Northumberland
County Council

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL
RIGHTS OF WAY SUB-COMMITTEE
13 February 2019

REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED RESTRICTED BYWAYS NOS 6 & 29 PARISHES OF DODDINGTON & CHATTON

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

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Purpose of report

In this report, the Council is asked to give consideration to all the relevant evidence gathered in support and rebuttal of a proposal to upgrade to restricted byway existing Parish of Doddington Public Footpath No 6 and Parish of Chatton Public Footpath No 29 from Parish of Doddington Byway Open to All Traffic No 21 (U1053 road) north-east of Doddington Quarry in a general southerly direction crossing the Doddington / Chatton parish boundary to join the C38 road north-west of Weetwood Hall.

Recommendation

It is recommended that the Council agree that:

In the light of the evidence submitted it appears that public vehicular rights or public bridleway rights have not on the balance of probability been proven to exist over the route.

1.0 BACKGROUND

1.1 By virtue of Section 53 of the Wildlife and Countryside Act, 1981, the County Council is required to keep the Definitive Map and Statement under continuous review and make modification orders upon the discovery of evidence, which shows that the map and statement need to be modified.

1.2 The relevant statutory provisions which apply to adding and upgrading a public right of way on the Definitive Map and Statement based on historical documentary evidence is Section 53(3)(c)(ii) of the Wildlife and Countryside Act, 1981, which requires the County Council (as Surveying Authority) to modify the Definitive Map and Statement following:

> "the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows:
>
> > "that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description;"

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

2.0 PUBLIC EVIDENCE

2.1 In September 2017, Sally Booth of Morpeth submitted an application to amend the Definitive Map and Statement by upgrading to restricted byway existing Parish of Doddington Public Footpath No 6 and Parish of Chatton Public Footpath No 29 from a point marked J on Parish of Doddington Byway Open to All Traffic No 21 (U1053 road) 1020 metres north-east of Doddington Quarry in a general southerly direction to the east of Ringses Fort and west of Kitty's Plantation crossing the Doddington / Chatton parish boundary at a point marked K then continuing in a southerly direction to the east of Weetwood Hill to a point marked L on the C38 road 160 metres north-west of Weetwood Hall.

2.2 The application is supported by historical evidence including Greenwood's County Map of 1828, the 1847 Tithe Award for the township of Weetwood, the 1st Edition O.S. 25" plan of 1866 with the accompanying Book of Reference, the 1st Edition 6" plan of 1866, the 2nd Edition O.S. 1" plan of 1894, the 2nd Edition O.S. 6" plan of 1899, Bartholomew's ½" Cycling Map of 1902 and the 1910 Finance Act records.

2.3 The application was also accompanied by the following submission:

Doddington Moor

<u>The application route</u>

"1. The route passes through the parishes of Doddington and Chatton and is currently recorded on the definitive map as FP 214/006 and FP 211/029.

"2. It runs in a southerly direction from a point at GR NU 016 333 on BOAT 214/021 (A), which is also recorded on the List of Streets as U1053, to where it meets the C38 just south of Weetwood Hill (C) at GR NU 015 298.

"3. It crosses the parish boundary (B) between Doddington and Chatton parishes towards its southern end.

"4. For most of its length the path crosses rough moorland pasture. At its highest point it passes a distinctive clump of Scots pines, which can be seen from miles away. These were often used as way markers in the days of the drovers (ref: '*Flora Britannica' by Richard Mabey, 1996*). In this case the alleged route links, via BOAT 214/021, with a minor road in the village of Doddington which bears the sign 'Drovers' Lane which supports this view.

"5. The most southerly section is along a grass covered hedged lane. The southernmost part also provides the access to a property called Weetwood Hill. That bit has a stone surface.

"6. Its average width, where it is a defined path, is approx 3-5 metres.

"7 It can be seen on OS Explorer 340.

See photographs

Documentary evidence

1. 1820 Greenwood's map of Northumberland

The full route can be clearly seen on this map. It is shown as an unfenced route, except for the lane toward the south end, as it is today. From the key, you can see that it was mapped as a 'cross road', that is a minor road connecting two roads of greater importance.

See extract

2. 1847 Tithe Award for the township of Weetwood DT 484M

"The plan is entitled 'Map of the township of Weetwood in the parish of Chatton'. It shows the hedged lane at the south end of the alleged route as plot 68. This is also the plot number for the other currently public roads nearby, suggesting that they are all the same status, otherwise a distinction would have been made. In the apportionment plot 68 is described as 'buildings, roads etc'. The route is shown continuing to the north as an unfenced track, as it is today..

See extract

3. 1866 OS 1st ed. scale 1:2,500 (25") Sheets XV/10 & 14, XX/2

OS Book of Reference for the Parish of Doddington, Township of Doddington

"These sheets are missing from Woodhorn, however a digital copy of sheet XV/10 has been acquired from the Bodleian Library, Oxford. It shows the route passing through plots 69 and 113 as it travels south from(A).

In the Book of reference the land use of these plots is described as:

Plot 69	Arable, rough pasture & **roads**
Plot 113	Rough pasture, **roads**, streams etc

See extracts

4. 1866 OS 1st ed scale 1:10,560 (6") Rolls 4 & 5

The route can be seen to be passing through the parish of Doddington, township of Doddington for the northern three quarters of its distance. It then passes into the parish of Chatton, township of Weetwood.
It is shown as an unfenced route, except for the section in a lane near Weetwood Hill, as is the case today.

See extract

5. 1894 revised OS 1st ed scale 1:63,369 (1") NLS Map Collection

The route is shown clearly on this later revision of the 1st edition.

See extract

6. 1899 OS 2nd ed scale 1:10,560 (6") sheets XV SW & XX NW

The alleged route is not labelled as either FP or BR whereas there are three FPs and one BR joining or crossing it. This suggests that it must have had a higher status, ie that of a minor road.

See extracts

7. 1902 Bartholomew's Half Inch Cycling Map NLS map collection

"This popular commercial map, which sold at the start of the 20th century, shows the full length of the route, though it does not recommend it as a good route for cyclists. Many other recorded minor roads and public bridleways in the area are shown in the same manner as the alleged route. However footpaths are not shown as they did not carry rights for cyclists.

See extract

8. 1910 Finance Act Plans 436/XV 10 & 14

"It can be seen on the plan that the open moor is in plot 1, part of South Doddington Farm.
In the **field book NRO 2000/64**, this plot is shown to be owned by the Earl of Tankerville and occupied by D & J Foster. There is no deduction for 'ROW or user'. But this is not unusual in the case of large landowners where the saving of a small sum, by claiming a deduction in the tax that might become due because of the development potential of the land, was of no importance. No one was obliged to claim this deduction.

However the hedged lane at the south end of the alleged route is shown as a '**white road**' indicating that it was not owned by adjacent landowners and so suggesting that it was known to be a publicly owned lane.

See extracts

Conclusion

It would appear from the evidence above that this cross country route linking two minor roads provided more direct access to isolated communities at a time when travel was slow and so distance was an important consideration. Travelling long distances was done more easily on horseback than on foot.

Please can you investigate to see if this route should be added to the definitive map as a public footpath or restricted byway?"

3. LANDOWNER EVIDENCE

3.1 By letter dated 3rd May 2018, Alistair Cochrane of Weetwood Cottage, Wooler responded with the following comments.

i) "First, I can confirm that my wife Susan and I are the joint owners of the field highlighted orange on the attached plan.

ii) "Second, you ask for evidence as to the use of the route J-K-L.

iii) "We have owned Weetwood Cottage (just south of point L on your plan) since April 1993. Over this time, we ourselves have walked the route regularly and indeed, have walked, and continue to walk, between Points L and K almost daily.

iv) "In that time, ie since April 1993, we have:

a) Never seen a horse-drawn vehicle on any part of the route J-K-L.

b) Never seen a bicycle on any part of this route.

c) Only seen one horse and rider. The rider was a lady who lived at the Granary, Weetwood Hill between 1998 and 2001 and who did on occasion ride between points K and L and elsewhere on Weetwood Hill Farm, with the express (I believe) or implied consent of its then owner, the late Mr Brown. We have never seen any horse anywhere on this route north of point K, and no horse at all since 2001. Indeed, for much of the period of our residence at Weetwood, there has been no opening gate at point K which would permit the passage of a horse, bicycle or horse-drawn vehicle. Rather, as befits what is a public footpath only, there is a stile, which we ourselves have maintained in recent years.

v) "It is therefore my view that there is no evidence to support the case for a Restricted Byway and that such an application/proposal should be rejected"

4. CONSULTATIONS

4.1 In March 2018, the County Council carried out a consultation with the Parish Council, known owners and occupiers of the land and the local representatives of the "prescribed and local organisations" listed in the Council's "Code of Practice on Consultation for Public Path Orders".

4.2 By letter dated 28th June 2018 Doddington Parish Council responded to the consultation with the following comments:

i) "Following your request for evidence in relation to the above review, please find below comments from Doddington Parish Council regarding footpath No 6 which lies within Doddington Parish. The council has no comments to make about footpath 29 which lies within Chatton Parish.

ii) "The first comment is about the obvious omission from your list of consultees. The length of the path in question is 2.3 miles of which 1.7 miles lies in Doddington Parish (ie three quarters of the path) and all of the Doddington section belongs to one farm - South Doddington Farm. Hopefully in the 3 months that have elapsed since you sent your letter, you've been able to find the owner's name and have sent him the letter and map. Without his input I feel the validity of this exercise is questionable.

iii) "In the event that you haven't been able to trace the farmer at South Doddington Farm, here is the relevant contact information:
South Doddington Farm is owned by a partnership, William Harvey & Sons. It is a family concern and the designated farmer is: Tom Harvey, South Doddington Farm, Wooler, NE71 6AL.

iv) "With regard to evidence, Doddington Parish Council has nothing further to add to the ancient history of the path, but we have updates from the modern era.

v) "We have 3 generations of old OS maps dating back to the early 19th century with the most recent being 1948. Remarkably, all 3 generations show the same path in exactly the same position. So there seems little doubt that the path has existed for a long time. On the other hand we have no specific documentary evidence about what it was used for.

vi) "The councillors agreed that, in common with similar paths in our area, it is very likely the path was used as a footpath, a path for herding sheep and cattle locally, possibly part of a drove road, horse riding, horse and cart, and, as cycling became popular in later Victorian times, as a cycling route. We hope that your historical records can confirm this.

vii) "***Doddington Parish Council agreed therefore that it had no objection to footpath 6 being upgraded to a restricted byway***.

viii) "On the other hand, Doddington Parish Council is concerned that no account seems to be taken of recent history in your deliberations - specifically about post war changes in the pattern of agricultural use of the land and the effect on the positioning of paths. Indeed, there are some areas where the actual position of the path on the ground is not the same as the position shown on the OS map.

ix) "Doddington Parish Council is concerned that the Definitive Map programme may become an exercise in erecting monuments to the past as much as restoring access to the public unless it is flexible in updating the real positions of the path and, by doing so, avoid perpetuating myths. The Council is urging NCC to be flexible in the positioning of routes on the Definitive Map when they have de facto moved due to agricultural change.

x) "There are 2 examples in relation to path No 6.

xi) "First example is at the north end of the path - see attached map. The path is shown crossing diagonally across a field to reach the Parish Boundary (shown as a red line) from point J to point J1. For many years now that field has been used for growing crops and is currently growing wheat. The farmer has provided an excellent alternative path around the periphery of the field shown in black on the map. A google maps satellite image of the field (date unknown) is attached - the route of the alternative path around the edge of the field is clearly discernible. A photo (taken today) of part of the alternative path is attached.

xii) "Second example is at the south end of the path, between points K1 and K on the map. Here again, the 'official' path is shown crossing a field that is used for multiple purposes, including growing crops. Currently it is under short grass but in previous years it has been used for wheat and production of hay or silage. In this case there has been no need for the farmer to provide a path because the actual path on the ground is positioned close to the Parish Council Boundary fence - it is shown in brown on the map and is based on actual gps data I collected this morning. There is no trace of any path on the ground corresponding to the official path. A google maps satellite image of the field (date unknown) is attached and a photo (taken today) of the actual path is is attached.

xiii) "***Doddington Parish Council urges NCC to incorporate the black and brown route variations discussed above and shown on the attached map, into the Definitive Map when it is updated to show the upgrading of path 6 to Restricted Byway***."

4.2 By letter in March 2018 the County Access & Bridleways Officer for the British Horse Society responded to the consultation with the following comments:

"This long route from the hamlet of Weetwood across Doddington Moor to one of the old drove roads leading into the village of Doddington is well supported by documentary evidence. Status of public bridleway would be acceptable to the BHS."

5. DOCUMENTARY EVIDENCE

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

1769 Armstrong's County Map

There is no evidence of a track over the claimed route.

1820 Fryer's County Map

There is no evidence of a track over the claimed path.

1828 Greenwood's County Map

There is evidence of a track approximating the claimed route.

1820-32 Cary's Map

There is no evidence of a track over the claimed path.

1844 Weetwood Tithe Award (Applicant's plan)

There is evidence of a track over the full length of the claimed route.

c1860 1st Edition O.S. Map: Scale 1:2,500 & Book of Reference (Applicant's Plan)

There is evidence of a track over the entire length of the claimed route.

The northern and middle sections of the path have no specific numbers but cross the field parcels numbered 69 & 113 which are annotated collectively in the Book of Reference as 'arable, rough pasture, **roads** & streams'.

The southern section of the route in the township of Weetwood is numbered 26 which is annotated as a 'Private Road'.

1865/6 1st Edition O.S. Map: Scale 1:10,560

There is evidence of a track over the entire length of the claimed route.

1899 2nd Edition O.S. Map: Scale 1:10,560

There is evidence of a track over the entire length of the claimed route. The southern section of the route in the vicinity of Weetwoodhill is enclosed.

1925 3rd Edition O.S. Map: Scale 1:10,560

There is evidence of a track over the entire length of the claimed route, the northern section identified as a Footpath (FP). The southern section of the route in the vicinity of Weetwoodhill is enclosed.

1954 Survey & Draft Definitive Maps

A path identified as a bridleway (number 8) which links to the alleged route at 2 different points was at the 'draft' stage changed to public footpath status.

1957 Provisional Edition O.S. Map: Scale 1:10,560

There is evidence of a track over the entire length of the claimed route, the northern and middle sections identified as a Footpath (FP). The southern section of the route in the vicinity of Weetwoodhill is enclosed.

6. SITE INVESTIGATION

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

7. COMMENTS RECEIVED ON THE DRAFT REPORT

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

8. DISCUSSION

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

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

8.2 When considering an application or proposal for a modification order, Section 32 of the Highways Act, 1980 provides for "any map, plan or history of the locality or other relevant document" to be tendered in evidence and such weight to be given to it as considered justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.

8.3 The representation of a path or track on an Ordnance Survey map is not conclusive evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey.

8.4 Greenwood's County Map depicts a track over the full length of the alleged route. If the purpose of the map was to depict commercial travel routes throughout the County then it is reasonable to assume that the route carried higher rights than public footpath.

8.5 All of the Ordnance Survey plans from the 1st Edition map c.1860 to the plan in 1952 depict a track over the full length of the claimed route. It is noted that on the 1925 and 1957 plans part of the route is annotated as a Footpath suggesting that the surveyors of the route considered the physical appearance of the route was likened to a footpath rather than a bridleway or byway. Also the 'Book of Reference' for the first edition map c1860 describes the southern enclosed section as a 'private road'.

8.6 While the information relating to the 1910 Finance Act is valuable there is no direct correlation linking the financial deduction for public rights of way in the Valuation Books to the tracks identified within the plots on the Valuation Plans. Also the deduction gives no indication as to the status of any presumed right of way. It is noted that the route is already recorded as a public footpath.

8.7 The Weetwood Tithe Award shows a track over the entire length of the claimed route suggesting that the route was public but gives no clear indication as to its status.

8.8 The extract from Bartholomew's Cycling Map shows the entire length of the claimed route. However, it is noted that the same extract also shows other routes currently recorded as public footpaths and some routes with no recorded public status at all.

8.9 It is interesting to note that during the preparation of the current Definitive Map the adjoining proposed bridleway (number 8) which links to the alleged route was changed to reflect public footpath status (rather than being added as a cul-de-sac bridleway). There does not appear to be any representations to change the status of the alleged route from footpath to bridleway.

8.10 It is accepted that not all of the historical evidence may show the whole of the alleged route. The cumulative evidence would suggest that historically a track existed over the alleged route however, members must be satisfied that on the balance of probabilities, the public use of the route would have been more than just a footpath. Most applications are determined using the lower level 'reasonably alleged' test, This current application might satisfy such a test.

However, because this alleged bridleway route is already recorded as a public footpath, the sub-committee must be satisfied that any bridleway/restricted byway rights exist after applying the higher level 'balance of probability' test.

8.11 In the light of the evidence submitted it appears that the historical evidence is insufficient to demonstrate that on the balance of probabilities public bridleway or public vehicular rights have been proven to exist.

8.12 In the response from the parish council, concerns were raised about the change in the pattern of use of the existing public right of way. If an order were to be made, it is usual practice for officers to investigate whether there is the possibility of agreeing a harmonious route on a consistent alignment that satisfies the concerns of all the interested parties.

9. CONCLUSION

9.1 In the light of the evidence submitted it appears that public vehicular rights or public bridleway rights have not on the balance of probability been proven to exist over the route.

BACKGROUND PAPERS
Local Services Group File B/14/6z, B/11/29z

Report Author John McErlane – Definitive Map Officer
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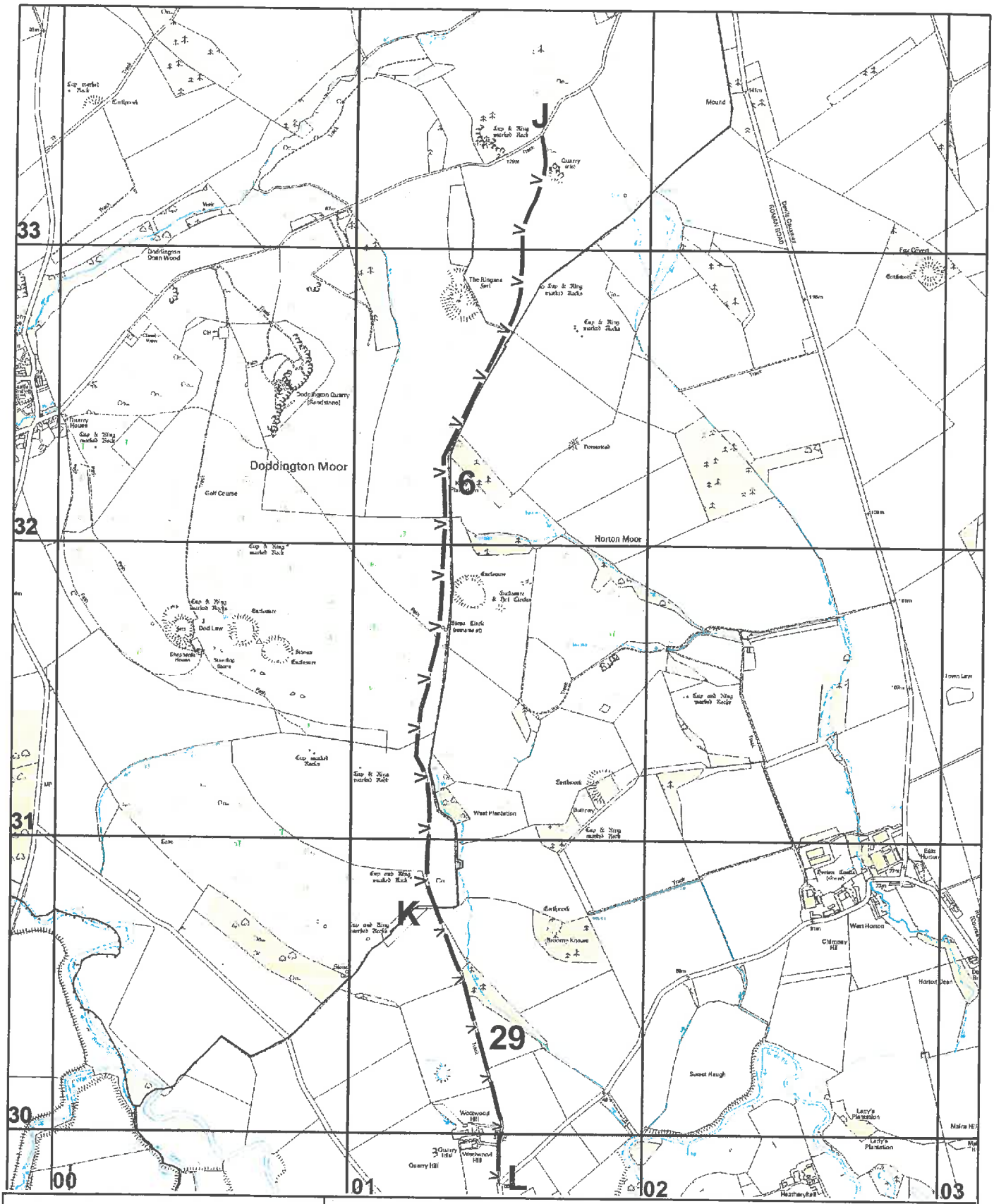
John.McErlane@northumberland.gov.uk



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Northumberland County Council

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

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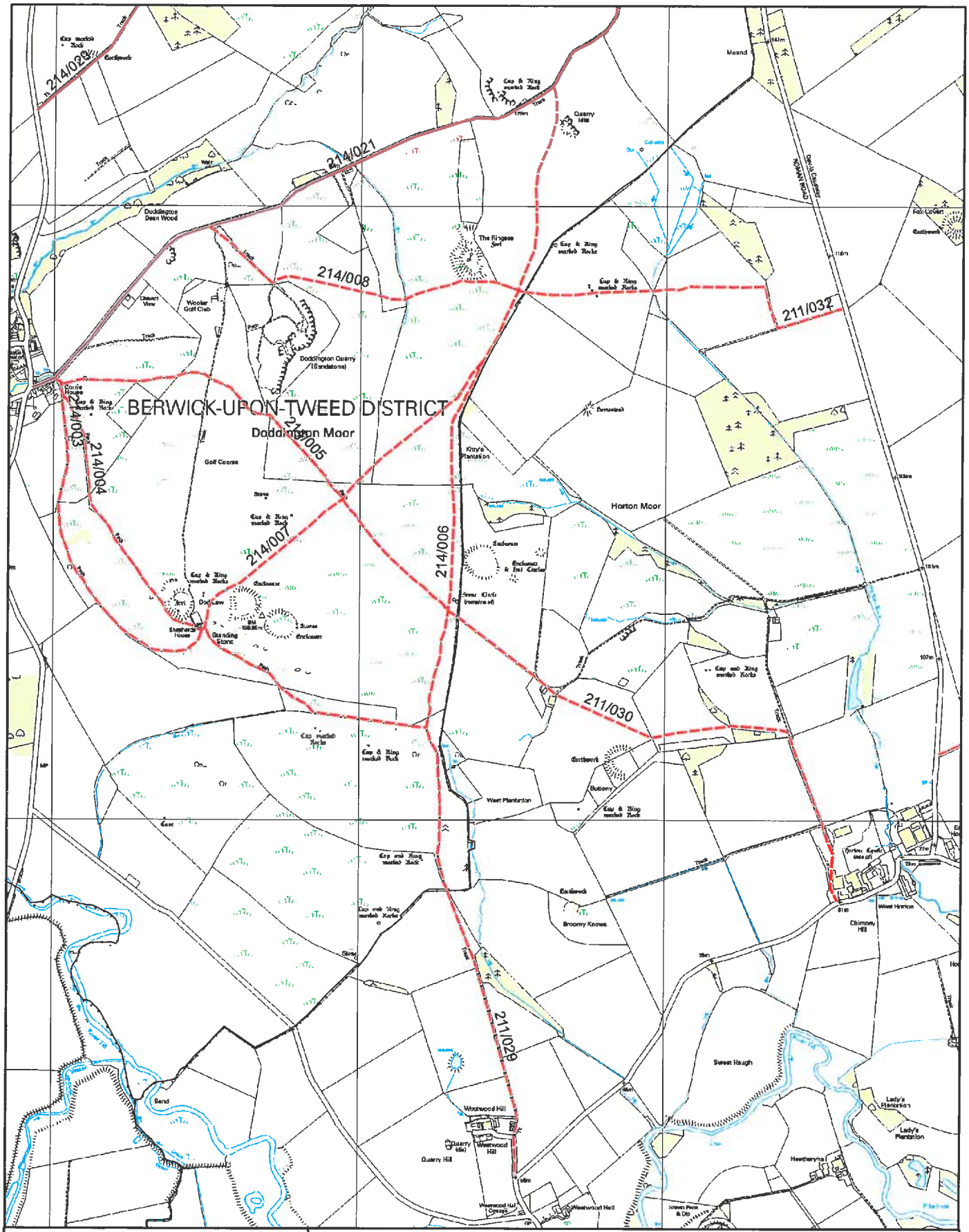
Wildlife and Countryside Act 1981
Public Rights of Way

—V—V— Alleged Restricted Byway

Former District(s)	Parish(es)	Scale
Berwick	Doddington/Chatton	1:18,000
Def. Map No.	**O.S. Map**	**Date**
29/38	NU 03 SW/ 02 NW	March 2018



Northumberland County Council

Contact: John McErlane
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EMail: John.McErlane@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: 1:17,000

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D

PUBLIC RIGHTS OF WAY

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

APPLICATION FOR MODIFICATION ORDER

Former Borough/District BERWICK

Parish DODDINGTON, CHATTON. Rights of Way No. 214/006 & 211/029 (on Definitive Map)

To: Asset & Infrastructure Manager
Northumberland County Council
County Hall
Morpeth
Northumberland
NE61 2EF

I/We SALLY BOOTH *(Name)*

of 14, GREAT NORTH ROAD *(Address)*
CLIFTON, MORPETH NE61 6DQ

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

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

from .....

to .....

2. (Upgrading) ~~(downgrading)~~ to a ~~(footpath)~~ (bridleway) (restricted byway) ~~(byway open to all traffic)~~ the (footpath) ~~(bridleway)~~ ~~(restricted byway)~~ ~~(byway open to all traffic)~~ *(Delete whichever is inapplicable)*

from G.R. NU 016333 on BOAT 214/021

to G.R. NU 015298 on the road C38

3. Deleting the (footpath) (bridleway) (restricted byway) (byway open to all traffic) *(Delete whichever is inapplicable)*

from .....

to .....

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

from .....

to .....

by providing that .....
as shown on the plan attached.

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

Dated 4.9.17 Signed [redacted]

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

B

PUBLIC RIGHTS OF WAY

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

CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER

Former Borough/District BERWICK

Parish DODDINGTON, CHATTON

To: Asset & Infrastructure Manager
Local Services Group
Northumberland County Council
County Hall
Morpeth
NE61 2EF

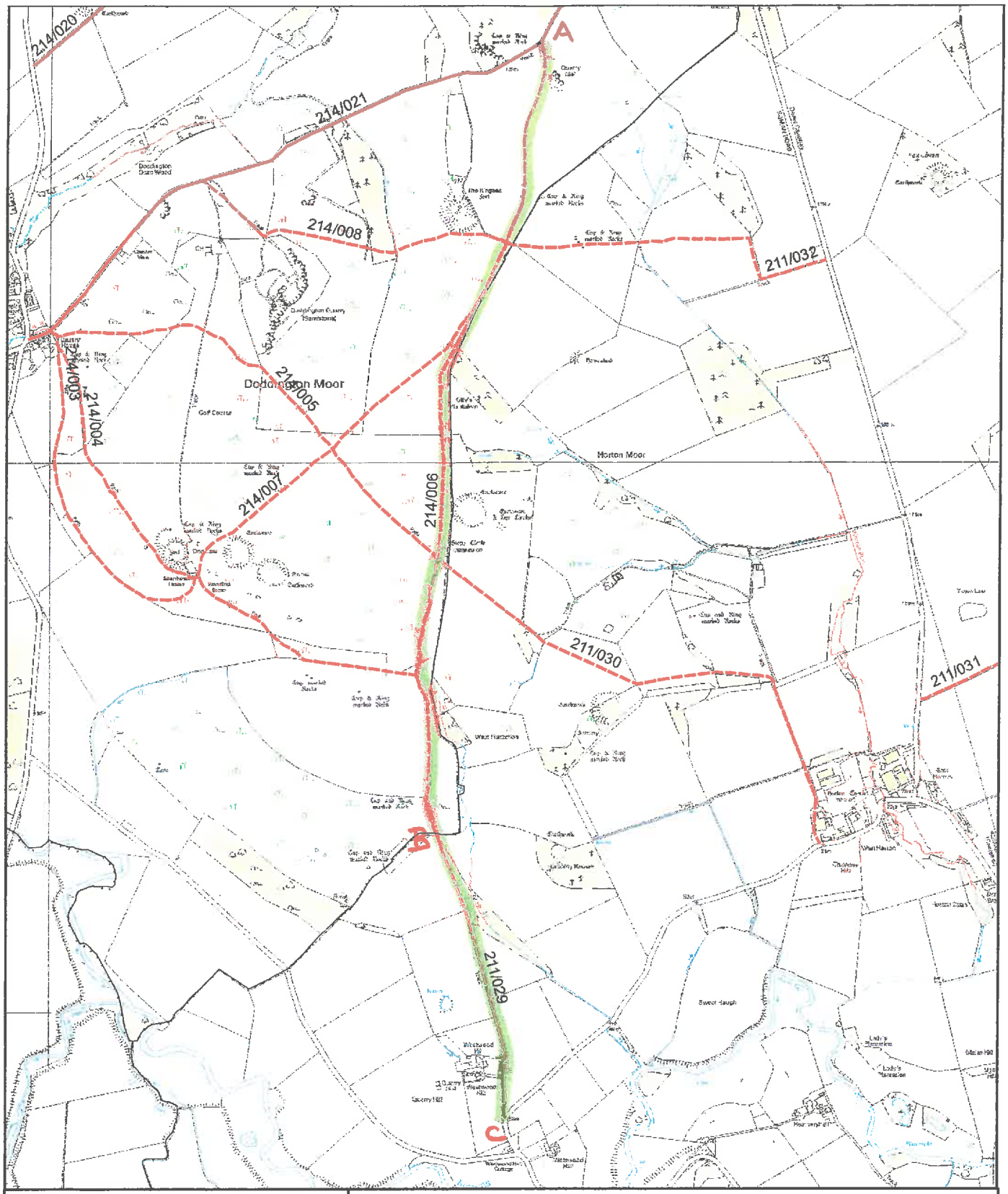
I/We SALLY BOOTH *(Name)*

of 14, GREAT NORTH ROAD *(Address)*
CLIFTON, MORPETH NE61 6DQ

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

Name	Address
Mr S. Hyslop	Birchwood Hall, Chatlill, Wooler
	NE67 5LG
Mr M. Robson	Turvelawn, Wooler, NE71 6AJ
The occupier	Westwood Hill, Wooler, NE71 6EY

Dated 4.9.17 Signed



NORTHUMBERLAND
Northumberland County Council

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

Wildlife & Countryside Act, 1981

Claimed Public Right of Way

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Former District	Parish	Scale
Berwick	Doddington / Chatton	1:18,000
Def. Map. No.	**O.S.Map**	**Date**
29 / 38	NU03SW / 02NW	August 2017

Doddington Moor

The application route

1. The route passes through the parishes of Doddington and Chatton and is currently recorded on the definitive map as FP 214/006 and FP 211/029.
2. It runs in a southerly direction from a point at GR NU 016 333 on BOAT 214/021 (A), which is also recorded on the List of Streets as U 1053, to where it meets the C38 just south of Weetwood Hill (C) at GR NU 015 298.
3. It crosses the parish boundary (B) between Doddington and Chatton parishes towards its southern end.
4. For most of its length this path crosses rough moorland pasture. At its highest point it passes a distinctive clump of Scots pines, which can be seen from miles away. These were often used as way markers in the days of the drovers (ref: *'Flora Britannica' by Richard Mabey, 1996*). In this case the alleged route links, via BOAT 214/021, with a minor road in the village of Doddington which bears the sign 'Drovers' Lane' which supports this view.
5. The most southerly section is along a grass covered hedged lane. The southernmost part also provides the access to a property called Weetwood Hill. That bit has a stone surface.
6. Its average width, where it is a defined path, is approx 3-5 metres.
7. It can be seen on OS Explorer 340.
   See photographs

Documentary evidence

1. 1820 Greenwood's map of Northumberland

The full route can be clearly seen on this map. It is shown as an unfenced route, except for the lane toward the south end, as it is today. From the key, you can see that it was mapped as a 'cross road', that is a minor road connecting two roads of greater importance.
See extract

2. **1847 Tithe award for the township of Weetwood** **DT 484M**

The plan is entitled 'Map of the township of Weetwood in the parish of Chatton'. It shows the hedged lane at the south end of the alleged route as plot 68. This is also the plot number for the other currently public roads nearby, suggesting that they are all the same status, otherwise a distinction would have been made. In the apportionment plot 68 is described as 'buildings, roads etc'.
The route is shown continuing to the north as an unfenced track, as it is today.
See extract

3. **1866 OS 1st ed scale 1:2,500 (25")** **sheets XV/10 & 14, XX/2**

OS Book of Reference for the Parish of Doddington, Township of Doddington

These sheets are missing from Woodhorn, however a digital copy of sheet XV/10 has been acquired from the Bodleian Library, Oxford. It shows the route passing through plots 69 and 113 as it travels south from (A).

In the Book of Reference the land use of these plots is described as:

Plot 69	Arable, rough pasture & **roads**
Plot 113	Rough pasture, **roads,** streams etc

See extract

4. **1866 OS 1st ed scale 1:10,560 (6")** **Rolls 4 & 5**

The route can be seen to be passing through the parish of Doddington, township of Doddington for the northern three quarters of its distance. It then passes into the parish of Chatton, township of Weetwood.
It is shown as an unfenced route, except for the section in a lane near Weetwood Hill, as is the case today.
See extract

5. **1894 revised OS 1st ed scale 1:63,369 (1")** **NLS map collection**

The route is shown clearly on this later revision of the 1st edition.
See extract

6. **1899 OS 2nd ed scale 1:10,560 (6")** **sheets XV SW & XX NW**

The alleged route is not labelled as either FP or BR whereas there are three FPs and one BR joining or crossing it. This suggests that it must have had a higher status, ie that of a minor road.
See extracts

7. **1902 Bartholomew's Half inch Cycling Map** **NLS map collection**

This popular commercial map, which sold at the start of the 20th century, shows the full length of the route, though it does not recommend it as a good route for cyclists. Many other recorded minor roads and public bridleways in the area are shown in the same manner as the alleged route. However footpaths are not shown as they did not carry rights for cyclists.
See extract

8. 1910 Finance Act **Plans NRO 436/XV 10 & 14**

It can be seen on the plan that the open moor is in plot 1, part of South Doddington Farm.

In the **field book NRO 2000/64,** this plot is shown to be owned by the Earl of Tankerville and occupied by D & J Foster. There is no deduction for 'ROW or user'. But this is not unusual in the case of large landowners where the saving of a small sum, by claiming a deduction in the tax that might become due because of the development potential of the land, was of no importance. No one was obliged to claim this deduction.

However the hedged lane at the south end of the alleged route is shown as a **'white road'** indicating that it was not owned by adjacent landowners and so suggesting that it was known to be a publicly owned lane.

See extracts

Conclusion

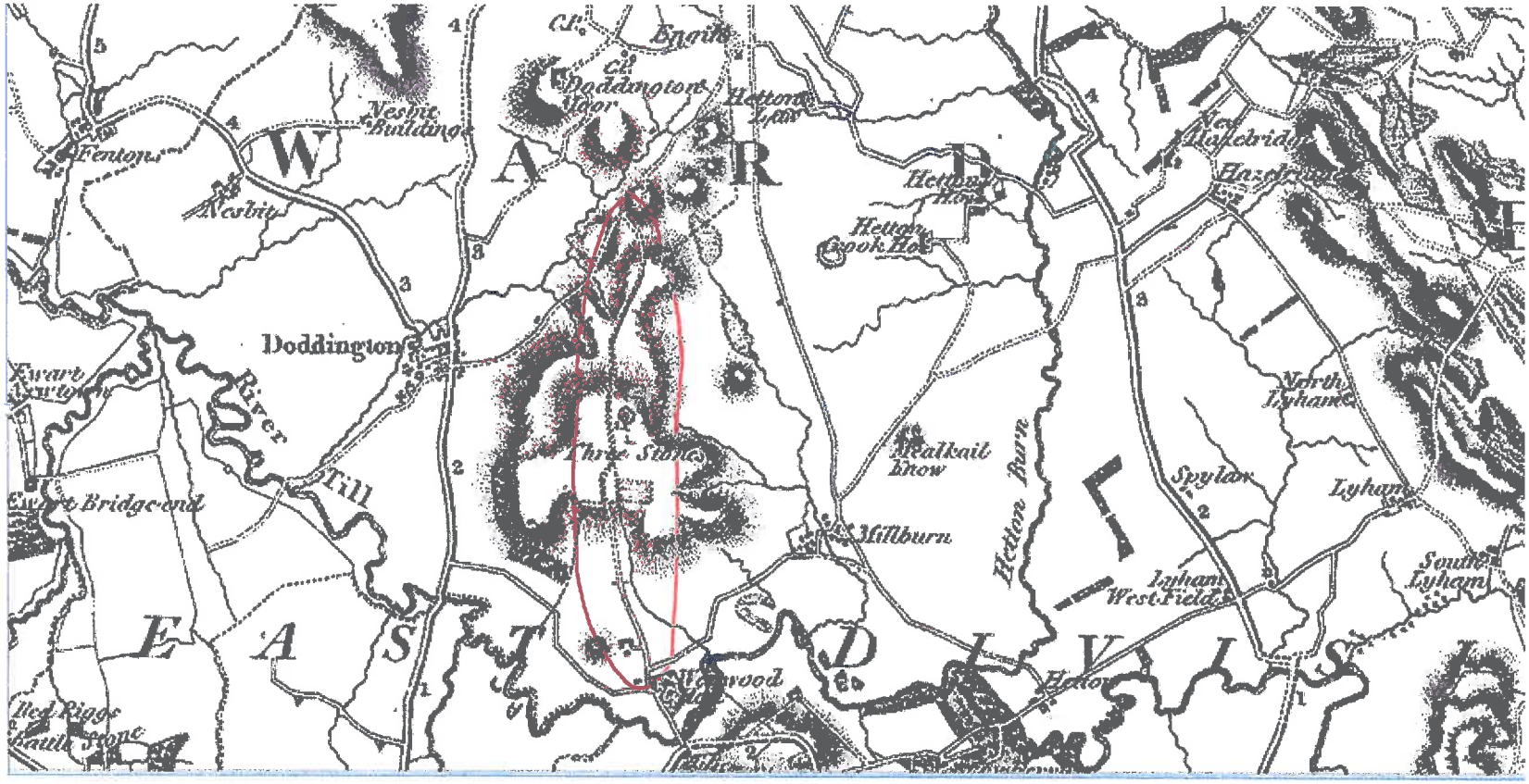
It would appear from the evidence above that this cross country route linking two minor roads provided more direct access to isolated communities at a time when travel was slow and so distance was an important consideration. Travelling long distances was done more easily on horseback than on foot.

Please can you investigate to see if this route should be added to the definitive map as a public bridleway or restricted byway?

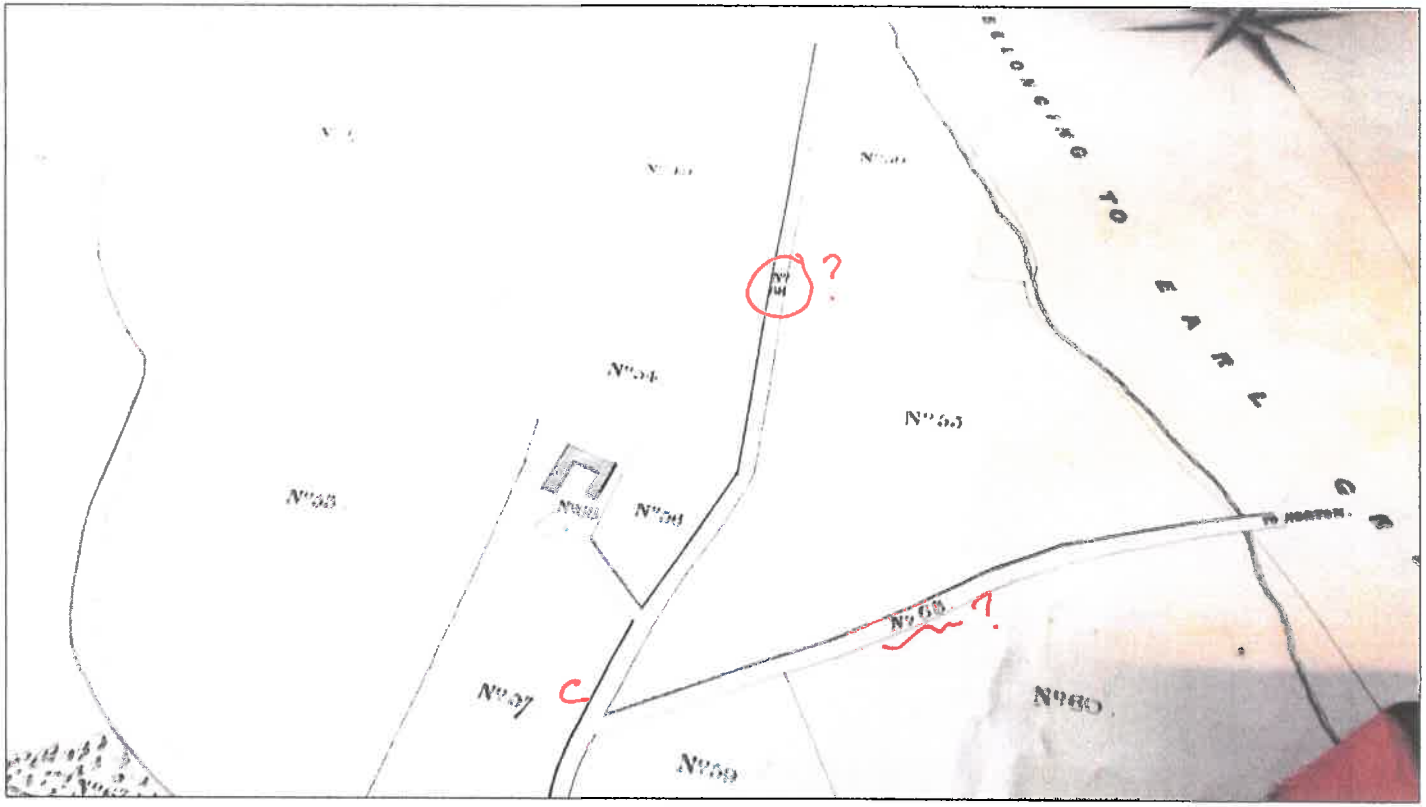
Sent to NCC September 2017

Doddington Moor – looking south

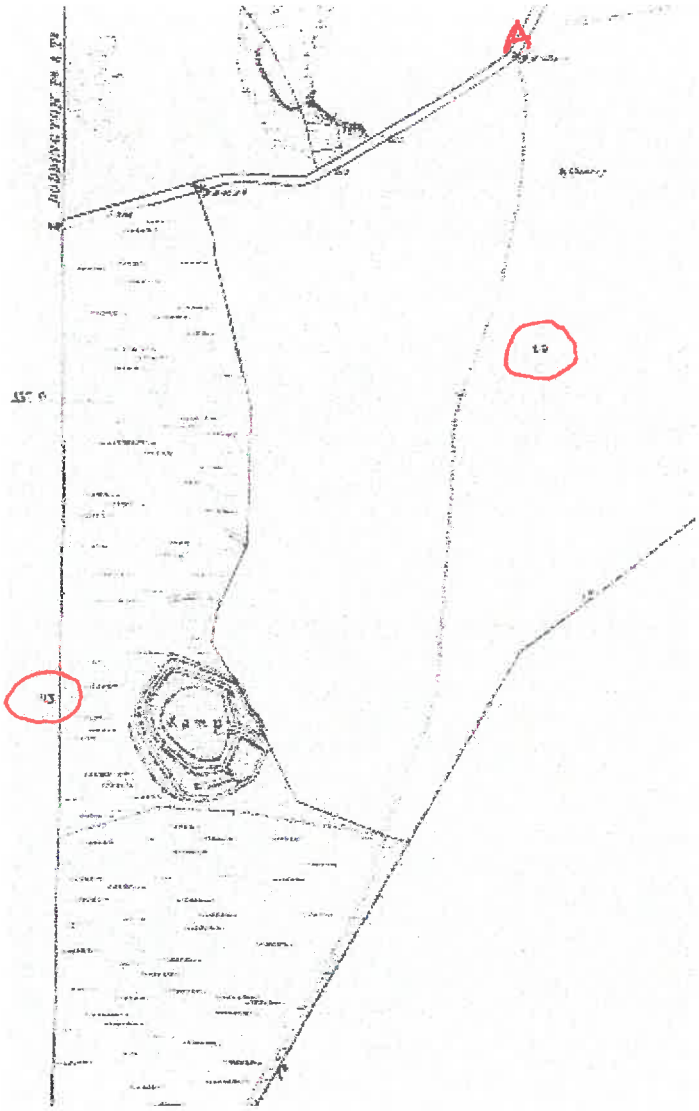
1828 Greenwood's map of Northumberland



1847 Tithe plan for Weetwood township in the parish of Chatton



1866 OS 1st ed scale 1:2,500, the 25" Extract from digital copy of sheet XV.10



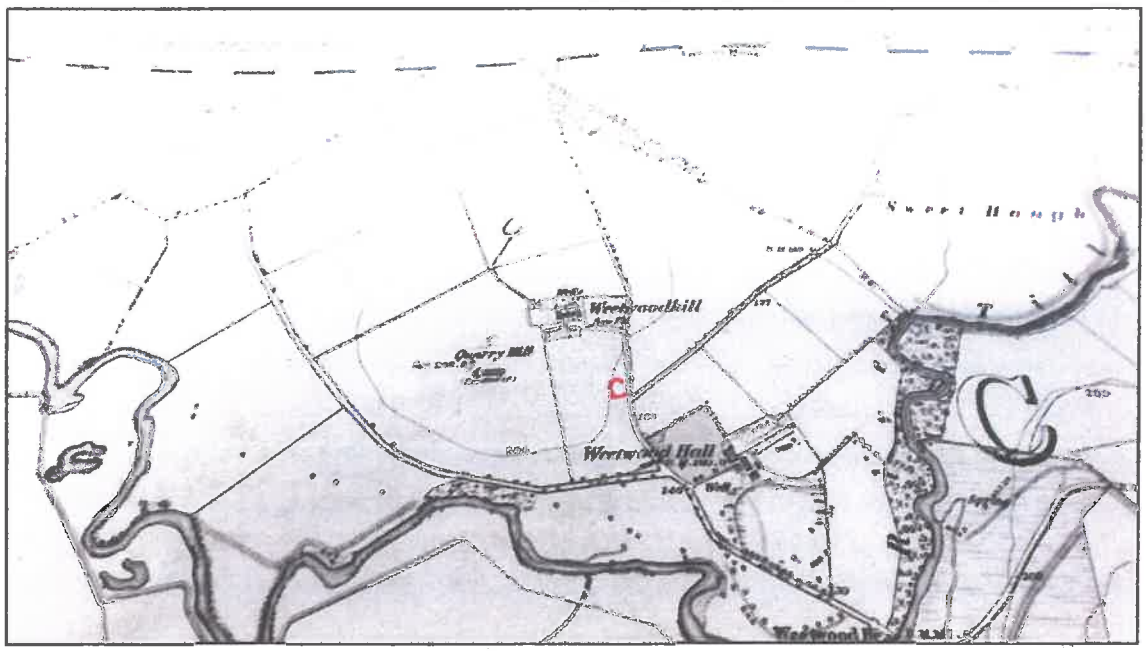
No. of Sheet.	No. on Plan.	Area in Acres.	Description.
		2111·[illegible]	*Brought forward.*
XV. 6.	40	9·367	Rough pasture, furze, & streams.
"	41	1·108	Houses, gardens, & waste.
"	42	[illegible]	Arable.
XV. 8.	43	61·856	Arable.
"	44	15·285	Public road.
"	45	43·000	Arable & rough pasture.
"	46	67·640	Arable, rough pasture, & stream.
XV. 10.	47	55·045	Arable, rough pasture, & quarry.
"	48	55·745	Arable & rough pasture.
XIV. 12.	49	·426	Plantation & stream.
"	50	21·660	Arable & road.
XV. 9.	51	1·143	Tile works & clay pit.
"	52	1·068	Plantation & stream.
XIV. 12.	53	47·114	Arable, road, & streams.
XV. 9.	54	24·187	Arable & stream.
"	55	29·388	Arable & road.
"	56	4·588	Public road.
"	57	24·399	Arable.
"	58	·509	Plantation & stream.
"	59	30·809	Arable & stream.
"	60	29·395	Arable.
"	61	26·630	Arable, quarry, & stream.
"	62	29·271	Arable.
"	63	16·493	Plantation & streams.
"	64	·190	Pasture.
"	65	55·927	Arable, rough pasture, & streams.
"	66	9·953	Arable, rough pasture, furze, &c.
"	67	64·633	Arable, rough pasture, & stream.
"	68	6·195	Public road
XV. 10.	69	66·074	Arable, rough pasture, & road.
"	70	3·278	Marsh.
XIV. 12.	71	51·609	Arable & streams.
"	72	48·044	Arable, roads, & streams.
XV. 9.	73	36·216	Arable.
"	74	35·141	Arable & stream.
"	75	30·879	Arable & road.
"	76	34·745	Arable, roads, & streams.
"	77	2·098	Arable, rough pasture, & stream.
"	78	·209	Garden & stream.
XV. 13.	79	2·886	Arable & stream.
"	80	1·036	Arable.
"	81	·954	Arable.
"	82	·312	Gardens & small houses.
"	83	·250	Church & grave yard.
"	84	·390	The Parsonage & garden.
"	85	·568	Arable & double fence.
"	86	2·119	Public road.
XV. 9.	87	·286	Houses & gardens.
"	88	·955	Plantation.
"	89	·615	Arable.
		3170·617	*Carried forward*

No. of Sheet.	No. on Plan.	Area in Acres.	Description.
		3170·617	*Brought forward.*
XV. 9.	90	·454	Houses & gardens.
"	91	·856	Houses, [illegible]
"	92	1·375	Arable [illegible]
"	93	·717	Houses, gardens, & waste.
"	94	1·967	Houses, gardens & waste.
"	95	5·009	Arable.
"	96	·728	Public road.
"	97	5·409	Farmstanding & gardens.
"	98	1·029	House, garden, &c.
"	99	·312	House & garden.
"	100	·411	Houses & grounds.
"	101	1·156	Houses, gardens & grounds.
"	102	·433	Mill pond
"	103	2·059	Houses, gardens, & frontage.
"	104	3·248	Farmstanding & garden.
"	105	·280	Houses, garden, & frontage
"	106	2·058	Houses, garden, &c.
"	107	·607	Houses, garden, & yard.
"	108	17·343	Arable.
"	109	·070	Pasture.
"	110	3·272	Arable, stream, & double fence.
"	111	·731	Mill pond
"	112	38·996	Arable & old walls.
"	113	500·869	Rough pasture, roads, streams, &c.
XIV. 16.	114	62·685	Arable & stream.
"	115	·152	Water.
"	116	·151	Island (rough pasture)
"	117	2·118	Plantation.
"	118	41·937	Arable, road, & stream
XV. 13	119	53·290	Arable & road.
"	120	4·135	Arable & stream
"	121	14·343	Arable.
"	122	25·041	Arable.
"	123	11·497	Arable.
XIV. 16.	124	8·331	Arable, road, & streams.
"	125	47·238	Arable.
"	126	19·586	Arable & [illegible] of road.
"	127	·804	Island (rough pasture)
"	128	30·079	Arable & roads.
"	129	·071	Water
XV. 13.	130	22·514	Arable, roads, & streams.
"	131	32·926	Arable & streams.
"	132	20·428	Arable & road.
"	133	·291	Houses & gardens.
XIV. 16.	134	73·481	Arable.
XV. 13.	135	57·057	Arable.
"	136	41·324	Arable.
"	137	27·434	River Till.
"	138	16·300	Arable, road, & shingle.
"	139	58·048	Arable.
		4416·613	*Carried forward*

1866 OS 1st ed scale 1:10,560 (6")

North end of the alleged route

South end of the alleged route



http://maps.nls.uk/geo/explore/#zoom=13&lat=55.5794&lon=-1.9834&layers=1

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Keyword search

Maps home > OS One inch Scotland, 1885-1900 or England and Wales, 1892-1908

Browse by category

Find a place:

Gazetteer / NG Ref: UK World

Wooler, UK or

County: Choose...

Choose an historic map overlay:

1. Select a category:

Great Britain

2. Select a map / map series:

OS One Inch, 1885-1900 - Outline

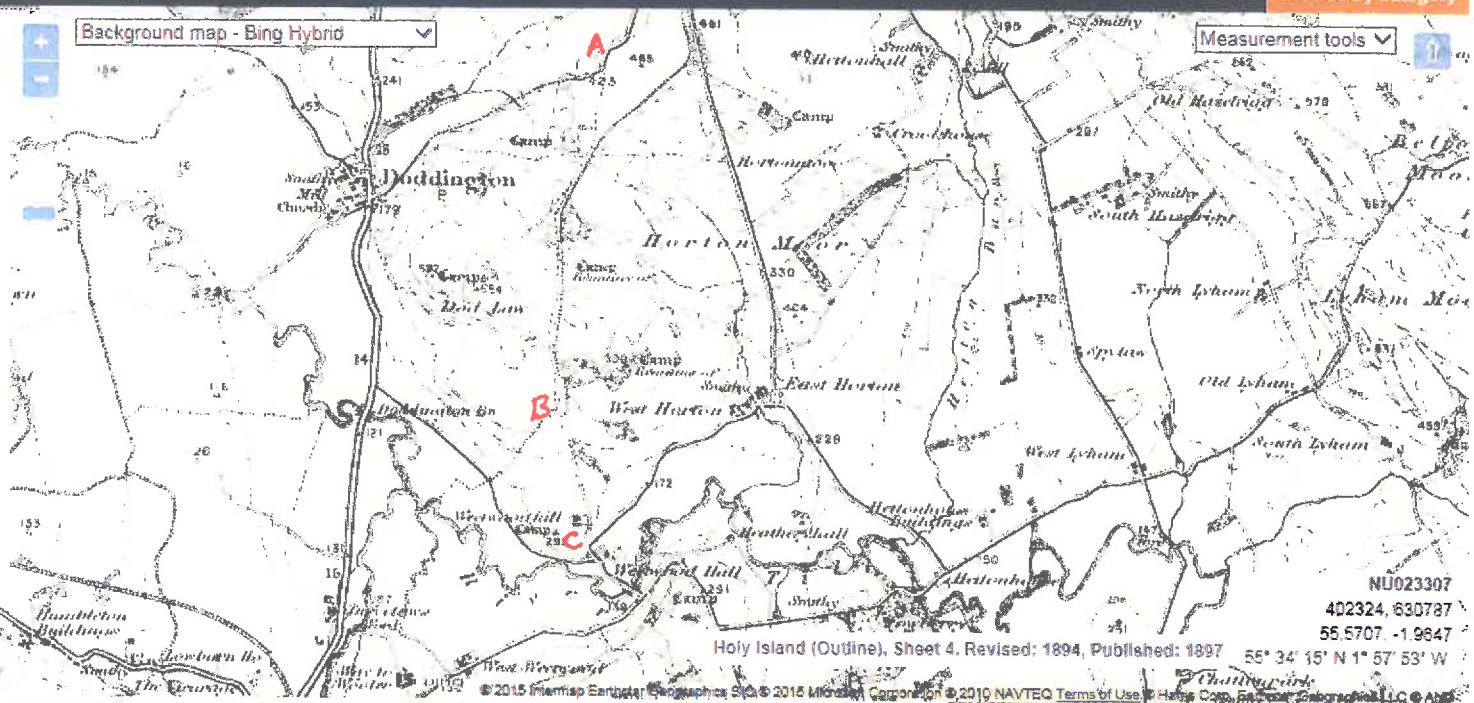
Zoom to this map / map series:

These overlay lists automatically update to those covering the map

Change transparency of overlay:

Background map - Bing Hybrid

Measurement tools



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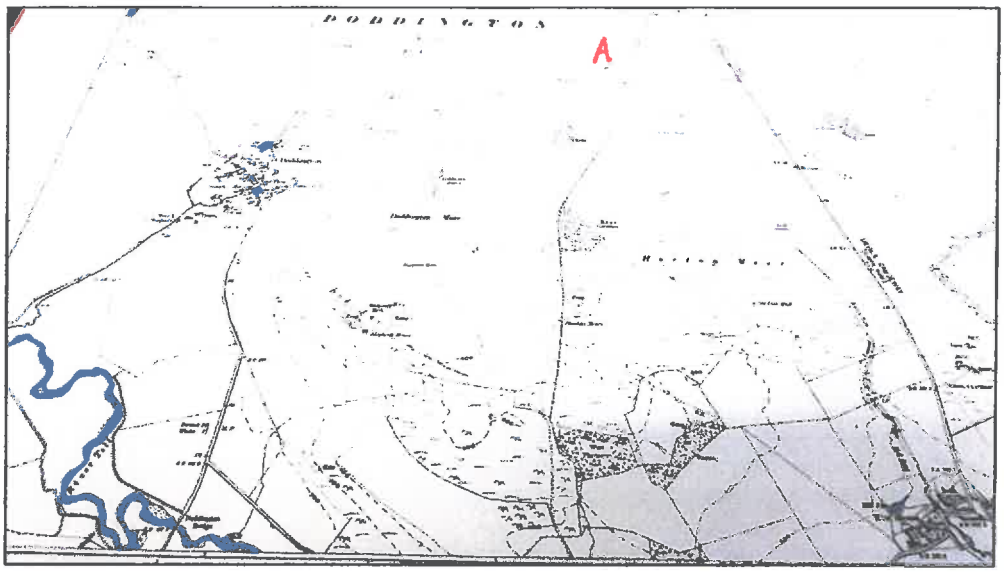
Speed up browsing by disabling add-ons. Choose add-ons Ask me later

100%

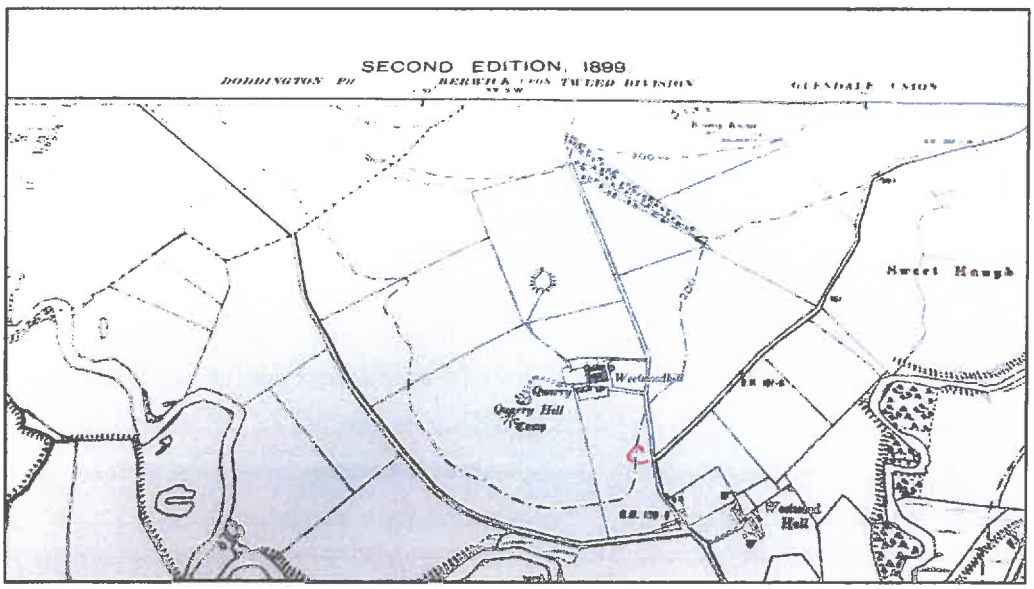
19:40 16/08/2015

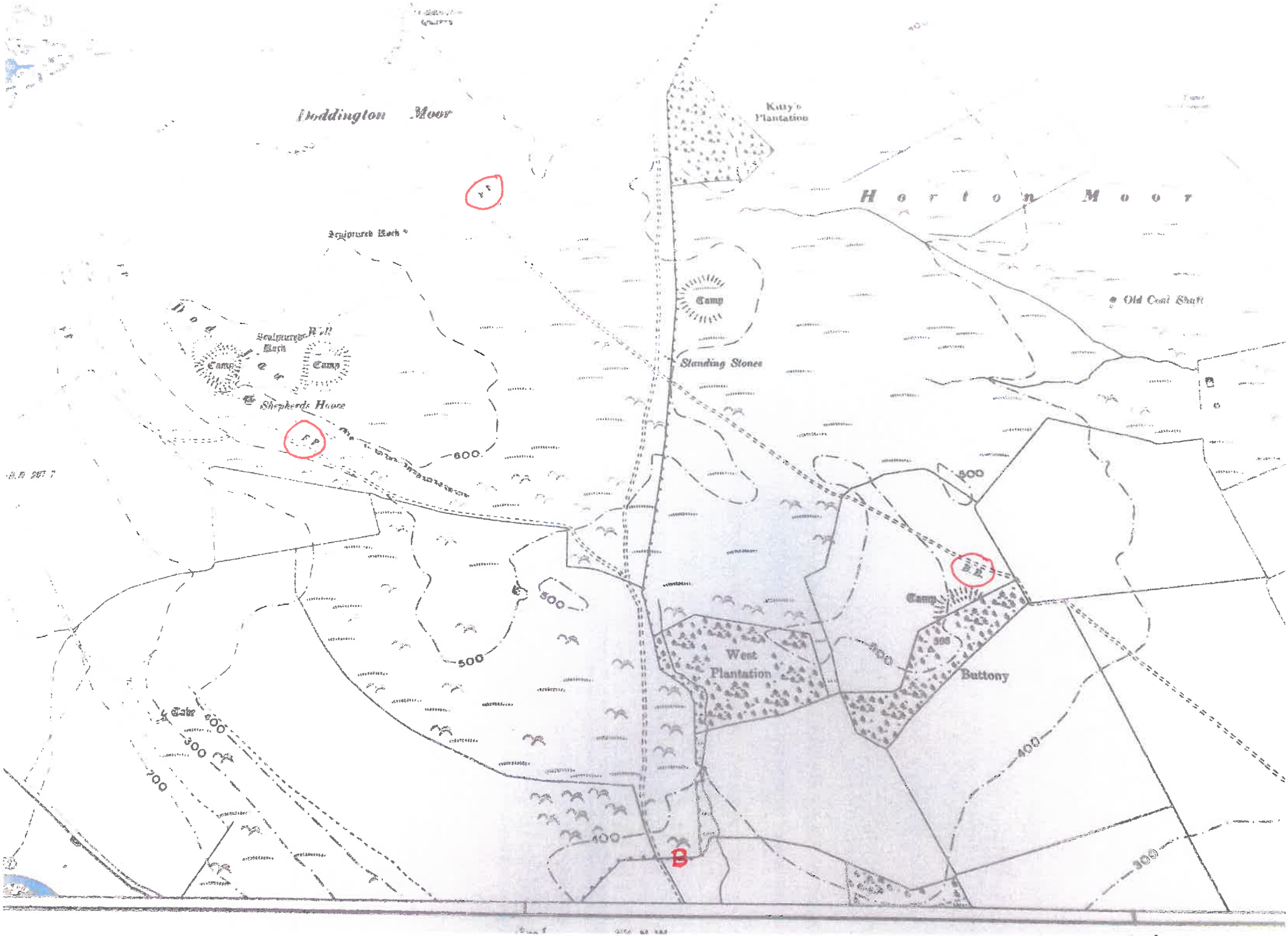
1899 2nd ed OS, scale 1:10,560

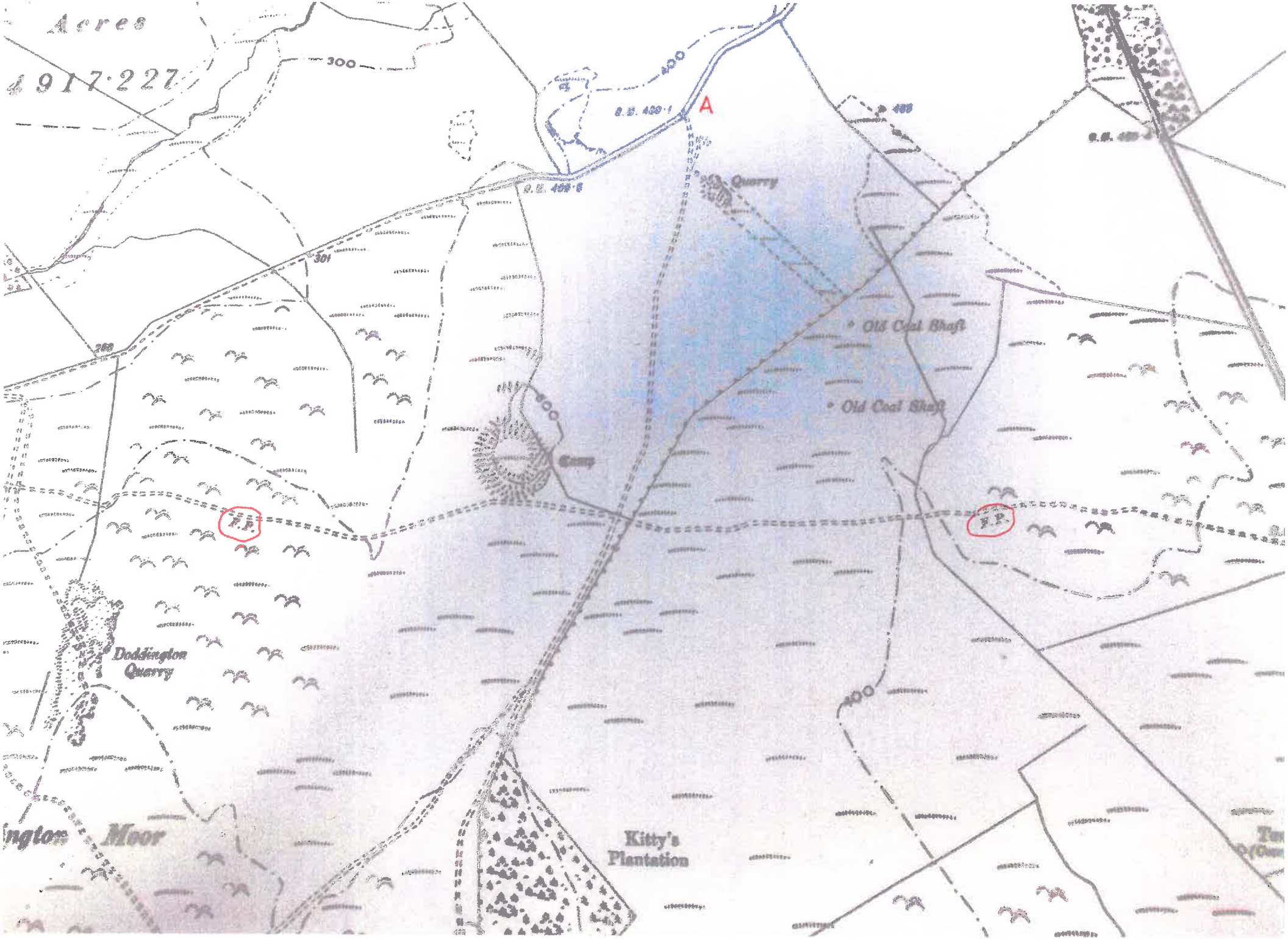
North end of the alleged route



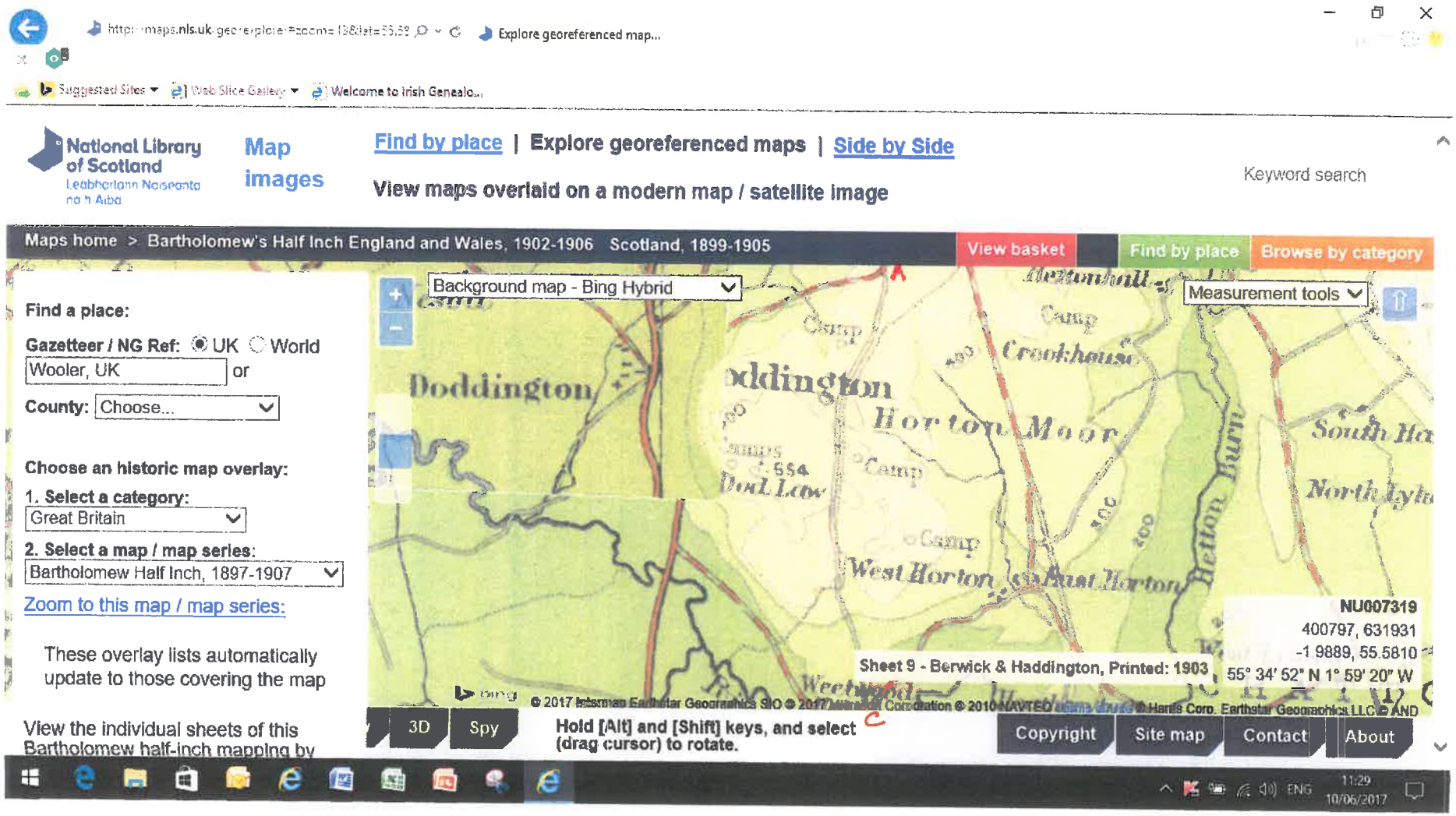
South end of the alleged route




Doddington Moor
Kitty's Plantation
Horton Moor
Sculptured Rock
Camp
Sculptured Rock
Camp
Camp
Shepherds House
Standing Stones
Old Coal Shaft
600
500
500
500
400
300
200
100
100
300
Camp
West Plantation
Buttony
B

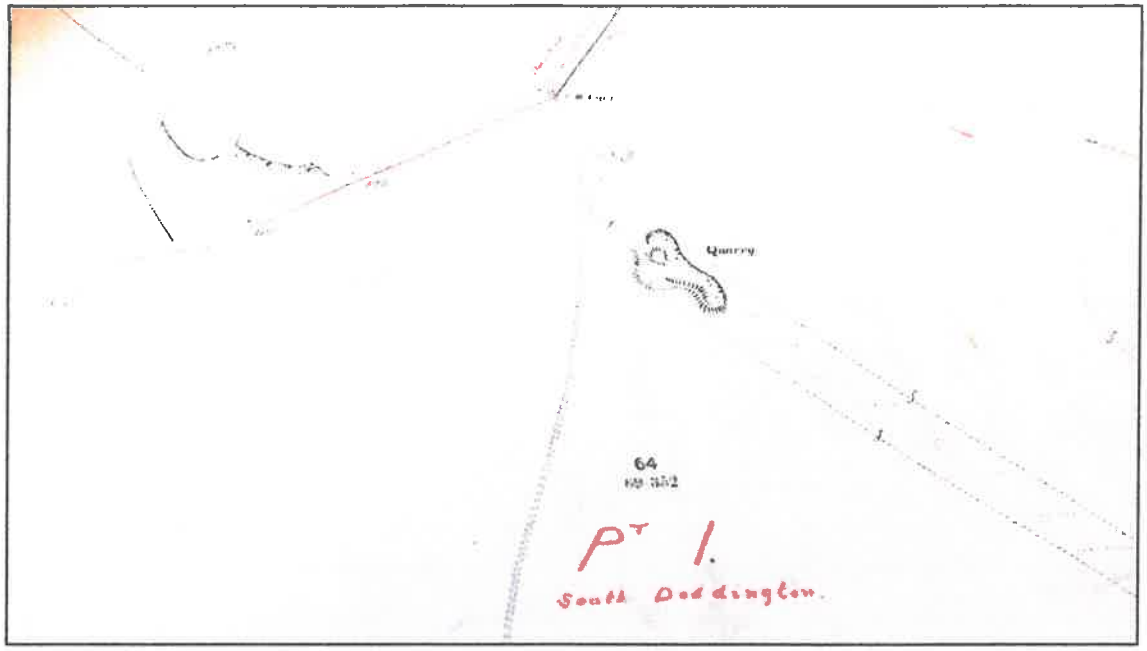

Acres
4917·227
300
400
A
Quarry
Old Coal Shaft
Old Coal Shaft
Quarry
F.P.
F.P.
Doddington Quarry
Kitty's Plantation
Moor

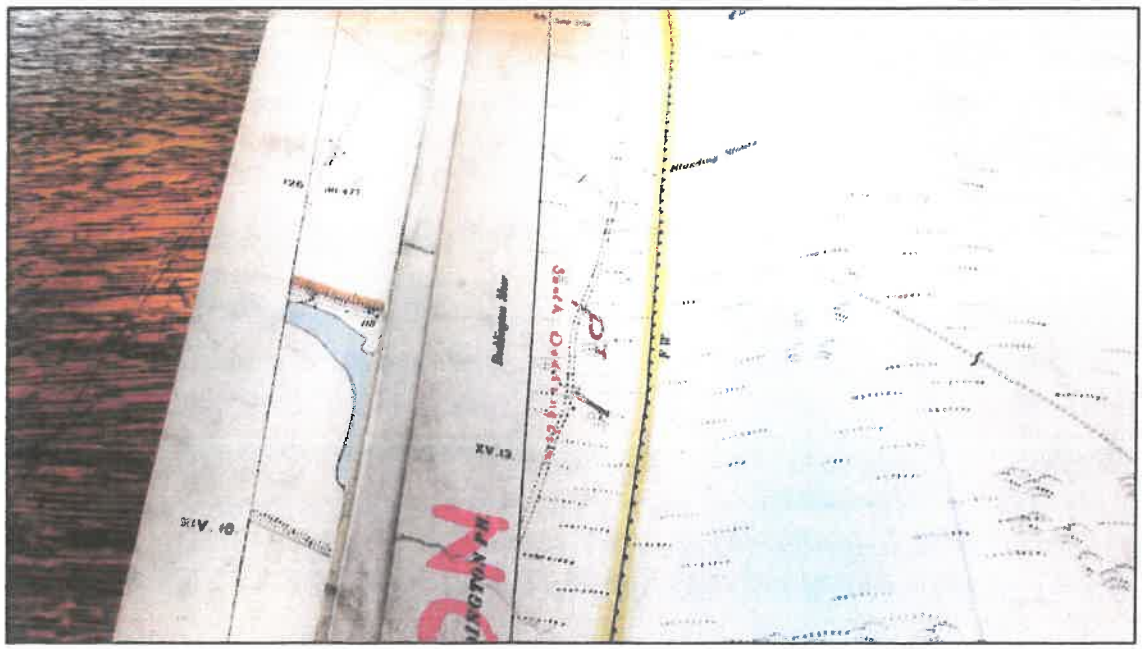
1903 Bartholomew's Half-inch Cycling Map



1910 Finance Act plan

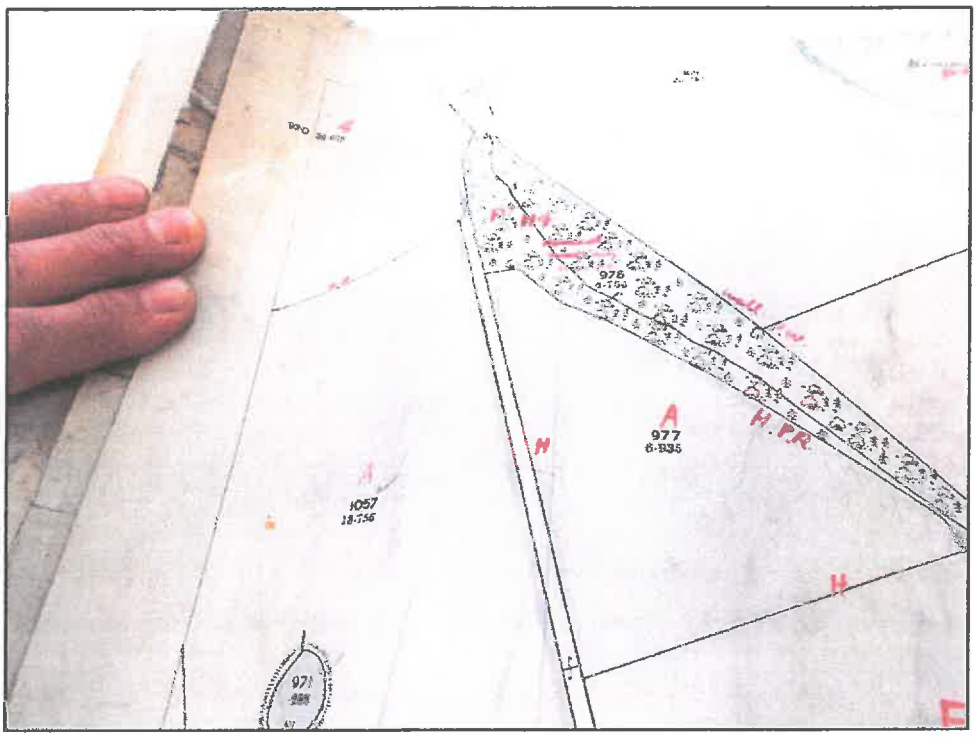
North end of the alleged route

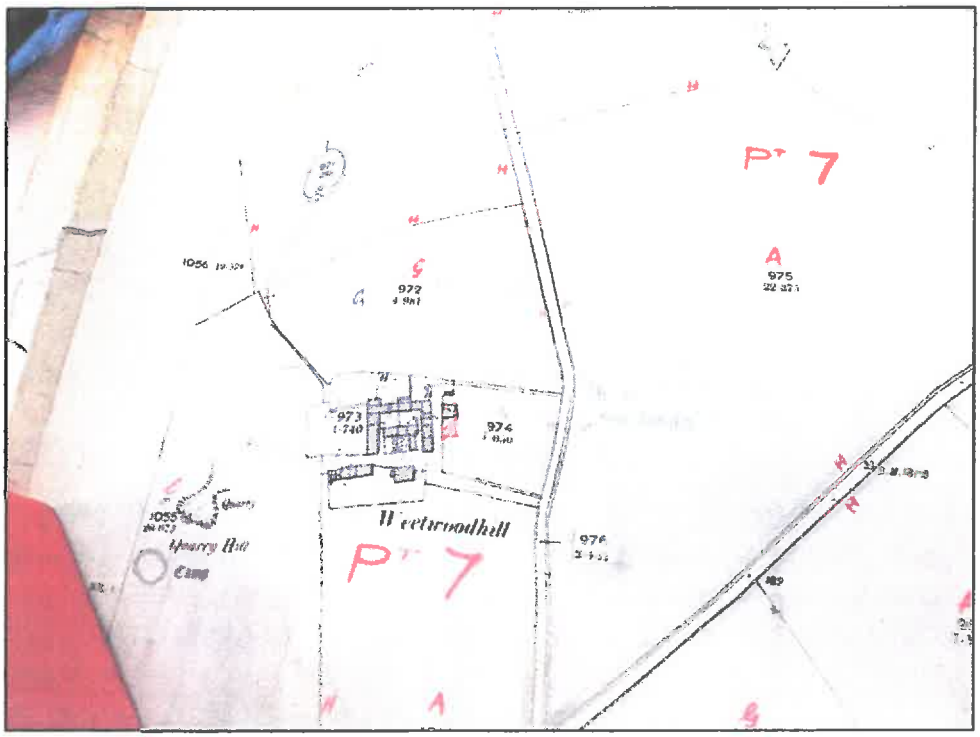




1910 Finance Act plan

South end of the alleged route showing the 'white road'





Mr J McErlane
Definitive Footpath Officer
Northumberland County Council
County Hall
Morpeth,
Northumberland.
NE61 2EF

Weetwood Cottage
Wooler
Northumberland
NE71 6EX
Email :
as.cochrane723@btinternet.com
3rd May 2018

Dear Mr McErlane,

Public Rights of Way-Doddington Moor-Your Ref. B/14/6z, B/11/29z-Parishes of Doddington and Chatton-Alleged Restricted Byways Nos 6 and 29 (Points J-K-L)

I refer to your letter of 4th April in connection with the above.

First, I can confirm that my wife Susan and I are the joint owners of the field highlighted orange on the attached plan.

Second, you ask for evidence as to the use of the route J-K-L.

We have owned Weetwood Cottage (just south of Point L on your plan) since April 1993. Over this time, we ourselves have walked the route regularly and indeed, have walked, and continue to walk, between Points L and K almost daily.

In that time, ie since April 1993, we have:

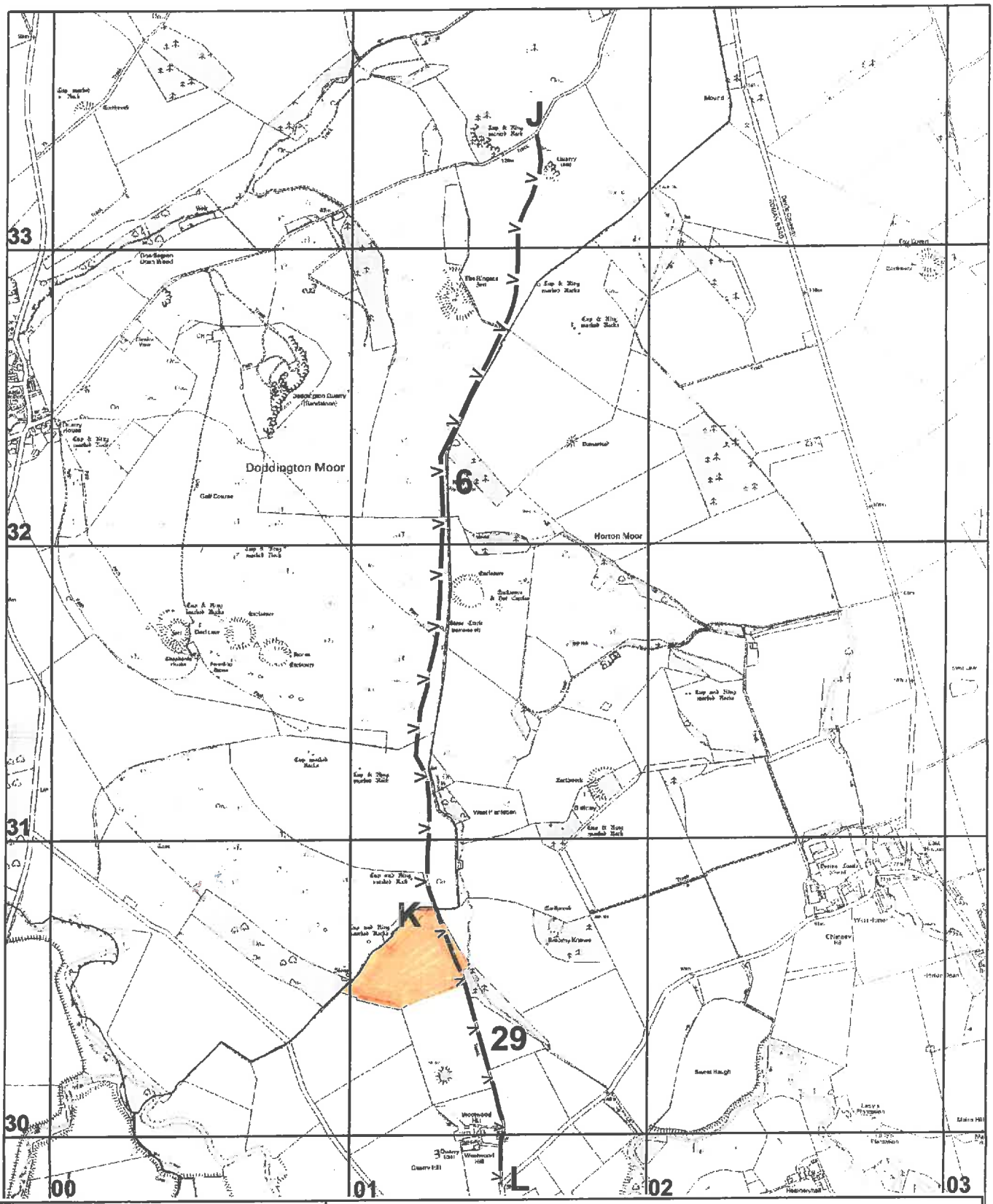
a) never seen a horse-drawn vehicle on any part of the route J-K-L.
b) never seen a bicycle on any part of this route.
c) only seen one horse and rider. The rider was a lady who lived at The Granary, Weetwood Hill between 1998 and 2001 and who did on occasion ride between Points K and L and elsewhere on Weetwood Hill Farm, with the express (I believe) or implied consent of its then owner, the late Mr Brown. We have never seen any horse anywhere on this route north of Point K, and no horse at all since 2001. Indeed, for much of the period of our residence at Weetwood, there has been no

opening gate at point K which would permit the passage of a horse, bicycle or horse-drawn vehicle. Rather, as befits what is a public footpath only, there is a stile, which we ourselves have maintained in recent years.

It is therefore my view that there is no evidence to support the case for a Restricted Byway and that such an application/proposal should be rejected.

Yours sincerely,

Alistair Cochrane.



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Wildlife and Countryside Act 1981
Public Rights of Way

—V—V— Alleged Restricted Byway

Former District(s)	Parish(es)	Scale
Berwick	Doddington/Chatton	1:18,000
Def. Map No. 29/38	O.S. Map NU 03 SW/ 02 NW	Date March 2018

DODDINGTON PARISH COUNCIL

Burn House
Doddington Mill
Doddington
Wooler
NE71 6AR
telephone: 01668 283703
email: doddingtonpc@btinternet.com

John McErlane
Definitive Map Officer
Northumberland County Council
County Hall
Morpeth
NE61 2EF

28 June 2018

Dear Mr McErlane

Review of Definitive Map and Statement of Public Rights of Way
Doddington Moor Byway Application re Public Footpaths Nos 6 & 29

Following your request for evidence in relation to the above review, please find below comments from Doddington Parish Council regarding footpath No 6 which lies within Doddington Parish. The council has no comments to make about footpath 29 which lies within Chatton Parish.

The first comment is about the obvious omission from your list of consultees. The length of the path in question is 2.3 miles of which 1.7 miles lies in Doddington Parish (ie three quarters of the path) and all of the Doddington section belongs to one farm - South Doddington Farm. Hopefully in the 3 months that have elapsed since you sent your letter, you've been able to find the owner's name and have sent him the letter and map. Without his input, I feel the validity of this exercise is questionable.

In the event that you haven't been able to trace the farmer at South Doddington Farm, here is the relevant contact information:
South Doddington Farm is owned by a partnership, William Harvey & Sons. It is a family concern and the designated farmer is: Tom Harvey, South Doddington Farm, Wooler NE71 6AL.

With regard to evidence, Doddington Parish Council has nothing further to add to the ancient history of the path, but we have updates from the modern era.

We have 3 generations of old OS maps dating back to the early 19th century with the most recent being 1948. Remarkably, all 3 generations show the same path in exactly the same position. So there seems little doubt that the path has existed for a long time. On the other hand we have no specific documentary evidence about what it was used for.

The councillors agreed that, in common with similar paths in our area, it is very likely the path was used as a footpath, a path for herding sheep and cattle locally, possibly part of a drove road, horse riding, horse and cart, and, as cycling became popular in later Victorian times, as a cycling route. We hope that your historical records can confirm this.

DODDINGTON PARISH COUNCIL

Doddington Parish Council agreed therefore that it had no objection to footpath 6 being upgraded to a restricted byway.

On the other hand, Doddington Parish Council is concerned that no account seems to be taken of recent history in your deliberations - specifically about post war changes in the pattern of agricultural use of the land and the effect on the positioning of paths. Indeed, there are some areas where the actual position of the path on the ground is not the same as the position shown on the OS map.

Doddington Parish Council is concerned that the Definitive Map programme may become an exercise in erecting monuments to the past as much as restoring access to the public unless it is flexible in updating the real positions of the path and, by doing so, avoiding perpetuating myths. The council is urging NCC to be flexible in the positioning of routes on the Definitive Map when they have de facto moved due to agricultural change.

There are 2 examples in relation to path No 6.

First example is at the north end of the path - see attached map. The path is shown crossing diagonally across a field to reach the Parish Boundary (shown as a red line) from point J to point J1 For many years now that field has been used for growing crops and it is currently growing wheat. The farmer has provided an excellent alternative path around the periphery of the field shown in black on the map. A google maps satellite image of the field (date unknown) is attached - the route of the alternative path around the edge of the field is clearly discernible. A photo (taken today) of part of the alternative path is attached.

Second example is at the south end of the path, between points K1 and K on the map. Here again, the "official" path is shown crossing a field that is used for multiple purposes, including growing crops. Currently it is under short grass but in previous years it has been used for wheat and production of hay or silage. In this case there has been no need for the farmer to provide a path because the actual path on the ground is positioned close to the Parish Council Boundary fence - it is shown in brown on the map and is based on actual gps data I collected this morning. There is no trace of any path on the ground corresponding to the official path. A google maps satellite image of the field (date unknown) is attached and a photo (taken today) of the actual path is attached.

Doddington Parish Council urges NCC to incorporate the black and brown route variations discussed above and shown on the attached map, into the Definitive Map when it is updated to show the upgrading of path 6 to Restricted Byway.

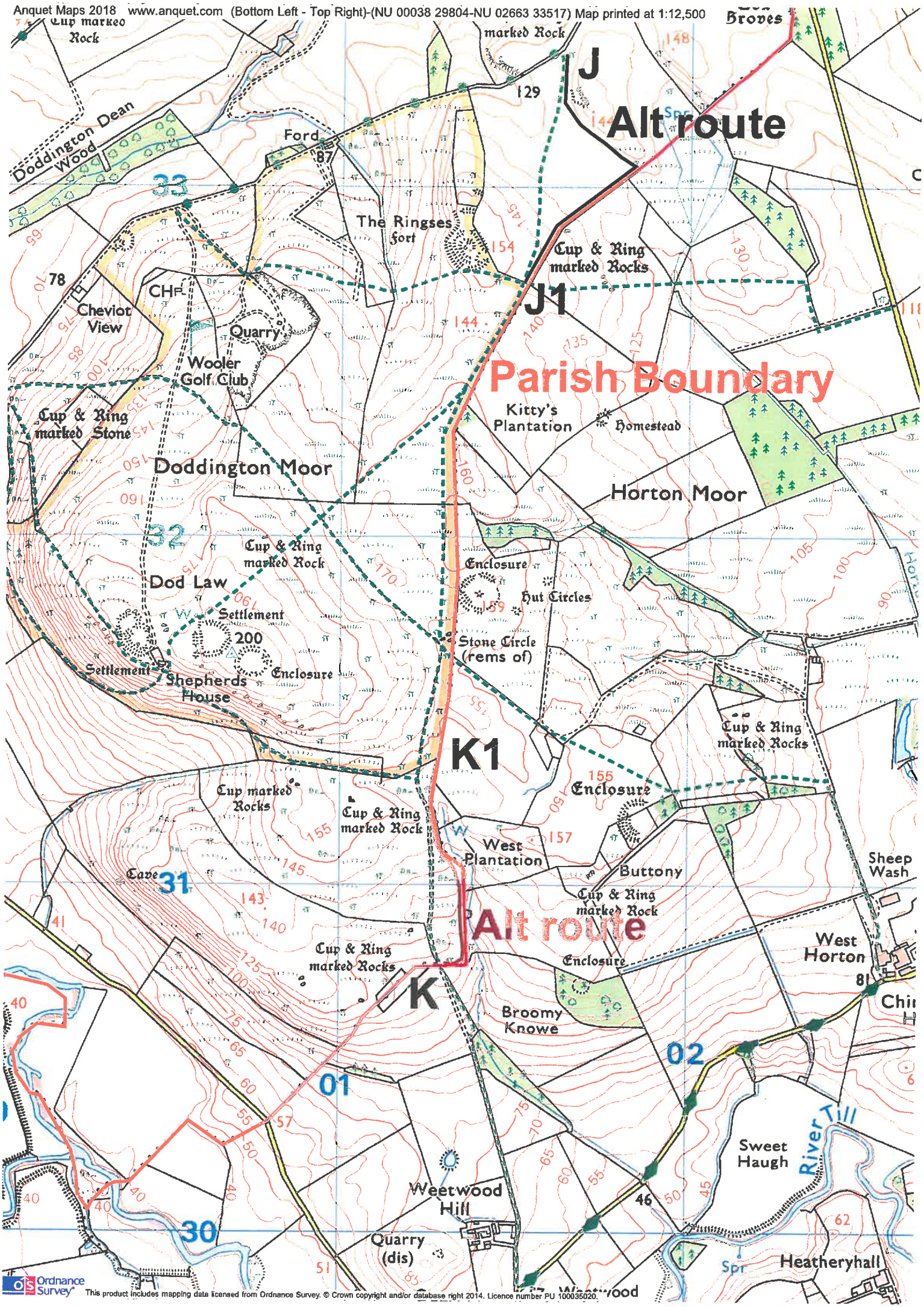
Please let me know if you need further information or clarification.

Yours sincerely

Kevin Malloy
Clerk to Doddington Parish Council

K1
K

J
J1



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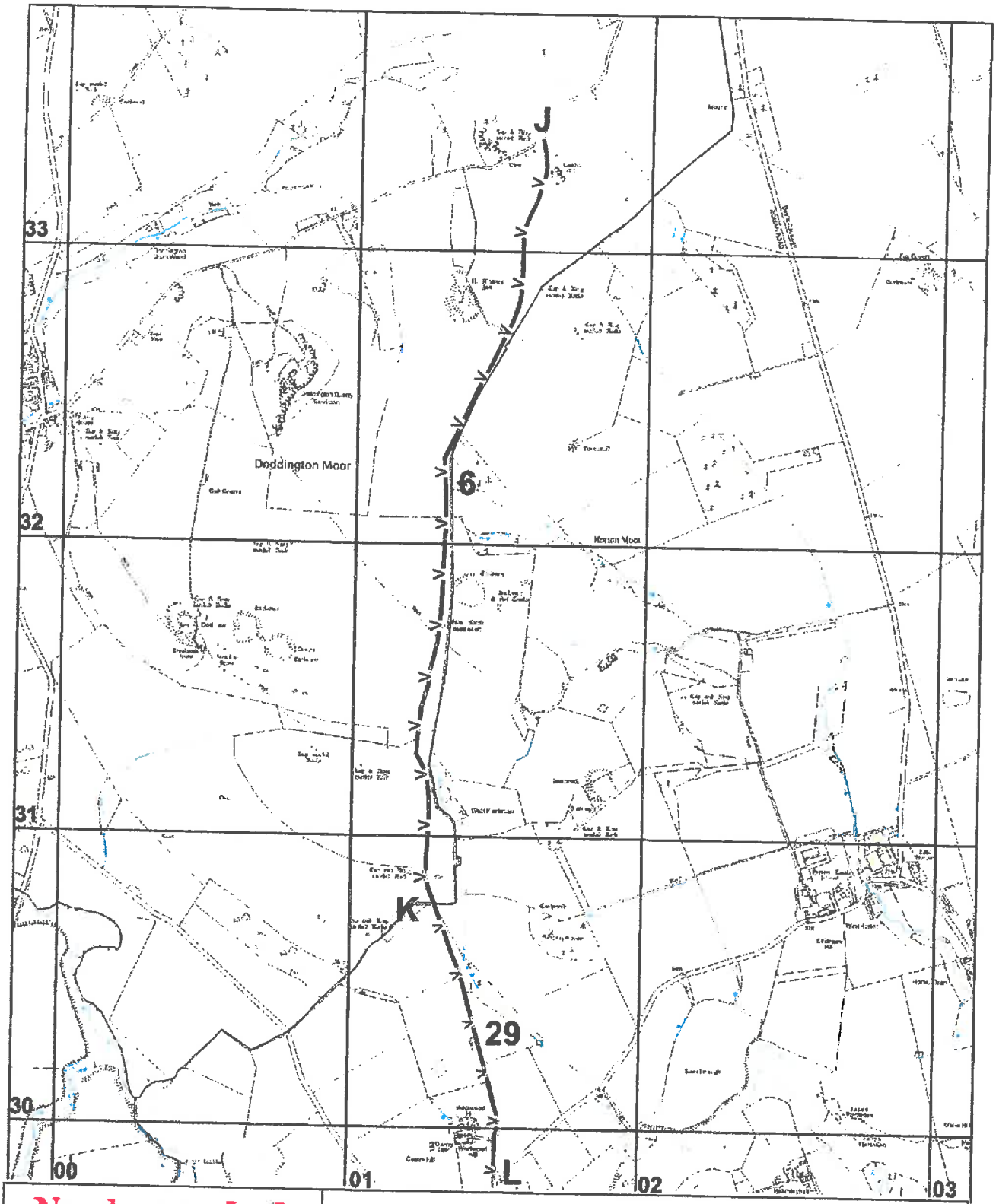

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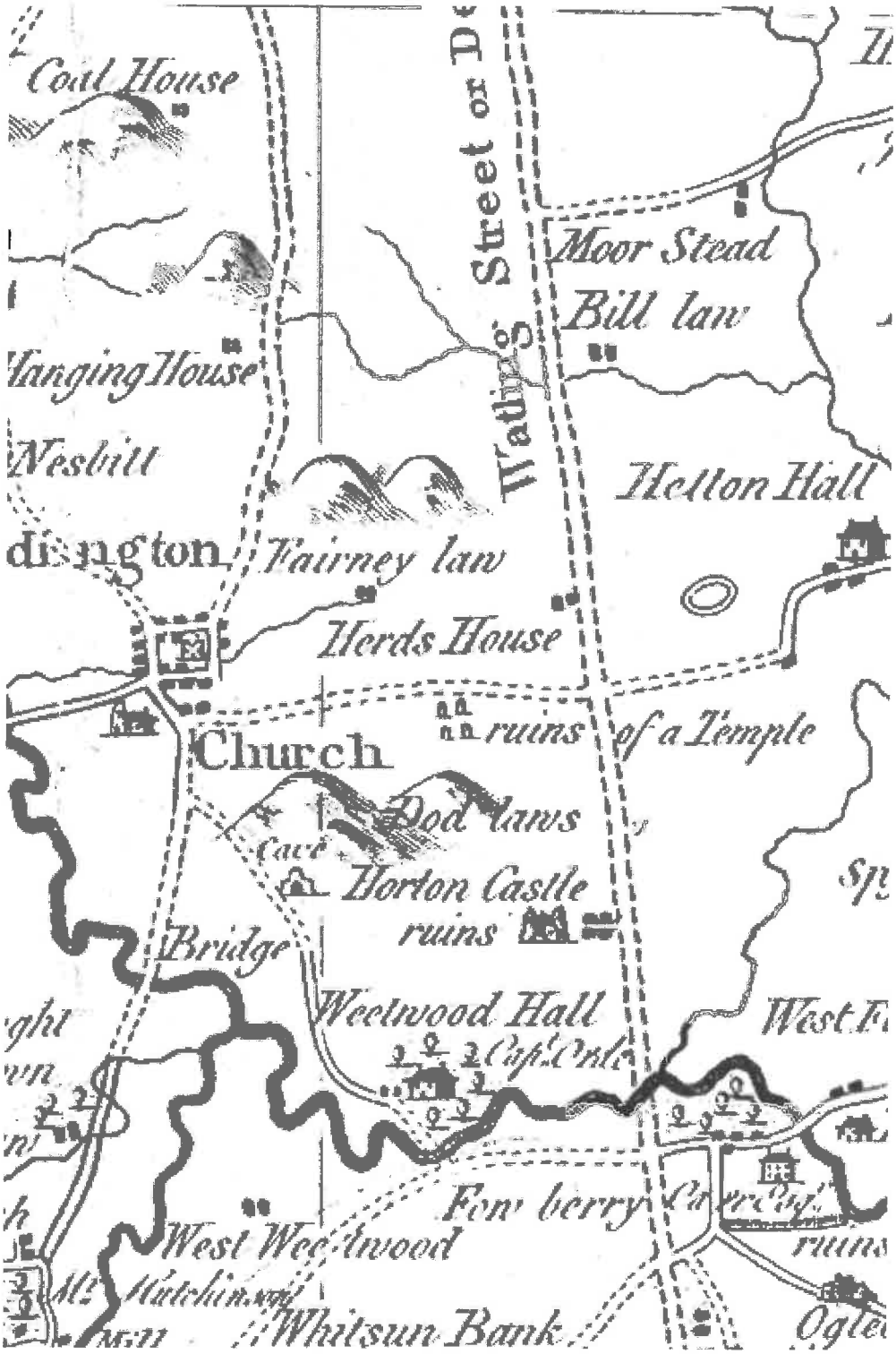
Wildlife and Countryside Act 1981
Public Rights of Way

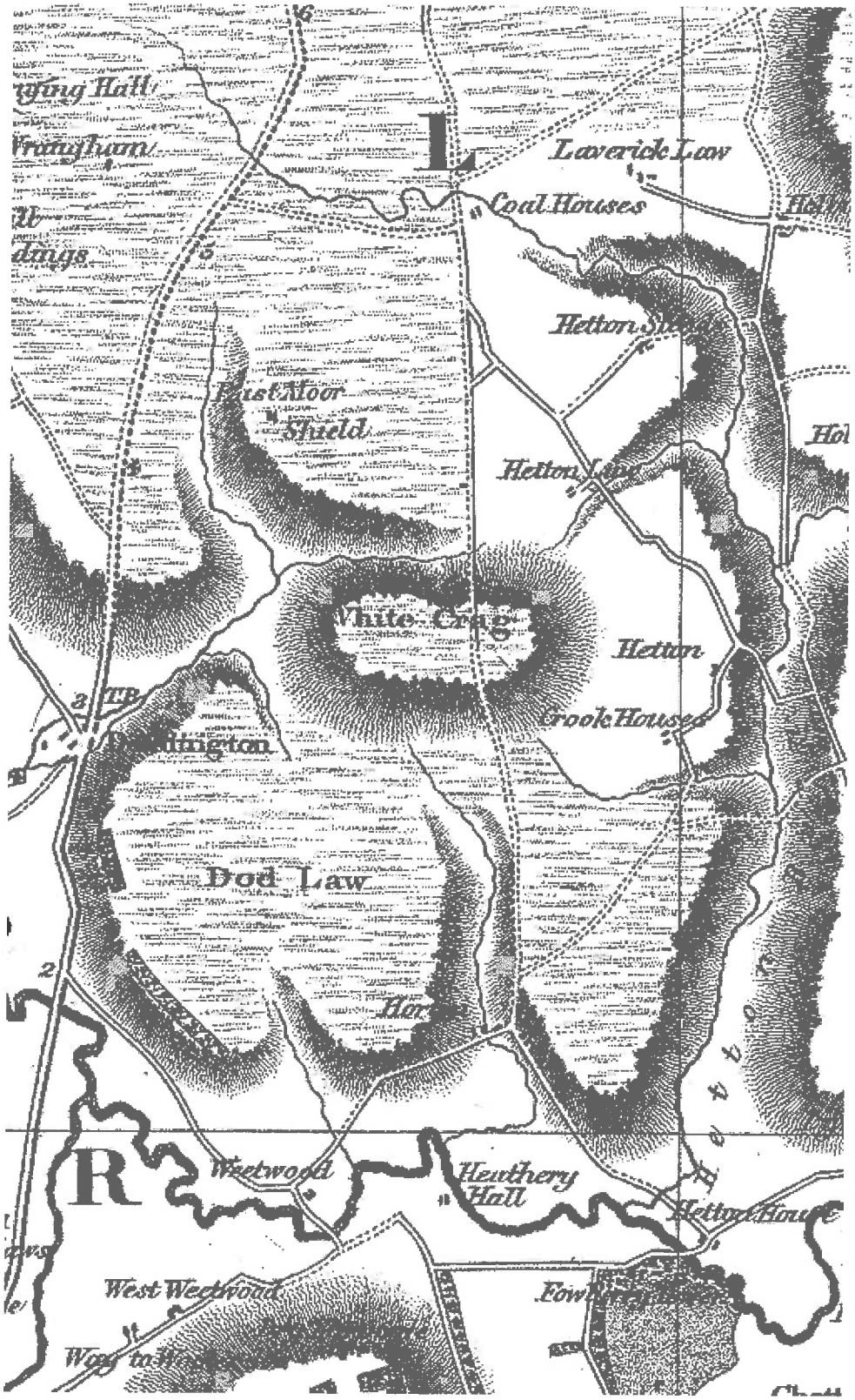
—V—V— Alleged Restricted Byway

Former District(s)	Parish(es)	Scale
Berwick	Doddington/Chatton	1:18,000
Def. Map No.	**O.S. Map**	**Date**
29/38	NU 03 SW/ 02 NW	March 2018

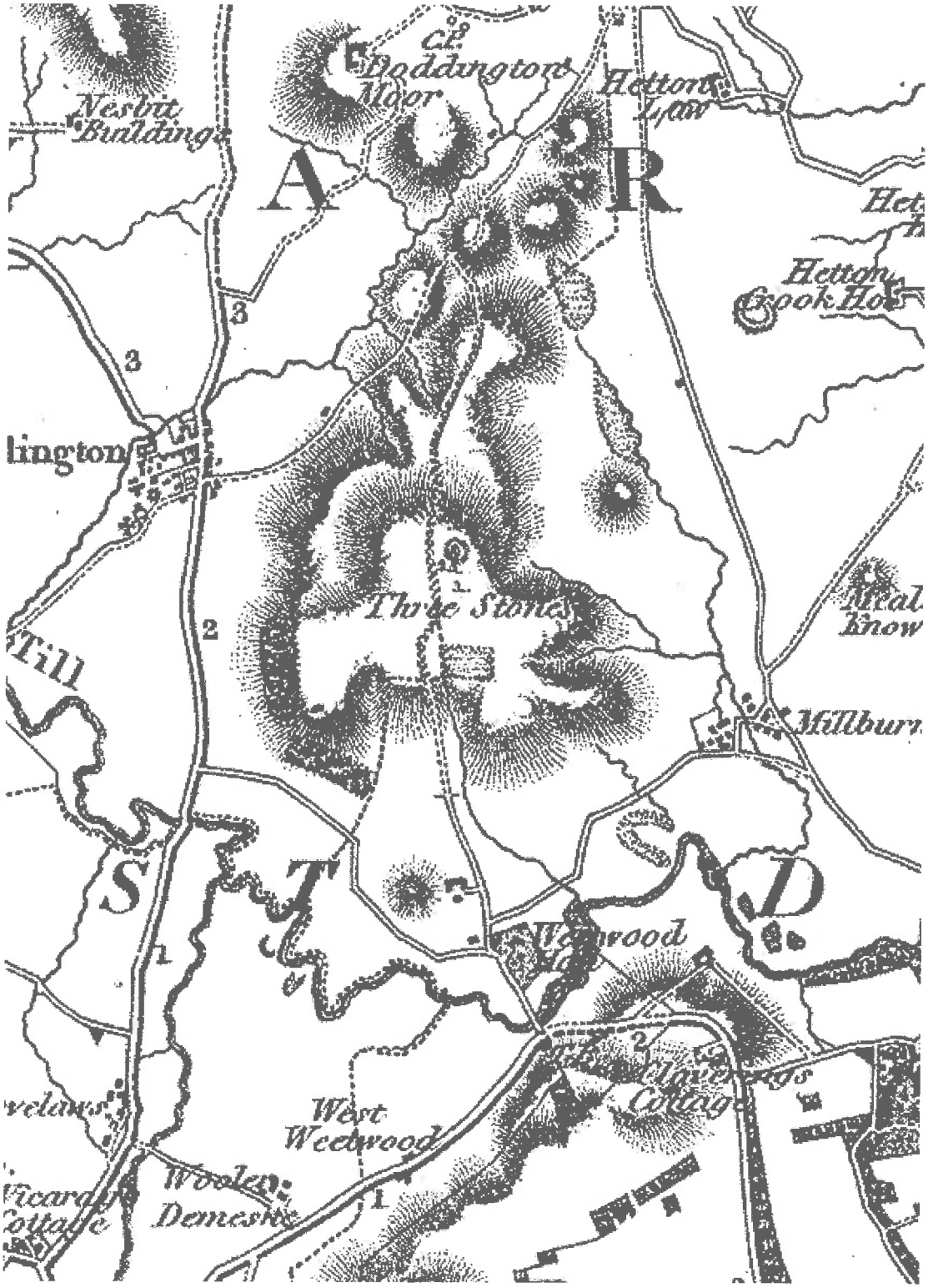
ARMSTRONG'S COUNTY MAP
1769



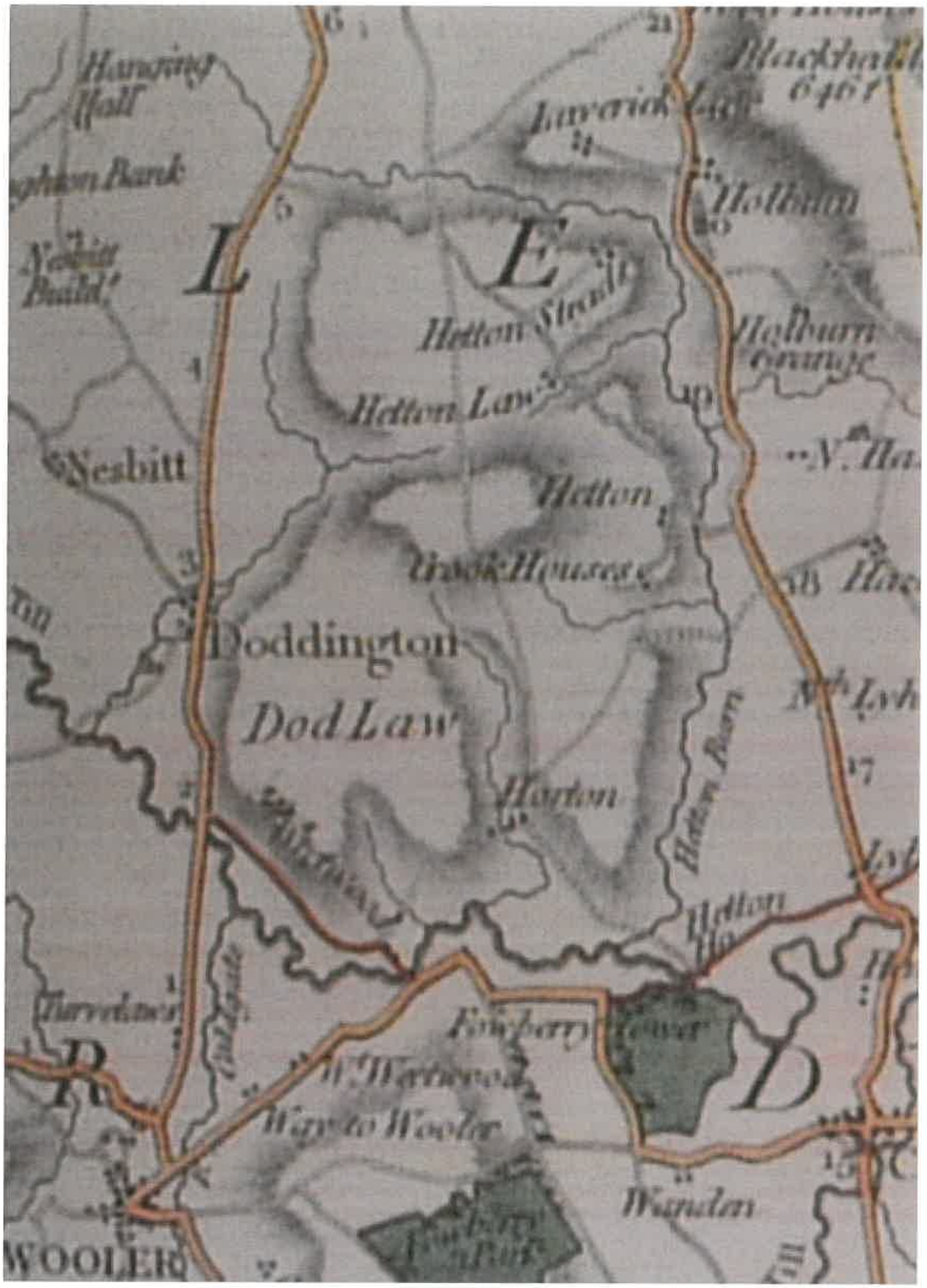
FRYER'S COUNTY MAP
1820



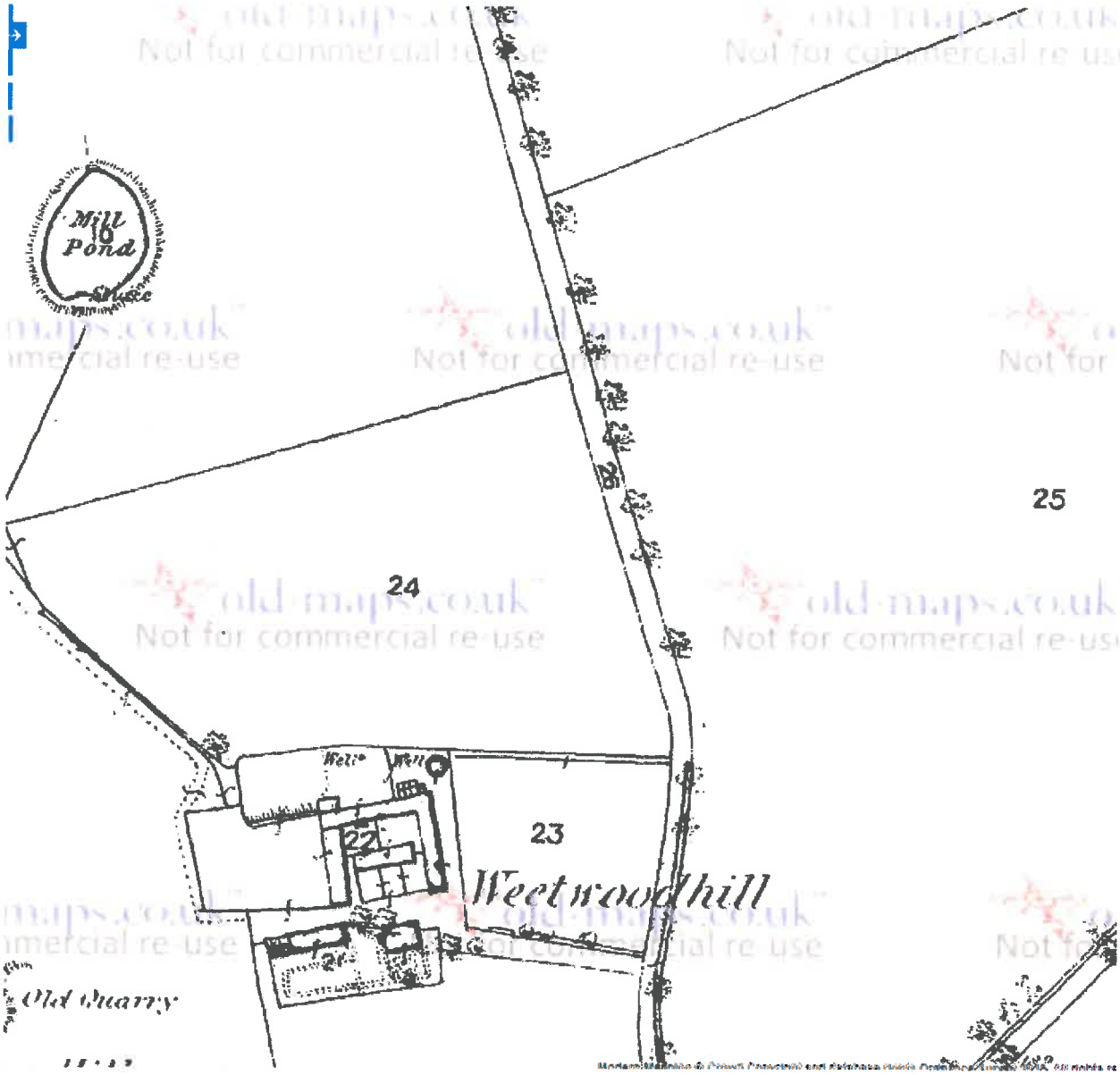
GREENWOOD'S COUNTY MAP
1828



CARY'S COUNTY MAP
1820-32



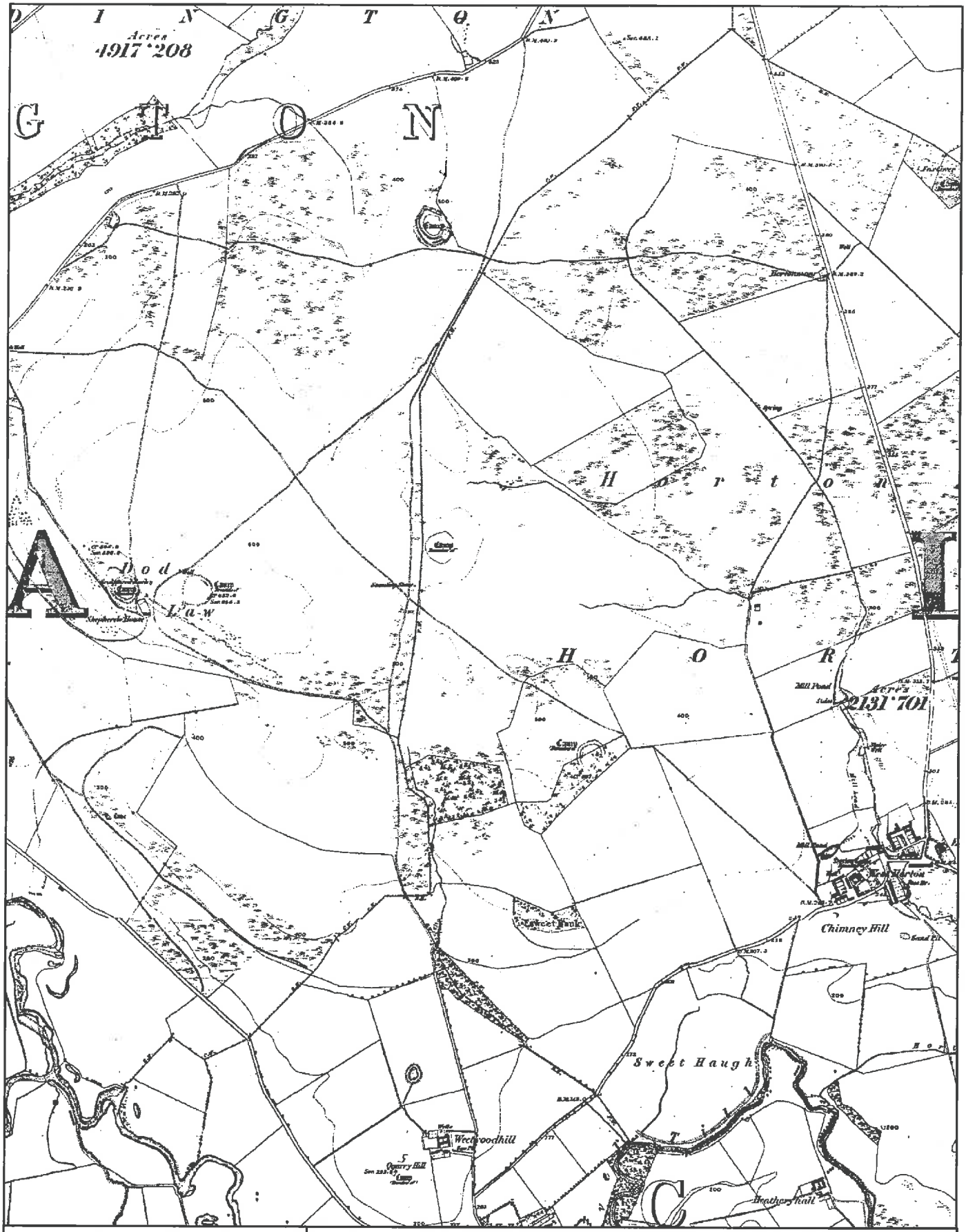
1st EDITION 25" O.S. MAP
c1860



1st EDITION 25" O.S. MAP
BOOK OF REFERENCE
c1860

TOWNSHIP OF WEETWOOD.

No. on Plan.	Area in Acres.	Description.	No. on Plan.	Area in Acres.	Description.
1	20·603	Arable & road.		267·474	*Brought forward.*
2	·734	Wood & stream.	35	2·529	Ornamental grounds.
3	10·384	Arable & rough pasture	36	4·743	Pasture.
4	·124	Pond.	37	1·110	Marsh & stream.
5	7·568	Arable.	38	5·700	Arable.
6	14·585	Arable.	39	4·044	Wood & stream.
7	22·272	Arable.	40	17·092	Arable.
8	19·524	Arable & road.	41	18·292	Arable & stream.
9	18·756	Arable & stream.	42	16·614	Arable.
10	·288	Mill pond.	43	·717	Pond.
11	6·935	Arable.	44	·364	Pond.
12	4·020	Wood & stream.	45	22·535	Arable, stream, & rough pasture.
13	9·503	Arable & stream.			
14	18·442	Arable, rough pasture, & small ponds.	46	13·250	River Till (part of).
			47	12·995	Arable & shingle.
15	15·847	Arable & rough pasture	48	9·944	Arable & stream.
16	2·343	Public road.	49	19·293	Arable.
17	26·073	Arable, quarry, stream, road, & camp (remains of).	50	48·517	Arable & streams.
			51	19·703	Arable.
			52	·019	House.
18	1·026	Wood.	53	2·548	Wood, quarry, & shed.
19	·119	Houses & garden.	54	20·007	Rough pasture & stream
20	7·337	Arable.	55	1·668	Rough pasture & camp (remains of).
21	·332	Houses and garden (Weetwoodhill).	56	19·550	Arable & camp (remains of).
22	1·383	Farmsteading, road, & garden.	57	1·010	Wood.
23	1·075	Pasture & stream.	58	·512	Houses, gardens, & yard.
24	4·981	Arable & stream.			
25	22·375	Arable.	59	2·284	Public road (part of).
26	1·415	Private road.	60	11·997	Arable.
27	2·262	Public road.	61	19·431	Arable & stream.
28	4·204	Arable.	62	13·395	Arable & stream.
29	7·111	Arable.	63	20·686	Arable, stream, & road.
30	7·357	Arable & stream.	64	4·627	Public road.
31	5·926	Arable.	65	16·408	Arable & road.
32	1·195	Pasture.	66	19·384	Arable.
33	1·014	House & gardens.	67	21·778	Arable.
34	·361	Houses & yard (Weetwood Hall).	68	8·446	Arable & road.
	267·474	*Carried forward.*		668·868	*Carried forward.*



Northumberland
County Council

Ordnance Survey Plan 1865/6

Scale: 1:16,000

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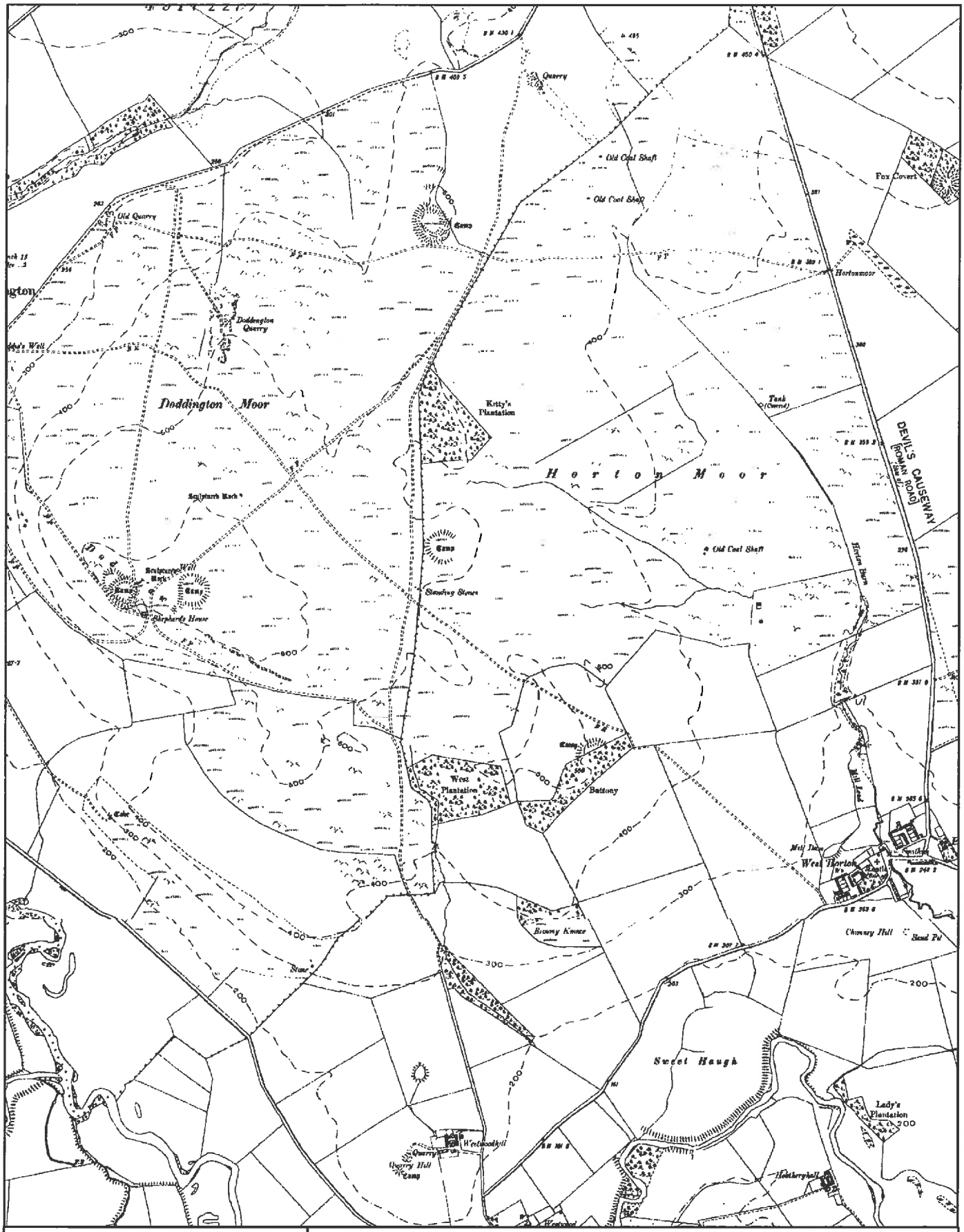

Northumberland County Council

Ordnance Survey Plan 1899

Scale: 1:16,000

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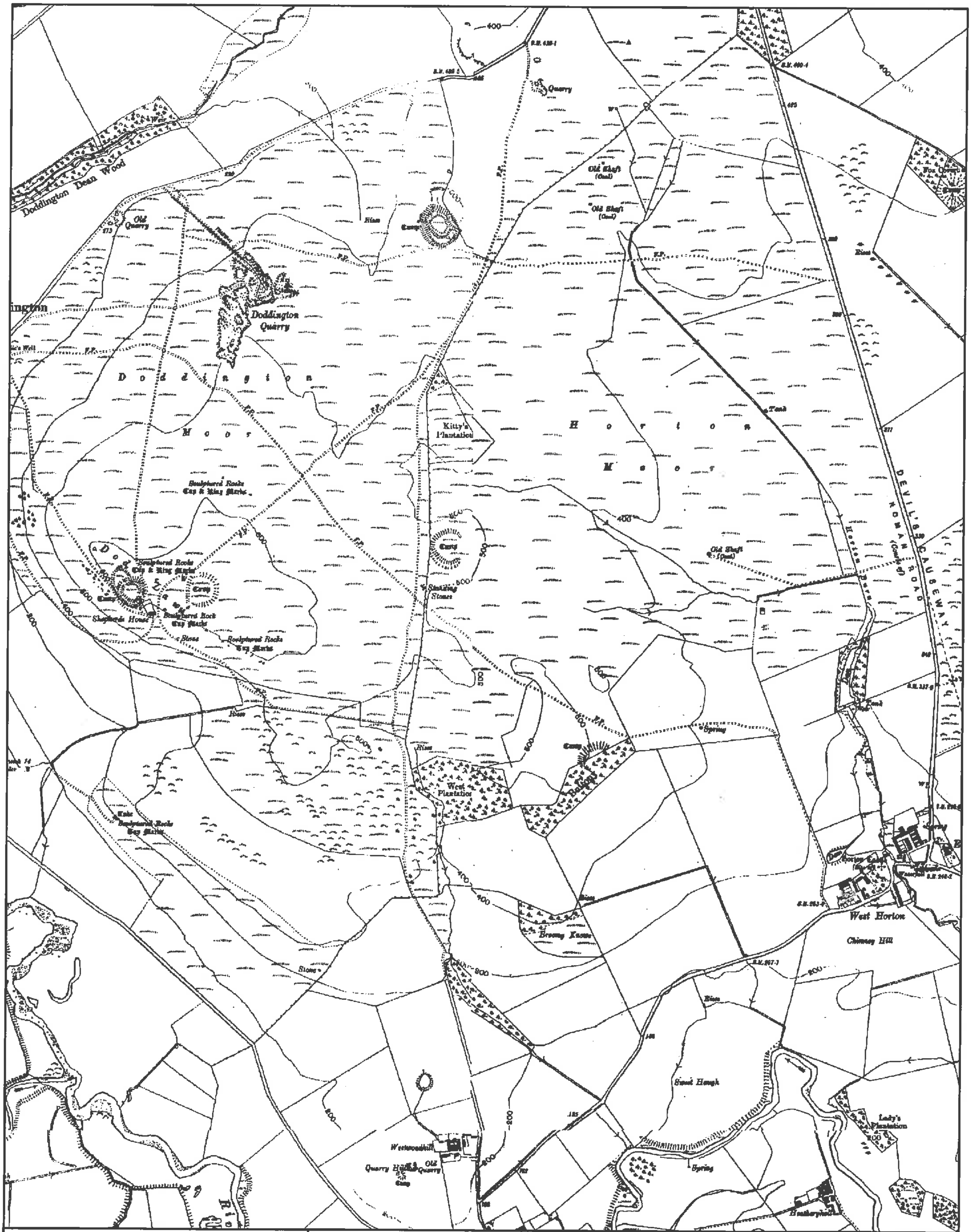

Northumberland County Council

Ordnance Survey Plan 1925

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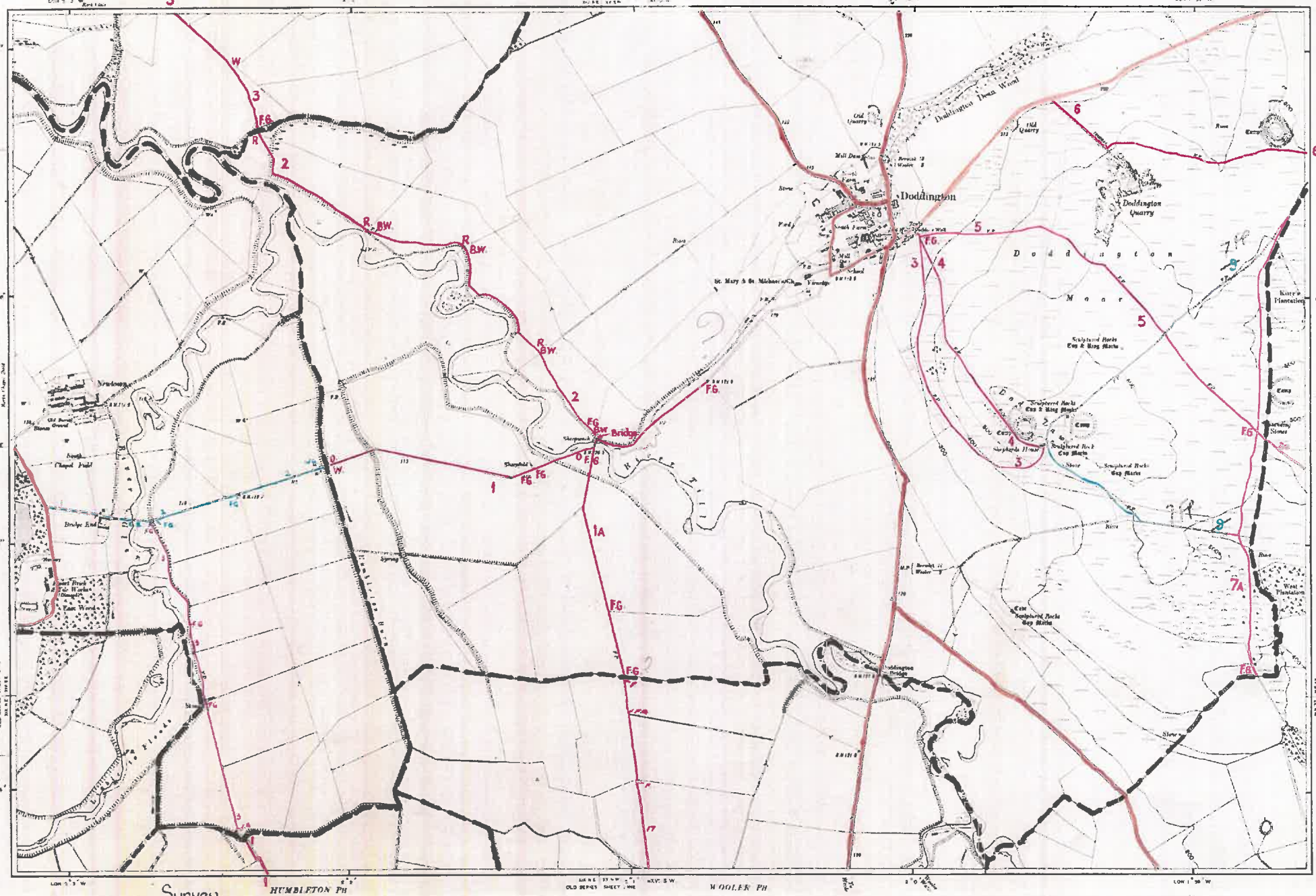
O.S.T. No. 854

NORTHUMBERLAND (NEW SERIES) SHEET nXVI. N. W.



Survey

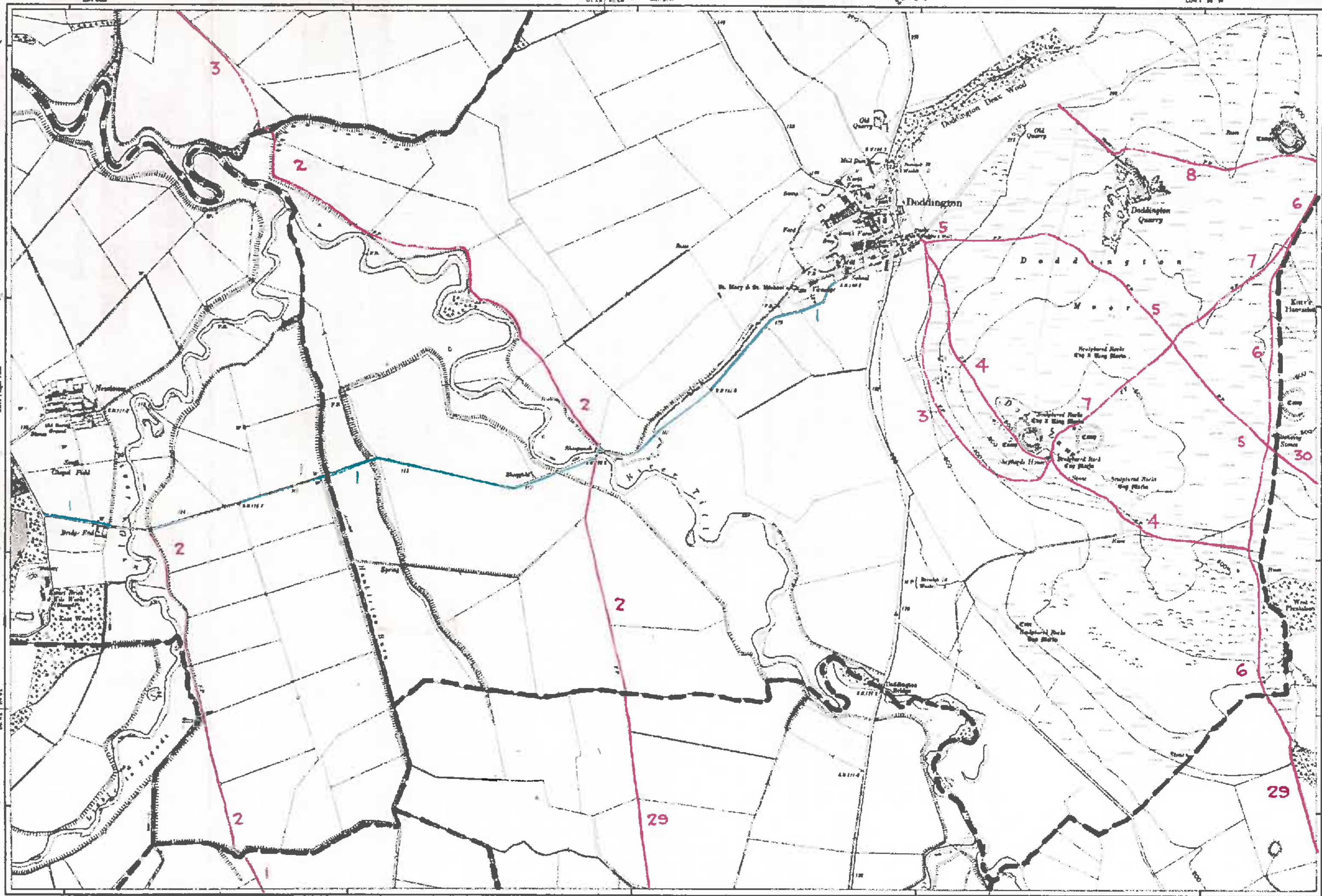
RTHUMBERLAND COUNTY COUNCIL

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

MAP (N.C.C.) No. 1

O.S.T. No. 854

BERWICK UPON TWEED DIVISION — GLENDALE UNION & R.D. — NORTHUMBERLAND (NEW SERIES) SHEET XVI. N. W.



NORTHUMBERLAND COUNTY COUNCIL

PARISH of ______________ in the

Rural District of ...GLENDALE...

~~Urban District~~ } of ______________

~~Borough~~ }

(Delete whichever is inapplicable)

PLAN ~~SURVEY~~ DRAFT ~~PROVISIONAL~~ ~~DEFINITIVE~~

(Delete whichever is inapplicable)

Plans ~~are numbered thus 34/48 SAM in the right hand corner~~

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Ordnance Maps covering Parish or District

TOTAL No. 58

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

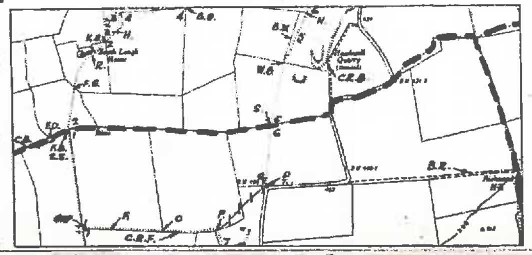
SYMBOLS TO BE USED IN MARKING MAPS (MARK SYMBOLS IN CAPITALS.)

Parish/District Boundary shown thus

KIND OF PATH	Mark
Footpath	F.P.
Bridle Road (including driftway for cattle)	B.R.
Public Cartroad or Cartroad or Green Lane (unmetalled) mainly used as (1) Footpath	C.R.F.
(2) Bridleway	C.R.B.

MEANS OF PASSAGE	
Cartbridge	C.B.
Footbridge	F.B.
Stepping Stones	S.S.
Fieldgate	F.G.
Bridle or Hunting Gate	B.G.
Wicket Gate	W.G.
Kissing Gate	K.G.
Turnstile	T.
Stile	S.
Gap (in Fence or Hedge)	GAP
Finger or Direction Post	D.
Hurdles	H.
Posts	P.
Rails or Bars	R.
Low Fence	F.
Ford	F.D.
Ferry	F.R.Y.

EXAMPLE.



OBSTRUCTIONS, NOTICE BOARDS, DIVERSIONS	
Obstruction	O.
Notice Board	N
Barbed Wire	B.W.
Former course of path diverted or closed	

NOTES.—

(1) Show Paths, etc., in solid black line.

(2) Number each Path progressively commencing at 1 for each Parish or District.

(3) Where condition of Path, Stiles, etc., ill-defined or in defective condition, the appropriate lettering, e.g., F.P., S. to be put in brackets (F.P.), (S.).

MAP (N.C.C.) No. U/16 NW/28/...

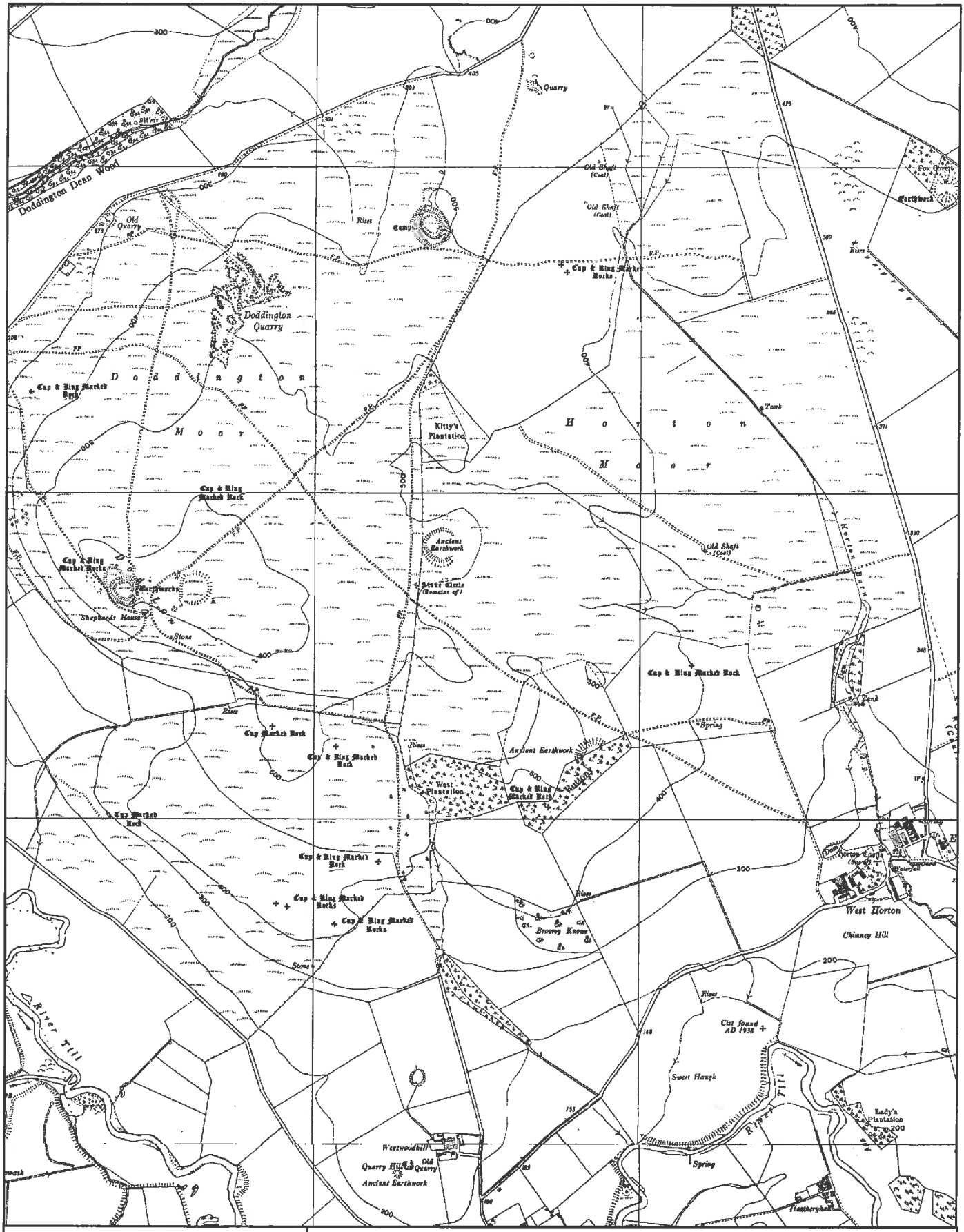
Surveyed by | Address | Date

I CERTIFY that this Map records the information required to be submitted by my Council under Sect. 28, Part IV. of the National Parks and Access to the Countryside Act, 1949.

Chairman/Clerk

Position of person signing

Date



Northumberland County Council

Ordnance Survey Plan 1957

Scale: 1:16,000

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