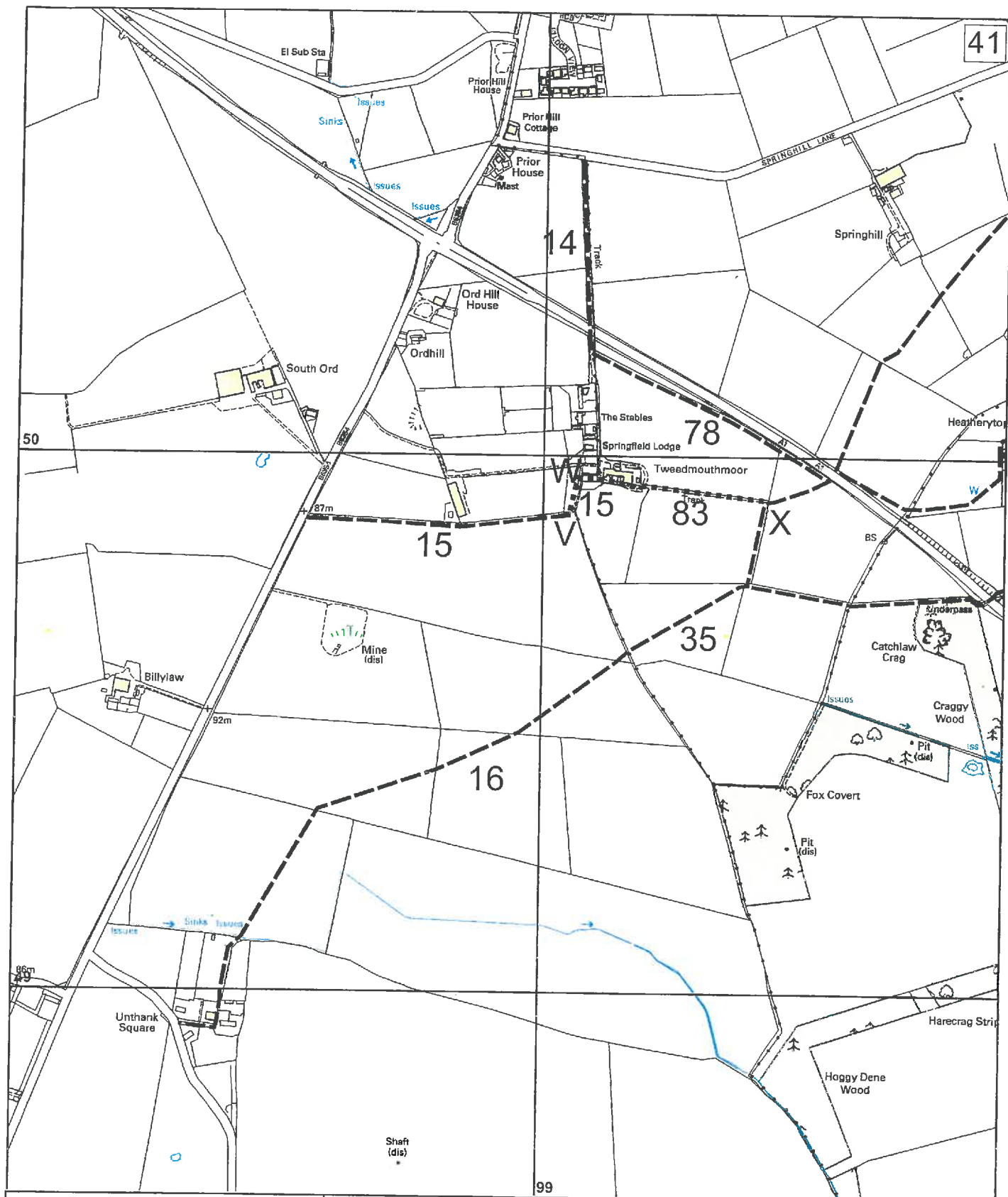
8.4 The route of alleged Public Footpath No 15 (i.e. V-W) was clearly identified at the Survey, Draft and Provisional Map stages. There was an opportunity for any part of Footpath No 15’s inclusion to be formally challenged at both the Draft Map and Provisional Map stages, but there is no evidence that any challenge regarding Footpath No 15 was made. On that basis, the original Definitive Map should have included the whole of the route that had been identified at the immediately preceding Provisional Map stage. In other words, the V-W section of alleged Footpath No 15 ought to have been included along with the rest of the route. It is not apparent why the short V-W section was

missed off. The most likely explanation is that it was a simple drafting error. The Draft and Provisional Maps were prepared on 1:10,560 scale maps, whereas the original Definitive Map was published on maps of a different scale (i.e. less detailed 1:25,000 scale maps). Very occasionally, errors appear to have been made, transferring the rights of way information between the two maps. Had this error been spotted, it could have been corrected when the First Review of the Definitive Map was carried out during the 1960s (the process being completed in around 1972). It doesn't appear that it was spotted, because the Definitive Map published under the First Review also omitted the V-W section of Footpath No 15.

- 8.5 The route of alleged Public Footpath No 83 (i.e. W-X) was clearly identified at the Survey and Draft Map stages (as a part of Footpath No 32). The Council's Bridges and Roads Committee minutes from September 1955 indicate that a formal challenge (by the Berwick Corporation (Freemen) Trustees) was made at the Draft Map stage, and that as a result of discussions and further investigations by the County Surveyor and the District Council the recommendation to the committee was "That the path be deleted from the draft map and statement". The report to the committee dealt with 60 objections to routes spread across the various boroughs and urban districts. The minutes show that the committee "Resolved that the report be approved and adopted". Unfortunately, whilst we know that the recommendation to delete was made as a result of the discussions and further investigations of the County Surveyor and District Council, we don't know what evidence was actually considered or what the basis of the recommendation was. Despite all this uncertainty, the fact that a formal recommendation to delete the path was made (and accepted) means that it must be taken as evidence, of some value, against the existence of public footpath rights. That said, the recommendation appears to have been that Footpath No 32 be deleted from the Draft Map and the Draft Map (Modified) that was produced appears to indicate that the whole of Footpath No 32 would be deleted. Yet when the Provisional Map was then published, only the western end of Footpath No 32 had actually been deleted (i.e. 75% of the path remained non-deleted). Possibly the Berwick Corporation (Freemen) Trustees' objection only ever related to the western end or possibly the recommendation had been clumsily drafted because only part of the objection had been accepted or pursued. For whatever reason, despite the 1955 Bridges and Roads Committee resolution, the majority of Footpath No 32 was ultimately recorded on the Provisional and subsequent Definitive Maps.
- 8.6 Whilst the Tweedmouth and Spittle Common Inclosure Award of 1800 set out / recognized the part of Footpath No 32 that survived, and also its south-westerly continuation (Footpath No 35), as a public foot road, no public rights were identified over the route W-X. The Inclosure Award did set out what is currently recorded as Public Footpath No 14 (from Springhill Lane in a southerly direction towards Tweedmouthmoor) as a 20 foot wide public vehicular highway (The Threap Ground Road) - this will need to be the subject of further investigation - but this road did not extend as far south as the site of Tweedmouthmoor, and the continuation that did exist was clearly identified as a private road (The Moor Houses Road) "to and for the use and occupation of the owners and occupiers of the allotments in the said parcel of Threap Ground ...". This implies that if any public rights do exist over the route W-X, they were almost certainly acquired at some point after 1800. The V-W part of the alleged right of way and, also, existing Public Footpath No 15 lie outside the area of land that was subject to the inclosure award, so it isn't possible to

draw any conclusions regarding the status of those sections, based upon the inclosure award itself.

- 8.7 The route V-W-X is not identified as a track or road on Armstrong's, Fryer's or Greenwood's County Maps of 1769, 820 and 1828, nor is it shown on Cary's Map of 1820-32. This isn't particularly surprising as these maps tended to show roads and some public bridleways, not public footpaths.
- 8.8 The route V-W-X does appear to be shown as a path or track on Ordnance Survey maps published between 1866 and 1899 but, by the 1920s, the routes of existing Public Footpath No 15, alleged Footpath No 15 (V-W) and the short section linking Point W to Tweedmouthmoor itself are no longer shown. This doesn't mean this section could not be a public right of way. Public rights are not lost simply because a path becomes little used / falls into disuse, or because it is no longer visible as a path on the ground, but it does suggest the route was probably identified for inclusion as a public right of way based upon knowledge of past use, rather than significant ongoing public user at the time the Definitive Map was being prepared during the 1950s. The survey schedules prepared in the early 1950s indicate that hedges were overgrown and that two stiles on Footpath No 15 were missing. In her consultation response, on behalf of the Ramblers' Association, Erica Bamford indicated that, in her youth, she did use the W-X part of the alleged footpath.
- 8.9 In December 2013, Berwick-upon-Tweed Corporation (Freemen) Trustees deposited with the County Council a Map and Statement, under section 31(6) of the Highways Act 1980, setting out their land holding and the public rights of way which they acknowledged existed over it. Later that month the Berwick-upon-Tweed Corporation (Freemen) Trustees followed this up with a Declaration, again setting out the public rights of way which they acknowledged to exist. The landowner did not acknowledge the existence of any public right of way over their section of the alleged footpath route (i.e. between Tweedmouthmoor and Point X).
- 8.10 As indicated above, the V-W part of Footpath No 15 is considered to have been omitted by an error. Without any easterly continuation, existing Public Footpath No 15 (and its V-W extension) would be an unlikely cul-de-sac that had of no real utility. Possibly, had it been tried, the same arguments that defeated the W-X part of Footpath No 32 at the Draft Map stage could have been employed equally successfully against Footpath No 15; but since we don't know what those arguments were, it's impossible to say. They don't appear to have been especially decisive, since most of Footpath No 32 actually survived the resolution for the path to be deleted. On that basis officers would argue that public footpath rights have been reasonably alleged to exist over the route V-W-X.
- 8.11 Advice from the Planning Inspectorate in their 'consistency guidelines' states that it is important to have the correct width, where known, recorded in the definitive statement. Usually there is a boundary to boundary presumption for public highways. However, where no defined corridor exists, and there is no (usually) documentary evidence to establish width, the Council has adopted a standard width of 1.5 metres (wide enough for two people travelling in opposite directions to pass each other) for public footpaths. On this basis it is proposed to record alleged Public Footpath No 15 and the most westerly 30 metres of



NORTHUMBERLAND

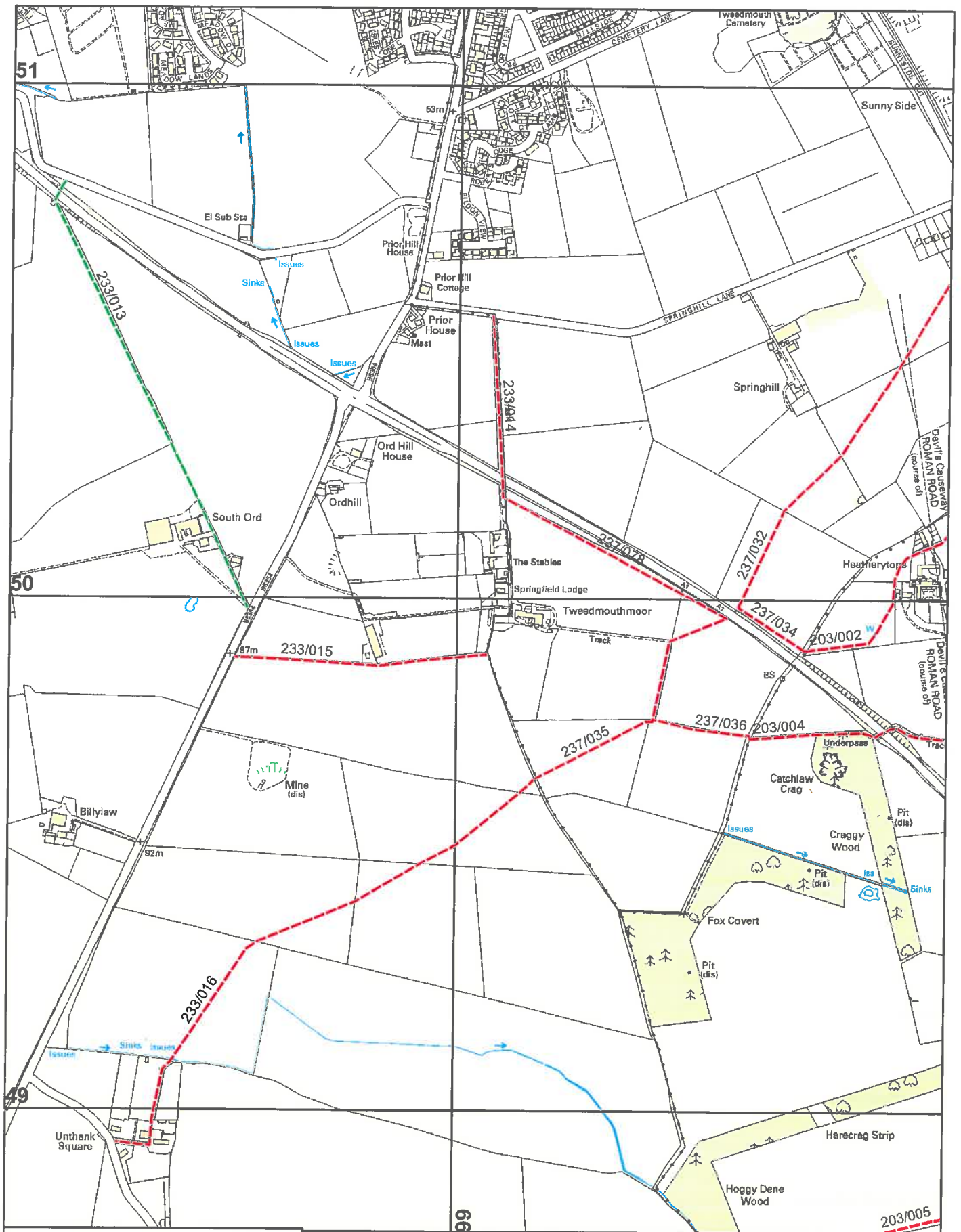
Northumberland County Council
 Sustainable Transport
 Local Services
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Wildlife and Countryside Act 1981 Public Rights of Way

- Existing Public Footpaths
- Alleged Public Footpath

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Former District(s)	Parish(es)	Scale
Berwick	Ord/Berwick Town	1:10,000
Def. Map No.	O.S. Map	Date
8	NT 94 NE	March 2014




Northumberland
 County Council

Contact: Alex Bell
 Telephone: 01670 624133
 Email: Alex.Bell@northumberland.gov.uk

Legend

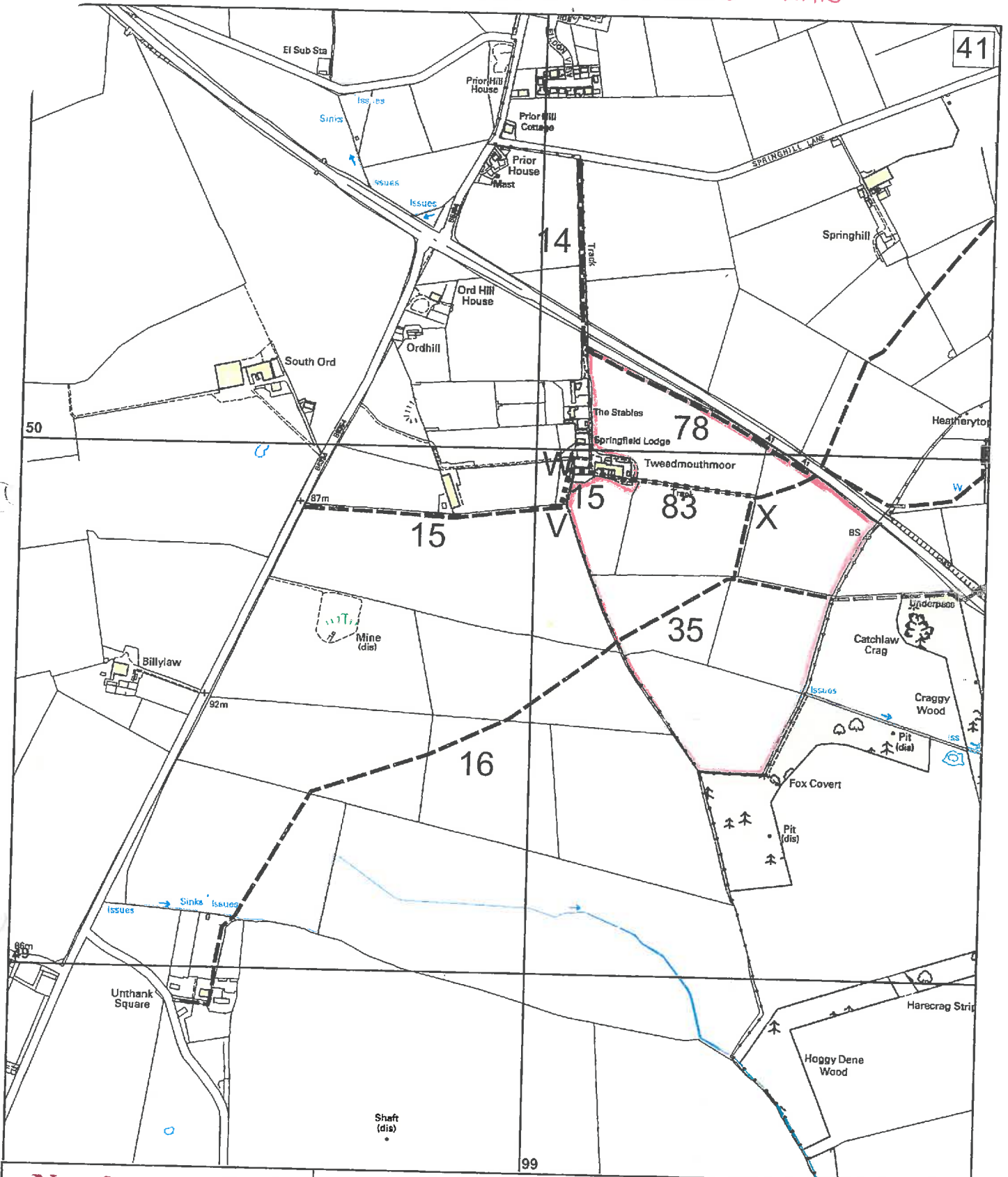
- Footpath
- Bridleway
- Restricted Byway
- Byway Open to All Traffic

This is a computer generated extract of the Working Copy of the Definitive Map of Public Rights of Way

Scale: 1:10,000

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EDWIN THOMPSON'S PLAN



Northumberland

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Sustainable Transport

Local Services

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Wildlife and Countryside Act 1981
Public Rights of Way



Existing Public Footpaths



Alleged Public Footpath

Former District(s)

Berwick

Parish(es)

Ord/Berwick Town

Scale

1:10,000

Def. Map No.

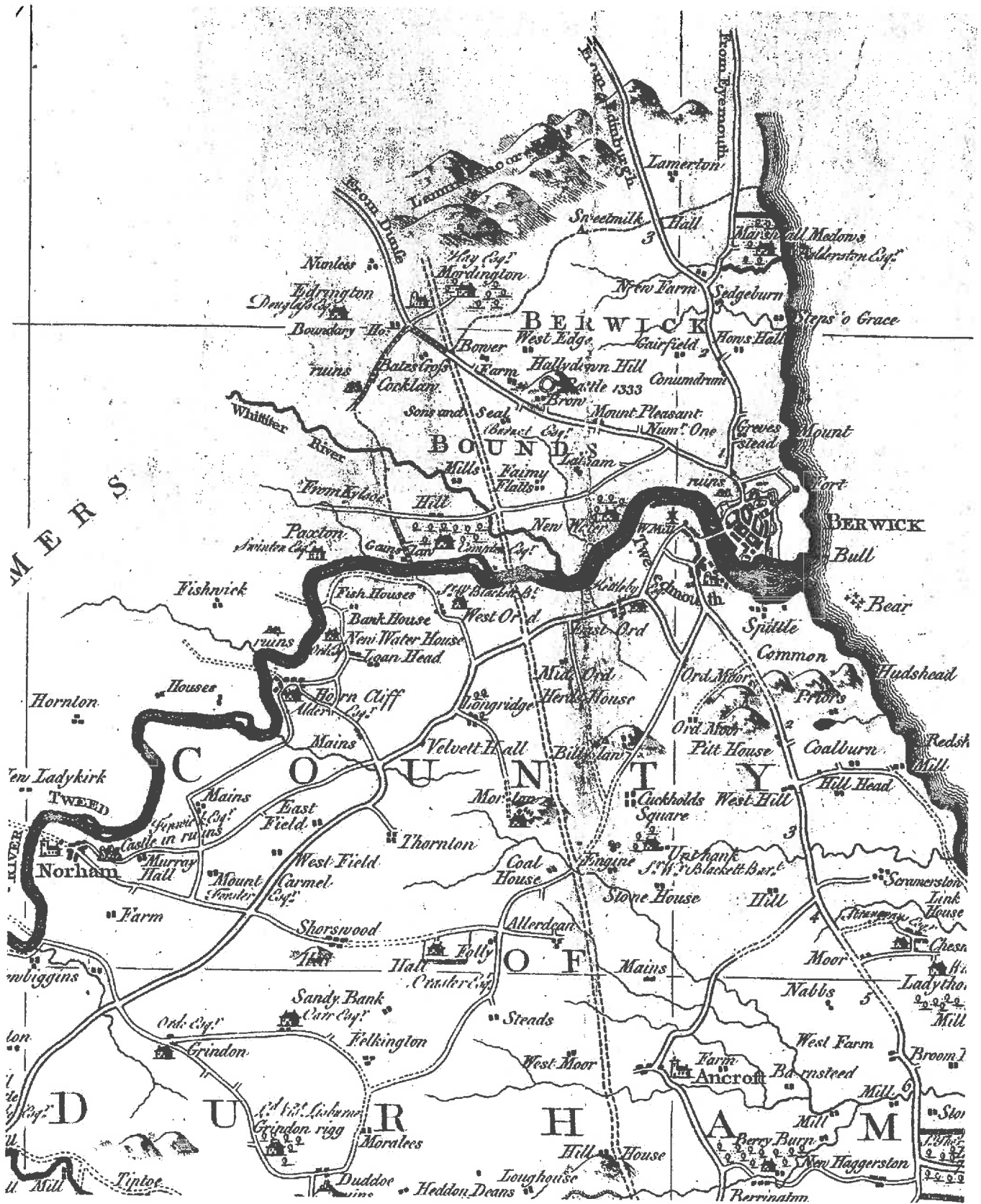
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O.S. Map

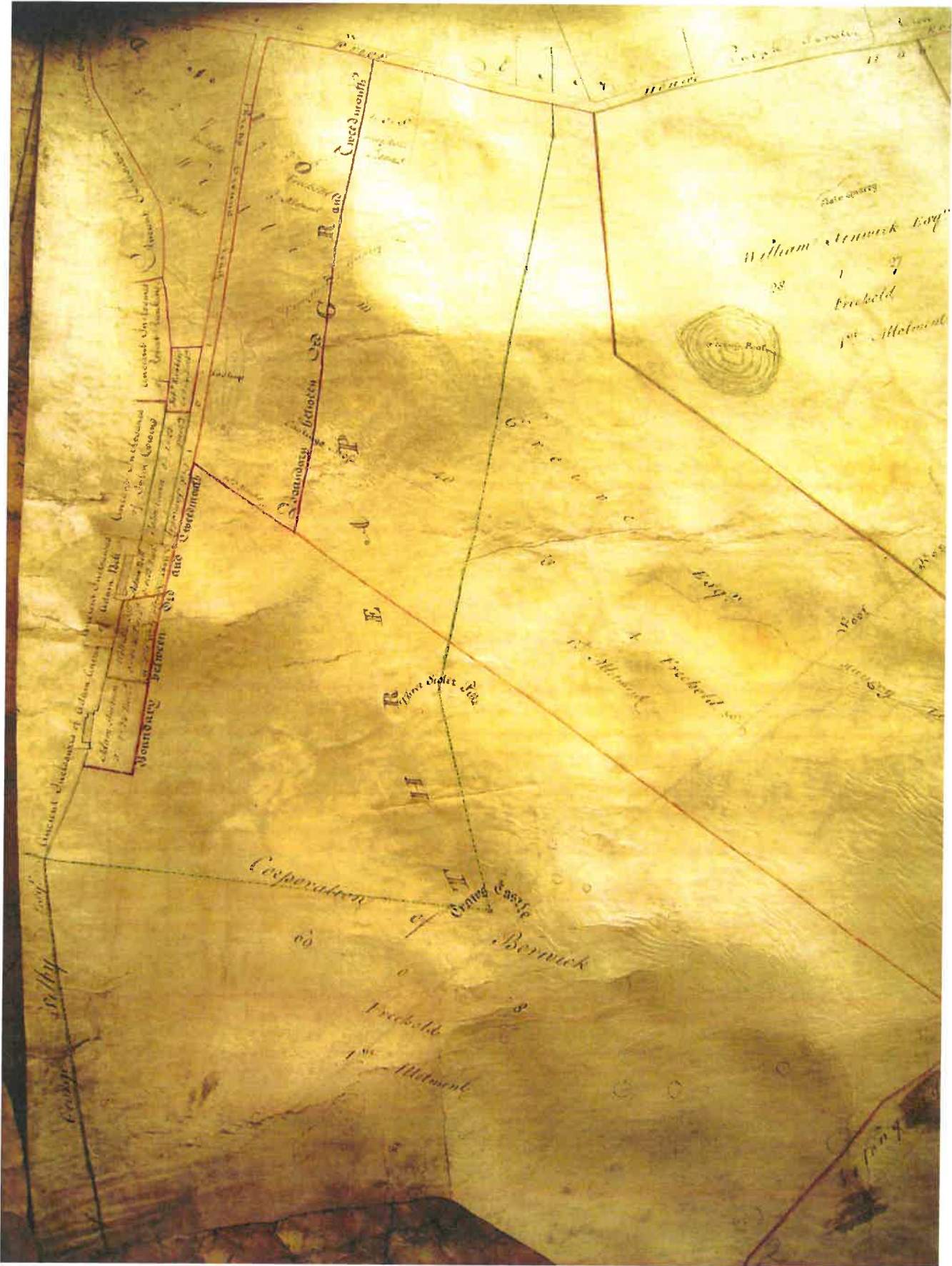
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Date

March 2014



Tweedmouth and Spittle Common Inclosure Award
1800

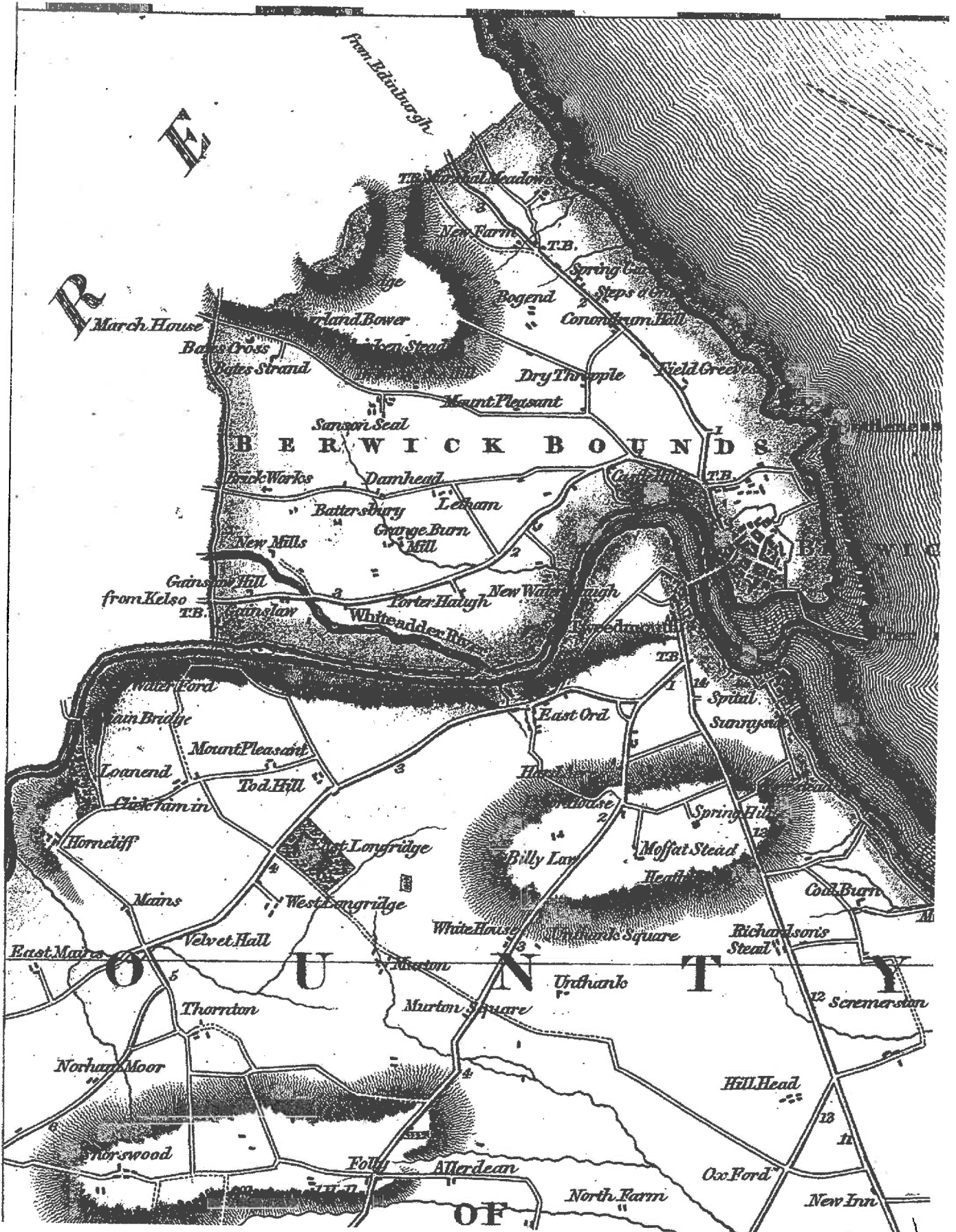


Tweedmouth and Spittle Common Inclosure Award
1800

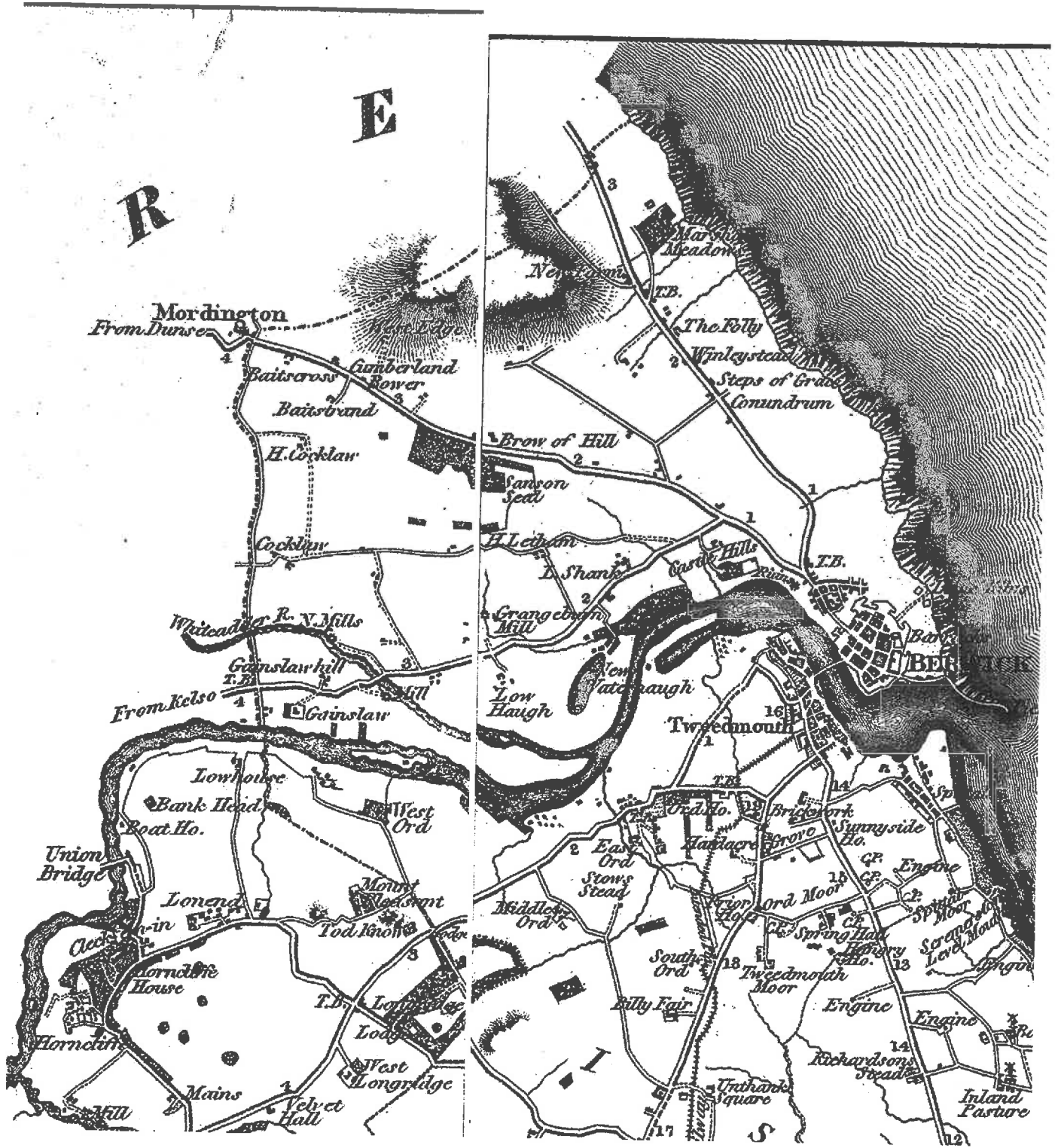
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of Spittle Common Quarry hereafter set out to the Allotment
of William Dickson which we do hereby declare shall be a
private Road to and for the use and Occupation of the Owners
and Occupiers of the Allotment in the said Moor or Common of
the said William Dickson and to and for no other use intent or
purpose whatsoever and which shall be made and kept in repair
by the said William Dickson And we do hereby further set
out assign and appoint a certain Highway or Carriage Road twenty
feet in breadth as the same is now staked and set out and delineated
upon the said plan and which we shall hereafter refer to and
call by the Name of The Threap Ground Road beginning
at the prior House Road one hundred and sixty eight yards
or thereabouts East from the Elae Twaipike Road and leading
from thence on or towards the South to the North Boundary of the
Allotment in the said parcel of Threap Ground of Adam Bell and
which Road we do hereby determine and adjudge to be in the Township
of Ord and that after the same is formed and put in repair in the
manner directed by the said Act the said Roads shall for ever
thereafter be amended and kept in repair by the said Township
in the same manner as other public Roads are by Law to be amended
and kept in repair in the said Township And we do likewise
hereby set out assign and appoint a certain other Road twenty feet
in breadth as the same is now staked and set out and delineated
upon the said plan and which we shall hereafter refer to and call
by the Name of The Moor Houses Road beginning at the
termination of the Threap Ground Road and leading from thence on or
towards the South until the same terminates upon the North East Corner
of the Allotment in the said parcel of Threap Ground of Adam Anceem
which said Road we do hereby declare shall be a private Road
to and for the use and Occupation of the Owners and Occupiers of the
Allotments in the said parcel of Threap Ground of Adam Bell &c

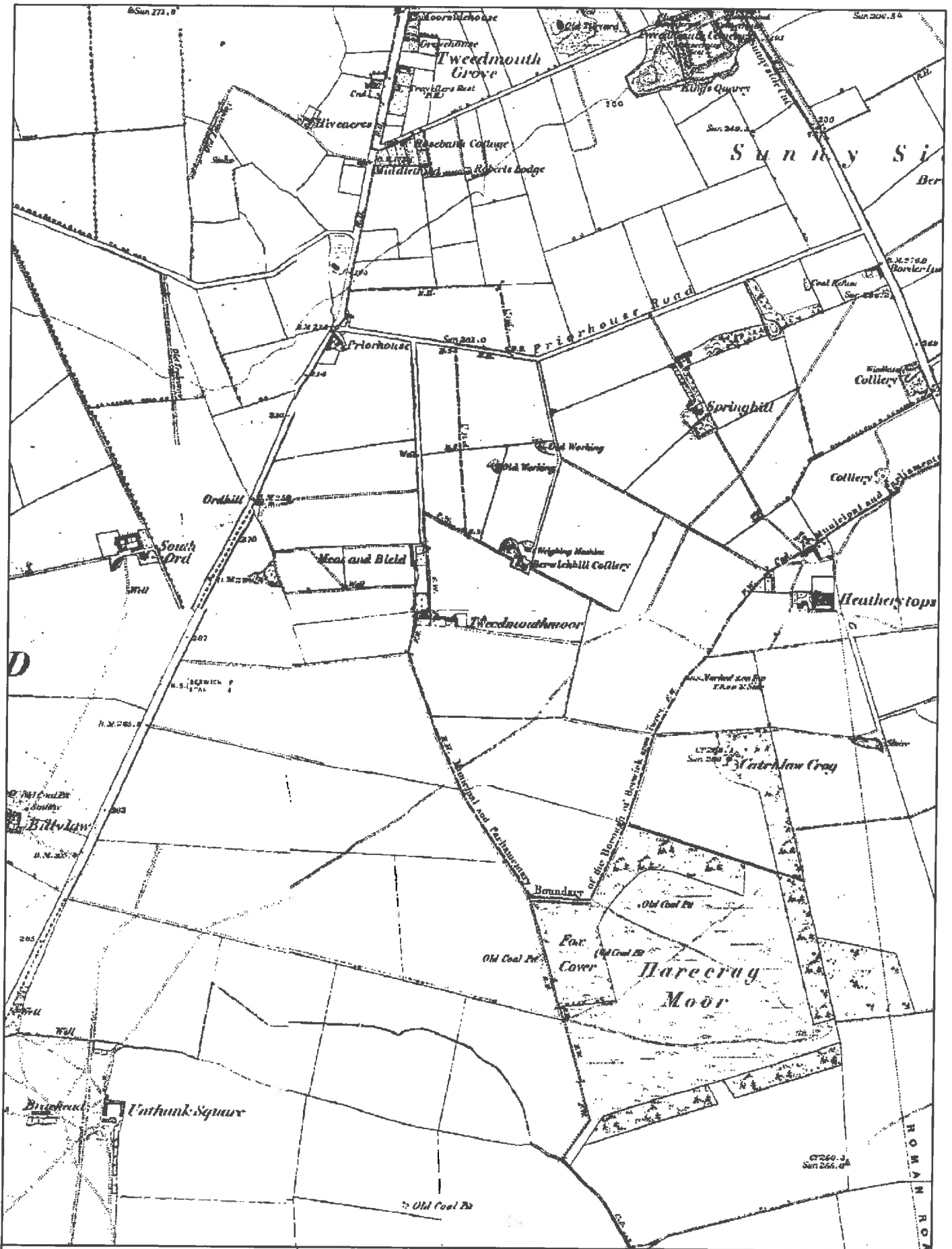
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William Bell and Adam Auerum and to and for no other Use intent
or purpose whatsoever and which shall be made and kept in repair
by the Owners of the said several Allotments in proportion to the
annual or yearly Value of their respective Allotments. And we
do hereby set out assign and appoint a public foot way or Road Three
feet in Breadth as the same is now staked and set out and
delineated upon the said plan and which we shall hereafter
refer to and call by the Name of Scremerston Foot
Road beginning at a Stile on the Boundary of the ancient
Inclosures of Thomas Yelloly and leading from thence on or
towards the South through the Allotments of the said Thomas
Yelloly and of William Darnell and Jonathan White as Executors
and Trustees under the will of the late Richard Skelton of the
Esquire deceased to the North west Corner of the Allotment of
Ebenezer Burn and from thence along the East Boundary of the
Allotment of the said William Darnell and Jonathan White as such
Executors and Trustees as aforesaid to the Spittle Road and from
thence along the said Road unto the Allotment of John Fuar and from
thence on or towards the South west across the Allotments of the
said John Fuar George Garwick John Gordon Alexander Guthrie
and Jane Ramsay and William Ramsay to the Stile in Scremerston
Boundary. And we do hereby set out assign and appoint a certain
other public foot way or Road Three feet in Breadth as the same
is now staked and set out and delineated upon the said plan
and which we shall hereafter refer to and call by the Name of
Spittle foot Road beginning at the ancient Inclosures in Spittle
aforesaid near a certain water Course there called The Horners
Burn and leading from thence on or towards the South west
through the Allotments of Anthony Lambert and William Dickson
to the South west Corner of the said Allotment of the said William
Dickson and from thence on or towards the South west through
the before mentioned Allotment of the said William Darnell and









Northumberland
County Council

SCALE 1:10,560

Ordnance Survey 1st Edition 6" map (1866)

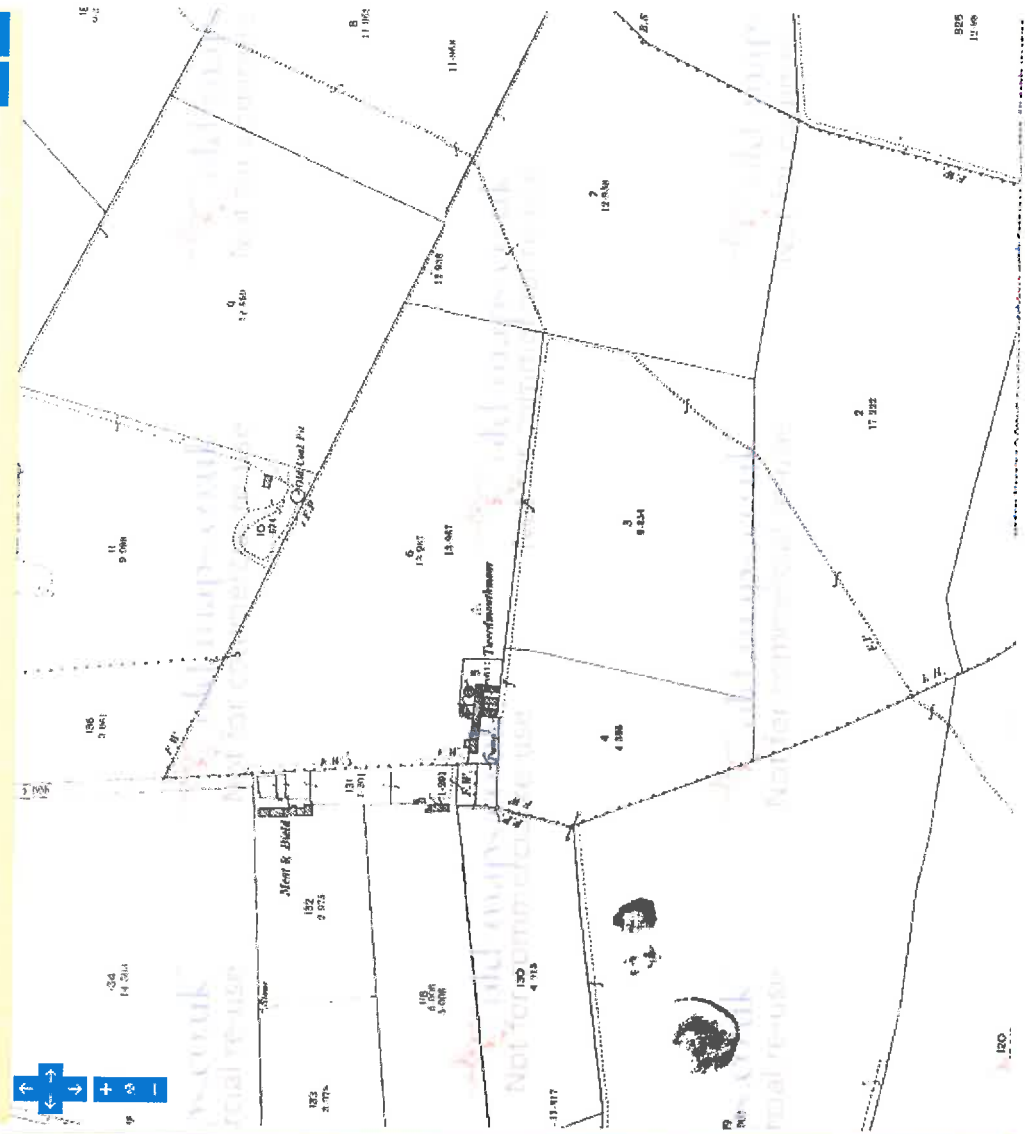
2nd Edition 25" O.S. Map 1898

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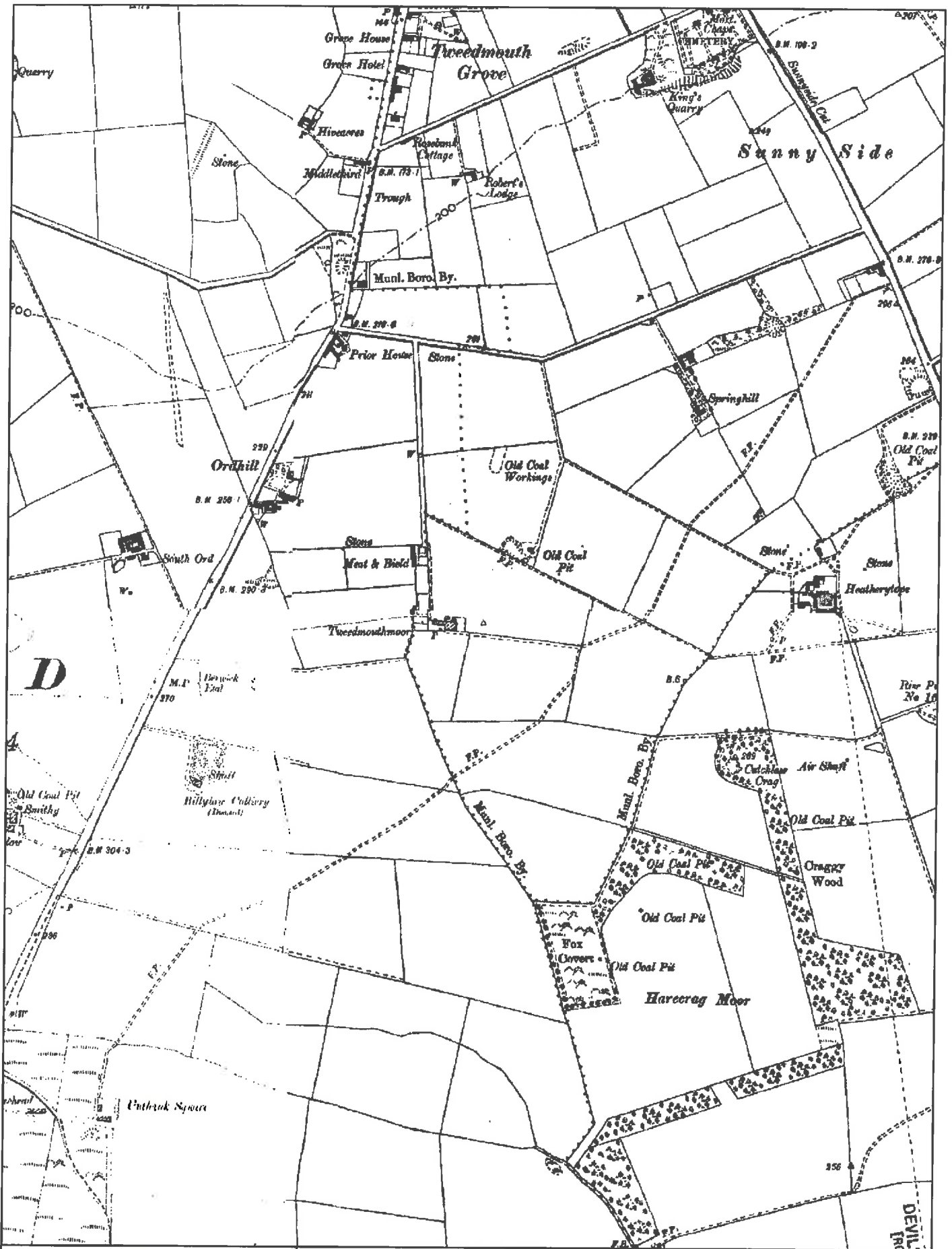
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Northumberland
County Council

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Ordnance Survey 2nd Edition 6" map 1899)

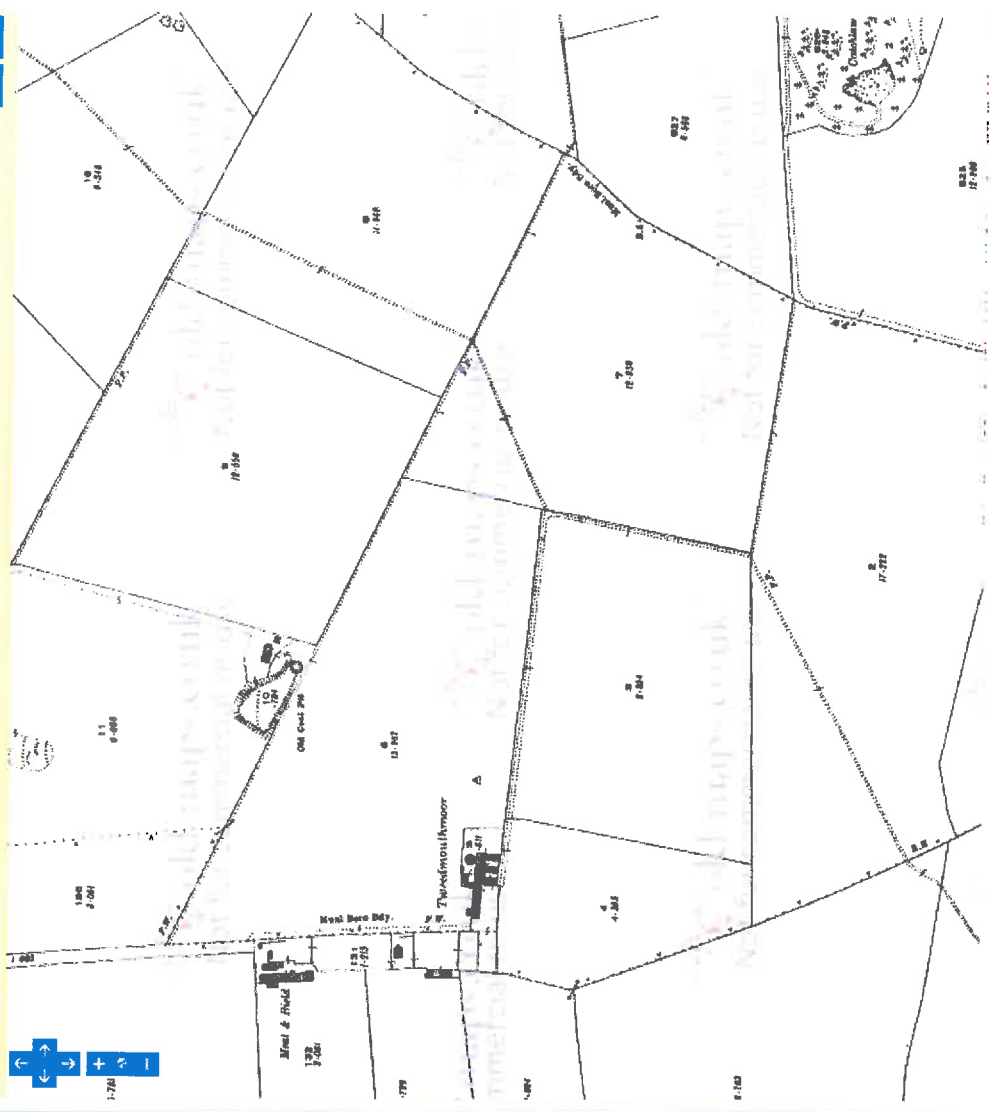
3rd Edition 25" O.S. Map 1924

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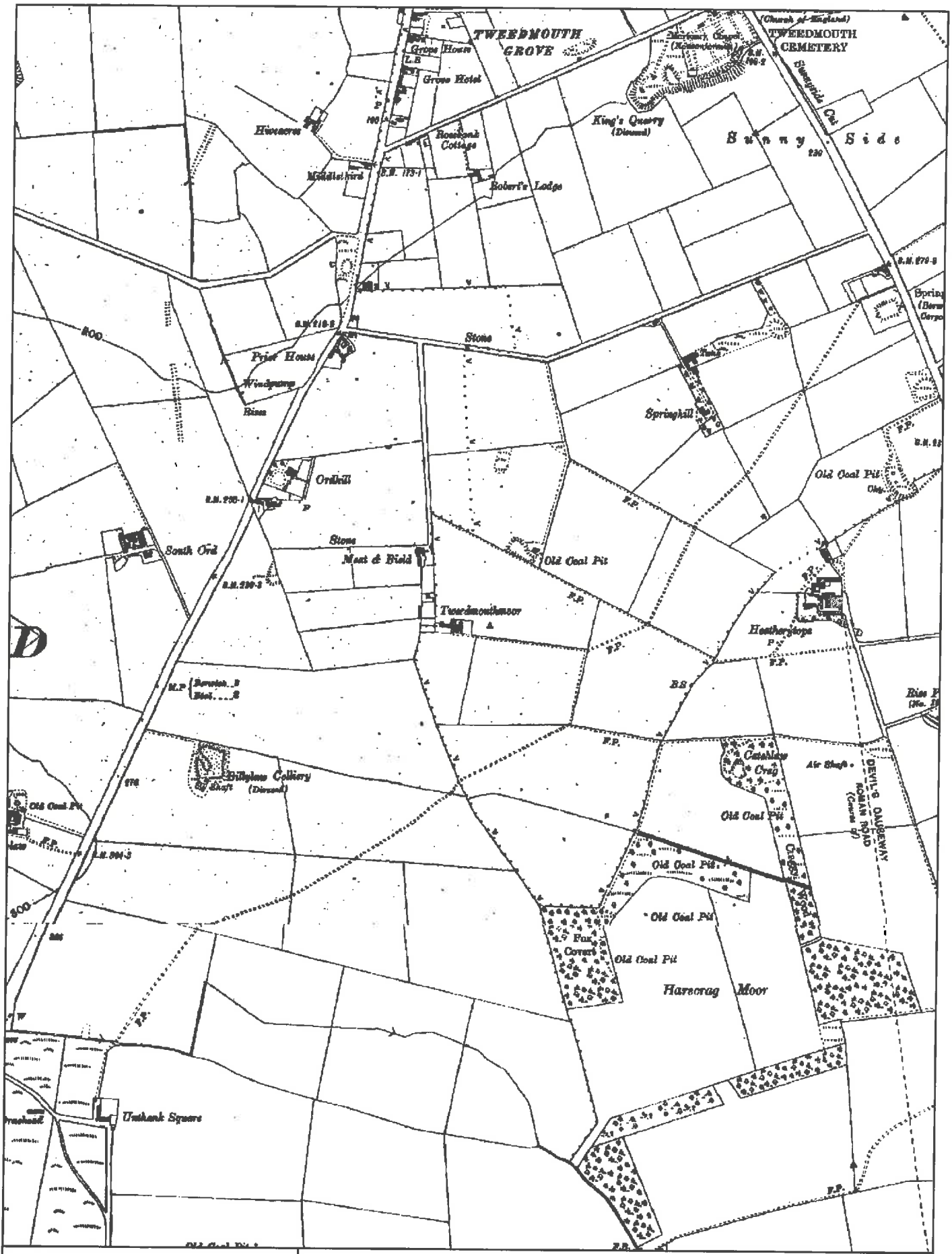
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OS County Series: NORTHUMBERLAND 1924 1:2,500		
OS County Series: NORTHUMBERLAND (partial) 1925-1926 1:10,560		



NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.
SCHEDULE ACCOMPANYING SURVEY MAPS.

Parish of _____ in the Rural District of _____

Borough
Urban District } of Berwick-upon-Tweed.
(Delete whichever is inapplicable).

1. Number of highway on Map 32. 2. Kind of Path (i.e., F.P., B.R.) F.P.
3. Starts at Berwick Newcastle Road to Tweedmouth Farm.
4. Name of Path (if any) _____
5. Is the Path well defined? No.
6. Is the Path metalled? If so, define length No.
7. If its width can be stated, insert here _____
8. What is the present condition of the path, stiles, etc.? Good.
9. Is it subject to being ploughed out? Yes. In parts.
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known

11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant

12. Have persons been prevented using the highway? No.
13. Give particulars of any obstructions Fences and hedges overgrown.
14. Names of owners of freehold and previous owners, if known, for past 30 years
Thomas Hunter
Donna Thistle Lane
15. What maps have been consulted, and where are they deposited?

16. What records have been consulted, and where are they deposited?

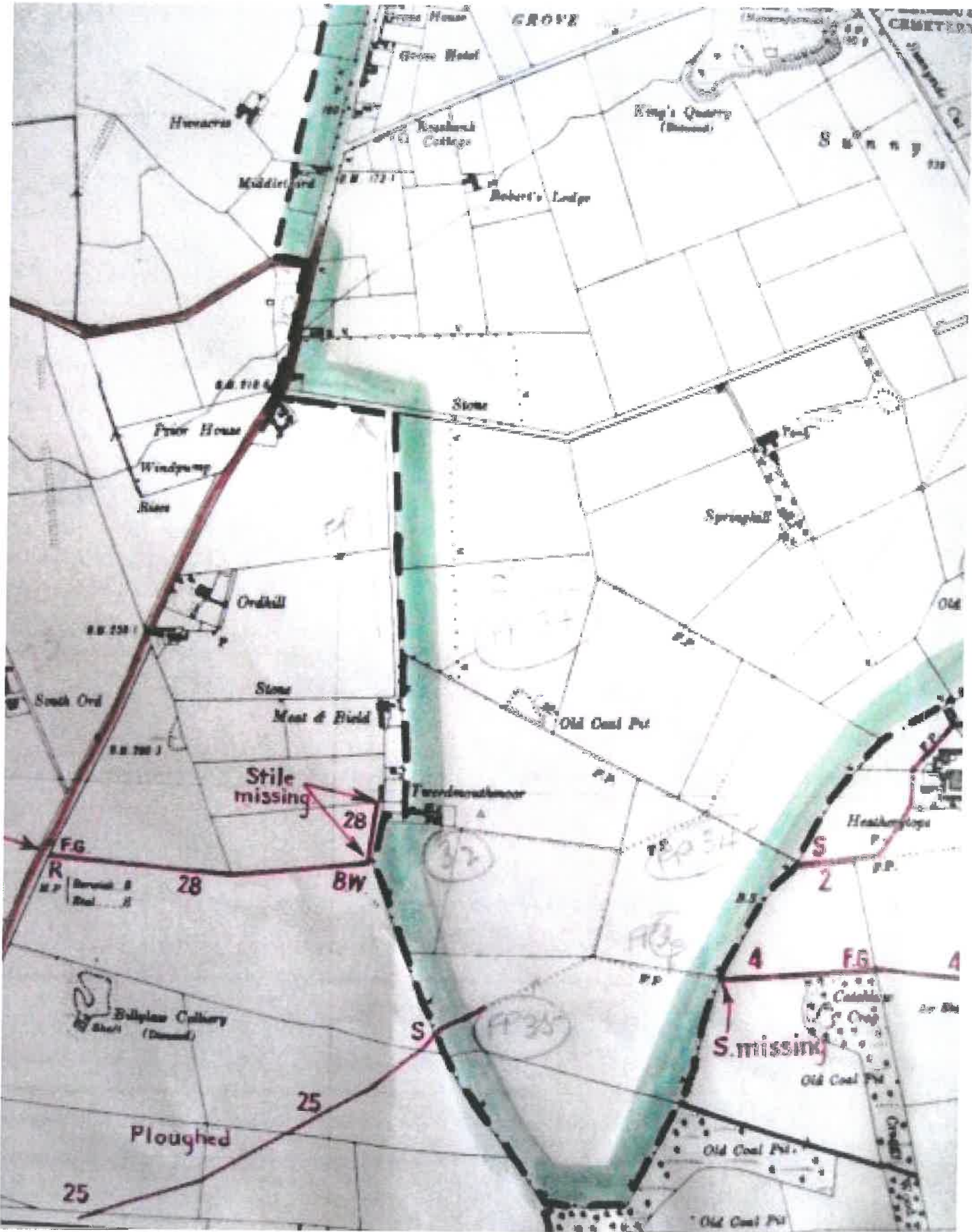
17. Any other relevant information

Surveyed by	Address	Date of Survey
<u>A. Weatherburn.</u>	<u>10 Brighton Road. Berwick-upon-Tweed.</u>	<u>28th June 1951.</u>

Important:—Sheet No. of Map on which Highway is shown

35 | 4NW | 6

Survey Map
(Annotated c. 1954)
(Norham & Islandshires)



NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949. SCHEDULE ACCOMPANYING SURVEY MAPS.

Parish of ORD in the Rural District of NORHAM & ISLAND SHIRES

Borough } of 15
Urban District }
(Delete whichever is inapplicable).

- 1. Number of highway on Map 15 Kind of Path (i.e., F.P., B.R.) EP
- 3. Starts at 110 7/4 So. So. Th Ord Entrance Gate to WESTFIELD ROAD
- 4. Name of Path (if any) _____
- 5. Is the Path well defined? NO.
- 6. Is the Path metalled? If so, define length N.
- 7. If its width can be stated, insert here _____
- 8. What is the present condition of the path, stiles, etc? BRD 2 STILES MISSING

- 9. Is it subject to being ploughed out? FIELD N. 119
- 10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known NONE

11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant
HAS BEEN USED WITHIN LIVING MEMORY

12. Have persons been prevented using the highway? NO EVIDENCE

13. Give particulars of any obstructions 9 ft at West End of Field N. 119

14. Names of owners of freehold and previous owners, if known, for past 30 years
FIELD N. 119 MR W D NELSON BILLY LAW & AS PATH N. 25
BO MR T BEN SPRINGFIELD ORD BERRICK (TOWN)

15. What maps have been consulted, and where are they deposited?
ORD MANCE SURVEY

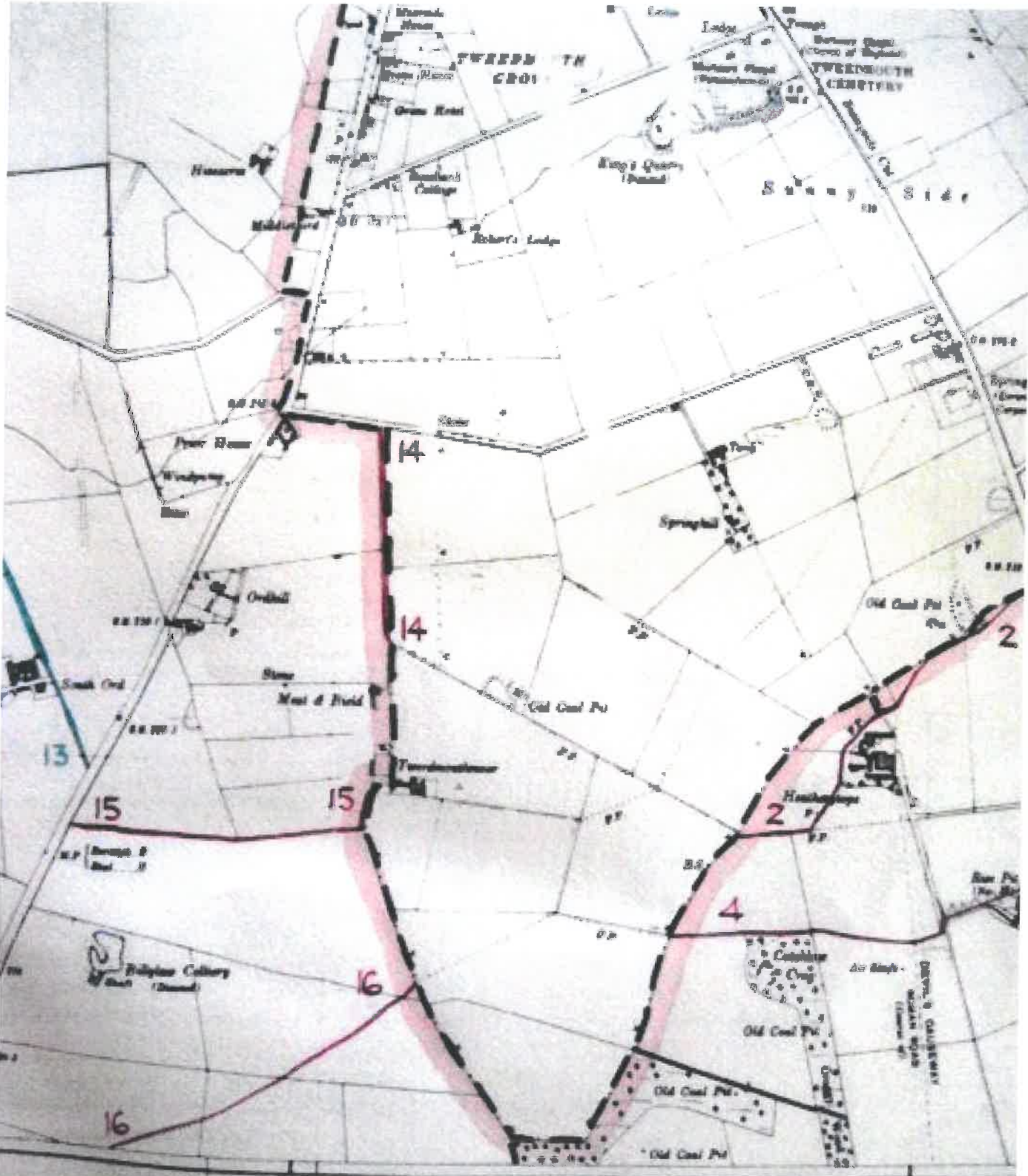
16. What records have been consulted, and where are they deposited?

17. Any other relevant information

Surveyed by	Address	Dates of Survey
<u>G. H. Hall</u>	<u>"WEST FIELD"</u> <u>ORD ROAD</u> <u>BERRICK (TOWN)</u>	<u>12th FEBRY 1954</u>

Important—Sheet No. of Map on which Highway is shown
637 / N.V. / N.W.

Draft Map
(Norham & Islandshires)



Clerical Staff.

I consider that immediate provision be made on the establishment of the Clerical Staff for a qualified Telephone Operator in order that the increased traffic into and out of the Department may be more efficiently dealt with and the post be graded within the provisions laid down for telephone operators by the National Joint Council for Local Authorities Administrative, Professional, Technical and Clerical Services.

Apart from the adjustments recommended above, I do not propose to deal generally with the establishment of the clerical staff of the Department at this stage, but consideration will have to be given to this side of the Department in the near future.

G. F. GARNETT,

County Surveyor.

22nd July, 1955.

Resolved that the report be approved and adopted and that the Establishment Committee be recommended to approve the revised establishment and the regradings and promotion therein with effect from the 1st October, 1955.

National Parks and Access to the Countryside Act, 1949—
Survey of Way Rights of Way—
Draft Map.

28.—The Footpaths Sub-Committee submitted the following report by the Clerk on the objections relating to the paths in the Boroughs and Urban Districts, with the recommendation that it be approved and adopted:—

Careful consideration has now been given to each of the 60 objections to the draft map which were recorded in respect of footpaths in the boroughs and urban districts. The table set out below and includes a recommendation with the names of the objectors, to the manner in which it should be determined. Twenty-three of the objectors have formed the subjects of hearings by one of the members of the local Bar appointed by the Council for the purpose, and in these cases the recommendation is based on the report of the hearing. The other 37 objections have been settled without the necessity of a formal hearing as a result of discussions and further investigations by the County Surveyor and by the District Councils concerned, which in 27 cases resulted in the objector's contention being admitted and in 10 cases in the withdrawal of the objection.

Also included in the table are recommendations with regard to a representation from the Prudhoe Urban District Council to the effect that four footpaths in the Urban District should be added to the Draft Map and Statement.

The Sub-Committee are asked to approve the recommendations in the table in accordance with the authority conferred on them by the Council in May, 1955:—

Path No.	Objector.	Recommendation.
3	<i>Borough of Berwick-upon-Tweed.</i>	
	Berwick Corporation (Freemen) Trustees	That the path remain as shown on the draft map and that the width be deleted from the statement.

Path No.	Objector.	Recommendation.
4	Berwick Corporation (Freemen) Trustees	That the path be deleted from the draft map and statement (Objectors' case heard by Mr. Oliver Wrightson).
5	Do.	That the path be deleted from the draft map and statement.
6	Do.	That the path be deleted from the draft map and statement. (Objectors' case heard by Mr. Oliver Wrightson).
7	Do.	That the path be deleted from the draft map and statement.
9	Mr. E. A. Ross	That the path be deleted from the draft map and statement. (Objectors' case heard by Mr. Oliver Wrightson).
14	Berwick Breweries, Ltd.	That the path remain as shown on the draft map and statement.
18	Mr. J. B. Mabon Berwick Corporation (Freemen) Trustees	That the path be deleted from the draft map and statement.
28	British Transport Commission	That the path be deleted from the draft map and statement.
32	Berwick Corporation (Freemen) Trustees	That the path be deleted from the draft map and statement.
33	The Ord Estate <i>Borough of Blyth.</i>	That the path be deleted from the draft map and statement.
16	Blyth Borough Council.	That the draft map and statement be modified by the extension of the path northwards to Front Street, Bebside.
25	British Transport Commission	That the path be deleted from the draft map and statement. (Objectors' case heard by Mr. J. D. B. Richardson).
26	The Blagdon Estate	That the path be deleted from the draft map and statement. (Objectors' case heard by Mr. J. D. B. Richardson).
27	British Transport Commission <i>Borough of Morpeth.</i>	That the path be deleted from the draft map and statement. (Objectors' case heard by Mr. J. D. B. Richardson).
51	Morpeth Borough Council	That the path be shown on the draft map and statement as a footpath instead of as a road used as a public path.
2	Do.	That the path be shown on the draft map and statement as a footpath instead of as a road used as a public path.
3	Do.	That the path be shown on the draft map and statement as a footpath instead of as a road used as a public path and extended to the Morpeth-Ashington road at Quarry Bank.

Path No.	Objector.	Recommendation.
14	Morpeth Borough Council	That the draft map and statement be modified by the deletion of the section from Saggerston Cottage to Oldgate Bridge.
23	Do.	That the draft map and statement be modified by the extension of the path to Oldgate Bridge.
31	British Transport Commission	That the path be deleted from the draft map and statement.
9	<i>Borough of Wallsend.</i> British Transport Commission	That the path remain as shown on the draft map and statement. (Objectors' case heard by Mr. J. D. B. Richardson).
17	Do.	That the path remain as shown on the draft map and statement. (Objectors' case heard by Mr. J. D. B. Richardson).
21	Do.	That the path be deleted from the draft map and statement.
22	<i>Alnwick Urban District.</i> British Transport Commission	That the path be shown as a footpath instead of as a bridle road. (Objectors' case heard by Mr. Lyall Wilkes).
3	<i>Ashington Urban District.</i> National Coal Board	That the path be deleted from the draft map and statement from its junction with path No. 2 to the Morpeth-Ashington road.
18	<i>Bedlingtonshire Urban District.</i> National Coal Board	That the path be deleted from the draft map and statement.
19	British Transport Commission	That the path be shown as a footpath instead of as a bridle road.
29	Do.	That the path remain as shown on the draft map and statement. (Objectors' case heard by Mr. J. A. Baldwin).
1	<i>Hexham Urban District.</i> British Transport Commission	That the path remain as shown on the draft map and statement. (Objectors' case heard by Mr. J. R. Johnson).

Path No.	Objector.	Recommendation.
35	Mr. G. Cail	That the path be deleted from the draft map and statement. (Objectors' case heard by Mr. J. R. Johnson).
4	<i>Longbenton Urban District.</i> British Transport Commission	That the path remain as shown on the draft map and statement.
8	Mr. W. Carruthers	That the southern section of the path be deleted from the draft map and statement and another path (No. 42) from Scaffold Hill to the Hospital Lane inserted. (Objectors' case heard by Mr. Wilfrid Steer).
17	British Transport Commission	That the path remain as shown on the draft map and statement.
4	<i>Newbiggin-by-the-Sea Urban District.</i> Milburn Estates Ltd.	That the path be deleted from the draft map and statement.
16	Do.	That the path be deleted from the draft map and statement.
26	<i>Newburn Urban District.</i> British Transport Commission	That the path remain as shown on the draft map and statement. (Objectors' case heard by Mr. J. R. Johnson).
59	Do.	That the path remain as shown on the draft map and statement. (Objectors' case heard by Mr. J. R. Johnson).
25	<i>Prudhoe Urban District.</i> Mr. T. R. Humble	That the path be deleted from the draft map and statement.
26	Do.	That the path be deleted from the draft map and statement.
28	Do.	That the path be shown as a footpath instead of as a road used as a public footpath and modified so as to join path No. 29 at the mineral railway.
29	Mr. T. R. Humble Prudhoe Urban District Council	That the section of the path to the east of the mineral railway be deleted from the draft map and statement, and that at Bullion Hill the line of the path be amended so as to follow the southern boundary fence of the field and extended to the urban district boundary.

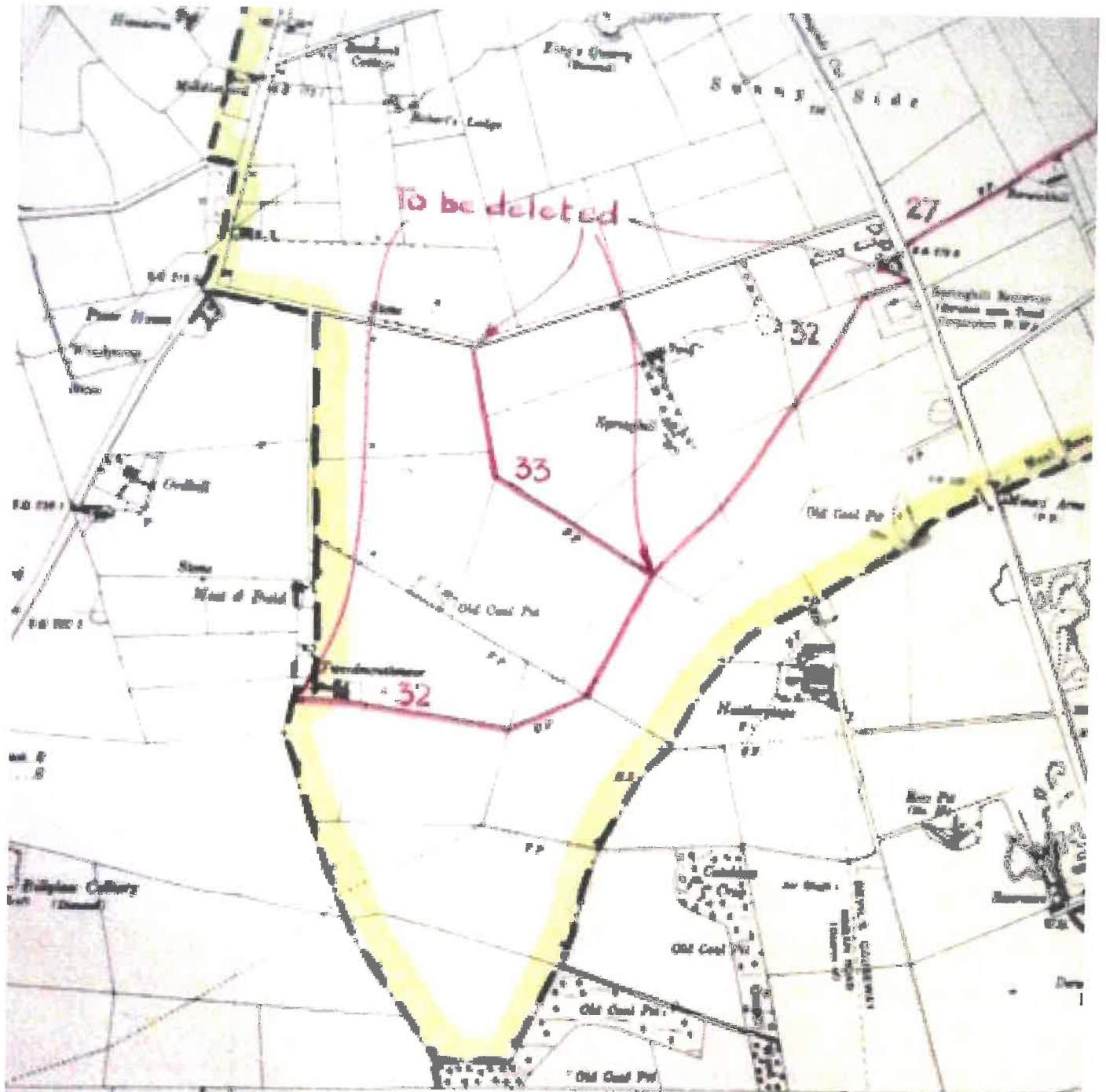
Path No.	Objector.	Recommendation.
30	Mr. T. R. Humble	That the path remain as shown on the draft map and statement. (Objector's case heard by Mr. Wilfrid Steer).
31	Alnwick Estates Ministry of Works	That the draft map and statement be modified by the deletion of the section of path from Ovingham Bridge eastwards for a distance of 1,830 yards. (Objectors' case heard by Mr. Wilfrid Steer).
	Pudhoe Urban District Council	That the draft map and statement be modified by the insertion of footpaths from Orchard House to West Wylam Colliery (No. 43), from West Wylam Terrace to The Rises (No. 44), from Holyoake Street to Adderlane Gill (No. 45), and from Edgewell House Road to path No. 15 (No. 46).
20	Seaton Valley Urban District Commission	That the path remain as shown on the draft map and statement. (Objectors' case heard by Mr. J. A. Baldwin).
27	Do.	That the path remain as shown on the draft map and statement. (Objectors' case heard by Mr. J. A. Baldwin).
28	National Coal Board	That the path be deleted from the draft map and statement.
30	Do.	That the path be deleted from the draft map and statement.
31	Do.	That the path be deleted from the draft map and statement.
32	Do.	That the path be deleted from the draft map and statement.
37	Seaton Delaval Estate British Transport Commission	That the path be deleted from the draft map and statement.
48	British Transport Commission	That the path be deleted from the draft map and statement.
51	Do.	That the path be deleted from the draft map and statement.
56	Do.	That the path be deleted from the draft map and statement.
60	Do.	That the path be shown as a footpath instead of as a bridle road. (Objectors' case heard by Mr. J. A. Baldwin).
66	Seaton Delaval Estate British Transport Commission	That the path be deleted from the draft map and statement.
68	National Coal Board	That the path be deleted from the draft map and statement.

Resolved that the report be approved and adopted.

29.—The County Surveyor submitted the following reports which the County Surveyor's Committee resolved be dealt with as stated in the second column:—

REPORTS OF COUNTY SURVEYOR.		Decision of the Committee.		
(1) Quarterly Estimate.	Cheques to be issued, when required, on the requisition of the Bridges and Roads Committee:—£60,000, £60,000, £60,000, £60,000, £40,000, £40,000, £40,000. Total £460,000.	Approved.		
(2) Acquisition of Land.	I have to report that the land specified in Appendix B is required for the widening and improvement of roads in the County and I recommend that the terms and conditions as set forth in the Appendix be approved.	That the land be purchased.		
(3) Proposed Highway Depot, Wooler.	At their meeting on the 22nd March, 1954, the Committee authorised negotiations being entered into for the acquisition of a site for a highway depot near Brewery Lane, Wooler. The District Valuer has now informed me that, after extended negotiations, he has not been able to reach a settlement.	That the matter be deferred.		
(4) Ministry of Transport and Civil Aviation Grants.	The following grants have been received from the Ministry of Transport and Civil Aviation since the Committee's last meeting:—	That the works be proceeded with subject to compliance with the appropriate Ministry circular.		
Road and Description of Works.	Grant No.	Estimated Cost.	Amount of Grant.	Percentage of Grant.
Trunk Road A.1. Henry Street, Gosforth—Access road	RDN. 571/1/18	£ 1,641	£ 1,641	100%
Near Seven Mile House, Blagdon—Road and accommodation works	RDN. 571/1/63	784	784	100%
The Sink, Scremerston—Road and accommodation works	RDN. 571/62	930	930	100%
Trunk Road A.69. Burn Corner, Barndon Mill—Road and accommodation works	RDN. 571/25/41	1,425	1,425	100%

Draft Map (Modified)
(Berwick Town)



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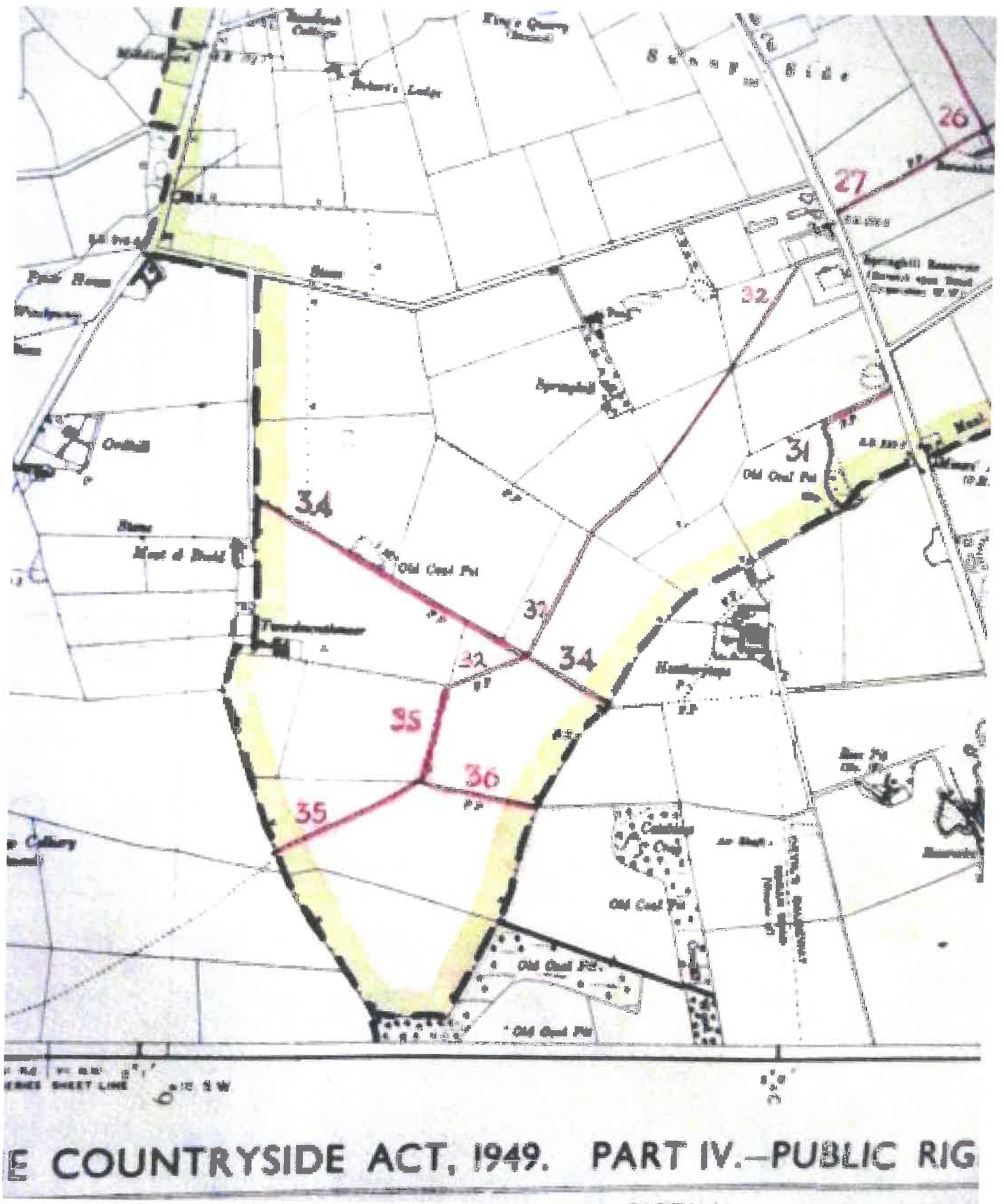
THE COUNTRYSIDE ACT, 1949. PART IV.—PUBLIC RIGHTS

(SYMBOLS TO BE USED IN MARKING MAPS. (MARK SYMBOLS IN CAPITALS.)

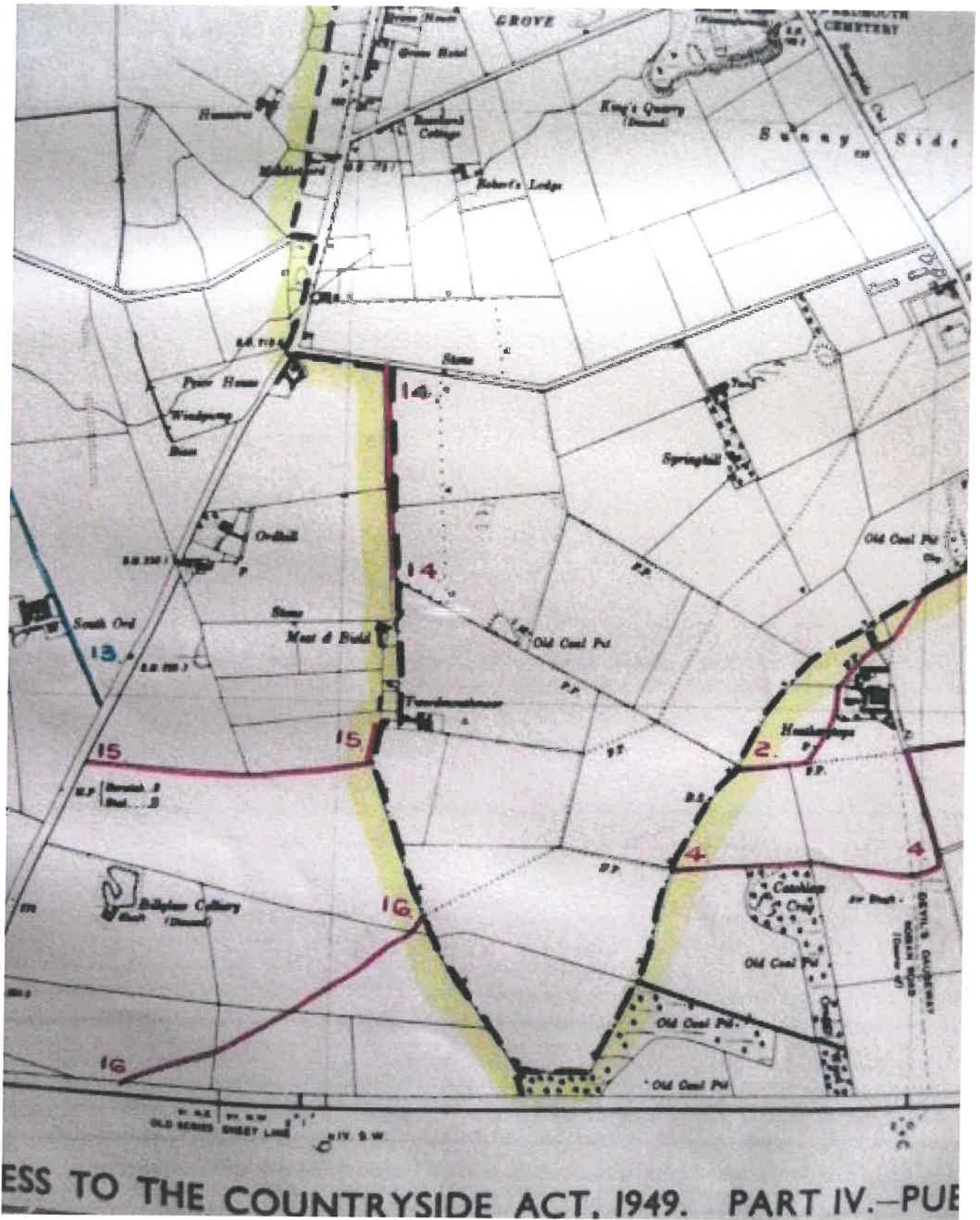
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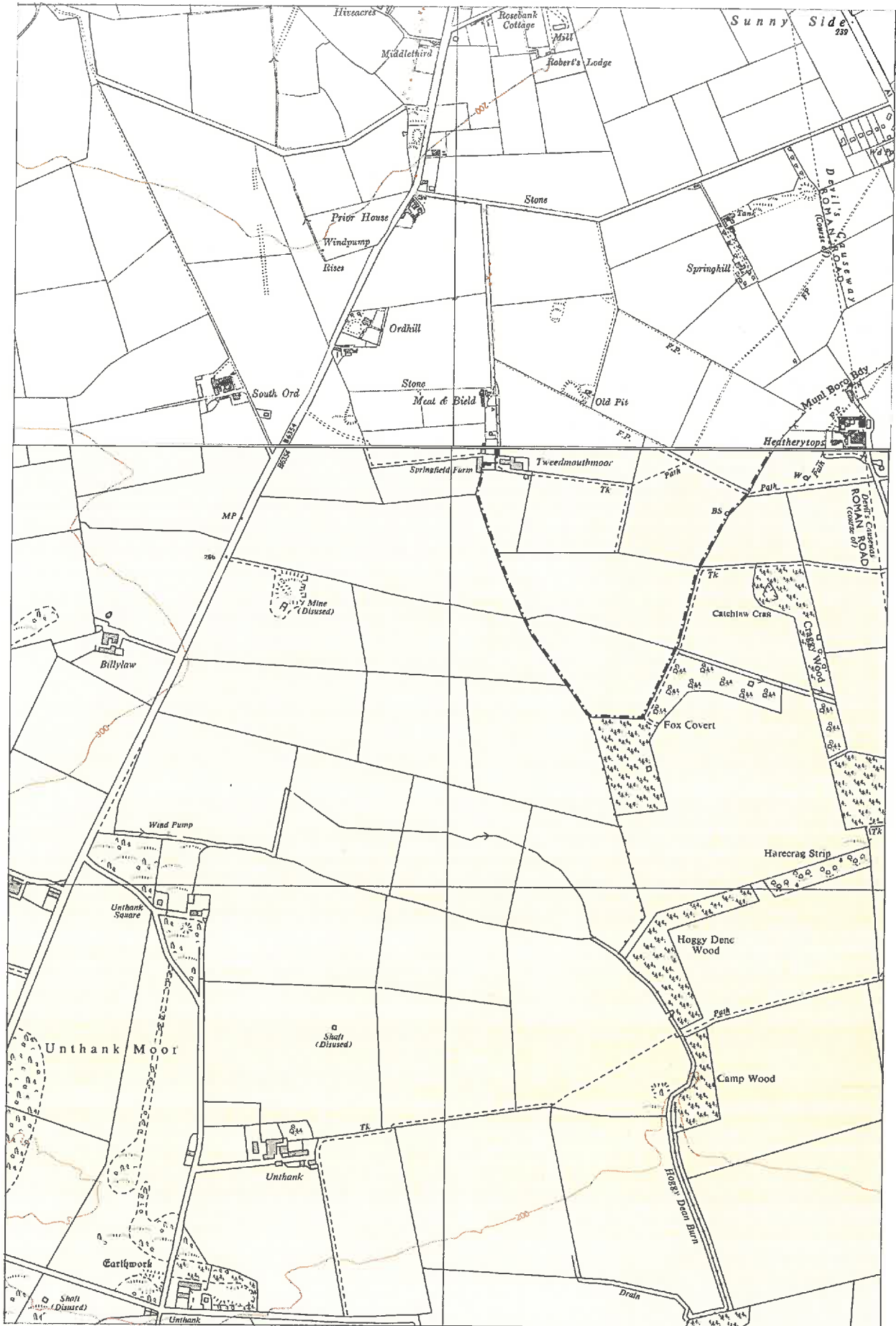
OBSTRUCTIONS

Provisional Map
(Berwick Town)



Provisional Map (Norham & Islandshires)





NORTHUMBERLAND COUNTY COUNCIL.

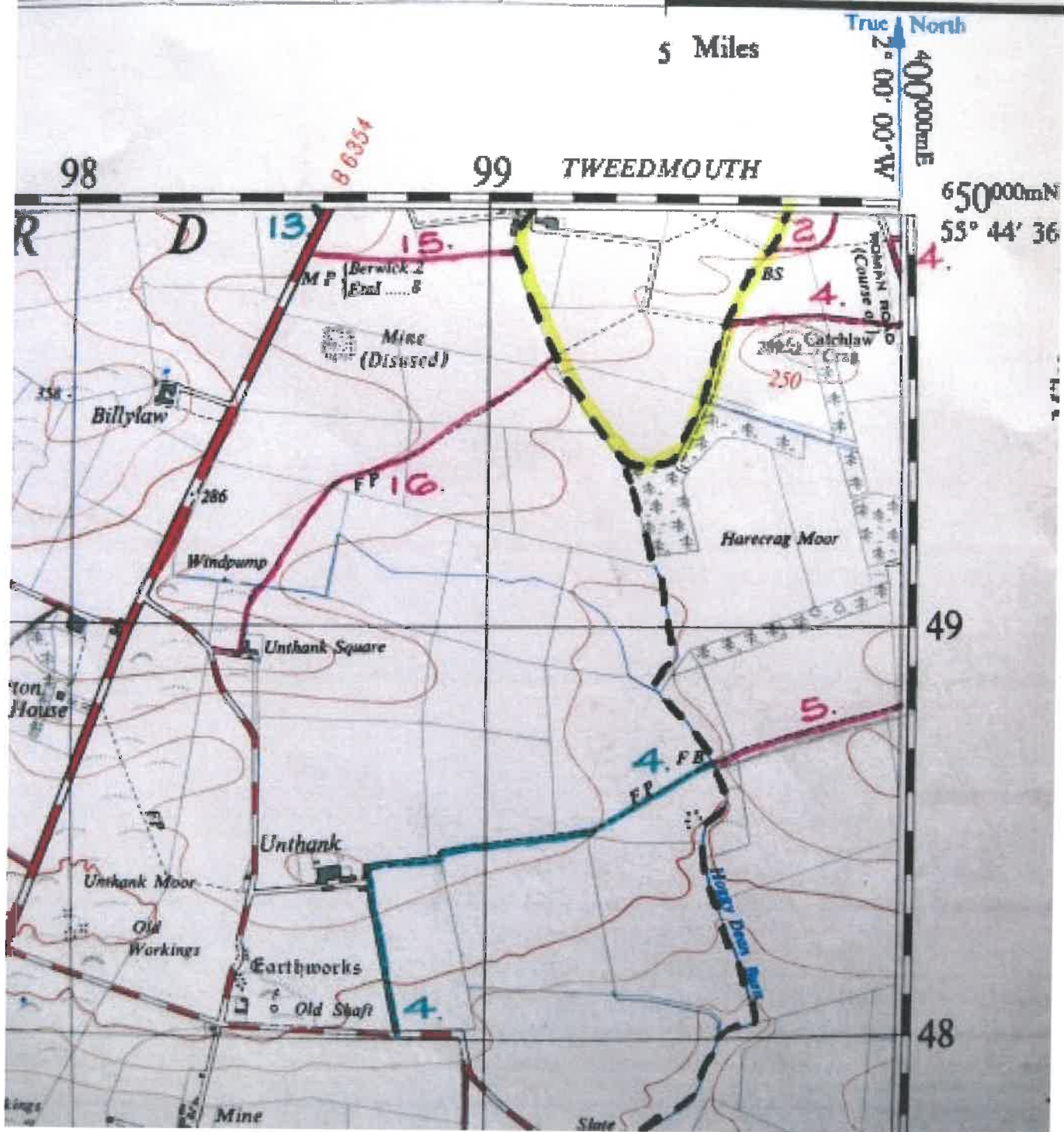
NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.
PART IV.

PUBLIC RIGHTS OF WAY - STATEMENT.

1. Borough **BERRICK UPON TWEED.**
.....
~~Urban District~~
~~Rural District~~
2. Parish
3. Number of Footpath on Map 32 ✓
4. Name of Path
5. Kind of Path (i.e. FP/BR) **F.P.**
6. General Description of Path **From the Berrick-Alnwick Road at Springhill**
Reservoir in a south-westerly direction to join F.P.35 about 300 yards east of
Tweedmouthsry.
.....
.....
.....
.....
7. Other relevant information **Evidence of Public User in the possession of**
Berrick upon Tweed Borough Council.
.....
.....
.....
.....
LENGTH: 1007 yds

Original Definitive Map
(Norham & Islandshires)

SHEET NT9



NORTHUMBERLAND COUNTY COUNCIL

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

PART IV.

PUBLIC RIGHTS OF WAY - STATEMENT.

1. ~~Borough~~
~~Urban District~~
Rural District **NORHAM & ISLANDSHIRES**
2. Parish **ORD**
3. Number of Footpath on Map **15**
4. Name of Path
5. Kind of Path (i.e. FP/BR) **F.P.**
6. General Description of Path **From the Berwick - Etal Road South of**
..... **Ordhill in an easterly direction to the Berwick Borough boundary.**
.....
.....
.....
.....
7. Other relevant information
.....
.....
.....
.....
.....



First Review Definitive Map
(Norham & Islandshires)

NORTHUMBERLAND C.C.
FIRST REVIEW DEFINITIVE MAP
RELEVANT DATE 1.11.1963

SHEET NT94

