



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 BYWAY OPEN TO ALL TRAFFIC No 39 PARISH OF WOOLER

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 vehicular rights over part of the U1078 road, between a point just west of High Fair, Wooler and existing Restricted Byway No 43, south of Coldberry Hill.

Recommendation

It is recommended that the Council agrees that:

- (i) there is sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the whole route (V-Z-Y-P-X);**
- (ii) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the route;**
- (iii) the V-Z-Y part of the route is unlikely to satisfy the balance of user test necessary for the route to be included on the Definitive Map as a byway open to all traffic;**
- (iv) the Y-P-X part of the route is likely to satisfy the balance of user test, so this part of the route be included in a future Definitive Map Modification Order as a byway open to all traffic.**

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 the late 1980s the County Council carried out consultations regarding proposals to add a number of unsealed tracks in the north of the County to the Definitive Map as byways open to all traffic on the basis that the routes were included in the County Council's "List of Streets" as unclassified County roads (UCR). The rationale for doing so was that it would not be obvious to members of the public (particularly horse riders, walkers and cyclists) that they were legally entitled to use routes such as these (which were considered to have vehicular status), because their physical appearance might suggest otherwise.
- 2.2 The view, held by those officers of the Council responsible for maintaining the 'List of Streets' for the County of Northumberland was (and still is) that only public roads (not public bridleways or public footpaths) were shown on this List. The only exceptions to this are the surfaced paths and alleyways providing pedestrian links between roads, in urban streets. Thus, tracks in rural settings, which have their own unique reference numbers (e.g. the 'U1078' road), were considered to be all-purpose public highways maintainable at public expense.
- 2.3 Shortly afterwards, the processing of applications from third parties seeking to record public footpath or public bridleway rights was afforded a higher priority. Later on, the process of recording UCRs as byways open to all traffic was effectively suspended because the Ordnance Survey indicated that they would be showing such routes on their published maps as being an "Other route with

public access". Although, on that basis, members of the public would still be unclear as to precisely what rights they had over routes identified in this fashion.

- 2.4 The most recent advice from DEFRA (paragraph 4.42, Rights of Way Circular 1/09) is that inclusion on the List of Streets may provide evidence of vehicular rights but that this should be examined on a case by case basis. In view of this advice, it is considered prudent to evaluate the status of this part of the U1078 unclassified County road based upon more than simply its inclusion in the List of Streets.

3. LANDOWNER EVIDENCE

- 3.1 By note, received in August 2014, Mr R Winter, owner of Bell's Valley Cottage, responded to the consultation stating:

"My family have owned Bell's Valley Cottage, (approx 1 mile west of Brown's Law) since 1936. During that period we have always understood that the length of road from points V-P on your map, have been a public road with vehicular access. This section has always been surfaced and maintained by the Council.

"Beyond Point P, the road has never been adopted by the council and is closed to non - (Lilburn) estate vehicles or for vehicular access of Bell's Valley Cottage."

- 3.2 By note, dated 20th August 2014, Mr & Mrs Ewing of Low Common Farm returned a plan identifying their area of land ownership (hatched) and indicating that the Forestry Commission was an additional land owner that had an interest in the land which they had shaded red.

- 3.3 By letter, dated 5th February 2015, Forestry Commission England responded to the consultation stating:

"Could you please clarify the proposal as it affects the Common Road (from the scrap yard to Brown's Law)? This route is critically important to us for timber extraction and is an agreed route for timber transport. It is shown on your database to be as an adopted highway and I am unclear as to why it is described as an 'alleged BOAT' in your recent letter."

- 3.4 By letter, dated 2nd April 2015, Bond Dickinson responded to the consultation on behalf of the Lilburn Estate with regard to Wooler BOAT No 39 and four other routes, stating:

"As you know, we act on behalf of the Lilburn Estate in respect of the above matters. It would appear that in all cases save one, the applications to modify the Definitive Map and Statement are based upon the following documents:-

"Current list of streets
The 1964 and 1974 County Road Schedules
The 1951 Highways Map

Restriction of Ribbon Development Act 1935 (schedule)
1932 Handover map for Glendale Rural District
Wooler and Humbleton Common Inclosure Award of 1869
The Fryer's, Greenwood's and Cary's County Maps of 1828 and 1820
to 32 respectively and Ordnance Survey Maps from 1860, 1890 and
1920.

"We note it is only BOAT number 39 where the claim is also based upon the Wooler and Humbleton Common Inclosure Award 1869, the remainder of the remaining applications are based upon the other seven classes of documents cited.

"We have been able to view the following maps, plans and documents and comment as follows.

"The Council's Current List of Streets.

"First, we refer you to the Defra publication dated May 2008 (version 5) in relation to part 6 of the Natural Environment and Rural Communities Act 2006 (NERC) and Restricted Byways. You will be aware that under subsection 67 of NERC the burden of proving that mechanically propelled vehicular rights have not been extinguished means that a two part test needs to be considered

- a) That a public right of way for mechanically propelled vehicles existed at the time of commencement of section 67 (which took place on 2 May 2006) and
- b) That those rights have not been extinguished because one of the exceptions in Section 67(2) of Section 67(3) applies.

"One of those exceptions is Section 67(2)(b) in respect of ways which are not recorded on the Definitive Map and Statement, but which are recorded on the list that local authorities are required to keep under Section 36(6) of the Highways Act 1980 which are highways maintainable at public expense.

"We refer you in particular to paragraphs 29 and 32 of the Defra guidance, and in particular the advice which states "Inclusion of a route on the list of streets is not conclusive evidence of what rights it carries and there can be no presumption that any highway shown on the list of streets carries vehicular rights. Each case must be considered on its own merits." The guidance goes on in paragraph 32 to state "Local authorities are strongly advised to ensure they have retained a copy of their list of streets as of 2nd May 2006 as this will be required in determining whether the section 67(2)(b) exception is engaged in the future." (Our emphasis)". We confirm that we have been in contact with the County Council's Infrastructure Records Manager with a list in relation to the above BOATS claimed. We were very specific and asked the date on which the claimed routes (which are shown online on the list of streets) were recorded on that list. The Council's response was to refer to the Highways Act 1980 (presumably section 36(6) of that Act) and to state that the routes identified "will have been added to the list shortly after commencement of the Act." "We do not have a date when this occurred for individual sections." The response from the Council does not state that the claimed BOAT routes were on the list of streets

at the critical date of 2nd May 2006 and the Council is put to proof as to whether or not that in fact took place. Even if the claimed routes were on the list of streets at the critical date, the inclusion of those routes is not conclusive evidence of what rights they carry.

“Turning to the maps referred to. We can confirm we have had sight of the following:-

- i. Restriction of Ribbon Development Act 1935
- ii. The Wooler and Humbleton Common Inclosure Award 1869
- iii. The Fryer’s, Greenwood’s and Cary’s County Maps of 1828 and 1820 to 32 and
- iv. The Ordnance Survey Maps from the 1860s, 1890s and 1920s. We would comment as follows.

“We refer you to the case of Merstham Manor Ltd v Coulsdon UDC 1936 which refers to the purpose of OS and Greenwood’s Map. The case confirms that there was nothing to indicate whether those maps referred to dated 1802, 1822, and 1823) show what was intended to be recorded i.e. whether a road was public or not. We submit that that principle is applicable in this instance and therefore no weight should be attached to the Ordnance Survey Maps from 1860, 1890 and 1920. A witness from the Ordnance Survey Department in the Merstham Manor case confirmed that OS maps show any road which is there on the surface whether it is a public highway or not. The presence of two dotted lines or otherwise does not support any of the applications in relation to public use.

“The Fryer’s Map of 1820 in some instance shows the claimed routes as either double dotted lines and / or solid lines. However, that in itself does not indicate public use. Likewise, the Greenwood’s Map may not be relied upon in the terms of purpose or accuracy. We refer to the criticism of Greenwood’s Maps that “the high cost of Greenwood’s survey and the speed with which they were done, reinforces the view that his typographical mapping was imperfectly executed (Please see paragraph 12.36 of the Consistency Guidelines).

“We have had sight of Cary’s Map in relation to the claimed route. The reference of Cary’s Map being SANT/BEQ/28/2/7 and the relevant sheets are at page 248, 249 and 254. Those sheets either show no detail or insufficient detail with which to found an application for a BOAT.

“We have had sight of the Restriction of Ribbon Development Act but can find nothing specific in relation to any of the claimed BOAT routes. If there are resolutions of the Council made pursuant to that Act, please disclose them.

“As regards the 1964 and 1974 County Road Schedules, the 1951 Highways Map and the 1932 Handover Map for Glendale Rural District referred to, we have been unsuccessful in having sight of these documents prior to the deadline agreed with Mr Bell. We shall be grateful for copies of those documents and reserve the right to comment upon them in due course.

"We also confirm that we are still awaiting sight of the relevant farm records documents held by the National Archive at Kew, but will send that information on as soon as it is received.

"In the circumstances, we submit that on the documents we have viewed to date it has not been shown that the right of ways claimed above subsist or are reasonably alleged to subsist. In addition, the Council is put to proof in relation to the two tests, namely whether or not a public right of way for mechanically propelled vehicles existed immediately before commencement on 2nd May 2006 and secondly, whether that public right of way for mechanically propelled vehicles was extinguished. We would remind the Council that the Defra guidance states "If it cannot be established that a public right of way for vehicles existed immediately before commencement, then Section 67 of the NERC Act has no relevance and the tests in subsection 67(2) and 67(3) need not be applied".

"We shall be grateful for copies of the documents which we have been unable to locate, may we please have those within the next 14 days."

4. CONSULTATION

4.1 In July 2014, the Council carried out a consultation with the Parish Council, known owners and occupiers of the land, 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". Three replies were received and are included below.

4.2 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.

"Parish of Wooler Byway Open to All Traffic 39 No comment

4.3 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 Byway Open to All Traffic No 39 was 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.”

- 4.4 By email, on 28th October 2014, Ms S Rogers responded to the consultation, on behalf of the British Horse Society, stating:

“WOOLER PARISH

Alleged Byway Open to All Traffic 39

This route shown on map 23 is a narrow tarmac road used by a lot of vehicular traffic accessing the Forestry Commission car park known as Wooler Common. This is a car park much used by dog walkers, hill walkers, cyclists and horse riders using public rights of way going both north and south. Some also continue in a westerly direction along the alleged BOAT either to get to the existing bridleway all the way to Commonburn or to link with a number of other public paths which branch off it.

“It is felt that this route, at least as far as the car park, possibly to P, does not meet the definition of a byway open to all traffic as the predominant users are motor vehicles.”

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 road or track approximating to the route of alleged Byway No 39.

1778 Wooler Common Inclosure Award

The most easterly 380 metres of the route is set out in the Award as “a public road, sixty feet in breadth at least between the ditches leading from Wooler to Low Common Burn as the same is now staked and set out and which we shall hereafter refer to and call by the name of Low Common Burn Road.” A westerly continuation is suggested on the Award plan, but this lies outside the area of land subject to this inclosure award.

1820 Fryer's County Map

There is clear evidence of a road or track approximating to the most easterly 380 metres (i.e. the 1778 Wooler Common Inclosure Awarded section) of alleged Byway No 39, but not the remainder of the route.

1820-32 Cary's Map

There is clear evidence of a road or track approximating to the most easterly 380 metres (i.e. the 1778 Wooler Common Inclosure Awarded section) of alleged Byway No 39, but not the remainder of the route.

1828 Greenwood's County Map

There is clear evidence of a road or track approximating to the route of alleged Byway No 39.

1866 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a wide enclosed road / track over the eastern end of the route of alleged Byway No 39. There is evidence of an unenclosed road / track over the remainder of the route of alleged Byway No 39.

1869 Wooler & Humbleton Common Inclosure Award

All but the most easterly 380 metres of the route is shown on the Award map. The route shown is a direct continuation of the one set out in the 1778 Wooler Common Inclosure Award. It is labelled both as "Wooler and Common Burn Road" and as "Ancient Public Road". All of the route was a pre-existing road and most of it was not affected by the inclosure award. The most westerly 60 metres (i.e. the short section between existing Restricted Byways Nos 3 and 43), was part of a much longer highway diversion within the inclosure award. The practical effect of this was to ascribe a thirty foot width to this 60 metre long section.

1899 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a wide enclosed road / track over the eastern end of the route of alleged Byway No 39. There is evidence of an unenclosed road / track over the remainder of the route, as far as Brown's Law Cottage. An enclosed road / track is clearly depicted over the western end of the route of alleged Byway No 39.

1924-5 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a wide enclosed road / track over the eastern end of the route of alleged Byway No 39. There is evidence of an unenclosed road / track over the remainder of the route, as far as Brown's Law Cottage. An enclosed road / track is clearly depicted over the western end of the route of alleged Byway No 39.

1932 Glendale RDC Handover Map

Although identified with pencil markings, neither the route of alleged Byway Open to All Traffic No 39 or its easterly continuation to Wooler high street were coloured so as to identify them as a publicly maintainable road.

c.1938 Restriction of Ribbon Development Act 1935 Map

The former Glendale Rural District area does not appear to be covered by any map produced under this Act.

1951 Highways Map

The route of alleged Byway Open to All Traffic No 39 is coloured in purple, so as to identify it as a publicly maintainable road.

c.1951 Definitive Map – original Survey Schedules & Map

The route of the U1078 road (i.e. alleged Byway Open to All Traffic No 39) exists on the base map. It is not identified as a public right of way; and is coloured brown. Known public roads were generally coloured brown to indicate what the extent of the road network was considered to be.

Draft Map

The route of the U1078 road exists on the base map, but it is not identified as being either a public footpath, public bridleway or Road Used as a Public Path (RUPP). Many other public rights of way are identified beginning / terminating on this road.

Provisional Map

The route of the U1078 road exists on the base map, but it is not identified as being either a public footpath, public bridleway or Road Used as a Public Path (RUPP). Many other public rights of way are identified beginning / terminating on this road.

1957 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a wide enclosed road / track over the eastern end of the route of alleged Byway No 39. There is evidence of an unenclosed road / track over the remainder of the route, as far as Brown's Law Cottage. An enclosed road / track is clearly depicted over the western end of the route of alleged Byway No 39.

1962 Original Definitive Map

The route of the U1078 road exists on the base map and the section between Wooler and Brown's Law Cottage is identified with brown stipples. Although many public rights of way connect with the alleged Byway, this route, itself, is not identified as being either a public footpath, public bridleway or Road Used as a Public Path (RUPP).

1964 Highways Map

The route of alleged Byway Open to All Traffic No 39 is coloured in purple, so as to identify it as a publicly maintainable road.

1979 Ordnance Survey Map: Scale 1:10,000

There is clear evidence of a wide enclosed road / track over the eastern end of the route of alleged Byway No 39. There is evidence of an unenclosed road / track over the remainder of the route, as far as Brown's Law Cottage. An enclosed road / track is clearly depicted over the western end of the route of alleged Byway No 39.

2006 The Council's 'List of Streets' (2 May 2006)

The route of the alleged byway is clearly identified as publicly maintainable highway.

- 5.2 The route of the alleged byway is identified in the Schedule of unclassified roads identified under the provisions contained within the Restriction of Ribbon Development Act 1935:

"123. Road from the Market Place, Wooler, via Ramsey's Lane, Common Road, and Petersfield to the fordway through Humbleton Burn, 730 yards west of Petersfield."

- 5.3 The entry for the U1078 road, in the 1958 County Road Schedule is:

"U1078 Wooler - Petersfield Road
From C50 at Wooler via Ramsey's Lane Common Road and Petersfield to ford."

The length of the U1078 road is identified as being 1.72 miles.

- 5.4 The entry for the U1078 road, in the 1964 County Road Schedule is:

"U1078 Wooler - Petersfield
From C50 at Wooler via Ramsey's Lane, Common Road and Petersfield to Ford."

The length of the U1078 road is identified as being 1.72 miles.

- 5.5 The entry for the U1078 road, in the 1974 County Road Schedule is:

"U1078 Wooler - Petersfield
From ~~C50~~ C48 at Wooler (NT991280) south-westwards and westwards via Ramsey's Lane, Common Road and Petersfield to Ford at (NT 969271)."

The length of the U1078 road is identified as being 1.72 miles.

- 5.6 The original Definitive Statements for the public rights of way that connected with this road state:

Public Bridleway No 1 (Parish of Wooler)

“From the Public road south of Coldberry Hill in a westerly direction to join BR 10 at the Akeld Parish boundary.”

Public Footpath No 3 (Parish of Wooler)

“From FP 5 at the Akeld Parish boundary in a south-westerly direction to join the Public road near the Humbleton Burn.”

Public Footpath No 5 (Parish of Wooler)

“From the Public road west of Kenterdale Hill in a northerly direction to join BR4 at the Akeld Parish boundary.”

Public Footpath No 6 (Parish of Wooler)

“From the Public road west of Kenterdale Hill in a north-easterly direction along the left bank of the Humbleton Burn to join FP12.”

Public Bridleway No 7 (Parish of Wooler)

“From the Public road west of Kenterdale Hill in a southerly and south-westerly direction by Wooler Common to join BR31 at the Kirknewton Parish boundary.”

Public Bridleway No 8 (Parish of Wooler)

“From the Public road south-west of Kenterdale Hill in a southerly direction across the Humbleton Burn to join BR7 at Wooler Common.”

Public Footpath No 11 (Parish of Wooler)

“From the Akeld Parish boundary near Green Castle in a south-easterly direction across the Humbleton Burn to the Public road.”

Public Footpath No 12 (Parish of Wooler)

“From the Public road north-east of Kenterdale Hill in a westerly direction across the Humbleton Burn to the Akeld Parish boundary.”

6. SITE INVESTIGATION

- 6.1 From a point marked V, 20 metres west of the junction between High Fair and Common Road, Wooler, a 3 metre wide tarmac road, in a roughly 18 metre wide corridor proceeds in a general westerly direction for a distance of 380 metres to a 9.25 metre wide field gate - cattle grid combination with pedestrian gap alongside (Point Z). Thereafter, an unenclosed 2.7 to 3 metre wide tarmac road proceeds in a south-westerly direction for a distance of 710 metres to the entrance to a popular car park, on the north side of the road (Point Y). The unenclosed tarmac road then continues in a south-westerly direction for a further 250 metres to Petersfield (the tarmac road widens to 3.5 metres at this bend), then proceeds in a westerly direction for a distance of 120 metres to brown's Law. From this point a 2.5 to 2.7 metre wide tarmac road within a 6 to 7.4 metre wide corridor continues in a westerly direction for a

distance of 200 metres. Then proceeds within a 5 to 7.5 metre wide corridor, in a general north-westerly direction for a distance of 300 metres to a junction with existing Restricted Byway No 3 (Point P), Finally, the 2.7 metre wide tarmac road, within a 3.6 to 6.6 metre wide corridor proceeds in a westerly direction for a distance of 60 metres to join existing restricted Byway No 43 at a culvert crossing of the Humbleton Burn (Point X).

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 2 October 2018, Mr R Winter of Bells Valley Cottage made the following additional comments:

“Thank you for your letter of 14 September in respect of the above. It is a lengthy and fascinating document but my understanding is that it will confirm vehicular rights from Point V to Point X.

“As you know, we own Bells Valley Cottage which lies beyond Point X and currently have vehicular rights to that point by understanding with Lilburn Estates. Public vehicular access ends very shortly after Point X where the Estate gate restricts vehicle access to estate vehicles only. Unless this summary is wrong, I have no further comments to make.

“As an aside, there are 4 ruined cottages to the left of the road from Point X to the Bells Valley fork. We have never been able to determine their history or names. Should you ever come across any such information I would be most grateful if you could let me have it.”

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.

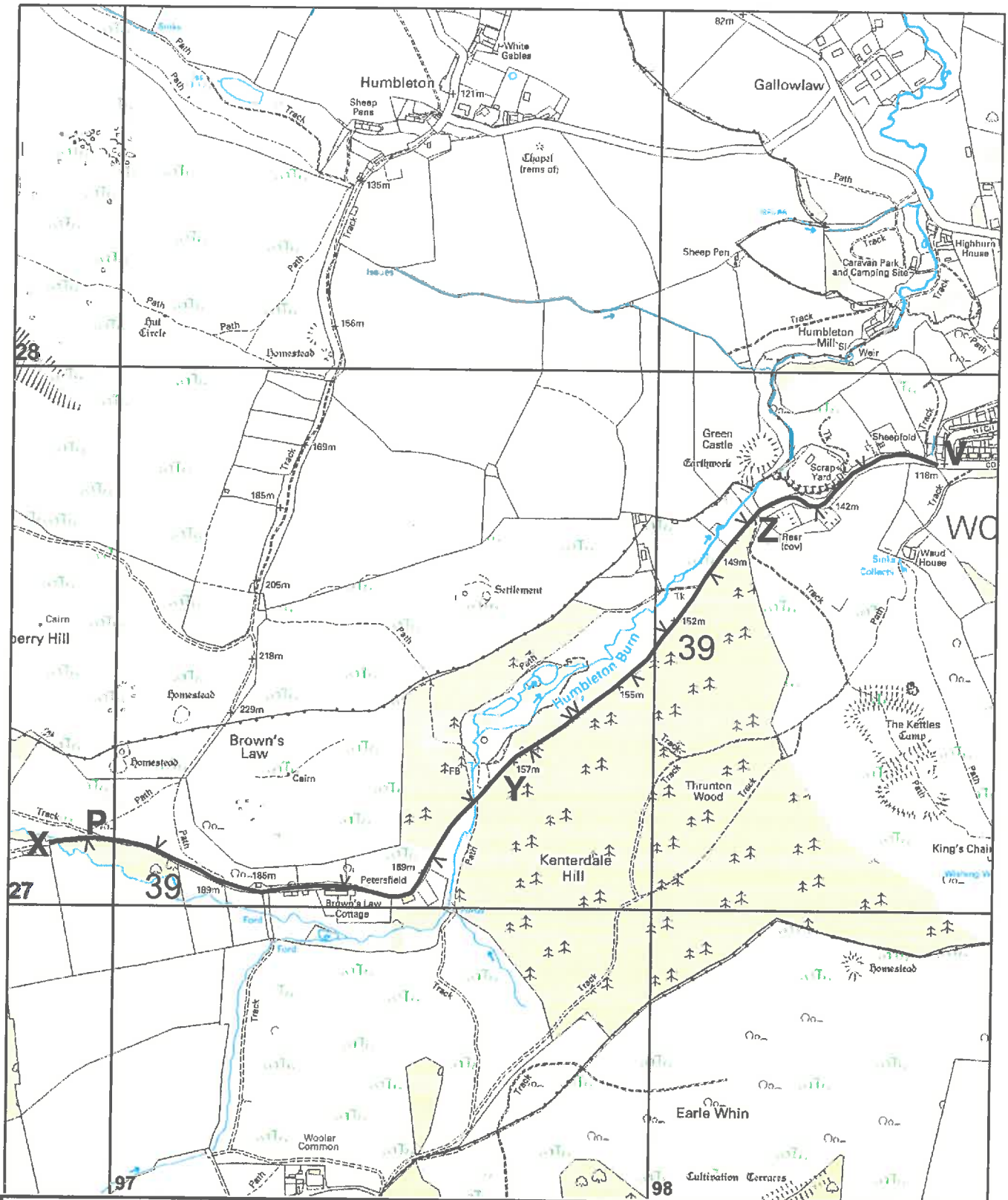
- 8.2 When considering an application / proposal for a modification order Section 32 of the Highways Act, 1980 provides for “any map, plan or history of the locality or other relevant document” to be tendered in evidence and such weight to be given to it as considered justified by the circumstances, 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 Byway Open to All Traffic No 39 is identified on the County Council's current List of Streets as being part of the U1078 road. The route was not identified as being publicly maintainable on the 1932 Glendale Rural District Council Handover Map, but it was included in the schedule of roads produced in relation to the Restriction of Ribbon Development Act 1935. It was subsequently identified on the Council's 1951 and 1964 Highways Maps and in the County Road Schedules produced in 1958, 1964 and 1974.
- 8.5 The alleged byway route was not identified for inclusion on the original Definitive Map of Public Rights of Way, prepared in the 1950s. This suggests that the route was considered to be either (a) not a public highway or (b) a vehicular highway of a character that did not warrant inclusion on the Definitive Map. Given that eight other public footpaths / bridleways were identified either beginning or terminating on the alleged byway route (see paragraph 5.6, above), and they all describe the alleged byway as "Public road" it is clear that it was scenario (b) which applied.
- 8.6 The route has been consistently identified as a partly enclosed road / track on Ordnance Survey maps since 1866. The route is not shown on Armstrong's County Map of 1769 and only the eastern end of the route is shown on Fryer's County Map of 1820 and on Cary's Map of 1820-32. The whole route is shown on Greenwood's County Map of 1828.
- 8.7 The easternmost 380 metres of the route (between points V and Z) is identified as a 60 foot (i.e. 18.29 metre) wide public road in the Wooler Common Inclosure Award of 1778. The westernmost 60 metres of the route (between points P and X) is identified as a 30 foot (i.e. 9.14 metre) wide public road in the Wooler & Humbleton Common Inclosure Award of 1869. The majority of the route (between points Z and P) is acknowledged to be an existing public road (for which no width information is provided) in the Wooler & Humbleton Common Inclosure Award of 1869.
- 8.8 The County Council accepts that, given the way the regulations were written with regard to the way highway authorities could include publicly maintainable highways in the List of Streets, there was no impediment to public bridleways and public footpaths also being included. That is not to say that any bridleways or footpaths were so shown – just that they could be. It must, therefore, be entirely proper to consider each UCR on a case by case basis, but that does not mean that we should begin with the assumption that each UCR is no more than a public footpath unless higher rights can be proven by other means. In Northumberland there is no evidence to suggest that public footpaths and public bridleways were deliberately shown on the 1958, 1964 or 1974 County Road Schedules (forerunners of the modern day List of Streets). The fact that a route is shown on these schedules must, therefore, be evidence of some weight that public vehicular rights exist.

- 8.9 Letters from DEFRA, dated 2003 and November 2006, and Rights of Way Circular 1/09 set out the approach Inspectors and order making authorities should take in determining the status of routes included on the List of Streets. In summary, the guidance states that the inclusion of a route on the List of Streets is not a record of what legal rights exist over that highway but may provide evidence of vehicular rights. However, this must be considered with all other relevant evidence in order to determine the nature and extent of those rights. Highway Authorities are recommended to examine the history of such routes and the rights that may exist over them on a case by case basis in order to determine their status.
- 8.10 The Natural Environment and Rural Communities Act 2006 (NERC Act 2006) had a major impact upon the recording of byways open to all traffic based upon historical documentary evidence. Under section 67 of the Act, any existing, but unrecorded, public rights of way for mechanically propelled vehicles were extinguished unless one of the 'saving' provisions applied. In brief, these saving provisions were: (a) if the main lawful public use between 2001 and 2006 was with motor vehicles; (b) if the route was on the List of Streets (on 2 May 2006) and not also on the Definitive Map as something less than a byway open to all traffic; (c) the route was legally created expressly for motor vehicular use; (d) the route was a road deliberately constructed for public motor vehicular use; or (e) the vehicular highway came about as a result of unchallenged motor vehicular use before December 1930.
- 8.11 Of the saving provisions above, (b) will apply to the whole route, so the public's motor vehicular rights would not have been extinguished by the NERC Act 2006.
- 8.12 Bond Dickinson raised a number of arguments rebutting the existence of public vehicular rights over this route. The Ordnance Survey maps do show that, at the time they were surveyed, a track / path did physically exist over the alleged byway route. It is accepted that just because a route physically existed this does not necessarily mean that it was a public right of way. Bond Dickinson is dismissive of Greenwood's County Map, but officers consider (as, generally, do Inspectors appointed by the Secretary of State) that this Map does have some evidential value. Maps such as these were produced for commercial gain, and were typically sold to people travelling longer distances over unfamiliar territory. The routes shown on such maps were not exclusively public, nor exclusively vehicular, but the inclusion of a route is generally considered to be at least suggestive of a public vehicular right of way. It should be noted that part of the route of the alleged byway open to all traffic is shown on Fryer's County Map and Cary's Map too – not just Greenwood.
- 8.13 Bond Dickinson has commented on the DEFRA guidance in relation to routes included on the Council's List of Streets - in particular their advice that inclusion of a route on that List is not conclusive evidence of what rights it carries; there can be no presumption that such routes are vehicular, and that

each case should be considered on its merits. Officers would completely agree - this is precisely why the Council has embarked on this current extensive exercise in relation to its minor unclassified roads. Notwithstanding Bond Dickinson's comments regarding what was on the Council's List of Streets as at 2 May 2006, the County Council does have a List which identifies the position that existed at that date, and it is extracts from that List which have been appearing in the relevant Committee / LAC reports for many years. The Restriction of Ribbon Development Act 1935 (RRDA'35) was intended to curb the problem of ribbon development along existing roads - in particular those developments that might effectively constrain / narrow these public highways. It was, effectively, a planning tool, that required plans and schedules to be published / made publicly available in order to manage development. Councils were responsible for compiling schedules and preparing plans showing the existing highway network over which the RRDA'35 regulations would apply. In Northumberland, copies of these schedules still exist for every former Rural District area except Rothbury and a set of accompanying plans exists showing these routes for the former Norham & Islandshires RD, Belford RD, Alnwick RD, Morpeth RD, Castle Ward RD, and Hexham RD areas. Bond Dickinson did not, subsequently, supply any of the farm records documents which they indicated they were seeking to obtain from the National Archive at Kew.

- 8.14 For a route to be a byway open to all traffic, it has to be (i) a public motor vehicular right of way and (ii) a route which is nevertheless used (or is likely to be used) by the public mainly for the reasons which footpaths and bridleways are used.
- 8.15 This route has a reasonable tarmac surface. Although drivable with a 'normal' family car, the route is a vehicular cul-de-sac, serving farmland, woodland and two residential properties. A further residential property exists a considerable distance beyond the western end of the road. I have, personally, been along the alleged byway route maybe 10 times in the last 4 years. Although I have witnessed many walkers and occasional cyclists using the route, I have seen even more people driving the V-Z-Y section (i.e. as far as the car park) with motor vehicles. This is a popular car park, used by members of the public who are going for short woodland walks and by those going hill walking. On that basis it is considered unlikely that this V-Z-Y section of road would satisfy the criteria for being recorded as a byway open to all traffic. In their consultation response, the British Horse Society reached a similar conclusion. Beyond the parking area there is much less public motor vehicular traffic and a significant number of public rights of way connect with the road. Any users of these (non-motor vehicular) public rights of way will inevitably also have to walk or ride along at least part of the road. A small part of the Y-P section of road also forms part of St Cuthbert's Way. St Cuthbert's Way is a popular long distance walking trail between Melrose and Holy Island. It is believed that, in recent years, around 3000 to 3500 people have walked this route annually (the figures for 2016 indicate just over 5000 users). It is considered that public use



Northumberland
County Council

Infrastructure
Local Services
County Hall Marpeth Northumberland
Telephone 0845 600 6400 NE61 2EF

Public Rights of Way

 Alleged Byway Open to All Traffic

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
NORTHUMBERLAND COUNTY COUNCIL - OS Licence No. 100049048

O.S. Map NT 92 NE

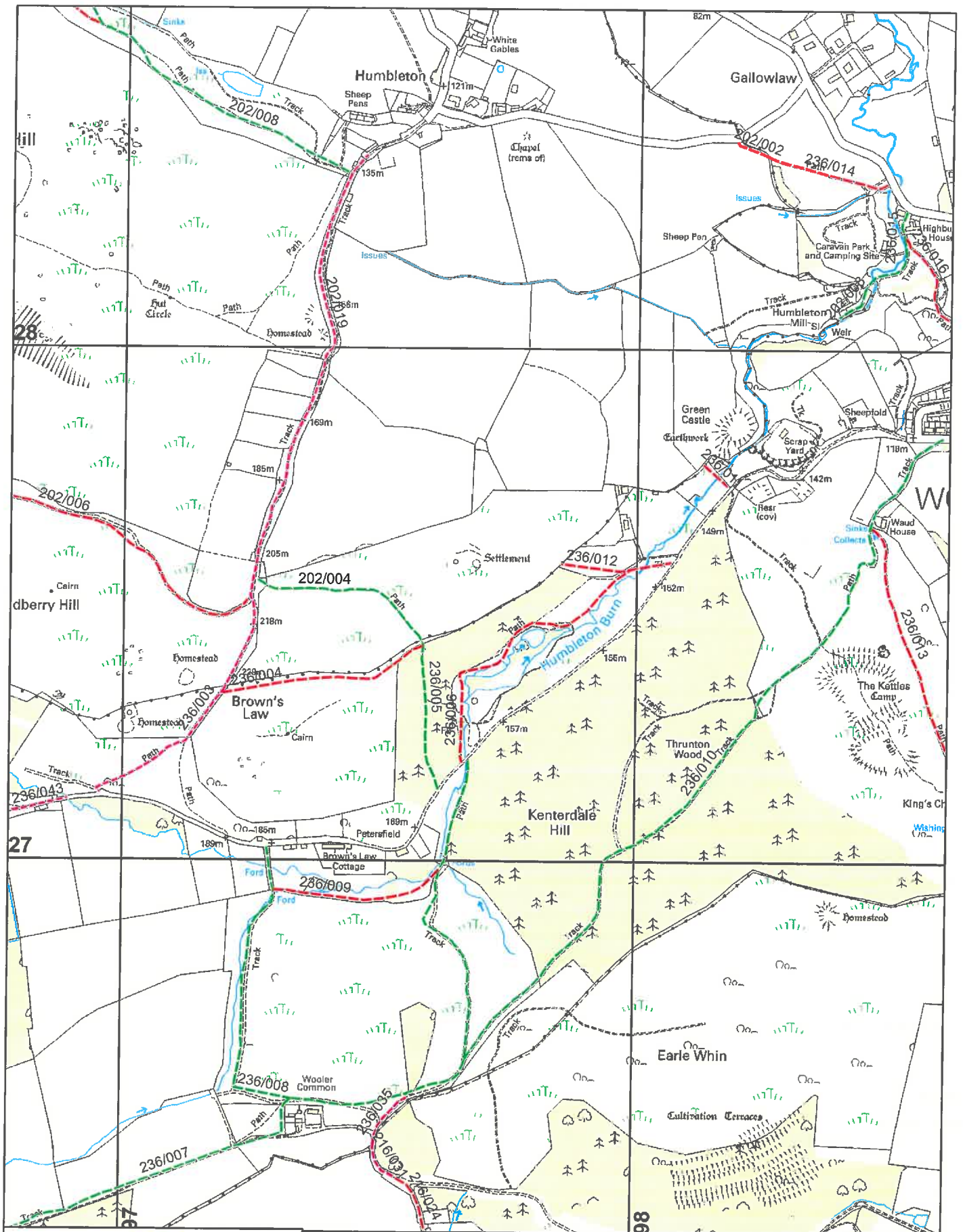
Former District(s) Berwick

Definitive Map No 37

Parish(es) Wooler

Scale: 1/10,000

Date: August 2018




Northumberland
 County Council
Infrastructure

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

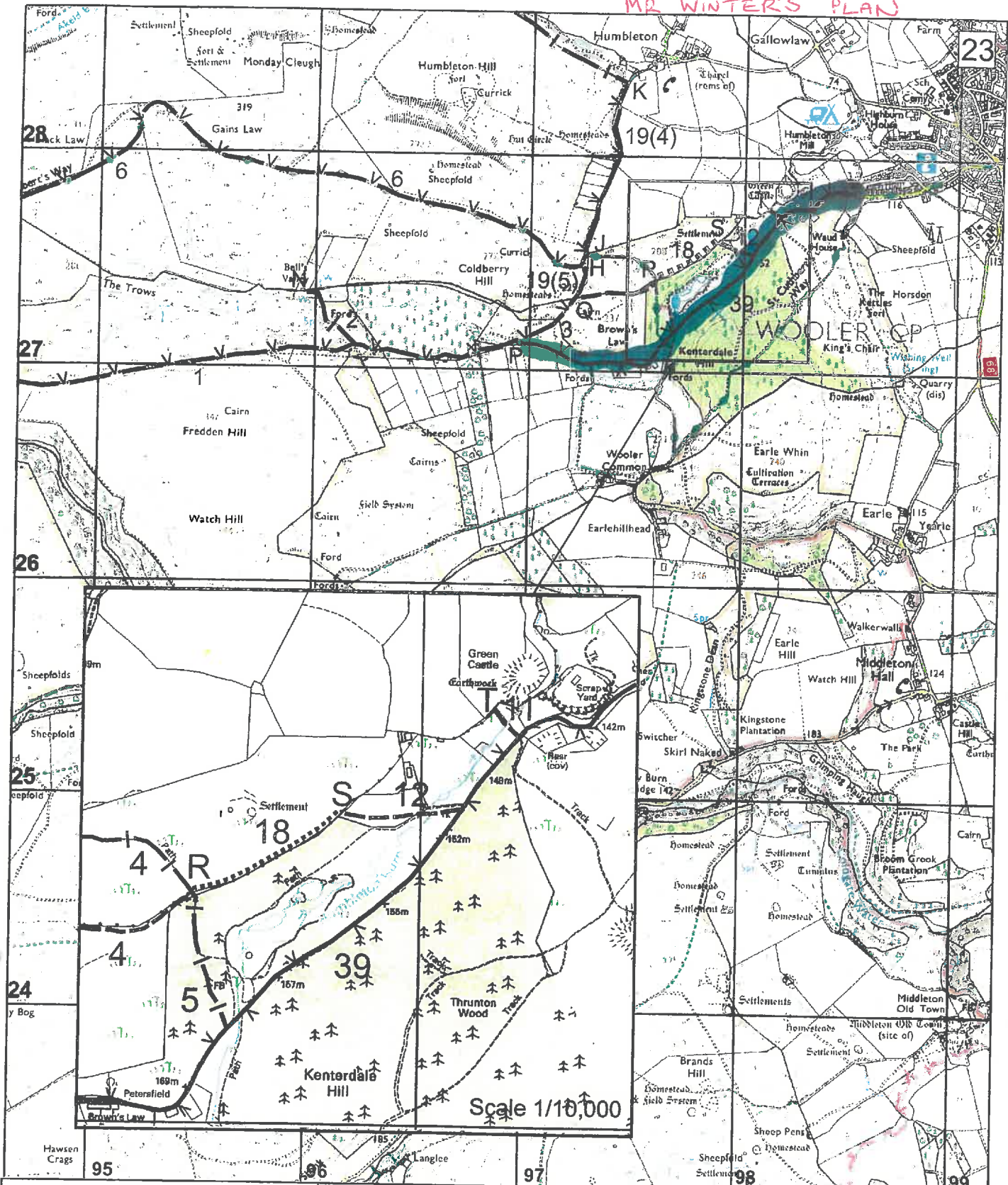
Legend

- 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

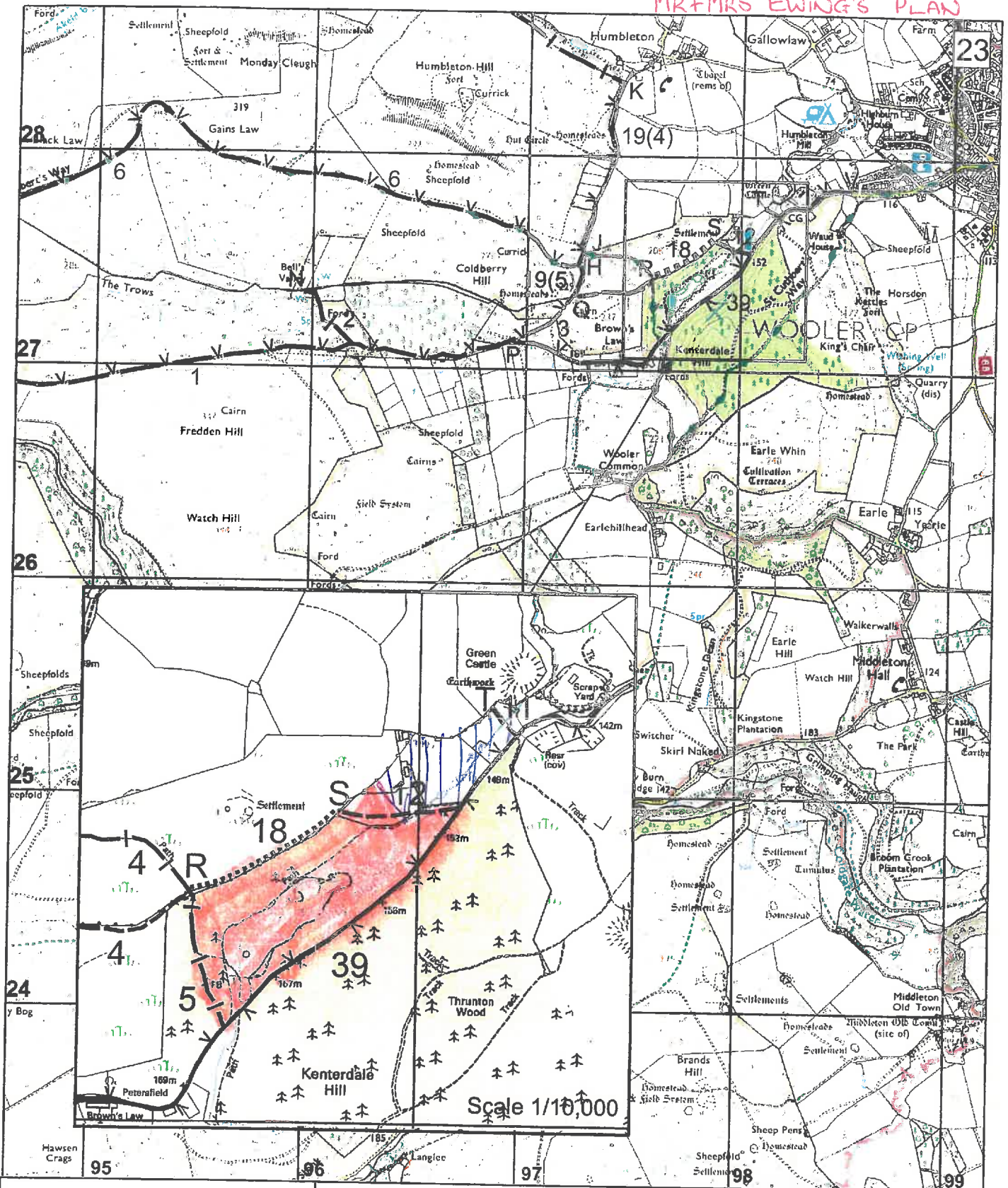
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. License no. 100049048 (2010).



NORTHUMBERLAND
 Northumberland County Council
 Sustainable Transport
 Local Services
 County Hall Morpeth Northumberland
 NE61 2EF
 Telephone 0845 600 6400

Reproduced from / based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of H.M.S.O. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Northumberland County Council O.S. Licence No 100049048


Wildlife and Countryside Act 1981 Public Rights of Way		
	Selected Existing Public Footpaths	
	Selected Existing Public Bridleways	
	Alleged Public Footpath	
	Alleged Restricted Byway	
	Alleged Byway Open to All Traffic	
Former District(s)	Parish(es)	Scale
Berwick	Akeld/Wooler	1:25,000
Def. Map No.	O.S. Map	Date
37	NT 92 NE	February 2014



NORTHUMBERLAND

Northumberland County Council
 Sustainable Transport
 Local Services
 County Hall Morpeth Northumberland
 NE61 2EF
 Telephone 0845 600 6400

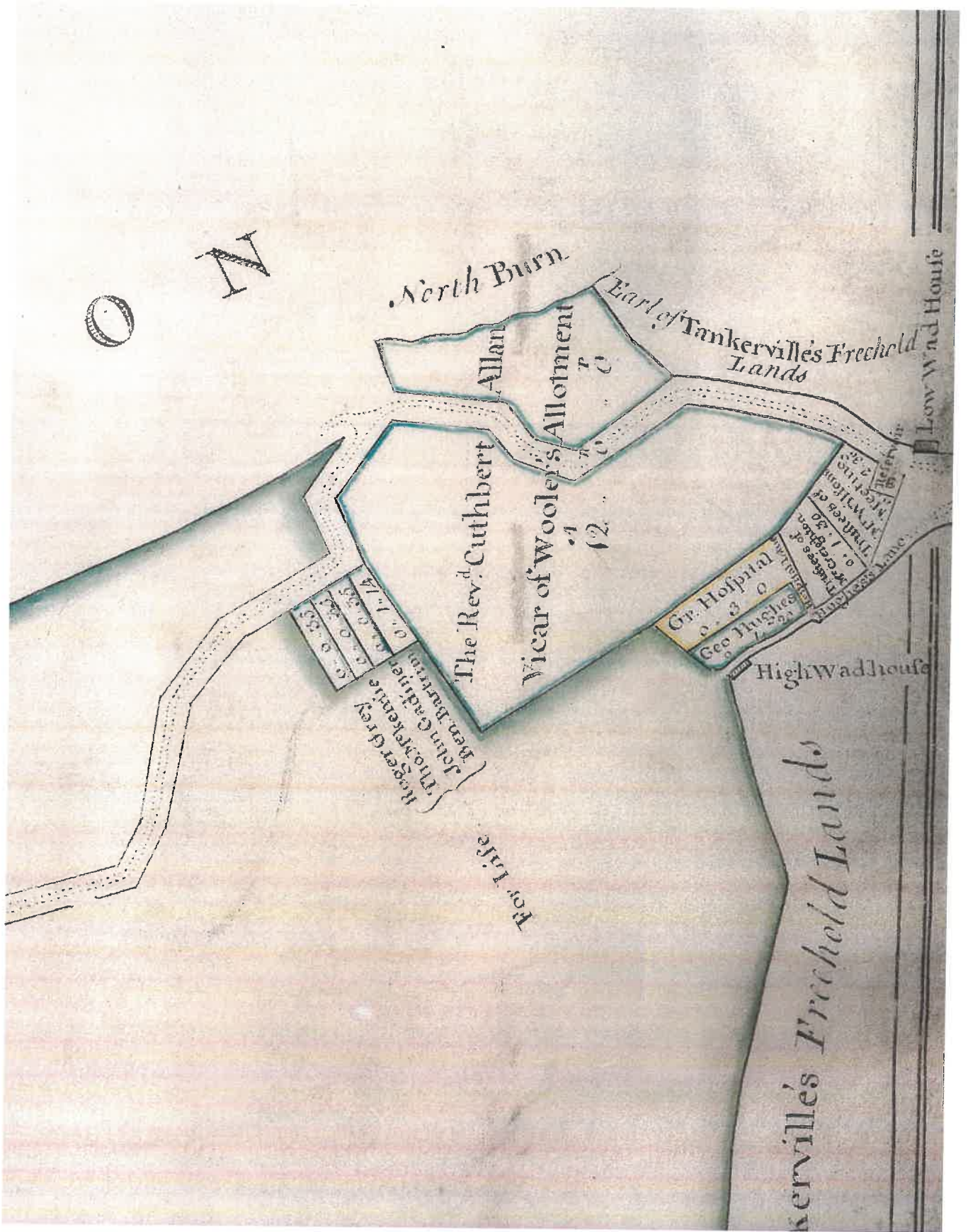
Wildlife and Countryside Act 1981 Public Rights of Way

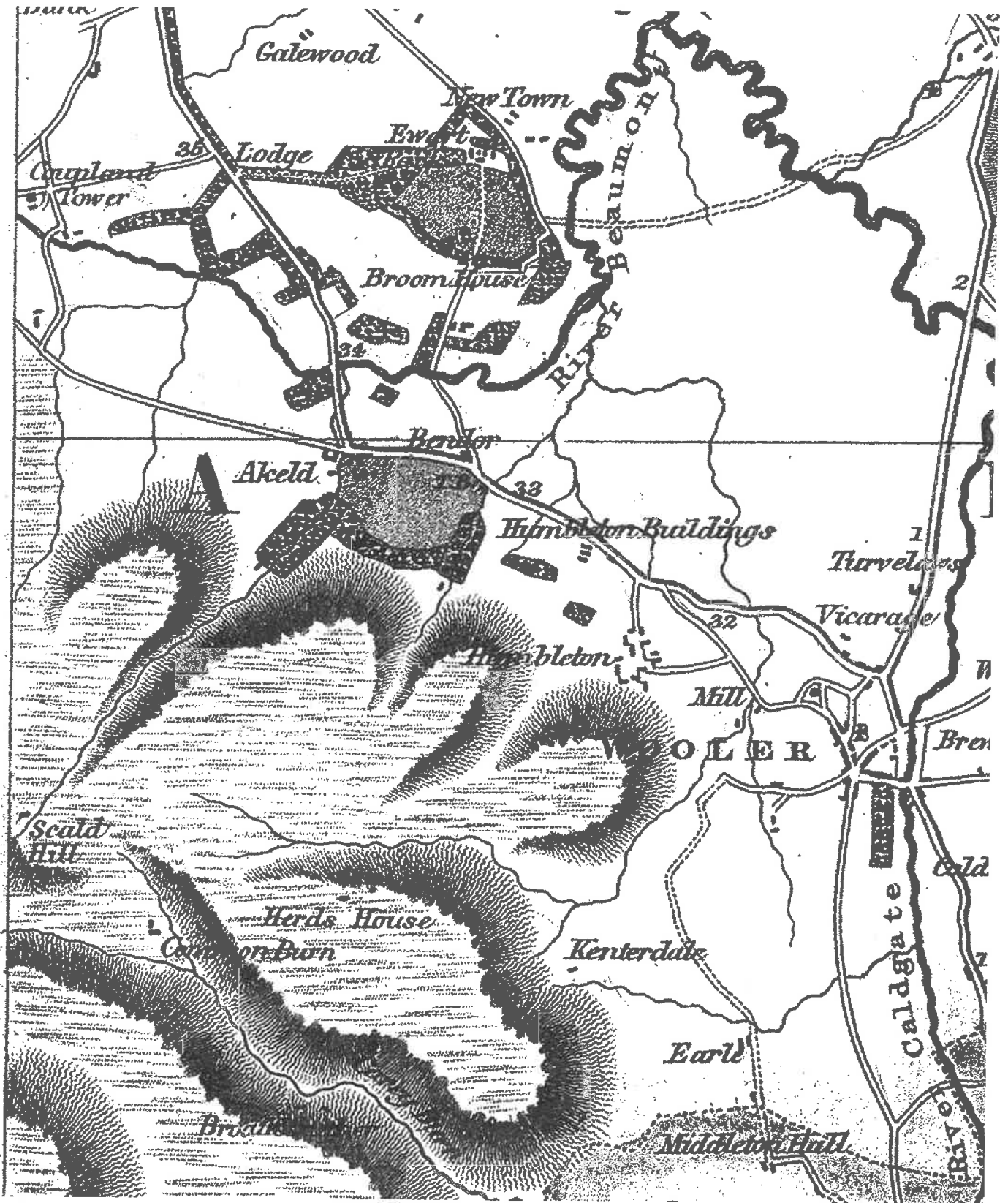
-  Selected Existing Public Footpaths
-  Selected Existing Public Bridleways
-  Alleged Public Footpath
-  Alleged Restricted Byway
-  Alleged Byway Open to All Traffic

Reproduced from / based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of H.M.S.O. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Northumberland County Council O.S. Licence No 100049048

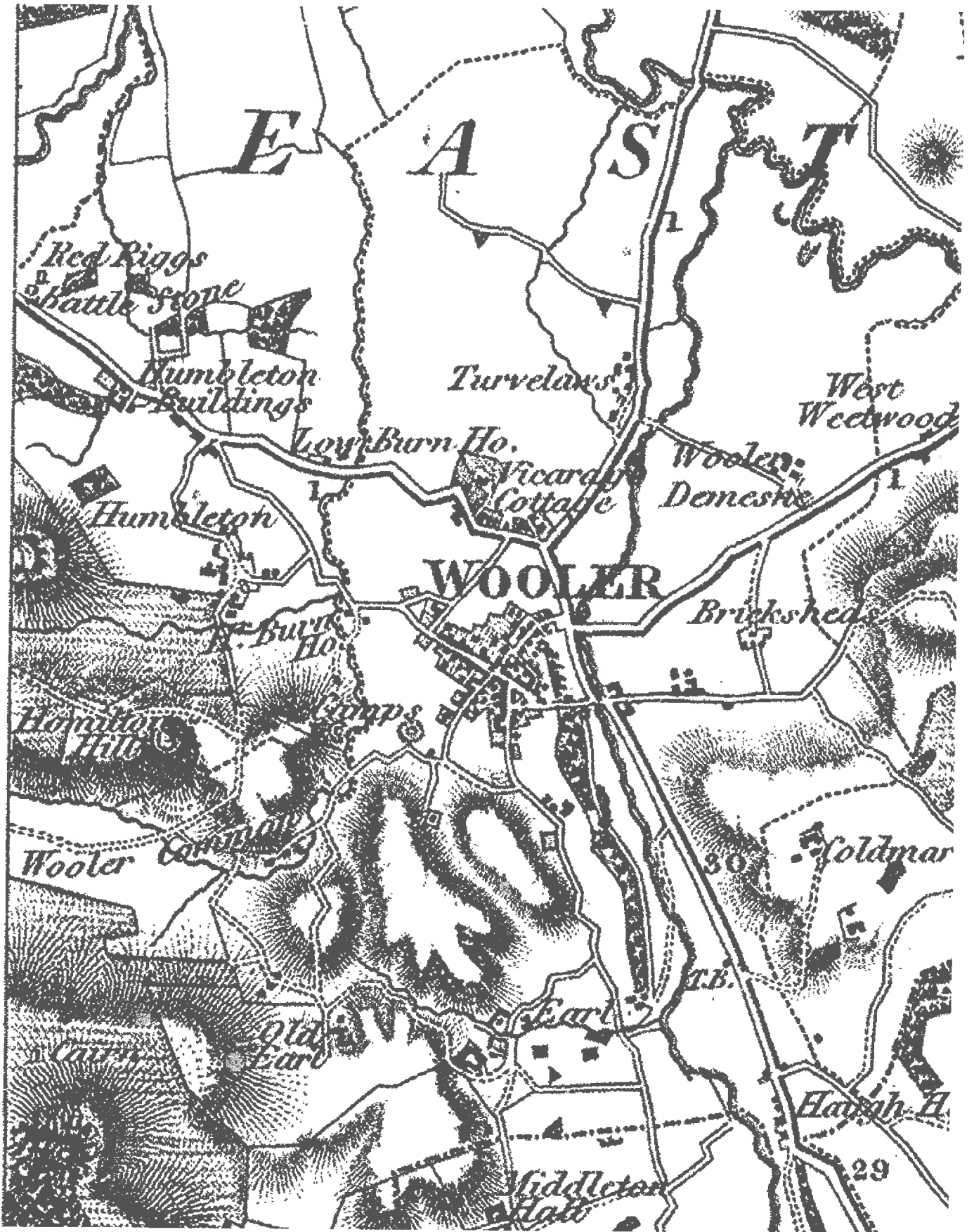
Former District(s)	Parish(es)	Scale
Berwick	Akeld/Wooler	1:25,000
Def. Map No.	O.S. Map	Date
37	NT 92 NE	February 2014

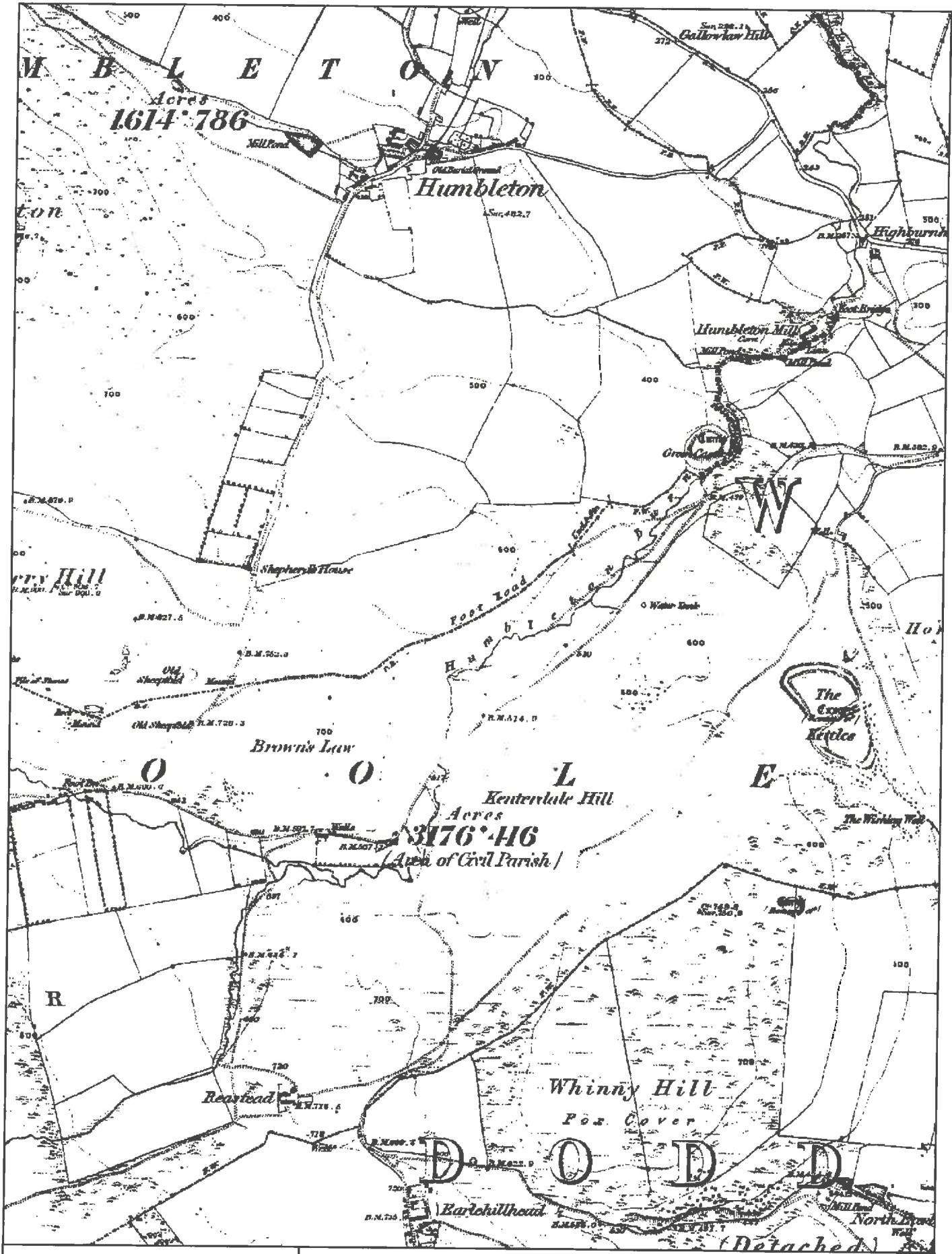
Wooler Common Inclosure Award
1778












 Northumberland
 County Council

SCALE 1:10,560

Ordnance Survey 1st Edition 6" map (1866)

To all to whom these Presents shall come

I Thomas Carfrae of No 1 Erskine Place Edinburgh of the Parish of Saint Cathberts in the County of Edinburgh Land Surveyor Greeting

Whereas the Inclosure of Wooler and Humbleton Common situate in the Township and Parish of Wooler in the County of Northumberland has been duly authorised under the provisions of the Acts for the Inclosure Exchange and Improvement of Land

And whereas William Clouston of No 1 Erskine Place Edinburgh was duly appointed the Valuer in the matter of the said Inclosure and having made the declaration required by the said Acts duly held all necessary meetings

And whereas the said William Clouston has resigned his Office as such Valuer

And whereas I the said Thomas Carfrae have been appointed the Valuer in the matter of the said Inclosure and having made the declaration required by the said Acts have duly held all necessary meetings and drawn up and sent to the Inclosure Commissioners for England and Wales my Report in writing in the matter of the said Inclosure with a Map thereunto annexed and in all other respects complied with the provisions of the said Acts

And whereas all such objections as have been made to my said Report having been heard and all such inquiries having been made in relation thereto as the said Inclosure Commissioners have thought fit the said Inclosure Commissioners have authorised and directed me to cause to be drawn up and engrossed on Parchment my Award in the matter of such Inclosure

And whereas the said Inclosure Commissioners have by an Order under their seal by virtue of the power vested in them in that behalf by the said Acts directed that the Lands in respect of which Alterments are hereby made shall not be comprised or shown on the map hereunto annexed

Now Know Ye

that in pursuance of the provisions of the said Acts and by virtue of the powers and authorities in me vested I the said Thomas Carfrae the Valuer as aforesaid do make and declare this to be my award in the matter of the said Inclosure and to this my Award I have annexed the Map referred to by my said Report

And I further declare that I have diverted or altered the Public Road or Way in the said Parish of Wooler called the Wooler and Common Burn Road between the Junction of the Common Burn and Humbleton Road at the point marked F on the said Map and the Junction of the Ancient Public Biddle Road at the point marked K² on the said Map and in lieu thereof I have set out the Public Roads hereinafter mentioned between the points marked F and K and K² on the said Map

And I do hereby declare that I have set out and appointed and do hereby set out and appoint the following Public Carriage Road or Highway that is to say

One Public Carriage Road or Highway of the width of thirty feet to be called the Wooler and Common Burn Road commencing at a point marked F on the said Map and extending thence in a Westwardly direction to and terminating at a point marked K on the said Map

Wooler & Humbleton Common Inclosure Award
1869

One other Public Carriage Road or Highway of the width of thirty feet also to be called the Wooler and Common Burn Road being a continuation of the Road next herein before set out and commencing at the said point marked K and continuing thence in a Southwardly direction to a point marked K¹ on the said Map and thence in a Westwardly direction to and terminating at a point marked K² on the said Map.

And I further declare that I have set out and appointed and do hereby set out and appoint the following Private Carriage and Occupation Roads that is to say—

One Private Carriage and Occupation Road of the width of eighteen feet and numbered 63 on the said Map commencing at a point marked K and extending thence Northwardly to and terminating at a point marked L on the said Map which said road is set out for the use of the persons interested for the time being in the Allotments numbered 2^a 2^b 6 and 49.

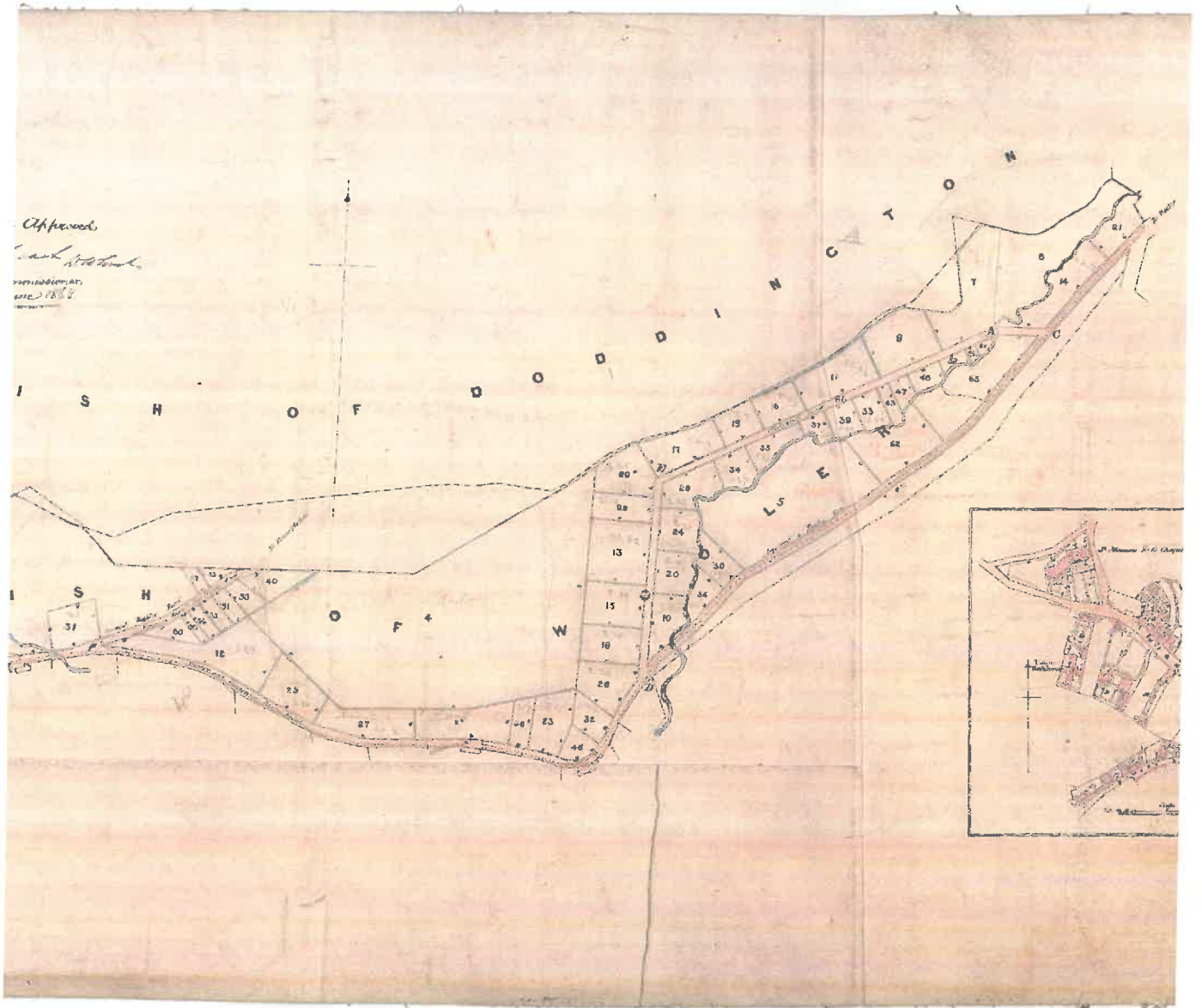
And I direct and appoint that the expense of maintaining and repairing the said Private Carriage and Occupation Road shall for ever hereafter be raised by rate to be levied on the said Allotments numbered 2^a 2^b 6 and 49 in the following proportions that is to say

No of Allotments	Proportion of rate to be levied on - allotment		
	£	s	d
2 ^a 2 ^b		15	6
6		2	9
49		1	9
	1		

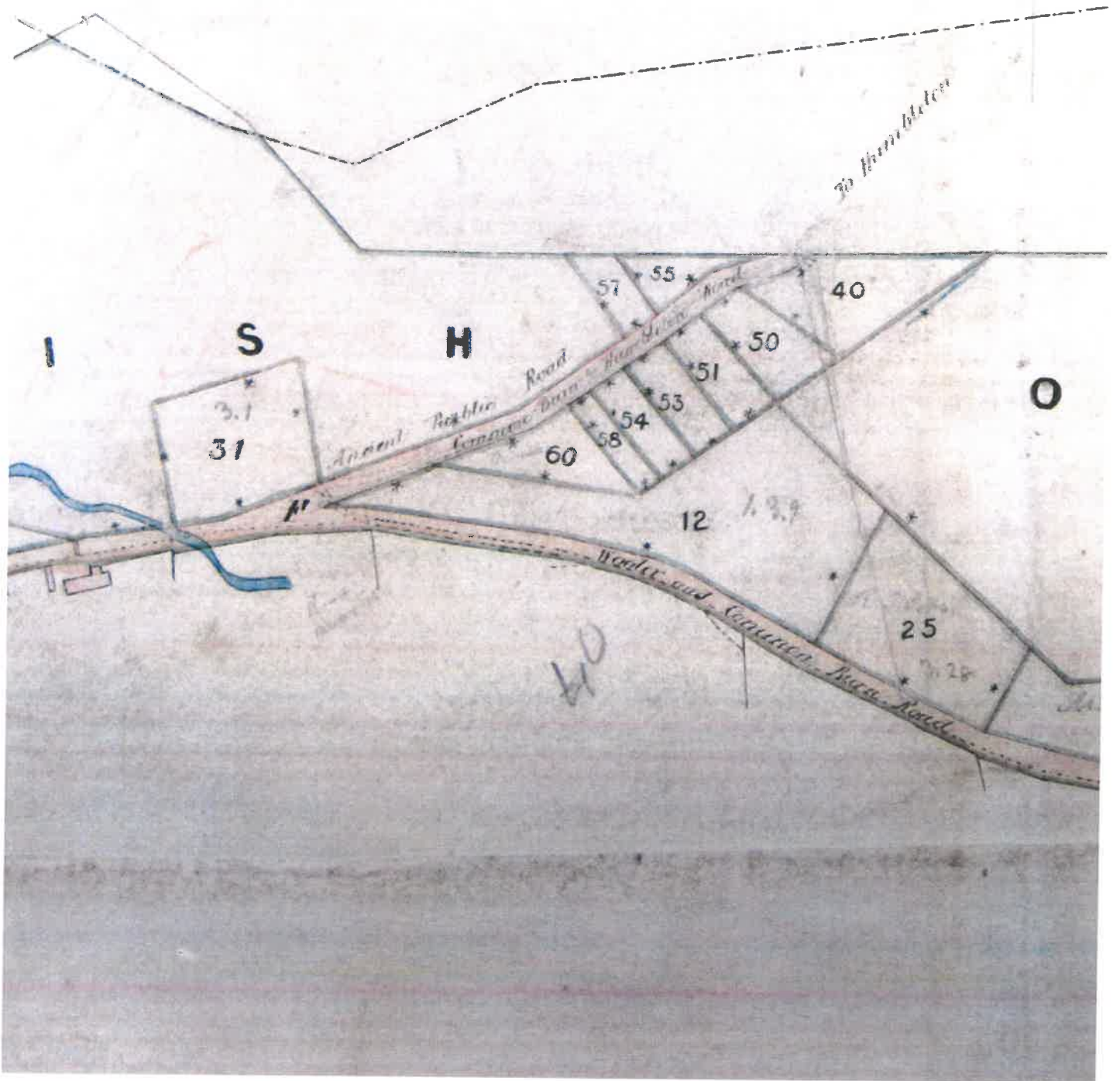
One other Private Carriage and Occupation Road of the width of 30 feet and numbered 66 on the said Map commencing at a point marked C on the said Map and extending thence in a westwardly direction to a point marked A thence in a southwardly direction to a point marked E and thence in a Southwardly direction to and terminating at a point marked D on the said Map which said road between the points C and A is set out for the use of the persons interested for the time being in the allotment numbered 8 on the said map and between the points A and D for the use of the persons interested for the time being in the allotments numbered 7 9 11 18 19 17 29 29 13 15 18 10 20 24 28 34 35 37 39 33 43 47 48 52 56 and 22 on the said map.

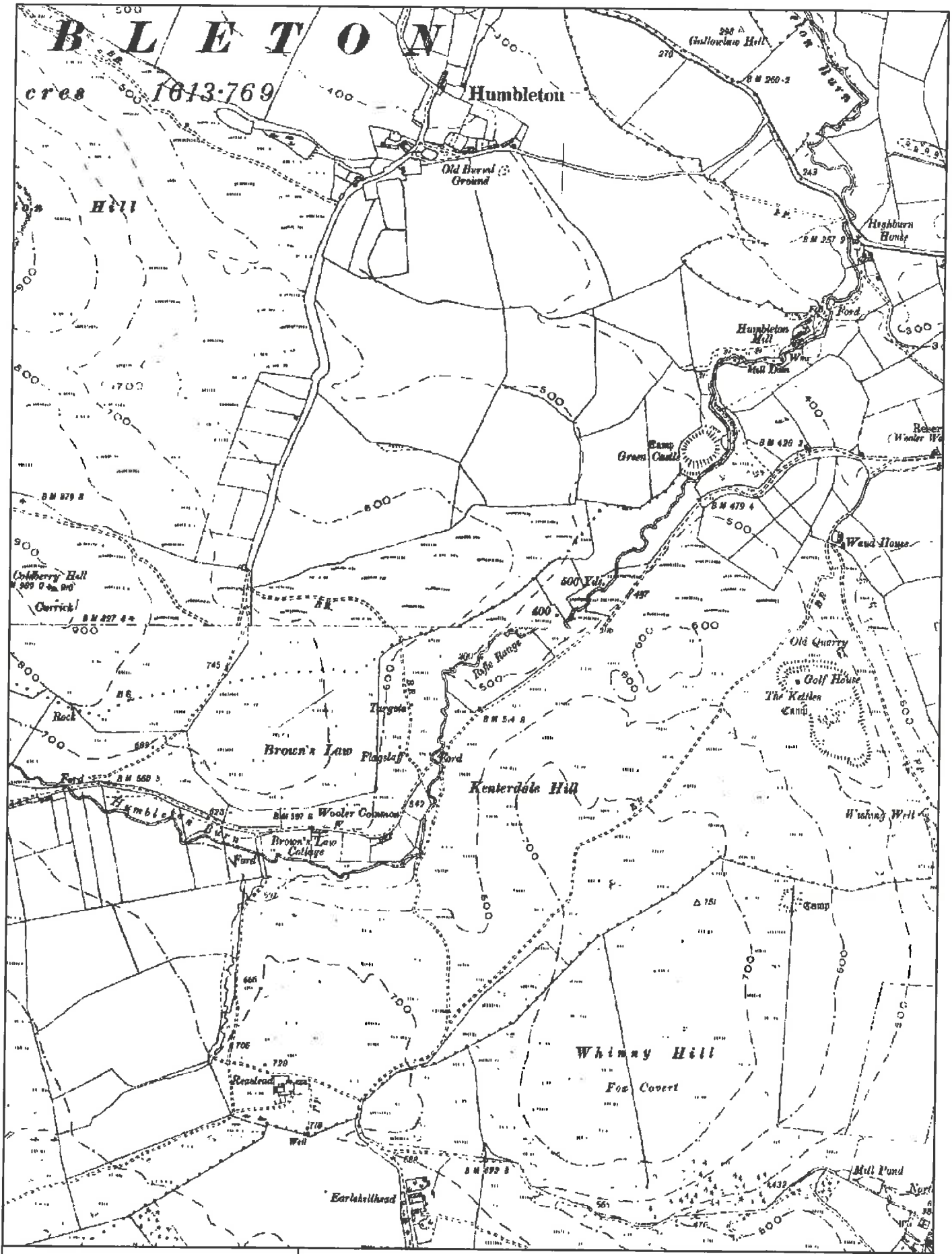
And I direct and appoint that the said Private Carriage and Occupation road shall for ever hereafter be maintained and repaired between the points C and A by the owner and proprietor of the said allotment numbered 8 and between the points A and D by the owner and proprietor of the said allotments numbered 7 9 11 18 19 17 29 29 13 15 18 10 20 24 28 34 35 37 39 33 43 47 48 52 56 and 22.

Wooler & Humbleton Common Inclosure Award
1869



Wooler & Humbleton Common Inclosure Award
1869

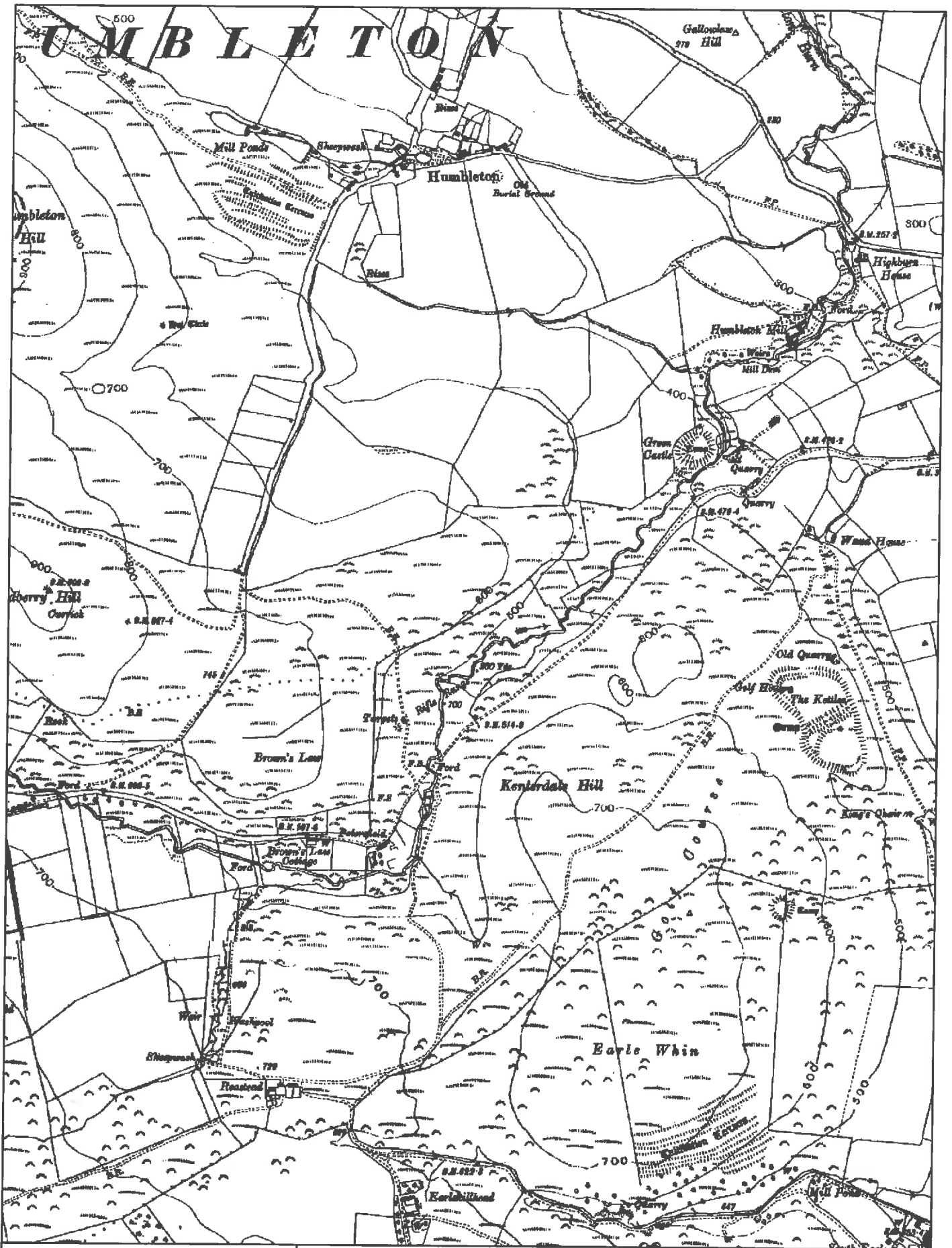




Northumberland
County Council

SCALE 1:10,560

Ordnance Survey 2nd Edition 6" map (1899)

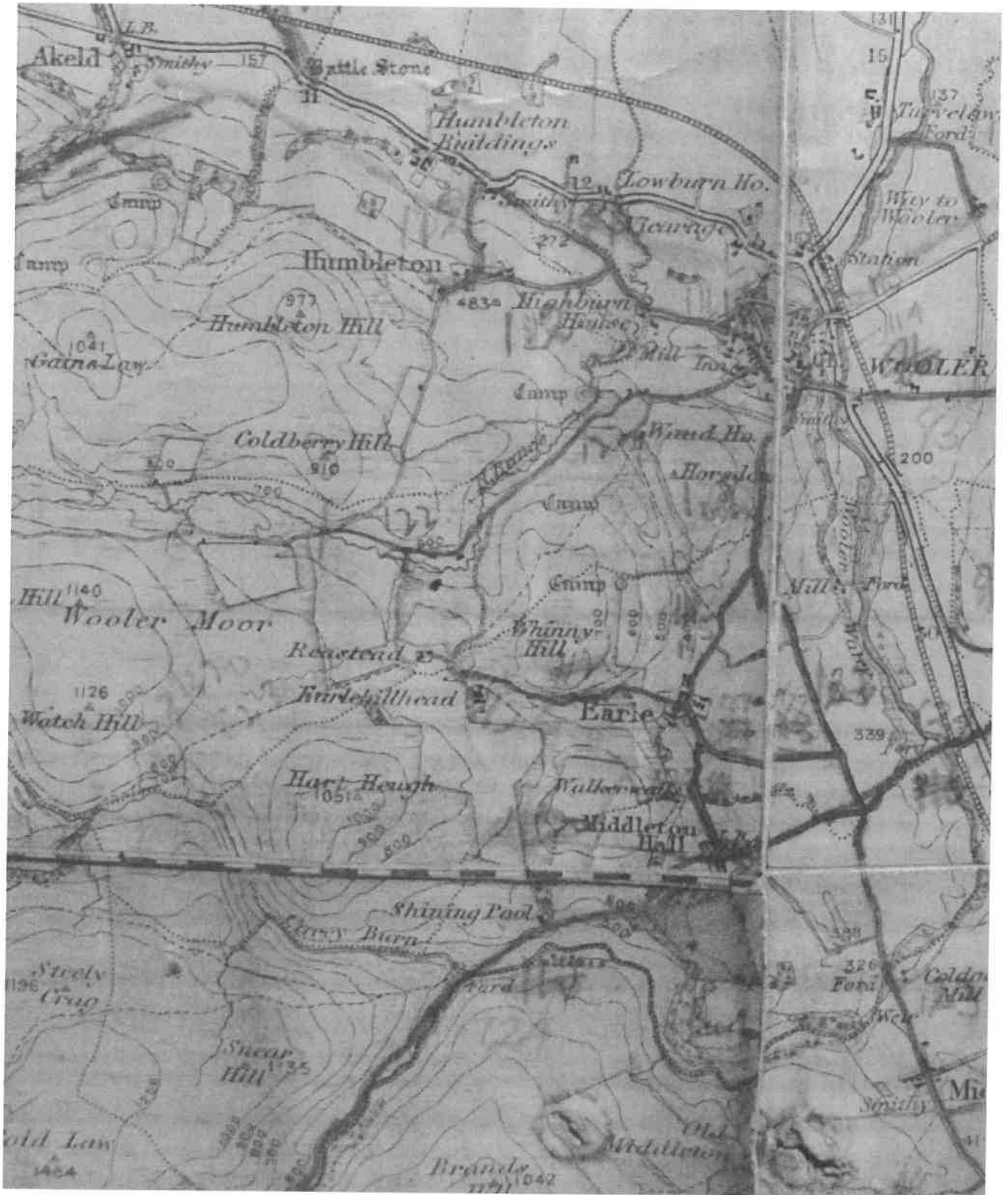


Northumberland
County Council

SCALE 1:10,560

Ordnance Survey 3rd Edition 6" map (1924-25)

Glendale RDC Handover Map
1932



Reproduced plan is not to scale

BRIDGES AND ROADS—26TH JUNE, 1939.

91. Road from a point on the Wooler-Adderstone road B.6345, $\frac{1}{4}$ -mile west of Wandon via Fowberry Tower East Lodge to the Wooler-Belford road B.6349 at Fowberry Smithy.
92. Road from a point on the Chatton-Ilderton Station road, $\frac{1}{2}$ -mile south-west of Broomhouse via Fowberry Mans to a point on the Wooler-Adderstone road B.6346, $\frac{1}{2}$ -mile west of Wandon.
93. Road from the Wooler-Adderstone road B.6348 at the west end of Chatton Village via Chillingham Castle West Lodge and Old Bewick to the Wooperton-Alnwick road B.6346 at Harehope Cottages.
94. Road from the Morpeth-Cornhill road A.697 at Bridge End, Wooler, via Wooler Brewery, West Plantation and Newtown to the Chatton-Harehope road at Chillingham Castle West Lodge.
95. Road from a point on the Wooler-Chillingham Castle road, $\frac{1}{2}$ -mile east of Wooler Brewery north-eastwards for a distance of 250 yards to the gateway leading onto Weetwood Moor.
96. Road from a point on the Morpeth-Cornhill road A.697, 560 yards north of Haugh Head, to Coldmartin.
97. Road from the Morpeth-Cornhill road A.697 at Haugh Head via Lilburn Hill and Lilburntower Farm to the Chatton-Ilderton Station road at Lilburn Tower East Lodge.
98. Road from a point on the Haugh Head-Lilburn Tower road, 300 yards south-east of Haugh Head via the old quarries near Plantation House, and Weetwood Moor to a point on the Wooler-Adderstone road B.6348, $\frac{1}{2}$ -mile west of Wandon.
99. Road from a point on the Chatton-Harehope road, 300 yards north of Chillingham Post Office, to Chillingham Barns.
100. Road from the Chatton-Harehope road at Chillingham Post Office via Chillingham School to St. Peter's Church.
101. Road from the Chatton-Harehope road at the south-west corner of Chillingham Park via Hepburn, Hepburn Moor, Botany, and Quarry House, towards North Charlton to a point thereon 600 yards north-west of the entrance to Haughterslaw.
102. Road from the Chatton-Ilderton Station road at Lilburn Tower Bridge via Lilburn School, East Lilburn, and Bewick Bridge to a point on the Chatton-Harehope road $\frac{1}{2}$ -mile north-west of Old Bewick Monument.
103. Road from a point on the Lilburn Tower-Old Bewick road, 400 yards west of Bewick Bridge, southwards via Pilmoor Wood to a point on the Wooperton-Alnwick road B.6346, 360 yards north-east of the junction of that road with the Morpeth-Cornhill road A.697.
104. Road from the Lilburn Tower-Old Bewick road at East Lilburn via Newton Mill to a point on the Wooler-Chillingham Castle road 150 yards south of Newtown.
105. Road from a point on the Lilburn Tower-Old Bewick road, 340 yards east of East Lilburn via Hepburn Bell to a point on the Chatton-Harehope road, $\frac{1}{2}$ -mile south of Chillingham Castle West Lodge.
106. Road from the Lilburn Tower-Old Bewick road at East Lilburn via Lilburn Pond to a point on the Morpeth-Cornhill road A.697, 380 yards south of Lilburn Glebe Presbyterian Church.

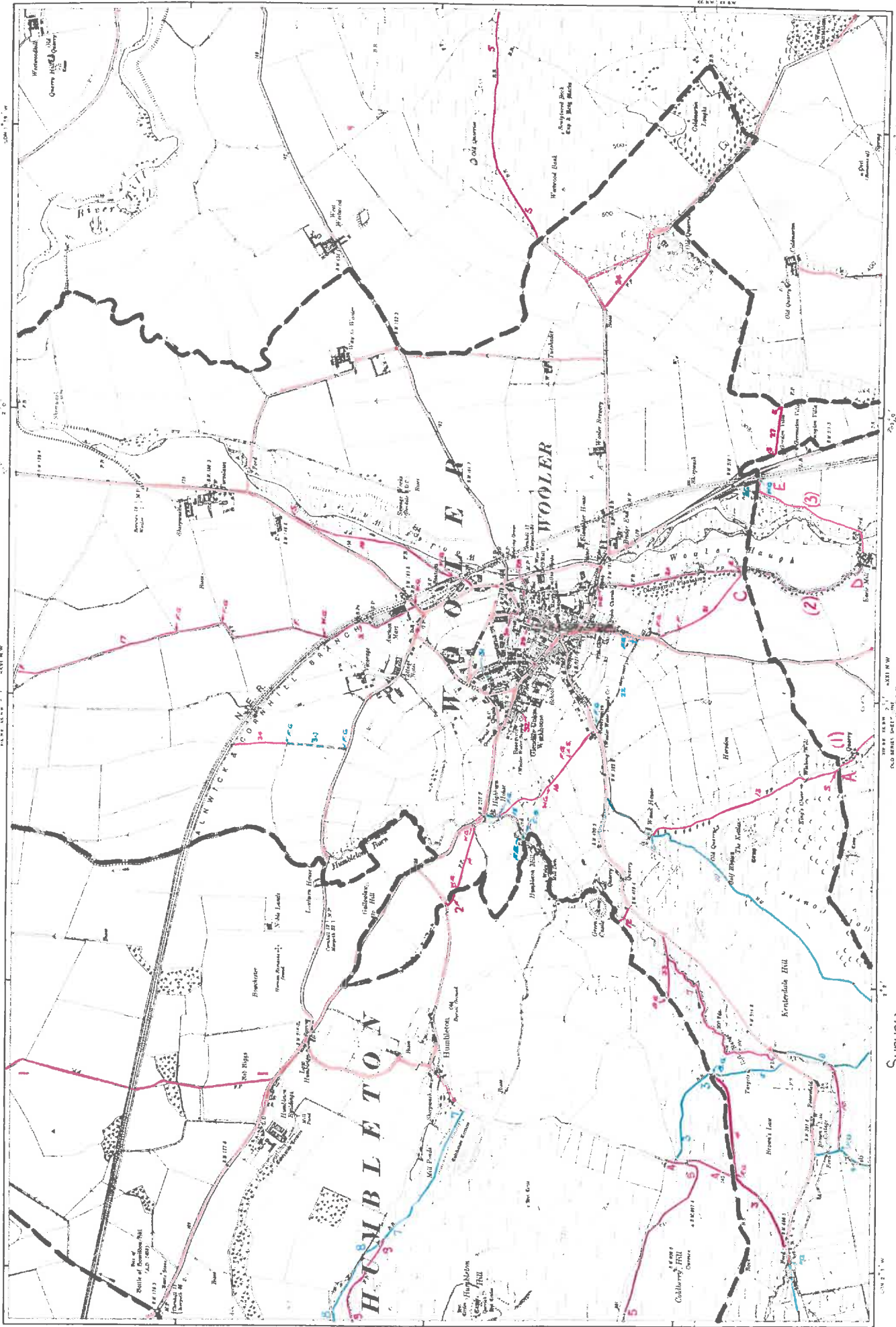
BRIDGES AND ROADS—26TH JUNE, 1939.

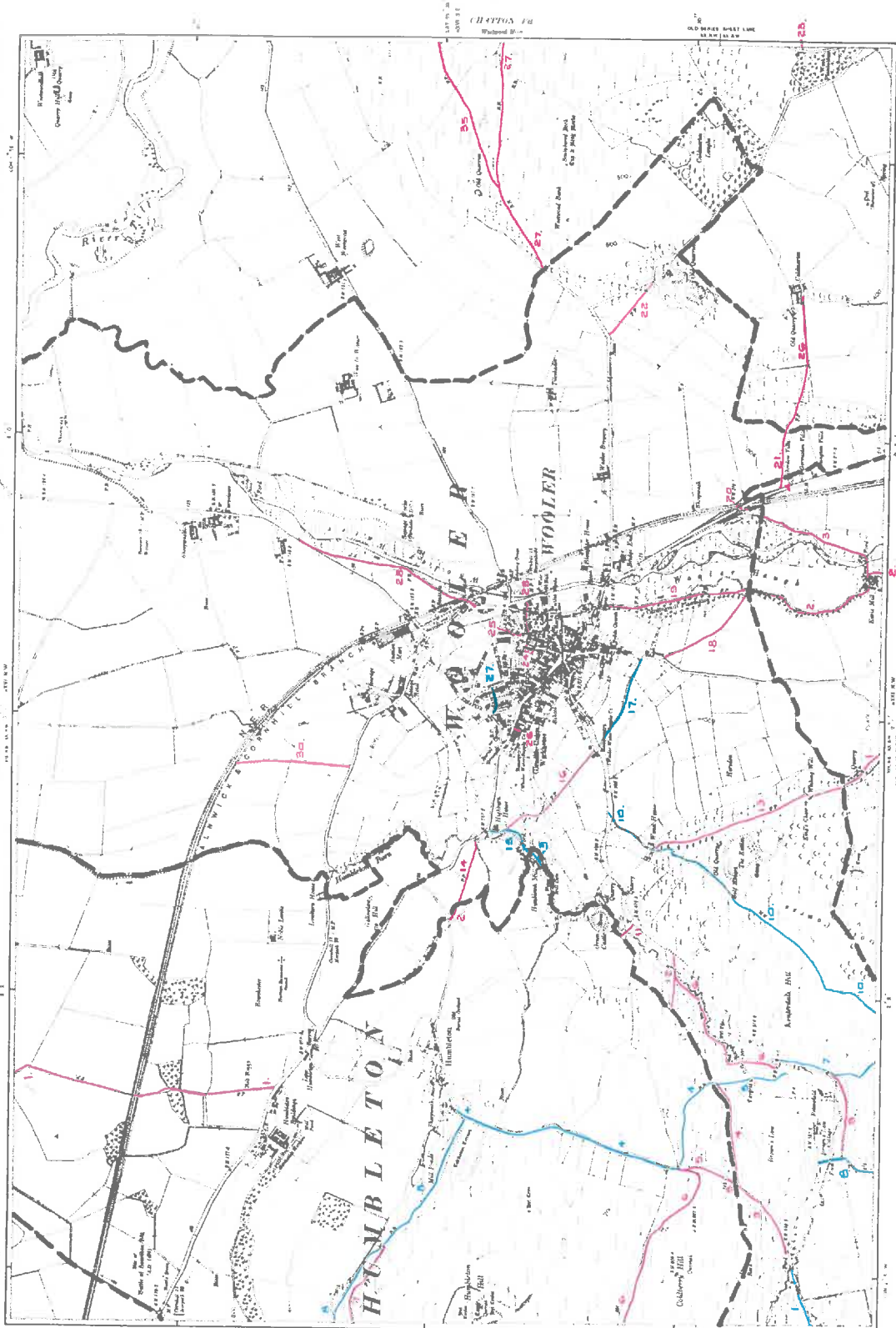
53

107. Road from a point on the Chatton-Harehope road, 970 yards north of Old Bewick Monument, to Bewick Folly.
108. Road from a point on the Chatton-Harehope road, 970 yards north of Old Bewick Monument, south-eastwards to a point on the Lilburn Tower-Old Bewick road, 200 yards east of Bewick Bridge.
109. Road from the Wooperton-Alnwick road B.6346 at New Bewick via the fordyway through the River Breamish to a point on the Chatton-Harehope road, $\frac{1}{2}$ -mile south-east of Old Bewick School.
110. Road from the Wooperton-Alnwick road B.6346 at New Bewick Bridge southwards to Waterside Plantation.
111. Road from a point on the Wooler-Berwick road A.6111, 120 yards south of the entrance to Turvelaws via the fordyway through the Wooler Water to Way to Wooler.
112. Road from the Morpeth-Cornhill road A.697 at Wooler Bridge via The Peth, High Street and Highburn House to the Morpeth-Cornhill road A.697 at the Pop Inn.
113. Road from the Morpeth-Cornhill road A.697 at the Pop Inn, via High Humbleton to a point on the Pop Inn-Highburn House road 360 yards north-west of Highburn House.
114. Ryecroft Road, Wooler, from High Street to the Morpeth-Cornhill road A.697.
115. Road in Wooler from High Street at the R.C. Cemetery via the R.C. Church to Ryecroft road.
116. Glendate Road, Wooler.
117. Queens Road, Wooler.
118. Granville Road, Wooler.
119. Teater Hill, Wooler.
120. Church Street, Wooler.
121. Tankerville Terrace, Wooler.
122. Market Place, Wooler.
123. Road from the Market Place, Wooler, via Ramsey's Lane, Common Road, and Petersfield to the fordyway through Humbleton Burn, 730 yards west of Petersfield.
124. Road from The Peth, Wooler, at the Anchor Inn, via Cheviot Street, North Middleton, Ilderton and Roseden to the Morpeth-Cornhill road A.697 at Roseden Crossing.
125. Road from the Morpeth-Cornhill road A.697 at Haugh Head via Middleton Hall, Shuning Pool and Harehope Burn to Langlee-ford.
126. Road from a point on the Wooler-North Middleton road, 940 yards south of Wooler Presbyterian Church via Earle to the Haugh Head-Langleeford road at Middleton Hall.
127. Road from the Wooler-Middleton Hall road at Earle to Earle-hill-head.
128. Road from a point on the Wooler-North Middleton road, 400 yards north-west of its crossing of the Haugh Head-Middleton Hall road westwards to a point on the Wooler-Middleton Hall road 200 yards south of Earle.

Extract from the Council's 1951 Highways Map







NORTHUMBERLAND COUNTY COUNCIL
 in the
GLENDALF

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949. PART IV.—PUBLIC RIGHTS OF WAY.

Rural District of
 Urban-District of
 Borough of
 Civil Parish of
GLENDALF

PLAN
 showing the proposed
 PUBLIC RIGHTS OF WAY
 under the
 COUNTRYSIDE ACT, 1949.

Scale: 1 inch = 100 yards
 Date: 1950

Drawn by: [Name]
 Checked by: [Name]
 Approved by: [Name]

TOTAL No. 58

Part in District Boundary shown thus

Symbol	KIND OF PATH
—	Footpath
—	Bridle Road (including driveway for cattle)
—	Public Carriage or Express Road
—	Other Public Carriage Road
—	Other Public Carriage Road (mainly used as a) (b) Footpath
—	Other Public Carriage Road (mainly used as a) (c) Footpath
—	Other Public Carriage Road (mainly used as a) (d) Footpath
—	Other Public Carriage Road (mainly used as a) (e) Footpath
—	Other Public Carriage Road (mainly used as a) (f) Footpath
—	Other Public Carriage Road (mainly used as a) (g) Footpath
—	Other Public Carriage Road (mainly used as a) (h) Footpath
—	Other Public Carriage Road (mainly used as a) (i) Footpath
—	Other Public Carriage Road (mainly used as a) (j) Footpath
—	Other Public Carriage Road (mainly used as a) (k) Footpath
—	Other Public Carriage Road (mainly used as a) (l) Footpath
—	Other Public Carriage Road (mainly used as a) (m) Footpath
—	Other Public Carriage Road (mainly used as a) (n) Footpath
—	Other Public Carriage Road (mainly used as a) (o) Footpath
—	Other Public Carriage Road (mainly used as a) (p) Footpath
—	Other Public Carriage Road (mainly used as a) (q) Footpath
—	Other Public Carriage Road (mainly used as a) (r) Footpath
—	Other Public Carriage Road (mainly used as a) (s) Footpath
—	Other Public Carriage Road (mainly used as a) (t) Footpath
—	Other Public Carriage Road (mainly used as a) (u) Footpath
—	Other Public Carriage Road (mainly used as a) (v) Footpath
—	Other Public Carriage Road (mainly used as a) (w) Footpath
—	Other Public Carriage Road (mainly used as a) (x) Footpath
—	Other Public Carriage Road (mainly used as a) (y) Footpath
—	Other Public Carriage Road (mainly used as a) (z) Footpath



OBSTRUCTIONS, NOTICE BOARDS, DIVERSIONS

Obstruction: O
 Notice Board: N
 Notice Wire: B.W.
 Former course of path diverted or closed: —

NOTES—

(1) Show Paths, etc., in solid black line.
 (2) Number each Path, respectively commencing at 1 for each Parish or District.
 (3) Where condition of path, stile, etc., illustrated in defective condition, the appropriate symbol (P.P.), (S.), (D.), (B.), to be put in brackets.

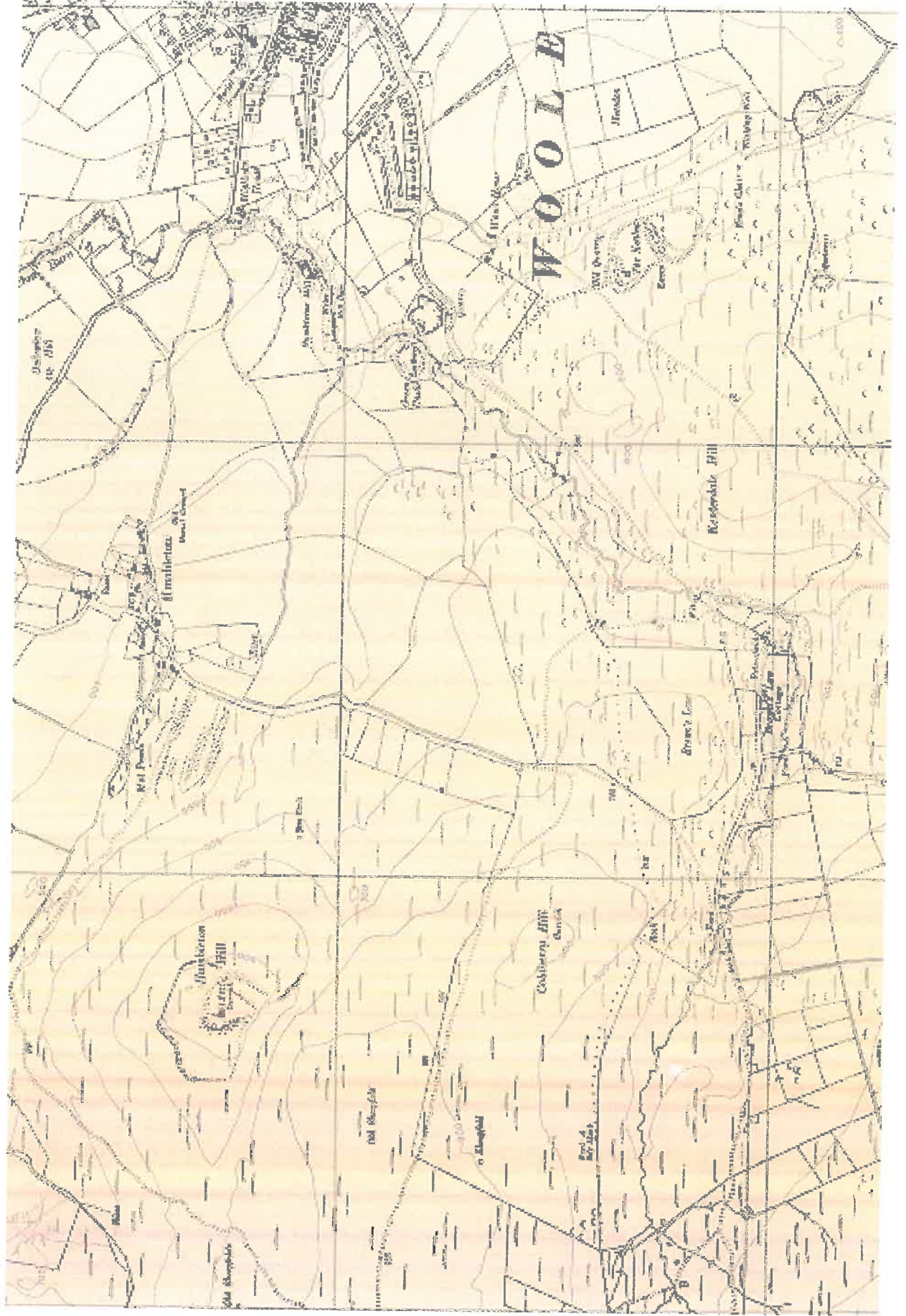
MAP INDEX

Surveyed by: [Name]
 No. U. 116, S.W. 470.
 Address: [Name]
 Date: [Date]

I CERTIFY that this Map records the information to be submitted by my Council under Sect. 23, Part IV of the Countryside Act, 1949, and that the information is true and correct.

Chairman
 Division of Surveying

1:10,560 scale O.S. Map
1957



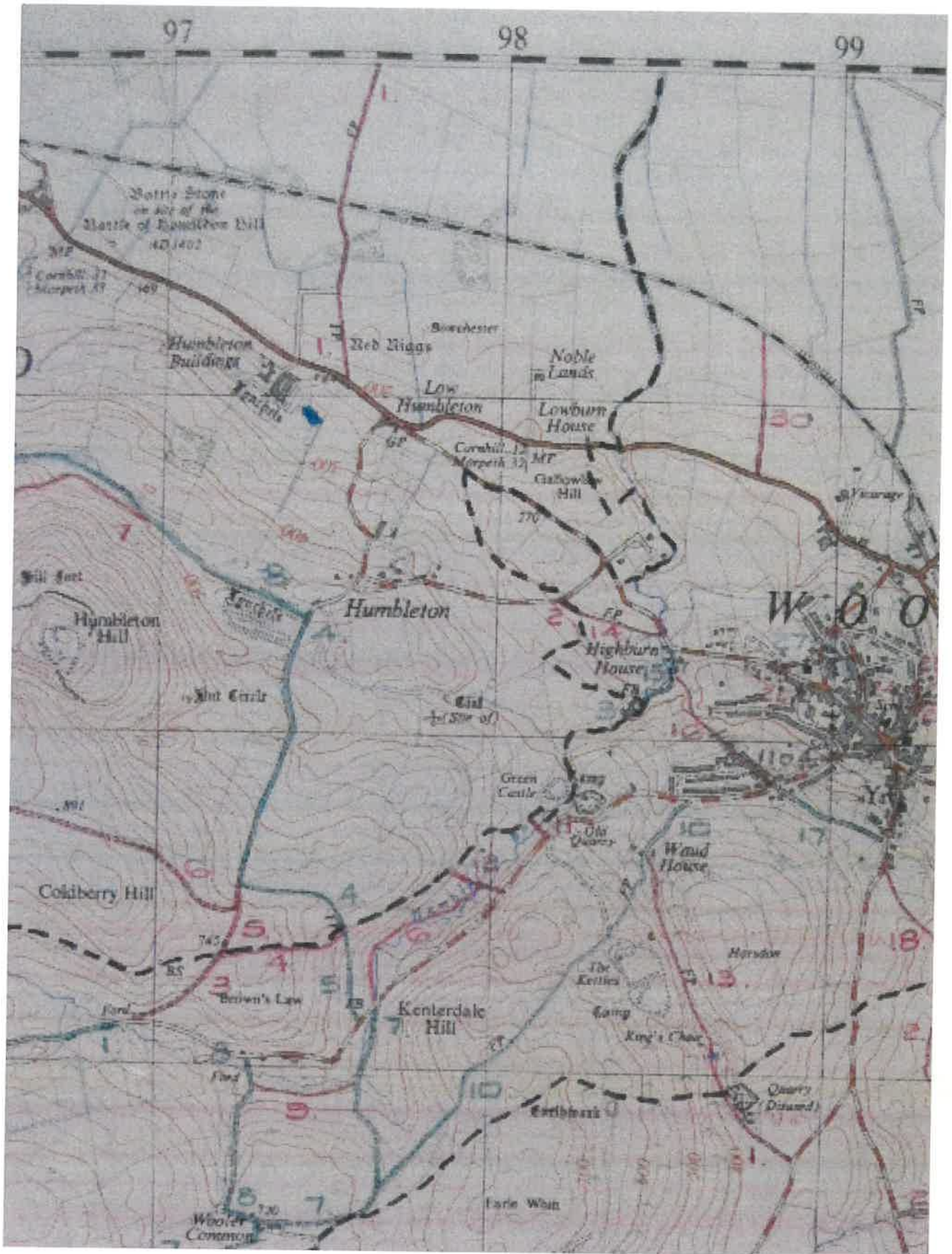
1958 County Road Schedule

ESLORD DIVISION

Unclassified Roads in Glendale Rural District

		Brought Forward	
U.1070	Lilburn Glebe - East Lilburn Road.	19.75	From A.697 near Lilburn Glebe via Lilburn Ford to C.44 at East Lilburn.
U.1071	Bewick Bridge - Bewick Folly Road	1.22	From C.44 at Bewick Bridge, crossing C.43 to Bewick Folly.
U.1072	Old Bewick Trinity Church Road	0.64	From C.43 to Trinity Church.
U.1073	New Bewick - Old Bewick Road	0.23	From B.6346 at New Bewick to C.43 near Old Bewick.
U.1074	New Bewick Bridge to Beanley Road	0.49	From B.6346 at New Bewick Bridge to R.D. boundary at Waterside Plantation.
U.1075	Turvelaws - Brewery Lane	0.39	From B.6346 at Way to Wooler via Tiledsheds to U.1063 330 yards East of Wooler Brewery.
U.1076	Humbleton Village Roads	0.46	From A.697 Low Humbleton via Humbleton to C.50 near Highburn House, including Village road.
U.1077	Wooler Roads	0.94	R.C. Church Road 133 yards Glendale Road 300 yards Queen's Road 266 yards Tenter Hill 250 yards Tankerville Terrace 166 yards Oliver Road 367 yards
U.1078	Wooler - Petersfield Road.	0.936	1,482 yards (Add 165 yards June, 1949)
U.1079	North Middleton - Rosedean Road	1.72	From C.50 at Wooler via Ramsy's Lane Common Road and Petersfield to ford.
U.1080	Langlee Ford - Haugh Head Road	3.28	From C.51 at North Middleton, crossing the C.54 at Ilderton via sedean to A.697
		4.40	From Langlee Ford, via Middleton Hall, crossing C.51 to A.697 at Haugh Head.
		<u>34.456</u>	Carry forward

Original Definitive Map



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 **GLENDALE**

2. Parish **WOOLER**

3. Number of Footpath on Map **1**

4. Name of Path **COMMONBURN**

5. Kind of Path (i.e. FP/BR) **B.R.**

6. General Description of Path **From the Public road south of Goldberry
Hill in a westerly direction to join B.R.10 at the Akeld Parish boundary.**
.....
.....
.....
.....

7. Other relevant information
.....
.....
.....
.....
.....

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 **GLENDALE**

2. Parish **WOOLER**

3. Number of Footpath on Map **5** ✓

4. Name of Path **THE TARGETS**

5. Kind of Path (i.e. FP/BR) **F.P.**

6. General Description of Path **From the Public road west of Kenterdale**
..... **Hill in a northerly direction to join B.R.4 at the Akeld Parish boundary.**
.....
.....
.....
.....

7. Other relevant information
.....
.....
.....
.....
.....

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 GLENDALE

2. Parish WOOLER

3. Number of Footpath on Map 6

4. Name of Path

5. Kind of Path (i.e. FP/BR) F.P.

6. General Description of Path From the Public road west of Kenterdale
Hill in a north-easterly direction along the left bank of the Humbleton
Burn to join F.P. 12.
.....
.....
.....

7. Other relevant information

.....

.....

.....

.....

.....

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 **GLENDALE**
2. Parish **WOOLER**
3. Number of Footpath on Map **7**
4. Name of Path **HELLS PATH**
5. Kind of Path (i.e. FP/BR) **B.R. width varies from 3 to 5 feet**
6. General Description of Path **From the Public road west of Kenterdale**
..... **Hill in a southerly and south-westerly direction by Wooler Common to join**
..... **B.R.31 at the Kirknewton Parish boundary.**
.....
.....
.....
7. Other relevant information
.....
.....
.....
.....
.....

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 GLEEDAILE

2. Parish WOOLER

3. Number of Footpath on Map 8 ✓

4. Name of Path

5. Kind of Path (i.e. FP/BR) B.R.

6. General Description of Path From the Public road south-west of Kenterdale
..... Hill in a southerly direction across the Humbleton Burn to join B.R.7
..... at Wooler Common.
.....
.....
.....

7. Other relevant information

.....
.....
.....
.....
.....

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 GLENDALE

2. Parish WOOLER

3. Number of Footpath on Map 11 ✓

4. Name of Path

5. Kind of Path (i.e. FP/BR) F.P.

6. General Description of Path From the Akeld Parish boundary near
..... Green Castle in a south-easterly direction across the Humbleton Burn
..... to the Public road.
.....
.....
.....

7. Other relevant information
.....
.....
.....
.....
.....

NORTHUMBERLAND COUNTY COUNCIL.

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

PUBLIC RIGHTS OF WAY - STATEMENT.

1. ~~Barroughs~~
~~Historic District~~
Rural District GLENDALH

2. Parish WOOLER

3. Number of Footpath on Map 12 ✓

4. Name of Path

5. Kind of Path (i.e. FP/BR) F.P. width varies from 3 to 4 feet

6. General Description of Path From the Public road north-east of
..... Kenterdale Hill in a westerly direction across the Humbleton Burn to the
..... Akeld Parish boundary.
.....
.....
.....

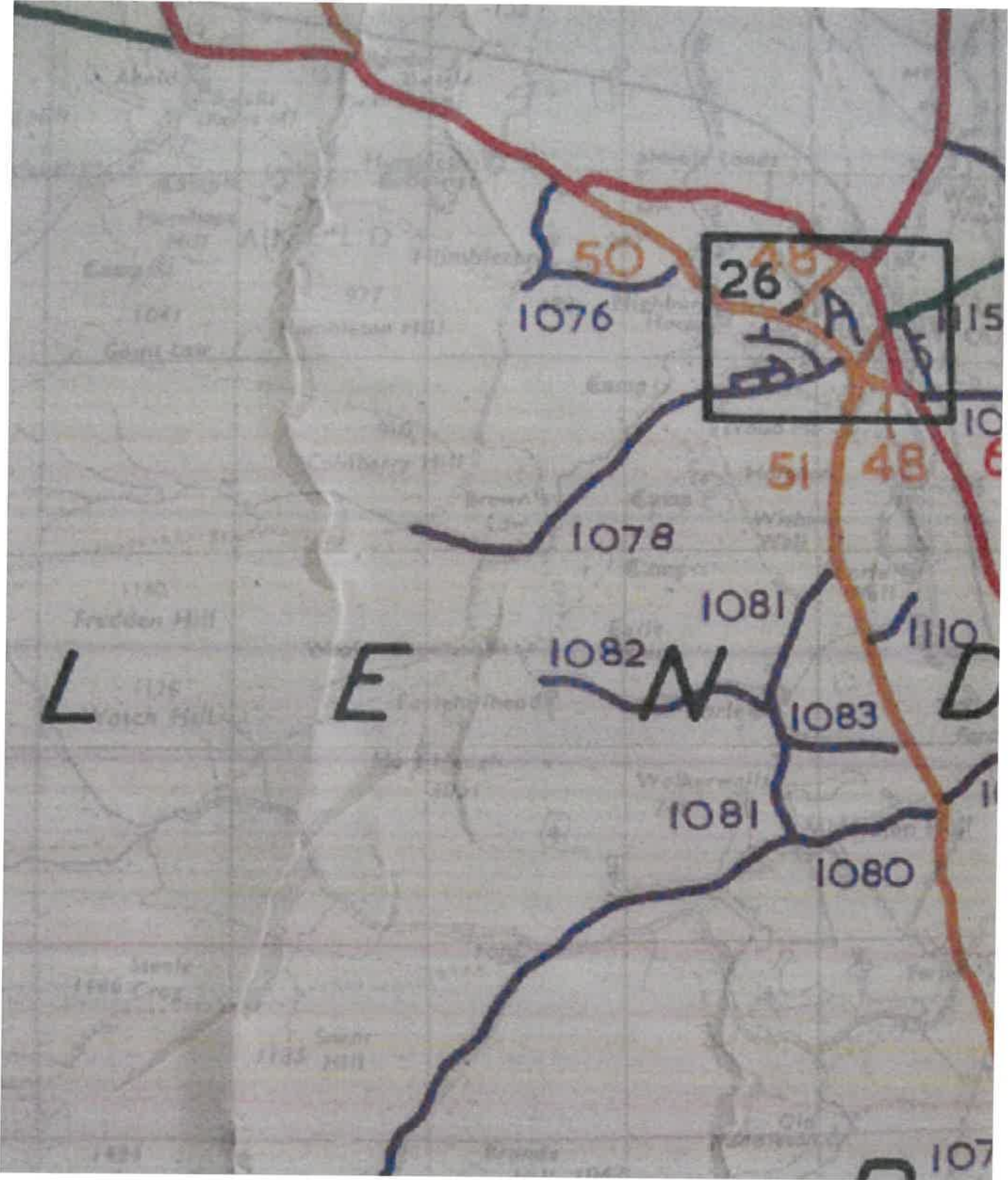
7. Other relevant information
.....
.....
.....
.....
.....

1964 County Road Schedule

- 66 -

<u>Route No.</u>	<u>Name of Road.</u>	<u>Description.</u>	<u>Responsible Division or Authority.</u>	<u>Mileage.</u>	<u>Total Mileage.</u>
U.1078	Wooler-Petersfield.	From C.50 at Wooler via Ramsey's Lane, Common Road and Petersfield to Ford.	Wooler.	1.72	1.72
U.1079	North Middleton-Roseden.	From C.51 at North Middleton, crossing C.54 at Ilderton, via Roseden to A.697.	Wooler.	3.28	3.28
U.1080	LangleeFord-Haugh Head.	From LangleeFord via Middleton Hall, crossing C.51 to A.697 at Haugh Head.	Wooler.	4.40	4.40
U.1081	Wooler-Middleton Hall.	From C.51 near Presbyterian Church via Earle to U.1080 at Middleton Hall.	Wooler.	0.99	0.99
U.1082	Earlehillhead Road.	From U.1081 at Earle westwards to a point due north of Earle-hillhead at Junction of road to Earlehillhead and Reastead.	Wooler.	0.80	0.80
U.1083	Link Road.	From U.1081 near Earle eastwards to C.51.	Wooler.	0.42	0.42
U.1084	Link Road.	From U.1079 near North Middleton Smithy to C.51 north-west of Ilderton Station.	Wooler.	0.31	0.31
U.1085	South Middleton Road.	From U.1079 for a distance of 820 yards to a point west of South Middleton.	Wooler.	0.47	0.47
U.1086	Hartside Road.	From C.54 near Ingram via Greensidehill to Hartside.	Wooler.	3.10	3.10
U.1087	Calder Road.	From C.54 north of Reaveley Greens to Calder.	Wooler.	0.41	0.41
U.1088	Roseden-Roddam.	From U.1079 at Roseden via Roddam Hall to C.55 at Roddam.	Wooler.	1.01	1.01
U.1089	Roddam-Roddamrigg House-Wooperton.	From C.55 near Roddam via Roddamrigg House to rejoin C.55 near Wooperton.	Wooler.	1.49	1.49
U.1090	Roddamrigg-Brandon-Branton.	From U.1089 near Roddamrigg House crossing C.54 at Brandon to U.1092 at Branton.	Wooler.	2.16	2.16
U.1091	Reaveley Cottage Road.	From C.54 at Reaveley eastwards to rejoin C.54 west of Brandon.	Wooler.	0.90	0.90

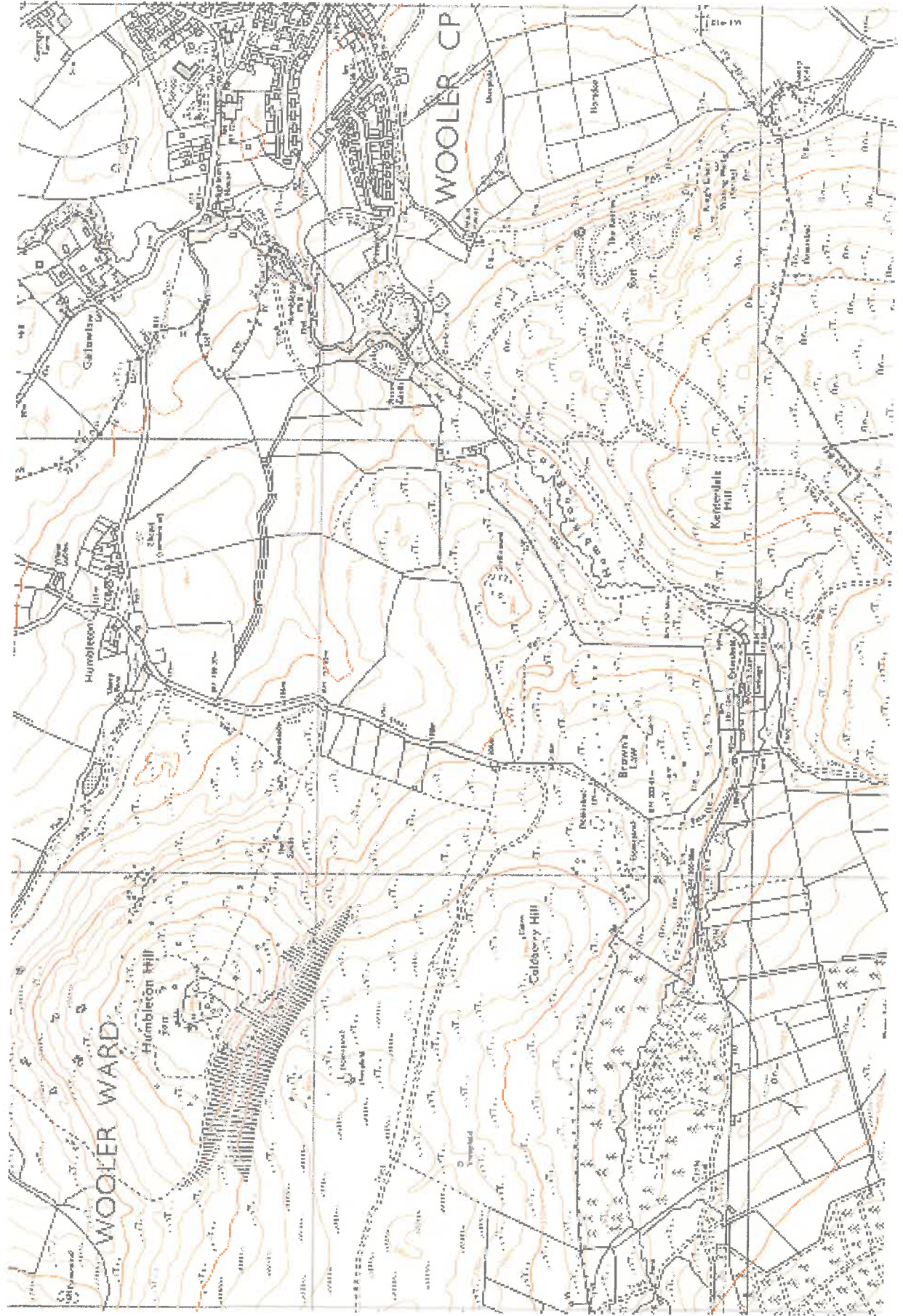
Extract from the Council's 1964 Highways Map



1974 County Road Schedule

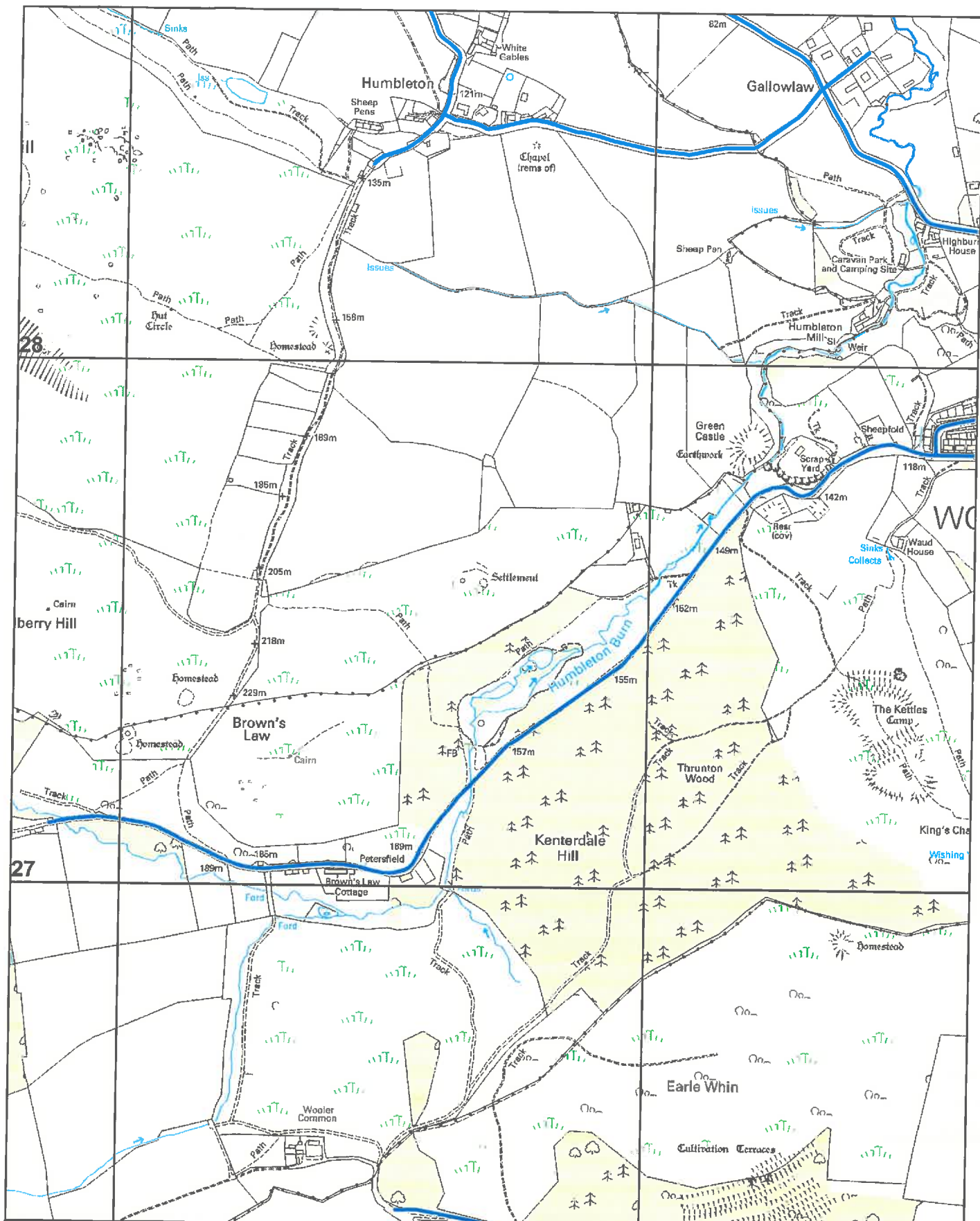
Route No.	Name of Road	Description	Responsible Division or Authority	Mileage	Total Mileage
U. 1075	Turvelaws-Brewery Lane.	From B.6525 at Turvelaws (N.T.997292) southwards crossing B.6348 at Way to Wooler via fields to U.1063 330 yards east of Wooler Brewery (N.U.002278).	Wooler Division.		1.01
U. 1076	Humbleton Village Roads.	From A.697 Low Humbleton (N.T.976289) southwards and eastwards via Humbleton to C.50 near Highburn House, (N.T.983285) including Village road.	Wooler Division.		0.94
U. 1077	Wooler roads.	The following Streets in Wooler:- R.C. Church Road 133 yds. Glendale Road 300 yds. Queen's Road 266 yds. Tender Hill 250 yds. Tankerville Terrace 166 yds. Oliver Road 367 yds. Oliver Road Extension 165 yds. Fenton Drive 113 yds. Golden Square 100 yds.			
U. 1078	Wooler-Petersfield.	C.48 From C.50 at Wooler (N.T.991280) south-westwards and westwards via Ramsey's Lane, Common Road and Petersfield to Ford at (N.T.969271).	Wooler Division.		1.06
U. 1079	North Middleton-Roseden.	From C.51 at North Middleton (N.U.001241) south-eastwards crossing C.54 at Ilderton, via Roseden to A.697 east of Roseden (N.U.037217).	Wooler Division.		1.72
U. 1080	Haugh Head - Langleaford.	From A.697 at Haugh Head (N.U.003260) westwards via Middleton Hall thence south-westwards to Langleaford. (N.T.948220).	Wooler Division.		3.28
U. 1081	Wooler-Middleton Hall	From C.51 near United Reformed Church (N.T.991269) Southwards via Barle to U.1080 at Middleton Hall. (N.T. 988255)	Wooler Division.		4.40
					0.99

1:10,000 scale O.S. Map
1979



Highways Act 1980 Section 36(6)
County Of Northumberland
List of Streets which are highways maintainable at the public expense
As at 02-May-2006

Road Number	Description	Length - Metres
U1077		
	QUEENS ROAD	249
	TENTER HILL	230
	TANKERVILLE TERRACE	175
	B6525 TO ROAD END AT BUS DEPOT CUL-	181
	<i>Total length for U1077</i>	<i>2,357</i>
U1078		
	C48 JCT TO OLIVER ROAD WOOLER	138
	OLIVER ROAD TO HIGH FAIR WOOLER	516
	HIGH FAIR TO CULVERT WOOLER	2,077
	<i>Total length for U1078</i>	<i>2,731</i>
U1079		
	U1084 JCT TO C51 JCT	489
	U1085 JCT TO U1084 JCT	206
	C54 JCT TO U1085 JCT	2,316
	A697 JCT TO U1088 JCT	588
	U1088 JCT TO C54 JCT	1,738
	<i>Total length for U1079</i>	<i>5,337</i>
U1080		
	A697 JCT TO C51 JCT	737
	U1081 JCT TO LANGLEEFORD	5,720
	C51 JCT TO U1081 JCT	815
	<i>Total length for U1080</i>	<i>7,272</i>
U1081		
	U1080 JCT TO U1083 JCT	576
	U1083 JCT TO U1082 JCT	159
	U1082 JCT TO C51 JCT	865
	<i>Total length for U1081</i>	<i>1,600</i>



Northumberland
County Council

**Network Management
Information System**

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. License no. 100049048 (2015).

Highways Act 1980 Section 36(6)
County of Northumberland
List of Streets which are highways
maintainable at the public expense
as at 02-May-2006

Drn:	Date:	Scale:
AB	July 2018	1:10,000