



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 BYWAY OPEN TO ALL TRAFFIC No 1 NEWTON-BY-THE-SEA (part 2)

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 a short length of the C72 road, which is also recorded as being part of Public Footpath No 1, in the vicinity of Low Newton.

Recommendation

It is recommended that the Council agrees that:

- (i) there is sufficient evidence to indicate, on a balance of probabilities, that public vehicular rights exist over the route A-B;**
- (ii) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over this route;**
- (iii) the route be included in a future Definitive Map Modification Order upgrading this short length of public footpath to byway open to all traffic status.**

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 byway open to all traffic to the Definitive Map and Statement based on historical documentary evidence is Section 53(3)(c)(i) of the Wildlife and Countryside Act, 1981, which require 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 Alternatively, in a case where the route is already shown on the Definitive Map as a highway of a lesser status than Section 53(3)(c)(ii) covers situations where:

“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;”

- 1.4 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 The route of what is now the C72 road, to Newton Link House, has appeared as a road or track on historical maps from at least 1828 onwards. The route may be somewhat crudely shown on the 1932 Handover Map and is identified on the map produced in the late 1930s relating to the Restriction of Ribbon Development Act 1935. It appears on the Council's 1951 Highways Map and on all the known Council highways maps and schedules produced subsequently. It was shown on the Council's List of Streets that existed as at 2 May 2006.

- 2.2 The Definitive Map of Public Rights of Way for Northumberland was originally published in 1962. It was the culmination of a process that involved the production of an informal "Survey" map, followed by the formal publication of "Draft" and "Provisional" Maps which were open to public scrutiny and challenge. The section of Map covering the Alnwick Rural District Council area had a Relevant Date of 20 September 1954. A County wide "First Review" of the Definitive Map was completed in the early 1970s. This review had a Relevant Date of 1 November 1963 (i.e. it took account of all know changes which occurred before November 1963). Where no change to a public right of way had taken place, the First Review Definitive Map should show that path on the same alignment and with the same status as the

preceding, original Definitive Map. The Wildlife and Countryside Act 1981 changed the way that the Definitive Map was to be kept up-to-date. Instead of producing new maps showing every public right of way, Definitive Map Modification Orders would be made to add, remove or alter individual paths. At any given moment in time, the 'official' Definitive Map would henceforth be the last published map, taken in conjunction with all the 'confirmed' Definitive Map Modification Orders which amended it. By 2005, the First Review Definitive Map had become extremely out-of-date (i.e. many hundreds of paths shown on it had been stopped up or diverted and an even greater number of 'new' paths had been added). To remedy this, that year the Council formally consolidated its Definitive Map. This process involved publishing a new Definitive Map (Relevant Date of 1 December 2005) that took account of all the Definitive Map Modification Orders which had been made and confirmed, up to that point. Again, where no change to public rights of way had taken place, the consolidated Definitive Map should show paths on the same alignment and with the same status as the preceding, First Review Definitive Map.

- 2.3 On the original Survey, Draft and Provisional Maps the public rights of way proceeding northwards and generally southwards from Newton Seahouses are clearly shown and numbered as two separate paths (Bridleway No 2 and Footpath No 3). On the original Definitive Map, they are still shown as being two separate paths but now, somewhat unhelpfully, both sections are identified as being parts of Public Footpath No 1. On the First Review Definitive Map, the two paths are still shown as being physically separated by a short length of road, with both sections being numbered as parts of Footpath No 1. On the consolidated Definitive Map, Footpath No 1 is now shown as a single continuous route. It isn't known whether the path was shown extending along the A-B section of the C72 road by accident or whether this was done deliberately. Footpath No 1 hadn't been realigned by any legal process, so the consolidated map should have reflected what was on the preceding First Review Map. What is known is that the GIS program that was in use at the time all the rights of way information was being digitized, during the late 1990s and early 2000s, could not accommodate situations where there was more than one path, in any given parish, with the same number. Where these situations did occur, the GIS program was known to automatically draw a line to connect the two paths. It is also possible that the person undertaking the digitizing deliberately drew the various separate parts of Footpath No 1 as a continuous line because they knew that, even if they didn't, the GIS program would join them together (potentially in a more random fashion) anyway.
- 2.4 As can be seen from the 1:25,000 scale OS Explorer map extract (reproduced here at 1:10,000 scale) the route of Public Footpath No 1, including the short section that is also identified as being part of the C72 road at Low Newton, is part of St Oswald's Way; a popular (97 mile long) long distance trail between Hexham and Holy Island. The route, which was opened in 2006, uses existing public rights of way and minor public roads. The same section of Footpath No 1 is also part of the Northumberland Coast Path, which is understood to have been designated in 2005.
- 2.5 In conclusion, currently, the potential for confusion exists because, at Low Newton, the same 60 metre long stretch of road is simultaneously identified on the Council's 'List of Streets' as being part of the C72 road and on the Definitive Map of Public Rights of Way as being part of Public Footpath No 1.

- 2.6 The Definitive Map and Statement of Public Rights of Way are legal documents which identify the existence of public highway rights (footpaths, bridleways, restricted byway and byways open to all traffic), but the Definitive Map and Statement do not usually identify who has the maintenance responsibility for those rights of way. The List of Streets is a document which identifies which routes the County Council acknowledges it has a maintenance responsibility for, but a route's inclusion on that list does not establish its status (i.e. it need not necessarily be a vehicular rights of way).
- 2.7 Whilst there is no obstacle to a publicly maintainable public footpath being identified on the Council's List of Streets, it is not considered that this 60 metre long section of public highway was recorded on that basis, or that the rest of the C72 is in fact no more than a public footpath. This report will consider the available evidence to determine what the correct status of the A-B section of existing Public Footpath No 1 is, and explore whether or not it is appropriate for this section of footpath to be upgraded so as to accurately reflect any higher rights which might exist.

3. LANDOWNER EVIDENCE

- 3.1 In July 2014, the County Council consulted regarding a proposal to delete the short section of Public Footpath No 1 (from point A to point B) from the Definitive Map on the basis that public motor vehicular rights exist over this short section of the footpath. No owners or occupiers of the land affected replied to this consultation.

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". Two replies were received and are included below.
- 4.2 By letter, dated 28th October 2014, Mr D Roberts responded to the consultation, on behalf of the Cyclists' Touring Club, stating:

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

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

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

"Routes traced in red have been cycled without problem. [The A-B section of existing Footpath No 1 was not one of the ones highlighted by Mr Roberts].

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

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

- 4.3 By email, on 11th November 2014, Ms S Rogers responded to the consultation, on behalf of the British Horse Society, stating:

"NEWTON-BY-THE-SEA PARISH

Footpath 1 deletions

The path sections shown on maps 15 & 57 run along tarmac roads. As rights for walkers already exist along them, there is no need for them to be shown on the definitive map as public footpaths. So the BHS supports these deletions."

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 C72 road.

1820 Fryer's County Map

There is no evidence of a road or track approximating to the C72 road.

1820-32 Cary's Map

There is no evidence of a road or track approximating to the C72 road.

1828 Greenwood's County Map

There is clear evidence of a road or track approximating to the C72 road.

1866-7 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an enclosed road over the southern end of the C72 road (to Newton Seahouses). The road itself provides access to the properties at Newton Seahouses. A subordinate path / track is shown joining the road (at Point B) from the north. From the southern end of the road (i.e. Point B) a narrower enclosed track proceeds in a south-westerly direction immediately north of the cottages.

1897 Ordnance Survey Map: Scale 1:2500

There is clear evidence of an enclosed road over the southern end of the C72 road (to Newton Seahouses). The road itself provides access

to the properties at Newton Seahouses. A subordinate path / track is shown joining the road (at Point B) from the north. From the southern end of the road (i.e. Point B) a narrower enclosed track proceeds in a south-westerly direction immediately north of the cottages.

1923 Ordnance Survey Map: Scale 1:2500

There is clear evidence of an enclosed road over the southern end of the C72 road (to Newton Seahouses). The road itself provides access to the properties at Newton Seahouses. A subordinate path / track (labelled "FP") is shown joining the road (at Point A) from the north. From the southern end of the road (i.e. Point B) a narrower enclosed track proceeds in a south-westerly direction immediately north of the cottages.

1932 Alnwick Rural District Council Handover Map

The route of the C72 road is coloured so as to identify it as a publicly maintainable road.

c.1938 Restriction of Ribbon Development Act 1935 Map

The route of the C72 road is clearly coloured / identified as a public highway (numbered "14") to be protected from ribbon development. Although the base map is relatively small scale (one inch to the mile) it would appear that the A-B section is depicted as being part of this road.

1951 Highways Map

The route of the C72 road is coloured in yellow so as to identify it as a publicly maintainable road. Although the base map is relatively small scale, the A-B section does appear to be depicted as being part of this road.

c.1951 Definitive Map – original Survey Schedules & Map

The route of the C72 road exists on the base map and has been coloured brown. Known public roads were generally coloured brown to indicate what the extent of the road network was considered to be. It is not identified as a public right of way which should be included on the Definitive Map. The subordinate route, joining from the north, at Point A, is identified as a public bridleway ("2") and the track proceeding south-westerly from Point B is identified as a public footpath ("3").

Draft Map

The route of the C72 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). The subordinate route, joining from the north, at Point A, is now identified as a public footpath (still "2") and the track proceeding south-westerly from Point B is now identified as a public bridleway (still "3").

Provisional Map

The route of the C72 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). The subordinate route, joining from the north, at Point A, is identified as a public footpath ("2") and the track proceeding south-westerly from Point B is now back to being identified as a public footpath (still "3").

1957 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an enclosed road / track over the route of the C72 road. A subordinate path / track (labelled "FP") is shown joining the road from the north, at Point A. From the southern end of the road (i.e. Point B) a narrower enclosed track proceeds in a south-westerly direction immediately north of the cottages.

Original Definitive Map

The route of the C72 road exists on the base map but is not identified as being either a public footpath, public bridleway or Road Used as a Public Path (RUPP). The subordinate route, joining from the north, at Point A, is identified as a public footpath (now part of "1") and the track proceeding south-westerly from Point B is identified as a public footpath (part of "1").

First Review Definitive Map (Relevant date 1 Nov 1963)

The route of the C72 road exists on the base map but is not identified as being either a public footpath, public bridleway or Road Used as a Public Path (RUPP). The subordinate route, joining from the north, at Point A, is identified as a public footpath (part of "1") and the track proceeding south-westerly from Point B is identified as a public footpath (part of "1").

1964 Highways Map

The route of the C72 road is coloured in orange, so as to identify it as a publicly maintainable road. Although the base map is relatively small scale, the A-B section is clearly depicted as being part of this road (if anything, the orange line actually extends too far south).

c.1970 - 1990s Highways Map 6"

The route of the C72 road is coloured in yellow, so as to identify it as a publicly maintainable road. The A-B section is clearly depicted as being part of this road.

c.1970s - 1990s Highways Map 25"

The route of the C72 road is coloured in yellow, so as to identify it as a publicly maintainable road. The A-B section is clearly depicted as being part of this road.

1978 Ordnance Survey Map: Scale 1:10,000

There is clear evidence of an enclosed road / track over the route of the C72 road. A subordinate path / track (labelled "Path") is shown joining the road from the north, at Point A. A narrower enclosed path / track continues south-westwards and is labelled "Path" further to the south of Low Newton-by-the-Sea.

2005 Consolidated Definitive Map Scale 1:10,000

There is clear evidence of an enclosed road / track over the route of the C72 road shown on the OS base map used. The route A-B is clearly identified as being part of Public Footpath No 1.

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

The route of the C72 road is clearly identified as publicly maintainable highway.

- 5.2 The route of the alleged byway is contained within the entry for the C72 road, in the Schedule of unclassified roads identified under the provisions contained within the Restriction of Ribbon Development Act 1935:

"14. Road from the Christon Bank - Bamburgh road B1340 at its junction with the Longhoughton - Bamburgh road B1339 via Newton-by-the-Sea and the coastguard station to Newton Seahouses."

- 5.3 The entry for the C72 road, in the 1958 County Road Schedule is:

"C72 Christon Bank - Newton Seahouses
From intersection of B1340 and B1339 via Newton-by-the-Sea to Newton Seahouses."

The length of the C72 road is identified as being 1.42 miles.

- 5.4 The entry for the C72 road, in the 1964 County Road Schedule is:

"C72 Christon Bank - Newton Seahouses
From intersection of B1340 and B1399 via Newton-by-the-Sea to Newton Seahouses."

The length of the C72 road is identified as being 1.42 miles.

- 5.5 The entry for the C72 road, in the 1974 County Road Schedule is:

"C72 Christon Bank - Newton Seahouses
From intersection of B1340 and B1399 (NU 225 245) eastwards via Newton-by-the-Sea to Newton Seahouses (NU 241246)."

The length of the C72 road is identified as being 1.42 miles.

- 5.6 The original Definitive Statement for the public right of way that connected with the southern end of the C72 road states:

Public Footpath No 1 (Newton-by-the-Sea)

“From FP 5 at the Beadnell Parish boundary at the Suspension Bridge over Long Nanny in a South-easterly and southerly direction by the public road at Newton Links House and crossing the road at Newton Seahouses to join FP 1 at the Embleton Parish boundary.”

6. SITE INVESTIGATION

- 6.1 From a point marked A, where Public Footpath No 1 (proceeding southwards from Newton Link House) joins the C72 road, 40 metres north of Low Newton Farmhouse, a 5 metre wide tarmac road, within a 12.25 metre wide corridor, proceeds in a south-easterly direction for a distance of 60 metres, to the north-east corner of number 1, The Square, Low Newton (Point B). At this point, the C72 road terminates, and Footpath No 1 continues in a south-westerly direction, immediately north of numbers 1 and 2 The Square.

7. DISCUSSION

- 7.1 Section 53 (3)(c) 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; or
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; or
that there is no public right of way over the land shown in the map and statement as a highway of any description, or any other particulars contained in the map and statement require modification.

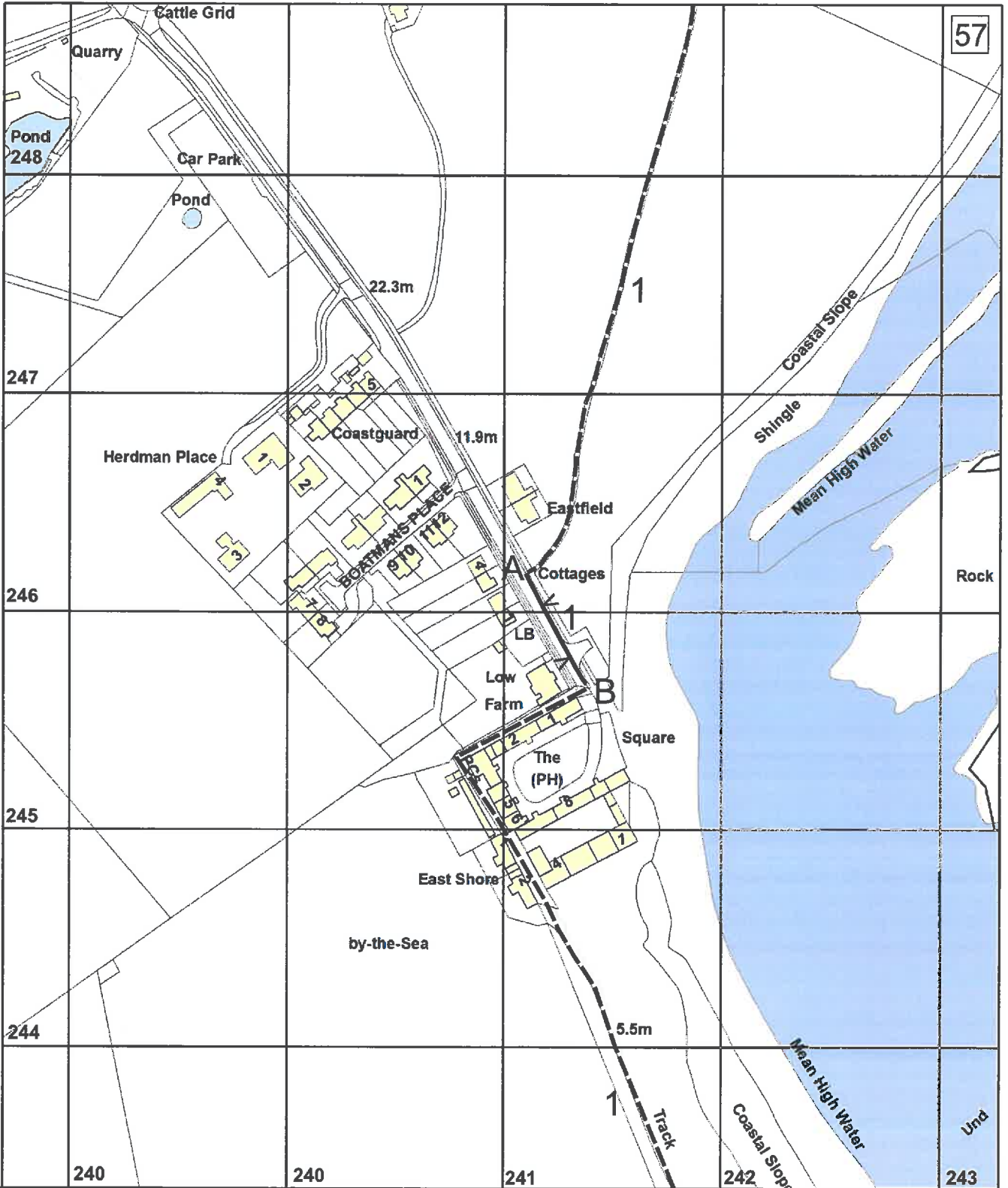
- 7.2 When considering an application / proposal for a modification order Section 32 of the Highways Act, 1980 provides for “any map, plan or history of the locality or other relevant document” to be tendered in evidence and such weight to be given to it as considered justified by the circumstances, 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.

- 7.3 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.
- 7.4 The C72 road was identified as a publicly maintainable highway on the 1932 Handover Map, and it is depicted as Road 14 on the map and schedule produced in relation to the Restriction of Ribbon Development Act 1935. The road is clearly identified as the C72 on 1951 Highways map and is identified as a public road on the Survey Map produced in c.1951 as a precursor to preparation of the first Definitive Map. The route has been consistently identified as a publicly maintainable highway on all the Council maps and schedules produced from then, onwards.
- 7.5 If the A-B section of Footpath No 1 had been identified as Part of Public Footpath No 1 on the original Definitive Map when it was being drawn up in the 1950s this would have been a positive indication that this section was considered to be no more than a public footpath, but it wasn't, nor was it shown as a public footpath on the First Review Map, which indicates there had been no discovery of evidence to suggest the route is no more than a public footpath. No Definitive Map Modification Orders were made under the Wildlife and Countryside Act 1981 identifying the A-B section as a public footpath, therefore the consolidated Definitive Map should simply have shown Footpath No 1 in the same way as the First Review Map. As discussed previously, it is not clear why Footpath No 1 is shown over the A-B section. The original and First Review Definitive Maps showed Footpath No 1 as a single public right of way, split into 3 parts. The present situation might not have arisen if the 3 parts had been numbered as 3 separate paths, as originally intended, and depicted, on the Survey, Draft and Provisional Maps. However, for some reason, between the Provisional Map and Definitive Map stages, the decision was made to re-number the 3 separate parts as one single path (numbered "1").
- 7.6 It may have seemed a logical step, identifying this coastal route with a single path number, and it probably didn't cause any issues at the time, but it was unnecessary. Ultimately, it also proved to be decidedly unhelpful, as the geographic information system (GIS) that was used to map the whole rights of way network in the late 1990s / early 2000s could not handle having more than one path in a parish with the same number. It coped with this by adding its own lines to join path sections together. This situation didn't occur very often because, usually, separate sections of path were given their own unique numbers. The situation might arise where the middle section of a path was diverted or stopped up to facilitate, say, a housing or commercial development. The GIS would then draw a single straight line to marry the two parts together, regardless of what physical terrain or buildings might lie in between. To get around this shortcoming, prior to consolidation, we made a number of legal Orders formally renumbering many sections of path. This path seems to have been overlooked during that exercise, possibly because the connecting lines didn't stand out.
- 7.7 The route of the C72 has been consistently identified as an enclosed road / track on Ordnance Survey maps since 1866-7. Although it is not shown on Armstrong's or Fryer's County Maps of 1769 and 1820, or Cary's Map of 1820-32, it is clearly shown on Greenwood's County Map of 1828.

- 7.8 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.
- 7.9 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.
- 7.10 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.
- 7.11 Of the saving provisions above, (b) will clearly not apply to the A-B section of the C72 road. Where a route is shown on the Definitive Map as a footpath or bridleway, then the fact that it is shown on the List of Streets will not be sufficient to prevent the public’s motor vehicular rights from being extinguished. It is necessary to see whether or not one of the other saving provisions might apply.
- 7.12 Under section 67(2)(c) of NERCA 2006, the public’s motor vehicular rights would not be extinguished if those rights had been created on terms that expressly provided for a right of way for mechanically propelled vehicles.

Officers are not aware of any documents associated with dedicating the C72, as a public road. Even if there was an express dedication, past experience indicates that the wording of any documentation would, almost certainly, be insufficiently precise to satisfy this requirement.

- 7.13 Under section 67(2)(a) of NERCA 2006, the public's motor vehicular rights would not be extinguished if they are over a way whose main lawful use by the public during the period of 5 years between 2nd May 2001 and 2nd May 2006 was with mechanically propelled vehicles. The difficulty here is that the Council has no evidence regarding the balance of public user during this 5 year period. The C72 is a well made up tarmac road which (although a vehicular cul-de-sac) is clearly used on an everyday basis by the public with 'normal' motor vehicles. The main type of use was likely to be local traffic, gaining access to the various residential properties at The Square, Low Newton. When I carried out my site visit, motor vehicles were also being parked along the east side of the road. On a balance of probabilities, therefore, it is believed that this balance of user saving provision will apply to the A-B section of C72 road.
- 7.14 Under section 67(2)(e) of NERCA 2006, the public's motor vehicular rights would not be extinguished if they are over a way that had been in long use by mechanically propelled vehicles before 1930, when it first became an offence to drive 'off-road'. There is no evidence of long-standing public motor vehicular use before 1930 in this instance.
- 7.15 Finally, under section 67(2)(d) of NERCA 2006, the public's motor vehicular rights would not be extinguished if they are over a way that had been created by construction of a road intended to be used by MPVs. The modern day tarmac road was clearly constructed with motor vehicular use in mind but, based upon the historical documentary evidence available, it was almost certainly a public road before a tarmac surface was applied. On that basis this saving provision will not apply.
- 7.16 The C72 road has a decent tarmac surface and is in everyday use by the public with motor vehicles. Based on the historical documentary evidence available, and the pattern of public user it seems clear that the route is a public vehicular right of way. As discussed in 7.13 above, it also believed that during the period May 2001 to May 2006, public motor vehicular use of the A-B route exceeded the combined total of pedestrian, equestrian and bicycle use, thereby 'saving' the public's motor vehicular rights from being extinguished by the NERC Act 2006.
- 7.17 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.



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

**Wildlife and Countryside Act 1981
 Public Rights of Way**



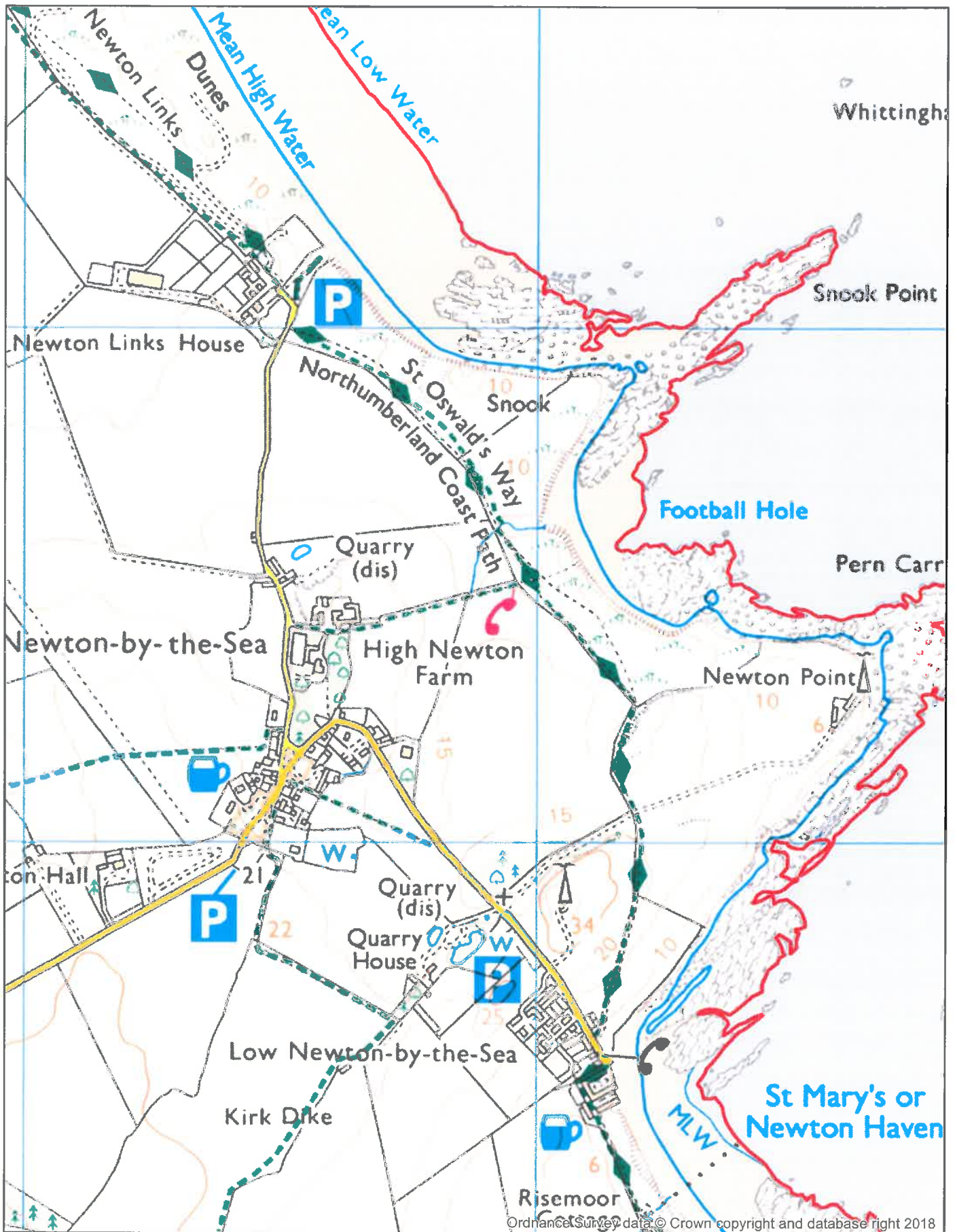
Alleged Byway Open to All Traffic



Selected existing Public Footpaths

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Former District(s) Alnwick	Parish(es) Newton-by-the-Sea	Scale 1:2500
Def. Map No. 50	O.S. Map NU 22 NW	Date January 2019



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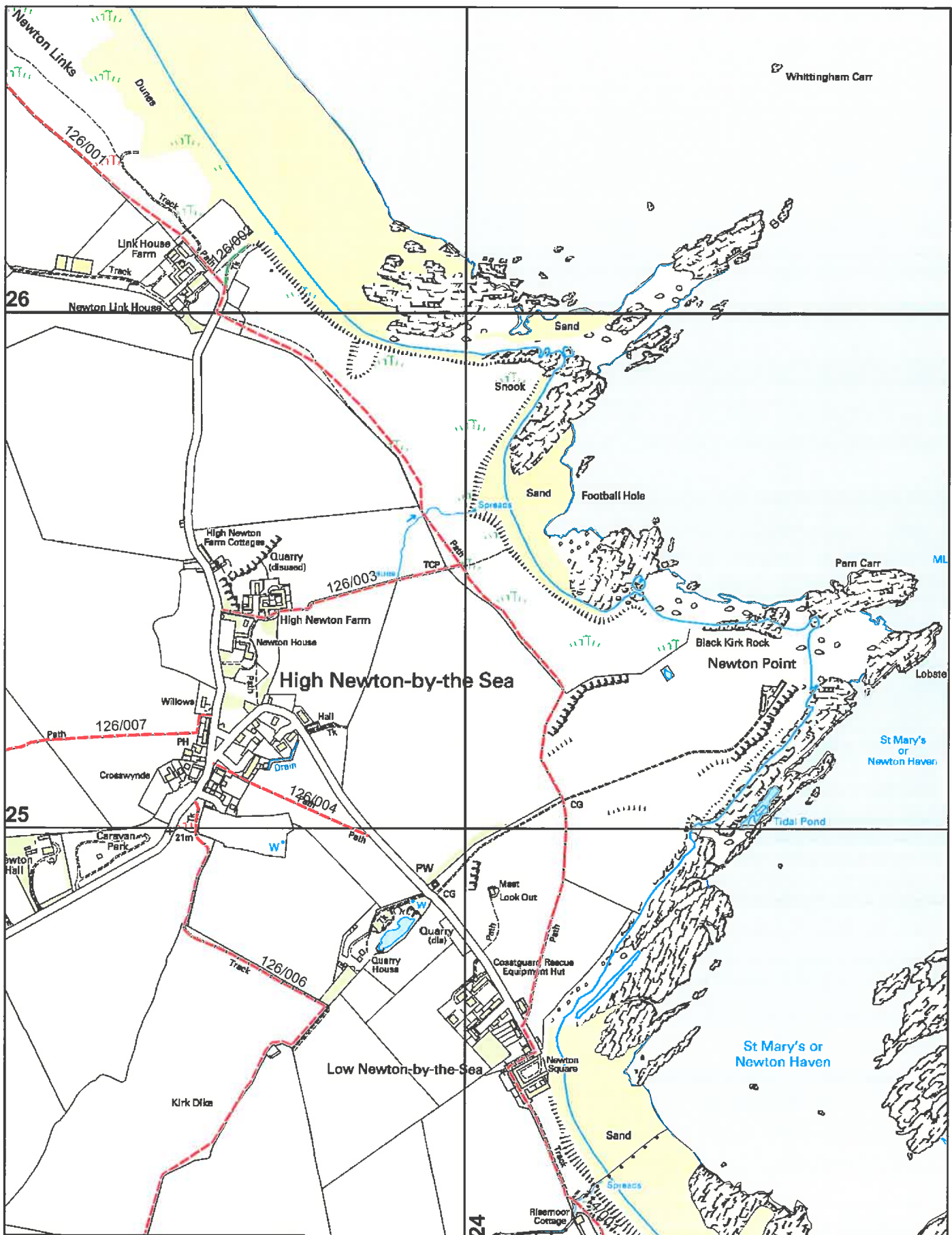


Northumberland
County Council

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

Location Map

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

Legend

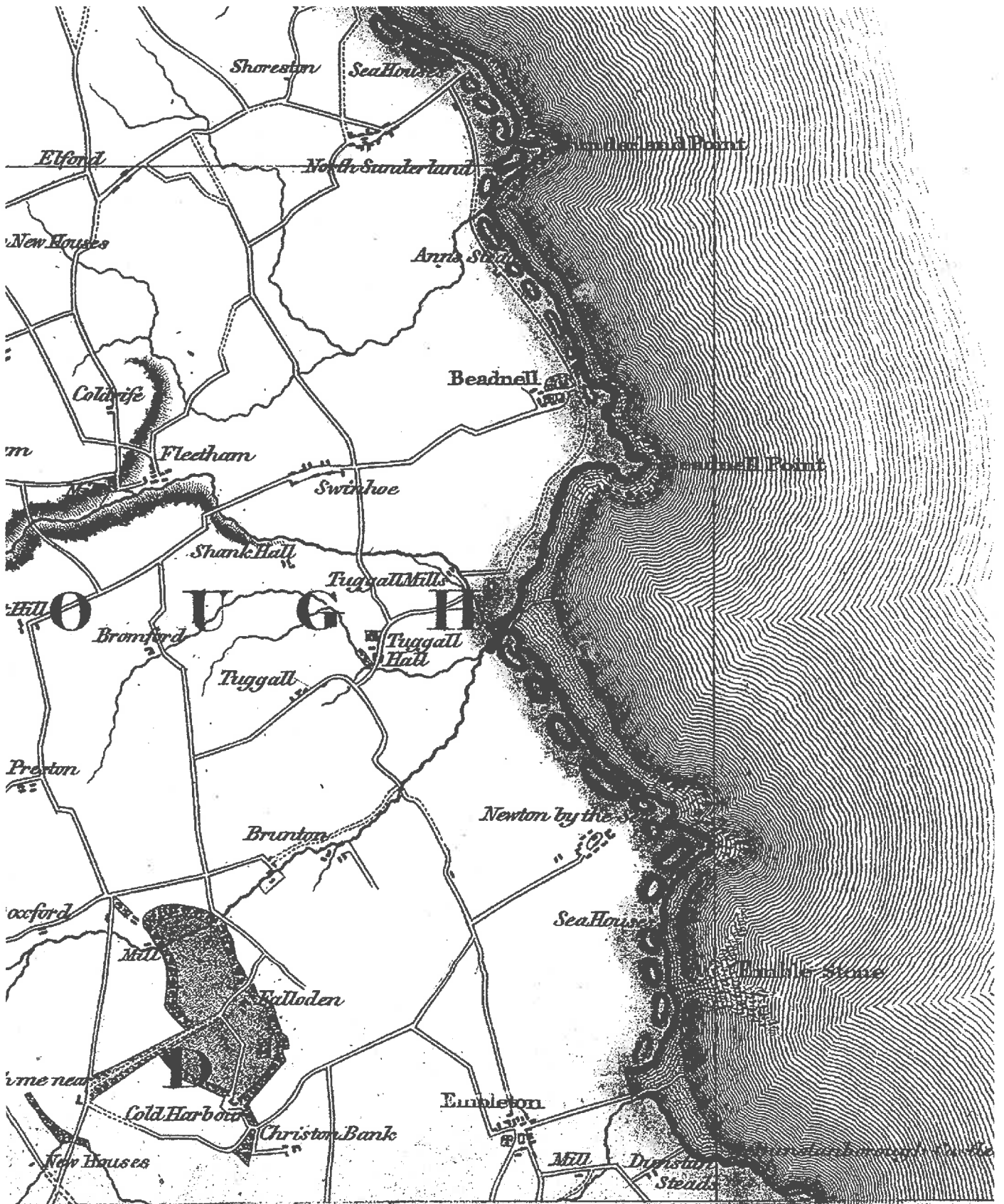
- Footpath
- Bridleway
- Restricted Byway
- Byway Open to All Traffic

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

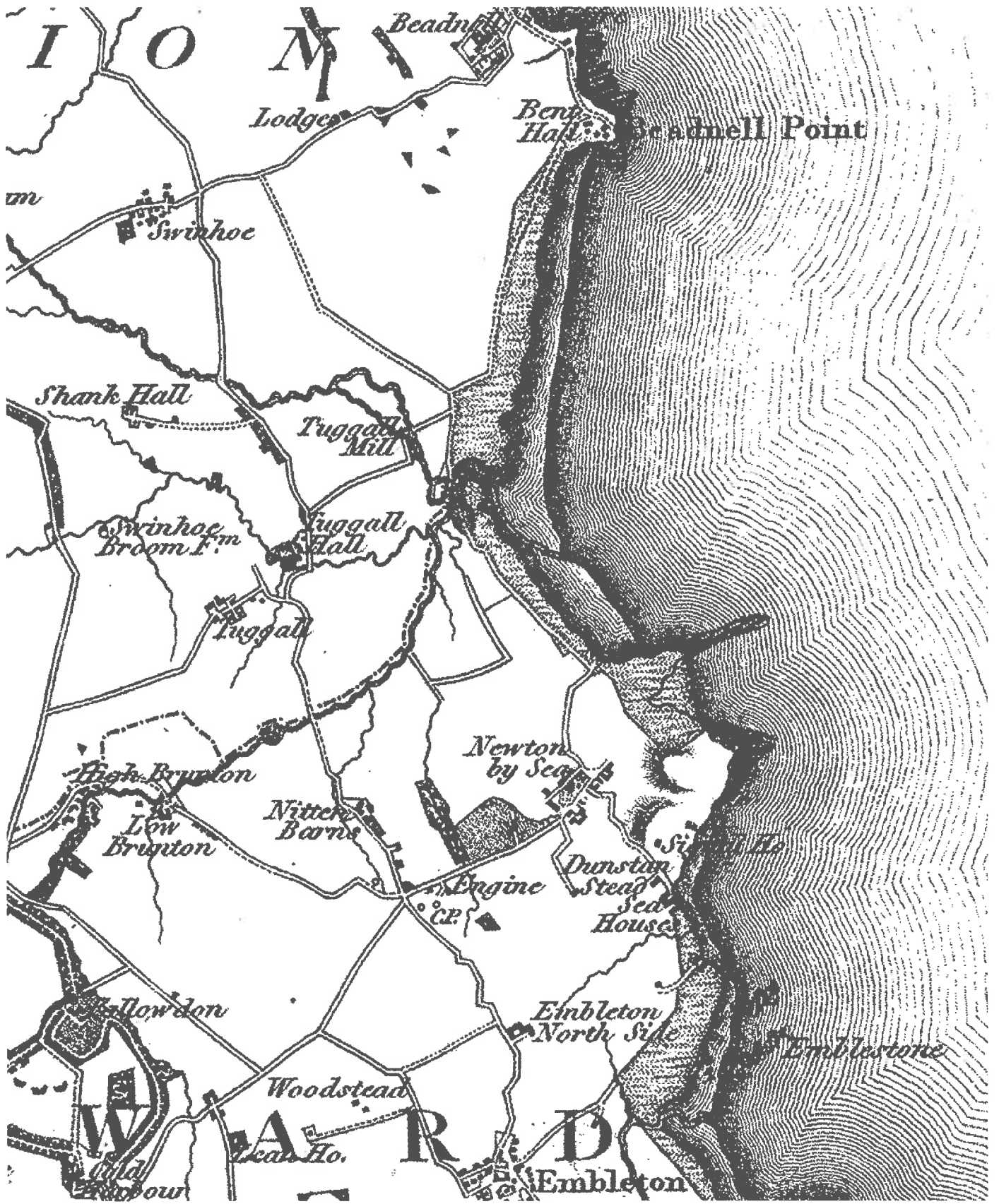
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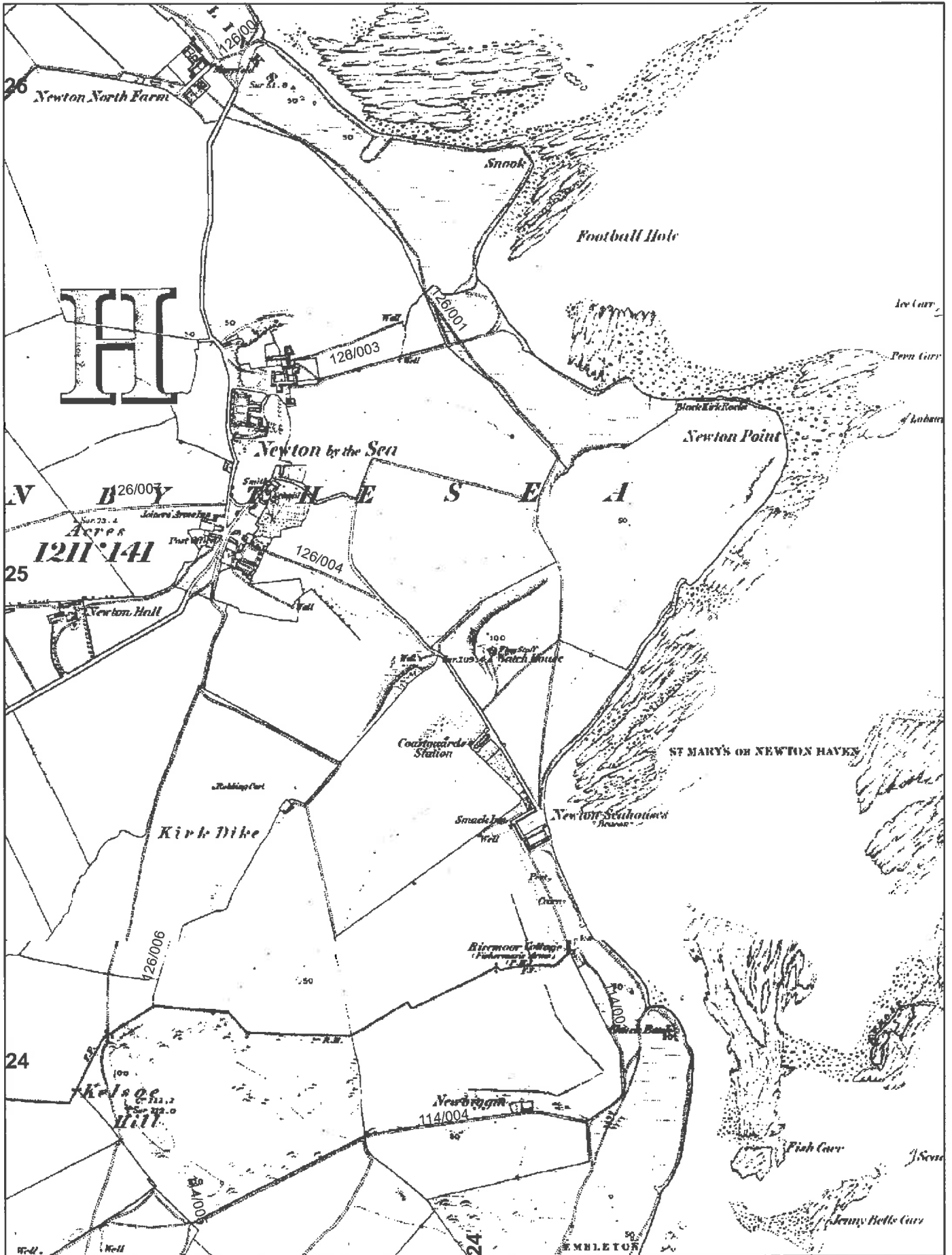
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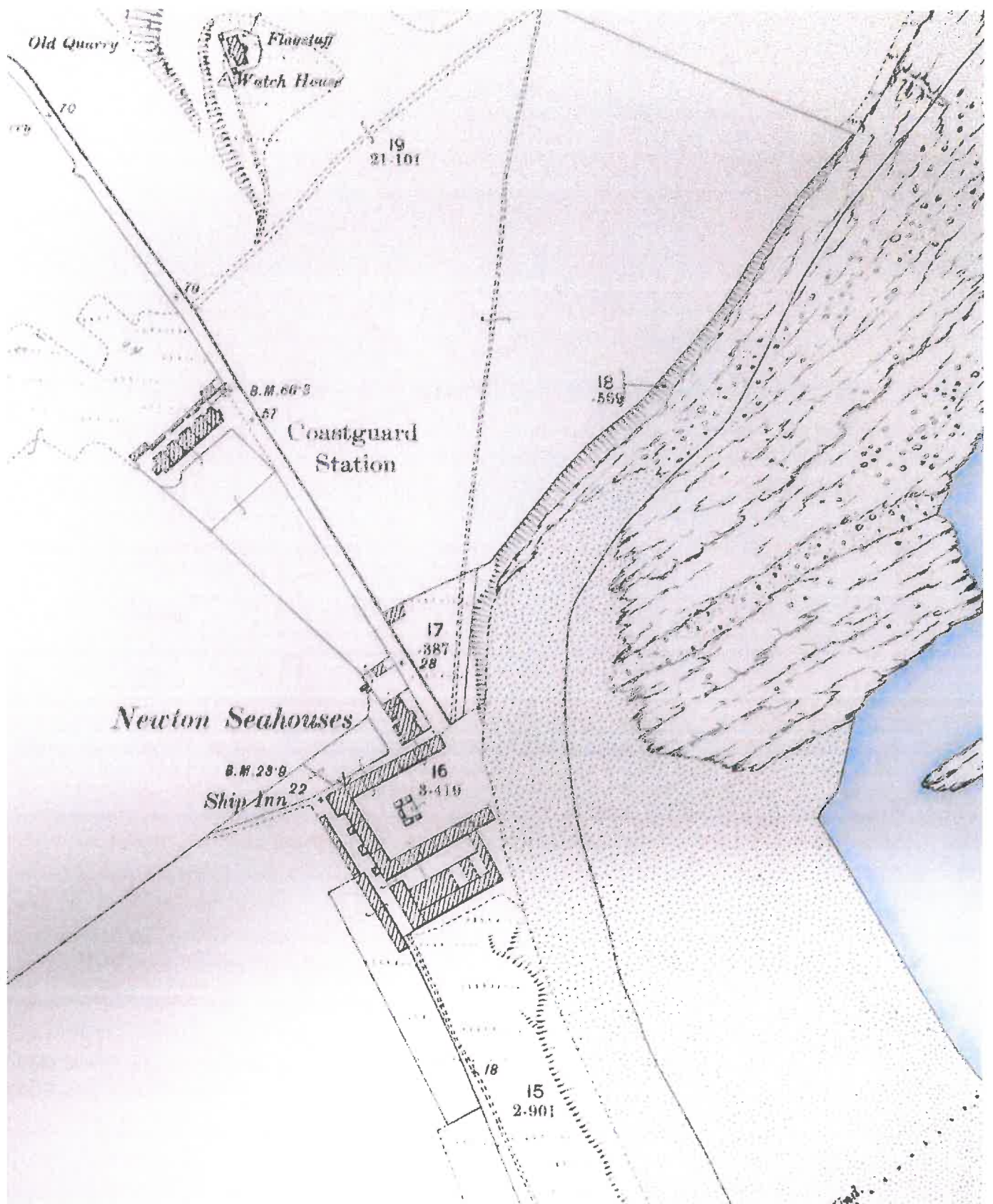
Fryer's County Map
1820

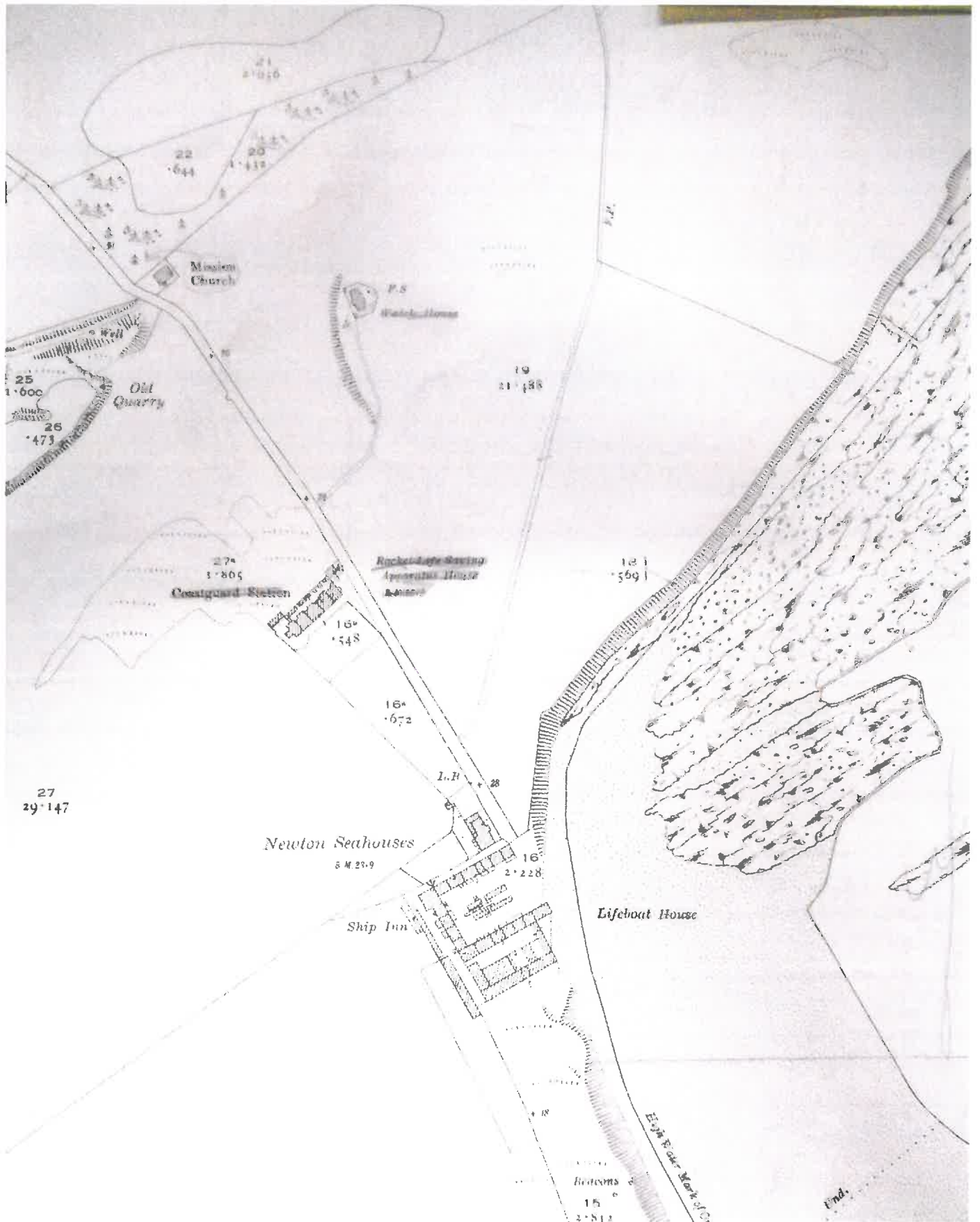










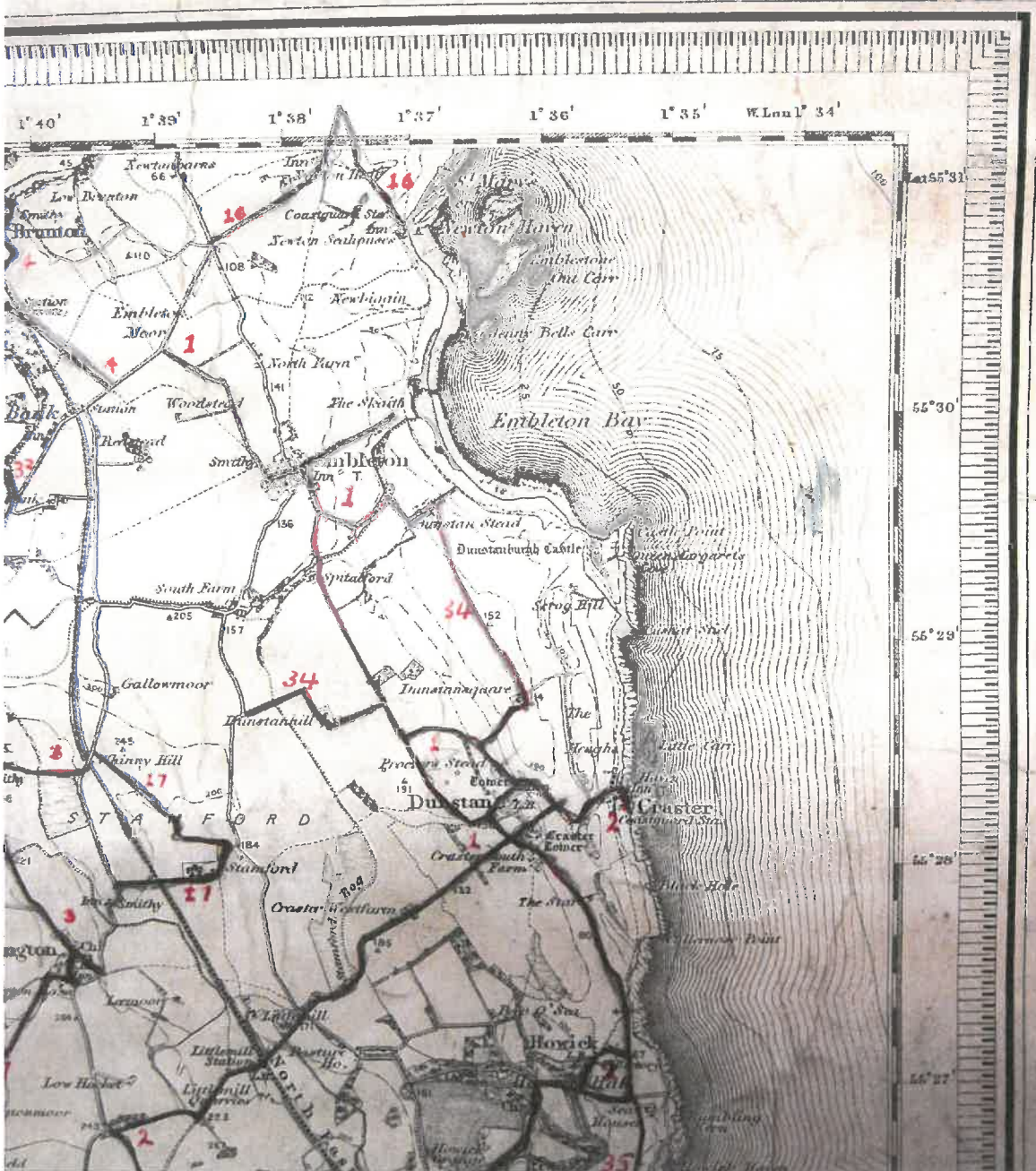


Alnwick RDC Handover Map
1932

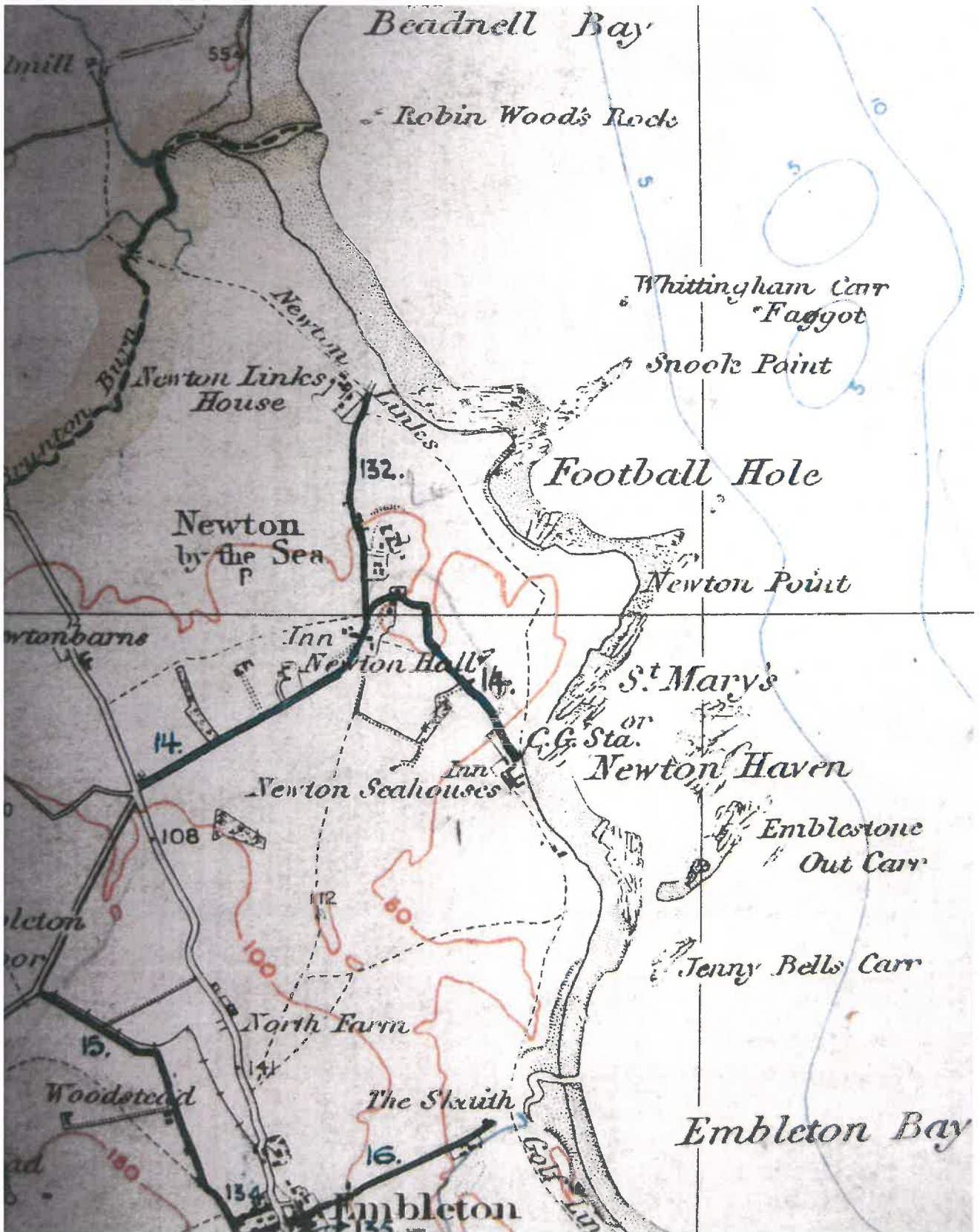
K. R. D. C.

EGATED ROADS. JUNE 1932

SHEET 6



Extract from Northumberland County Council One Inch Maps showing restrictions under Sections 1 and 2 of the Restriction of Ribbon Development Act 1935



Alwood RD

COUNTY OF NORTHUMBERLAND

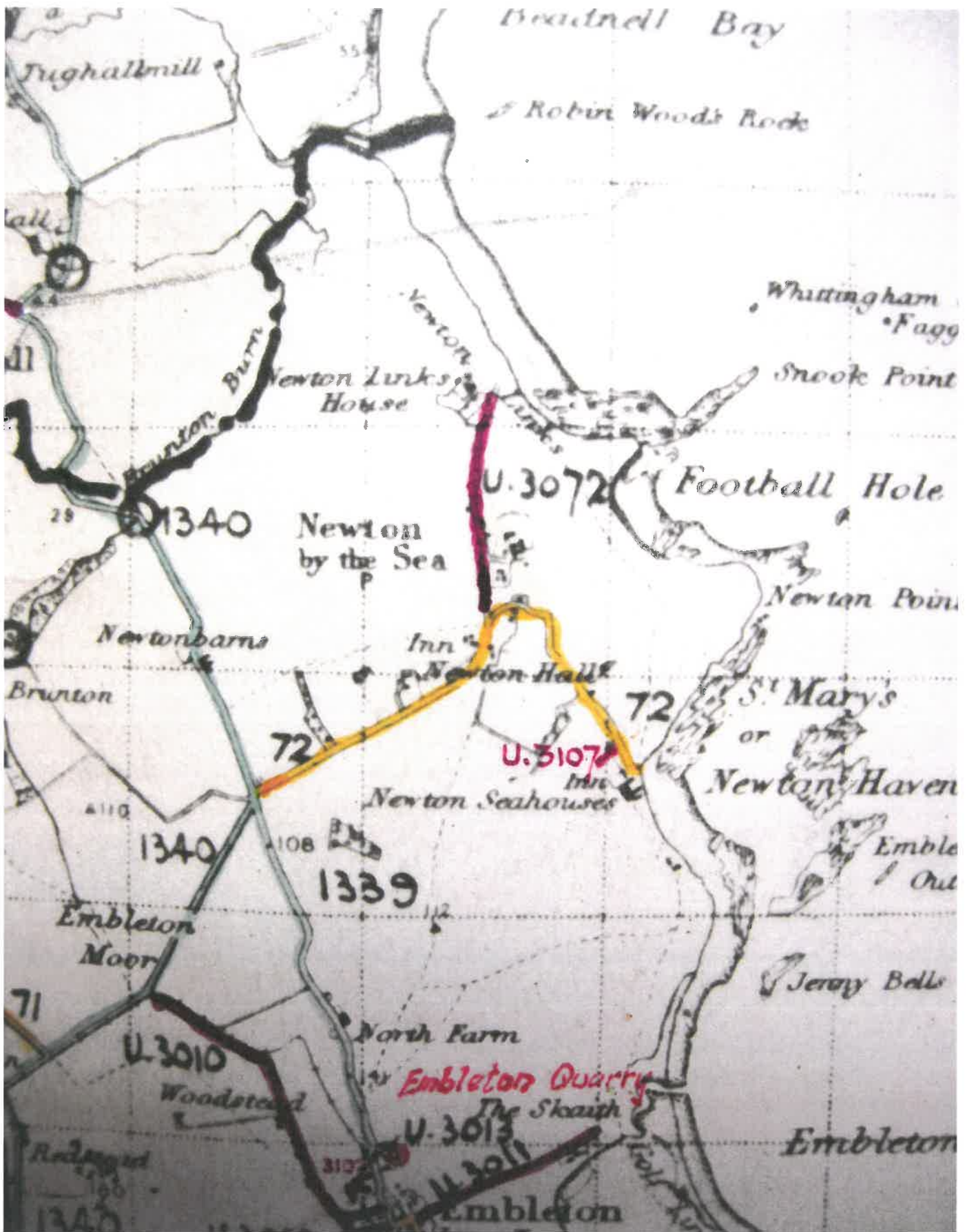
Restriction of Ribbon Development Act, 1935

LIST OF UNCLASSIFIED ROADS IN THE RURAL DISTRICT OF ALWOOD IN RESPECT OF WHICH THE PROVISIONS OF SECTION 21 OF THE RESTRICTION OF RIBBON DEVELOPMENT ACT 1935 WERE ADOPTED ON 25th JUNE 1937 BY RESOLUTION OF THE BRIDGES AND ROADS COMMITTEE ACTING UNDER DELEGATED POWERS.

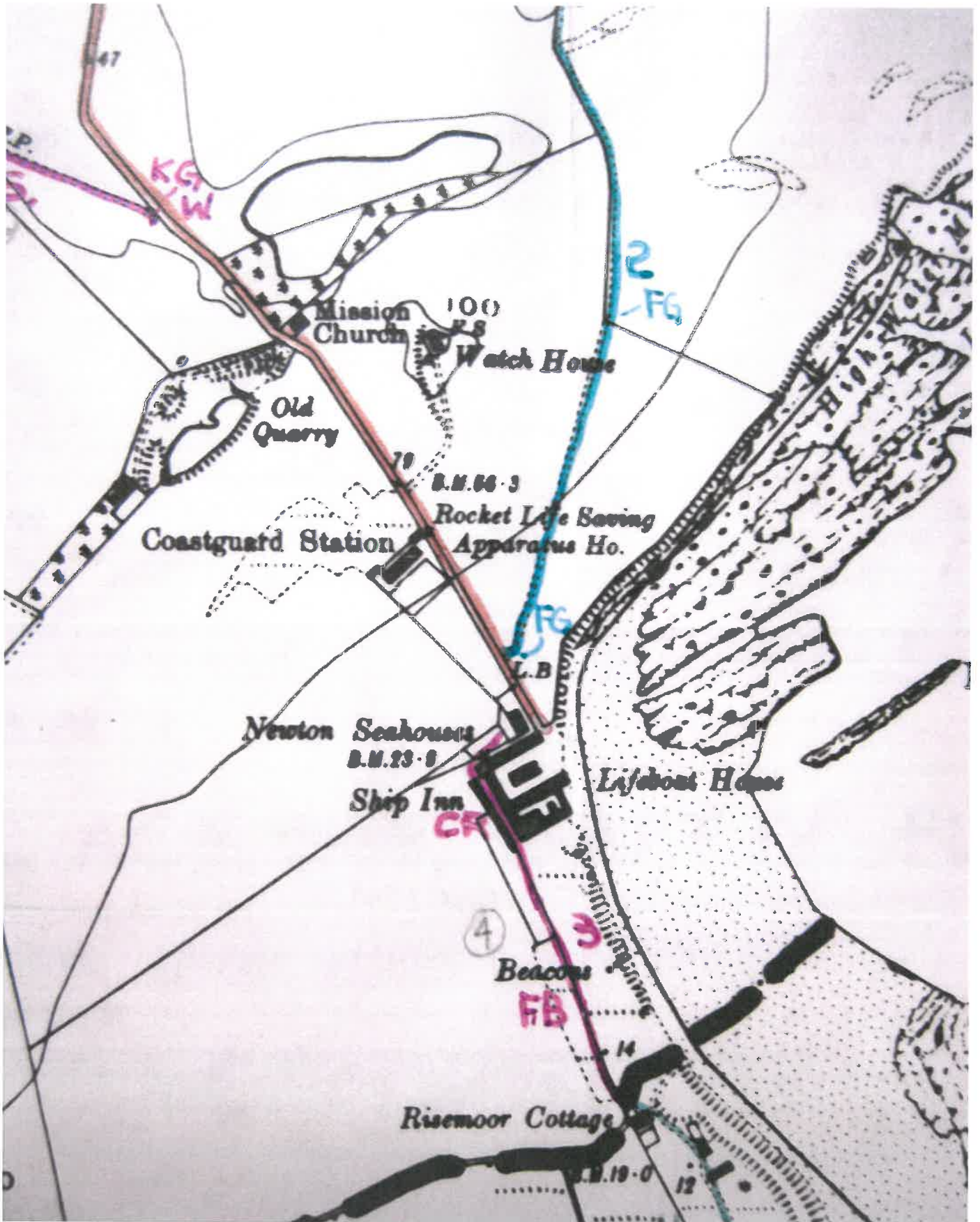
1. Road from the Alnwick-Berwick road A.1 at North Charlton to a point thereon 540 yards south west of Tinely.
2. Road from a point on the Tinely-Doxford road 200 yards south east of Tinely via Doxford, Brunton and Falloodon station to a point on the Christon Bank-Bamburgh road B.1340 $\frac{1}{4}$ -mile north east of Christon Bank station.
3. Road from a point on the Falloodon station-Doxford road $\frac{1}{4}$ -mile north west of Falloodon station via Allausford Bridge to a point thereon 470 yds. south of the L. & N.E.R. Railway Bridge near Tughall Moor.
4. Road from the Alnwick-Berwick road A.1 at North Charlton via Doxford Newhouses to a point on the Charlton Mires-Christon Bank Road B.6347 $\frac{1}{8}$ -mile south west of Shierlriggs Bridge.
5. Road from the Charlton Mires-Christon Bank road B.6347 at West Falloodon to the Falloodon station-Doxford road at Burnhouses.
6. Road from a point on the Charlton Mires-Christon Bank road B.6347 $\frac{1}{2}$ -mile south west of Christon Bank station to Coldharbour.
7. Road from the Alnwick-Berwick road A.1 at Heiferlaw Bank to Rock South Farm.
8. Road from the Alnwick-Berwick road A.1 at Heckley House to the Denwick Lane End-Broxfield-Remington road at Broxfield.
9. Road from the Alnwick-Bamburgh road B.1340 at Denwick Lane End via Broxfield, Remingtonmoor and Red Row, to the Alnwick-Bamburgh road B.1340 near Remington House.
10. Road from the Alnwick-Berwick road A.1 at Broom House via Denwick to a point on the Alnwick-Lesbury road A.1068 $\frac{1}{4}$ -mile west of Hawkhill.
11. Road from the Charlton Mires-Christon Bank road B.6347 at Rock Moorhouse via Rock and All Saints Church, Remington to the Alnwick-Bamburgh road B.1340 at Remington.
12. Road from a point on the Rock-Remington road 300 yds. south east of North Farm to the Denwick Lane End-Broxfield-Remington road at the south end of The Green, Remington.
13. Road from the Rock Moorhouse-Remington road at Rock to a point on the Alnwick-Bamburgh road B.1340 200 yds. south west of Whinny Hill railway bridge.
14. Road from the Christon Bank-Bamburgh road B.1340 at its junction with the Loughoughton-Bamburgh road B.1339 via Newton-by-the-Sea and the coastguard station to Newton Seahouses.
15. Road from a point on the Christon Bank-Bamburgh road B.1340 $\frac{1}{4}$ -mile north east of Christon Bank station via Station road to the Loughoughton-Bamburgh road B.1339 at Embleton.
16. Road from the Loughoughton-Bamburgh road B.1339 at Embleton via Sea Lane to the Embleton Golf Club House.
17. Road from the Loughoughton-Bamburgh road B.1339 at Embleton via Dunstan and Howick Seahouses to the Loughoughton-Bamburgh road B.1339 near Howick Grange.

18. Road from the Embleton-Howick road near Embleton via Dunstan Stead and Dunstansquare to a point on the Proctor's Stead-Craster road 300 yds. north west of Proctor's Stead.
19. Road from the Embleton-Dunstan Stead road at Dunstan Stead to the coast at Dunstan Stead Links.
20. Road from a point on the Embleton-Howick road 1 mile south of Spitalfold via Proctor's Stead to Craster.
21. Road from a point on the Embleton-Howick road 500 yds. north of Craster South Farm via Dunstan village to a point on the Proctor's Stead-Craster road 150 yds. south of Proctor's Stead.
22. Road from a point on the Alnwick-Bamburgh road B.1340 100 yds. north east of Whinny Hill railway bridge via Stamford and Stamford Gate to a point on the Alnwick-Bamburgh road B.1340 300 yds. north of Stamford Cottages.
23. Road from a point on the Loughoughton-Embleton road B.1339 $\frac{3}{4}$ -mile north of Stamford via Dunstanhill to a point on the Dunstan-Embleton road $\frac{3}{4}$ -mile south of Spitalfold.
24. Road from the Alnwick-Bamburgh road B.1340 at The Hocket via Little Mill station and Craster West Farm to a point on the Proctor's Stead-Craster road 700 yds. south east of Proctor's Stead.
25. Road from the Alnwick-Bamburgh road B.1340 at The Hocket via Peppermoor and Suablazes to a point on the Alnwick-Lesbury road A.1068 600 yds. west of Hawkhill.
26. Road from a point on the Hocket-Hawkhill road $\frac{1}{4}$ -mile north of Peppermoor via Little Houghton to a point on the Loughoughton-Embleton road B.1339 $\frac{1}{2}$ -mile south west of Howick Grange.
27. Road from The Hocket-Hawkhill road at a point 700 yds. north of Peppermoor via Harlaw Hill to a point on the Denwick-Longhoughton road $\frac{1}{4}$ -mile east of Denwick Bridge End.
28. Road from the Alnwick-Bamburgh road B.1340 at Denwick Bridge End via Longhoughton, Boulmer and Seaton Barns to its junction with Lesbury-Alnmouth road.
29. Road from a point on the Boulmer-Lesbury road 300 yds. south of Seaton Barns past the entrance to Seaton House, southwards for a distance of 450 yards.
30. Road from a point on the Lesbury-Embleton road B.1339 opposite St Peter's Church, Longhoughton via Low Stead to a point on the Howick-Boulmer coast road $\frac{1}{2}$ -mile south of Howick Burn.
31. Road from the Dunstan-Howick Grange road at Howick Seahouses to Boulmer.
32. Howick Village Street.
33. Road from a point on the Morpeth-Alnwick road A.1 150 yds. south of Willowtree Cottages via Sneap Plantation, Shilbottle Old Pit, Shilbottle, Wood House, Eastfield Hall and Warkworth station to the Amble-Lesbury road A.1068 at Birling.
34. Road from the Morpeth-Alnwick road A.1 near Harecrag Quarry via Hichcroft to the Alnwick-Shilbottle-Birling road at Shilbottle.
35. Road from a point on the Alnwick-Shilbottle-Birling road 100 yds. south of Shilbottle Old Pit via Bilton Banks, Bilton and Alnmouth station to a point on the Lesbury-Ambie road A.1068 250 yds. south of Lesbury Mill.
36. Road from a point on the Alnwick-Lesbury road A.1068 $\frac{1}{4}$ -mile west of Hawkhill via Greenrig Kennels to the Shilbottle-Alnmouth road at Bilton.

Extract from the Council's 1951 Highways Map



Survey Map
(Annotated c. 1951)



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

Parish of Newton by Sea in the Rural District of _____

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

1. Number of highway on Map 2 2. Kind of Path (i.e., F.P., B.R.) FP+BR
3. Starts at Newton Link House to Newton Sea Houses
4. Name of Path (if any) _____
5. Is the Path well defined? no
6. Is the Path metalled? If so, define length no
7. If its width can be stated, insert here _____
8. What is the present condition of the path, stiles, etc.? grass track with field gates
9. Is it subject to being ploughed out? no
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known _____

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

Awarded Old Established Path

12. Have persons been prevented using the highway? no
13. Give particulars of any obstructions nil
14. Names of owners of freehold and previous owners, if known, for past 30 years Sir Arthur M Sutherland

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

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

nil

17. Any other relevant information Continuation from NA1

Surveyed by	Address	Dates of Survey
<u>D E Gregory</u>	<u>Newton by Sea</u>	<u>June 1/51</u>
<u>J E Blair</u>	<u>Newton by Sea</u>	<u>June 1/51</u>
<u>Wm Middleton</u>	<u>Newton by Sea</u>	<u>June 1/51</u>

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

19.S 1 47 123 NE 1

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

Parish of Newton by Sea in the Rural District of _____

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

BR

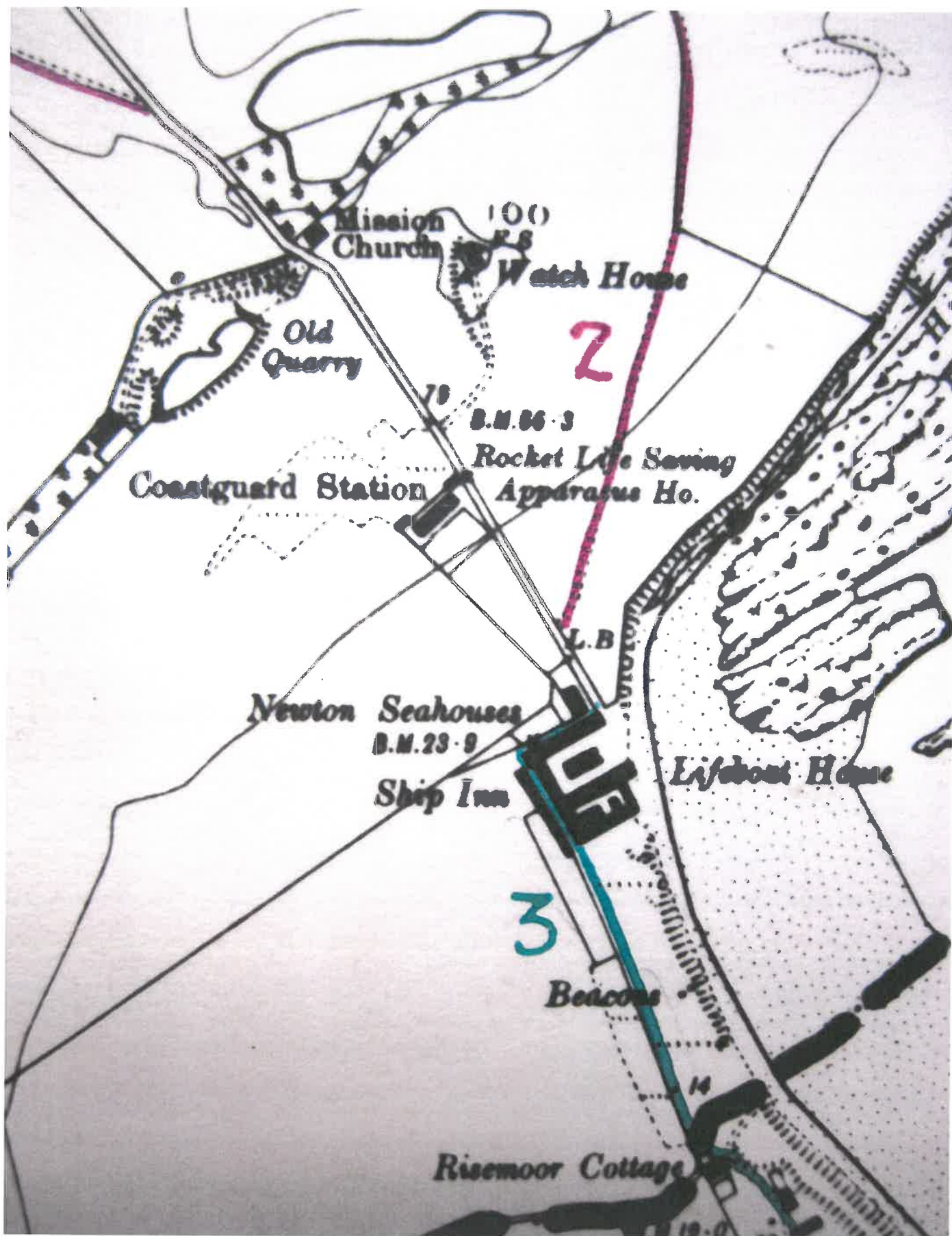
1. Number of highway on Map 3
2. Kind of Path (i.e., F.P., B.R.) FP
3. Starts at Newton Sea House to Risemoor
4. Name of Path (if any) _____
5. Is the Path well defined? Yes
6. Is the Path metalled? If so, define length. 300 yds from Main Rd. to Farmyard
7. If its width can be stated, insert here _____
8. What is the present condition of the path, stiles, etc.? Best road Part track
Grass
1 Foot Bridge
9. Is it subject to being ploughed out? No
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known
nil
11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant

12. Have persons been prevented using the highway? No
13. Give particulars of any obstructions nil
14. Names of owners of freehold and previous owners, if known, for past 30 years
Sir Arthur M. Sutherland
15. What maps have been consulted, and where are they deposited?

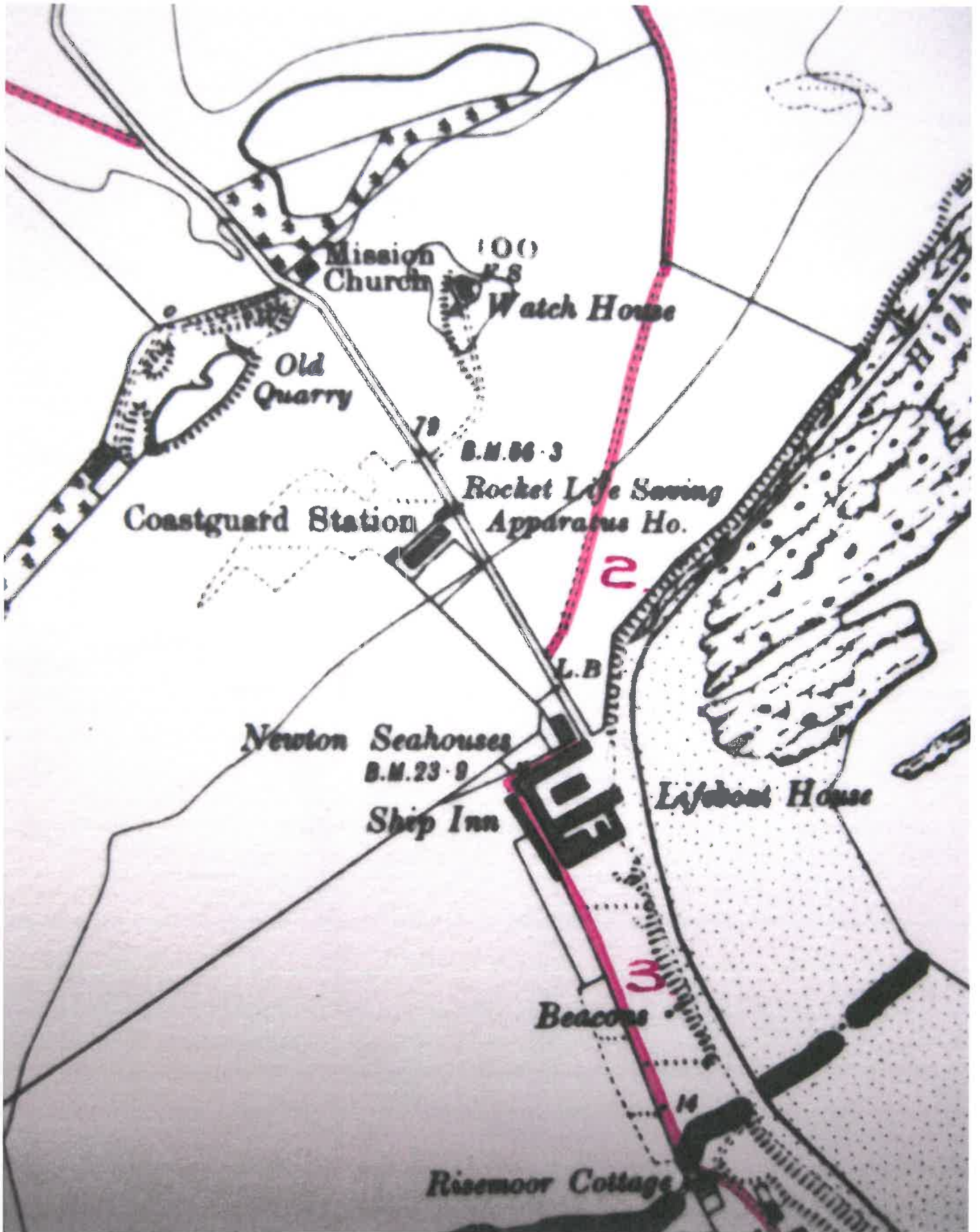
16. What records have been consulted, and where are they deposited?
nil
17. Any other relevant information Metalled Road from Ship Inn corner through Low Newton Farm Buildings, across Links over footbridge to Risemoor

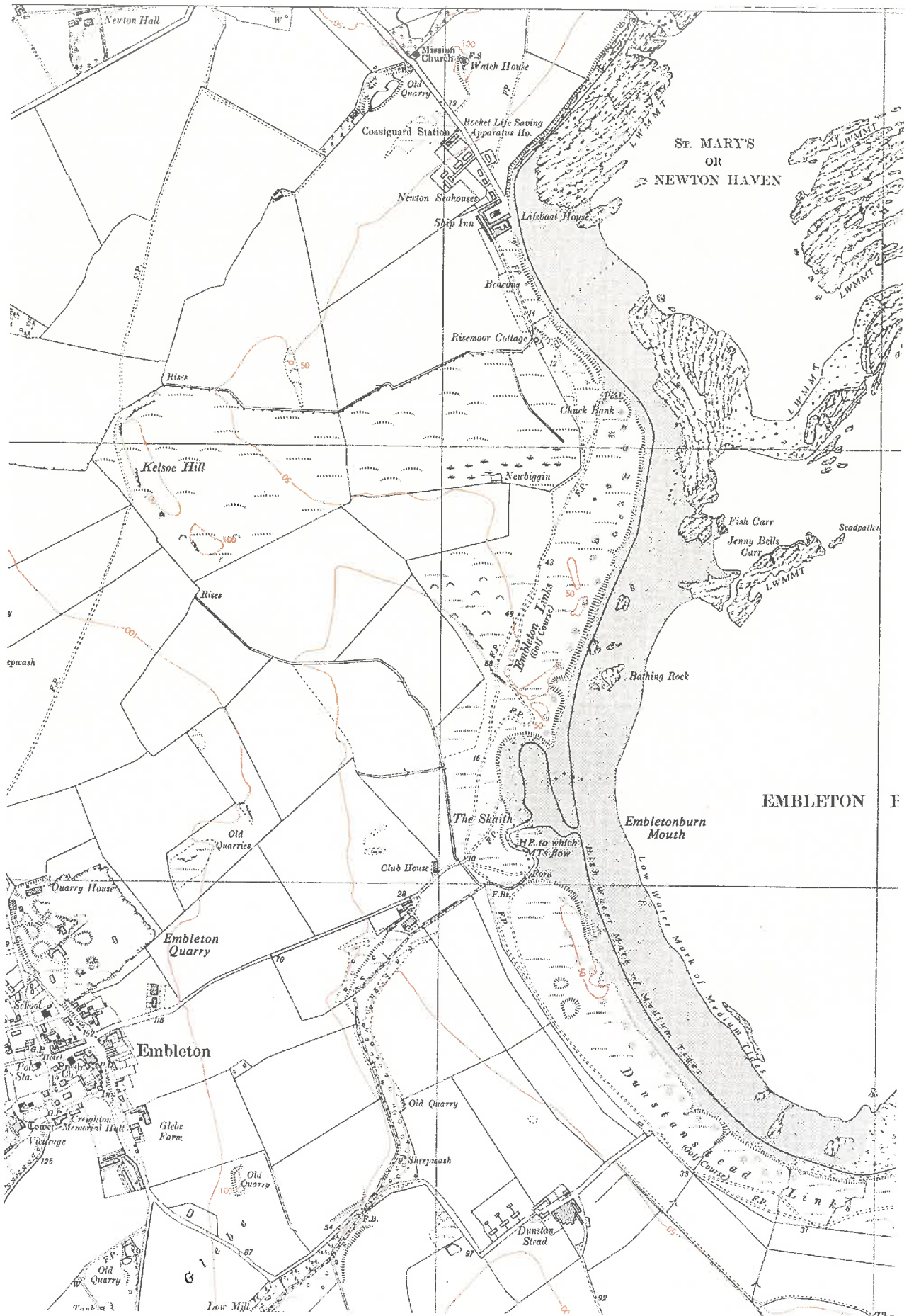
Surveyed by	Address	Dates of Survey
<u>D E Gregory</u>	<u>Newton by Sea</u>	<u>June 1/51</u>
<u>J E Blair</u>	<u>Newton by Sea</u>	<u>June 1/51</u>
<u>W M Middleton</u>	<u>Newton by Sea</u>	<u>June 1/51</u>

Important :—Sheet No. of Map on which Highway is shown
195 | 47 | 23NE 1



Provisional Map





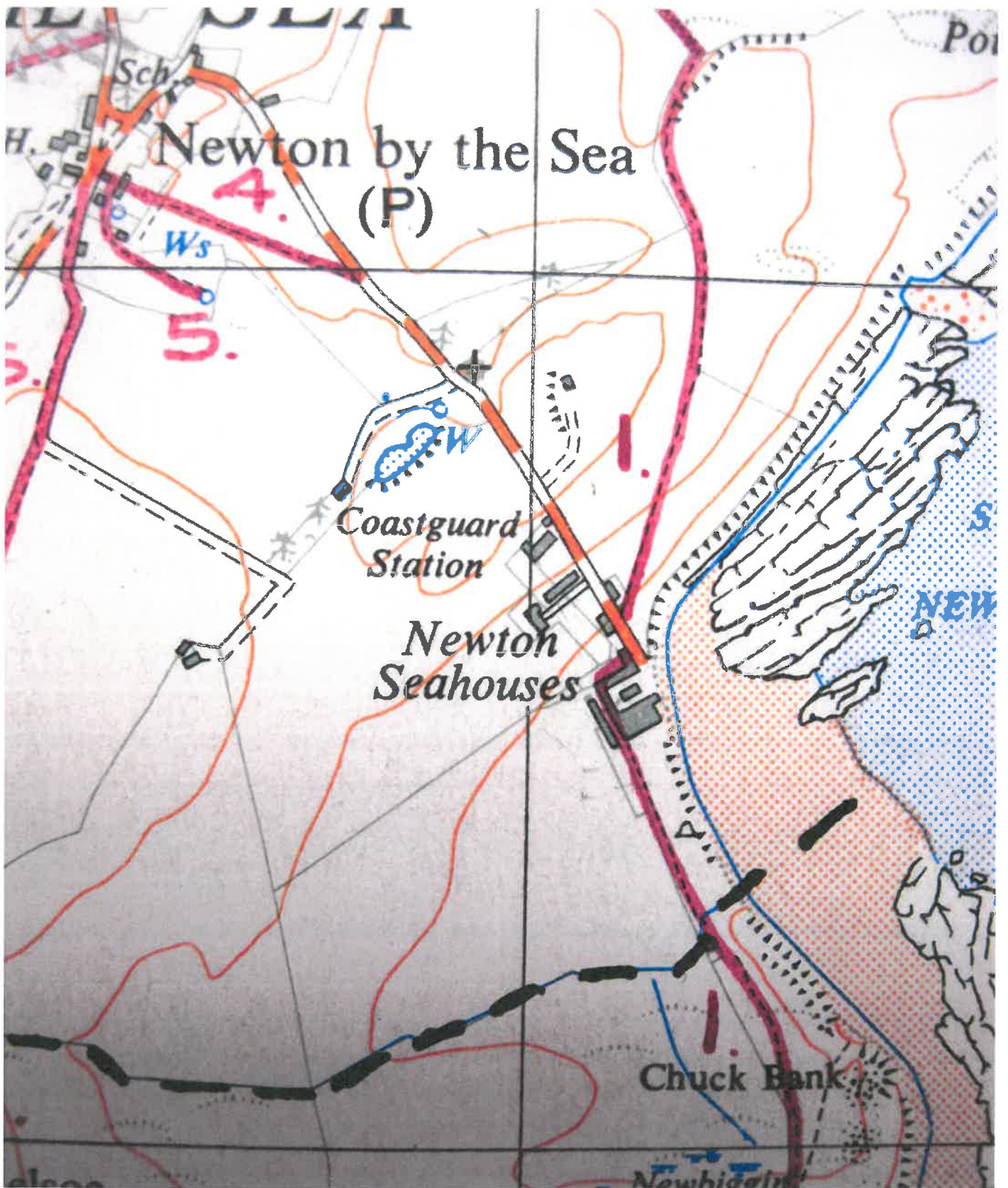
1958 County Road Schedule

BELFORD DIVISION

Brought Forward 35.61

CLASS III ROADS.

C.54	Ilderton Station - Brandon	From A.697 near Ilderton Station via Ilderton and Brandon to A.697 near Brandon White House.	6.99
C.55	Roddam - Wooperton	From C.54 south of Ilderton Moor via Roddam and Wooperton to A.697 north of Wooperton Station.	2.01
C.59	Smeafield - Waren Hill	From A.1. near Smeafield Lodge to B.1342 at Waren Hill.	5.06
C.60	Belford - Easington.	From A.1. at Belford Hall North Lodge to C.59 near Easington Grange.	0.85
C.61	Glororum - Outchester	From B.1341 south-west of Glorum to B.1342 near Outchester.	1.63
C.62	Warenford - Lucker Station	From A.1. at Warenford to B.1341 near Lucker Station.	1.60
C.63	Newham - Goldenhill	From C.65 at Newham Hall to B.1341 near Goldenhill.	1.97
C.64	Bamburgh - Westfield	From B.1341 at Bamburgh to C.65 west of Westfield.	2.41
C.65	Rayheugh - North Sunderland.	From A.1. near road to Rayheugh to C.68 at North Sunderland.	7.09
C.66	Fleetham - Newham Hall.	From C.68 near Fleetham to C.65 near Newham Hall.	1.02
C.68	Swinhoe Cottage - Seahouses.	From C.69 near Swinhoe Cottage to B.1340 at Seahouses	3.89
C.69	Swinhoe Smithy - West Falloodon.	From B.1340 at Swinhoe Smithy to B.6347 at West Falloodon.	4.89
C.70	Preston - Timely.	From C.69 at Preston to C.71 at Timely.	1.53
C.71	Charlton Bridge - Christon Bank Station	From A.1. at Charlton Bridge to B.1340 near Christon Bank Station.	4.19
C.72	Christon Bank - Newton Seahouses.	From intersection of B.1340 and B.1339 via Newton-by-the-Sea to Newton Seahouses.	1.42
C.73	Rock Moor House - Rennington House	From B.6347 at Rock Moor House via Rennington to B.1340 north of Rennington House.	2.64
		Forward	<u>84.80</u>
			miles



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 AINWICK.
2. Parish NEWTON-BY-THE-SEA.
3. Number of Footpath on Map 1
4. Name of Path
5. Kind of Path (i.e. FP/BR) F.P.
6. General Description of Path From F.P. 5 at the Beadnell Parish boundary
at the Suspension Bridge over Long Nanny in a South-easterly and southerly
direction by the public road at Newton Links House and crossing the road at
Newton Seahouses to join F.P.1 at the Embleton Parish boundary.
.....
.....
7. Other relevant information
-
-
-
-
-

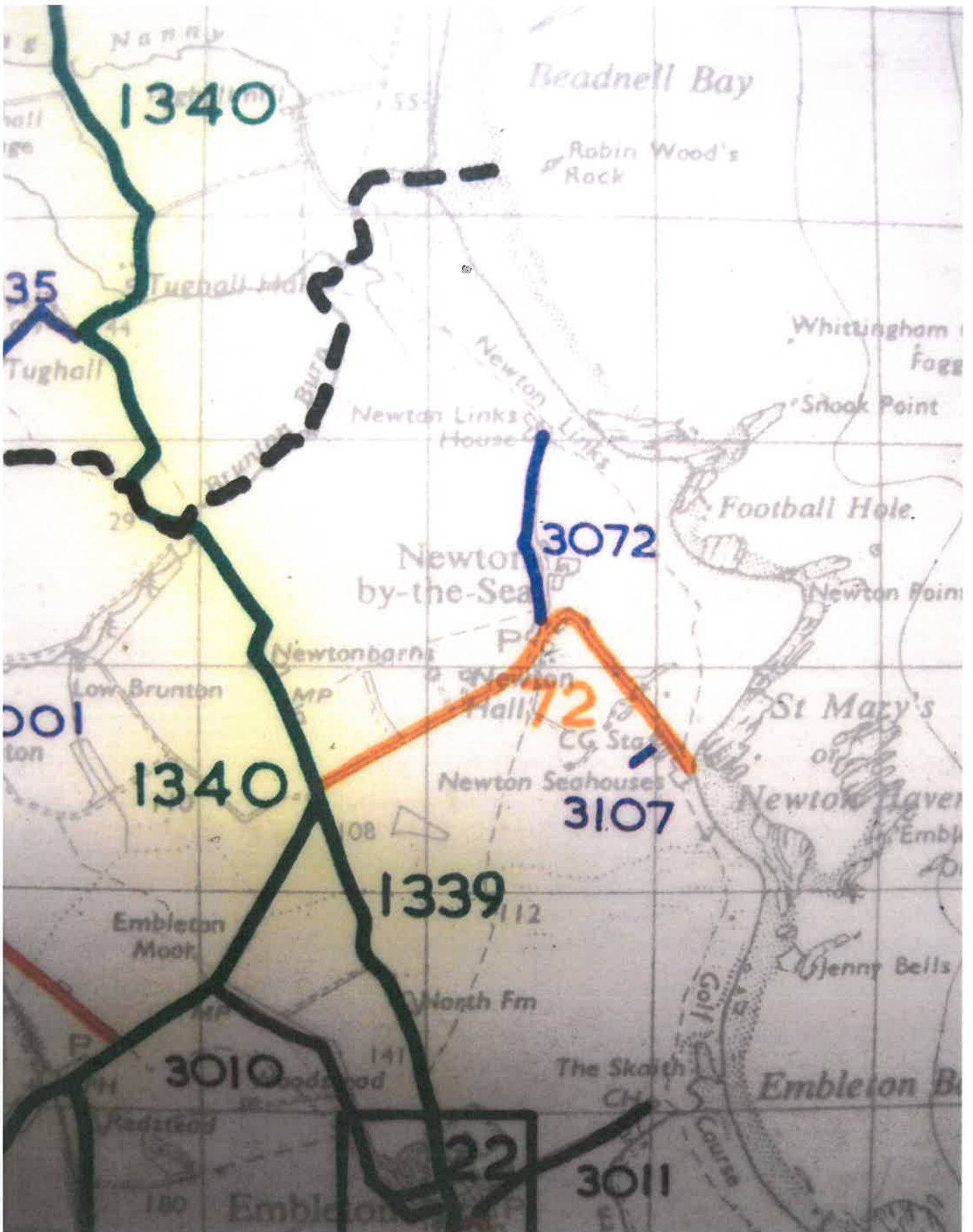


1964 County Road Schedule

- 31 -

<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>
C.70	Preston-Tinely.	From C.69 at Preston to C.71 at Tinely.	Wooler.	1.53	
C.71	Charlton Bridge-Christon Bank Station.	From A.1 at Charlton Bridge to Junction with C.70 at Tinely and from Junction with C.70 at Tinely via Doxford Hall West Lodge to join B.1340 near Christon Bank Station.	Alnwick.	4.19	
C.72	Christon Bank-Newton Seahouses.	From intersection of B.1340 and B.1399 via Newton-by-the-Sea to Newton Seahouses.	Alnwick.	1.42	
C.73	Rock Moor House-Rennington.	From B.6347 at Rock Moor House via Rennington to join B.1340 north of Rennington House.	Alnwick.	2.64	
C.74	Embleton-Craster.	From B.1339 at Embleton via Dunstan Village to Craster Post Office.	Alnwick.	2.98	
C.75	Howick Grange-Dunstan.	From B.1339 near Howick Grange via Howick to join C.74 at Dunstan Village.	Alnwick.	3.26	
C.76	Hocketwell-Craster.	From B.1340 near Hocketwell via Littlemill Station to C.74 near Craster.	Alnwick.	3.17	
C.77		NOT ALLOCATED TO ANY ROAD.			
C.78	Howick Grange-Harlow Hill.	From B.1339 near Howick Grange to C.79 near Harlow Hill.	Alnwick.	1.30	
C.79	Hocketwell-Hawkhill.	From C.76 at Hocketwell via Peppermoor to A.1068 near Hawkhill.	Alnwick.	2.81	
C.80	Denwick-Boulmer-Lesbury.	From B.1340 at Denwick Bridge End via Longhoughton and Boulmer to B.1339 at Lesbury. (Declaration D.T.2269. 0.78 miles less declassified 0.72 = 0.06 included).	Alnwick.	6.89	
C.81	Foxton-Alnmouth.	From C.80 east of Lesbury via entrance to Foxton Hall to B.1338 at Alnmouth.	Alnwick.	0.99	
C.82	Powburn-Eglington.	From A.697 near Powburn via Beanley to B.6346 at Eglington.	Alnwick.	3.65	

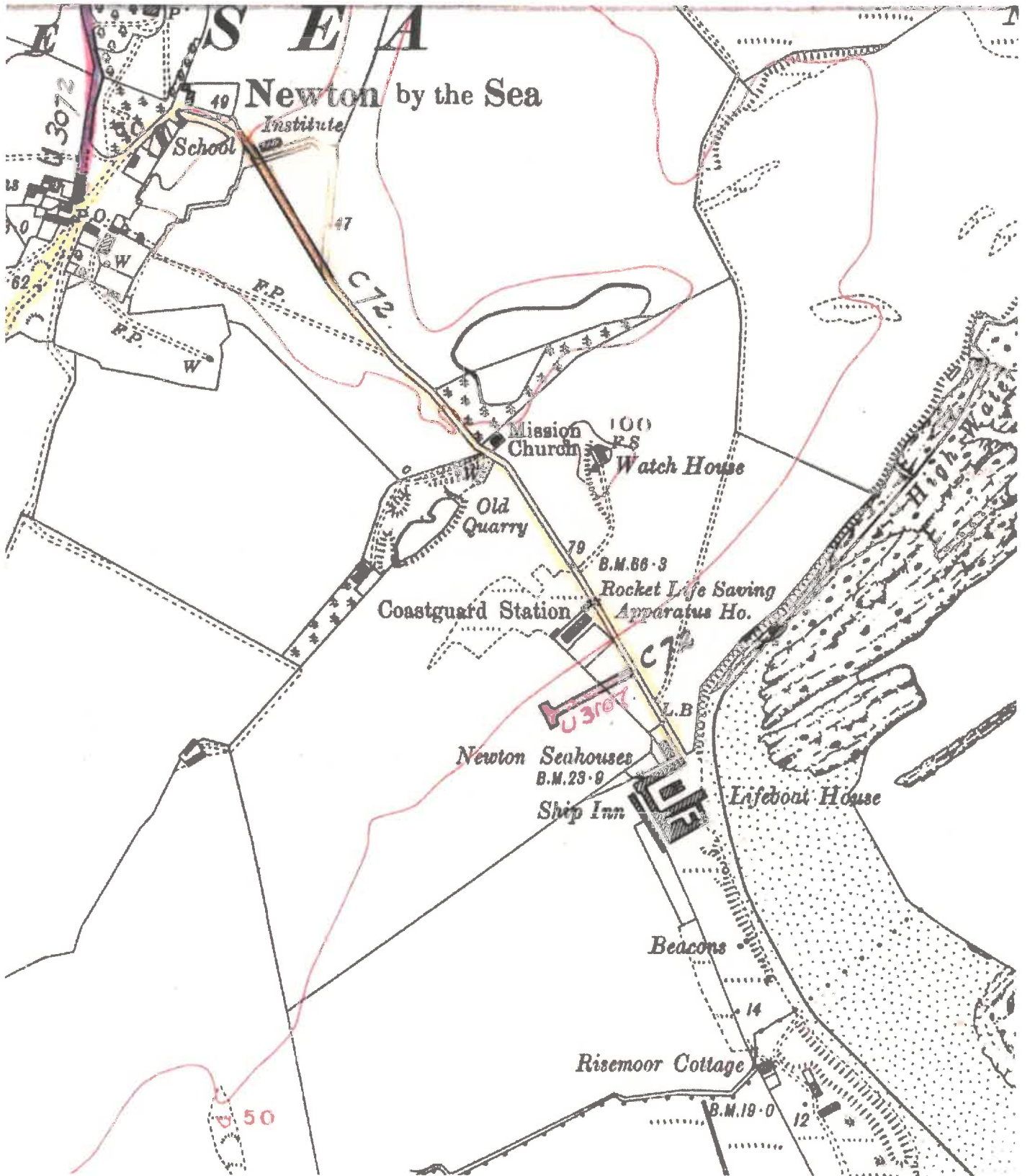
Extract from the Council's 1964 Highways Map



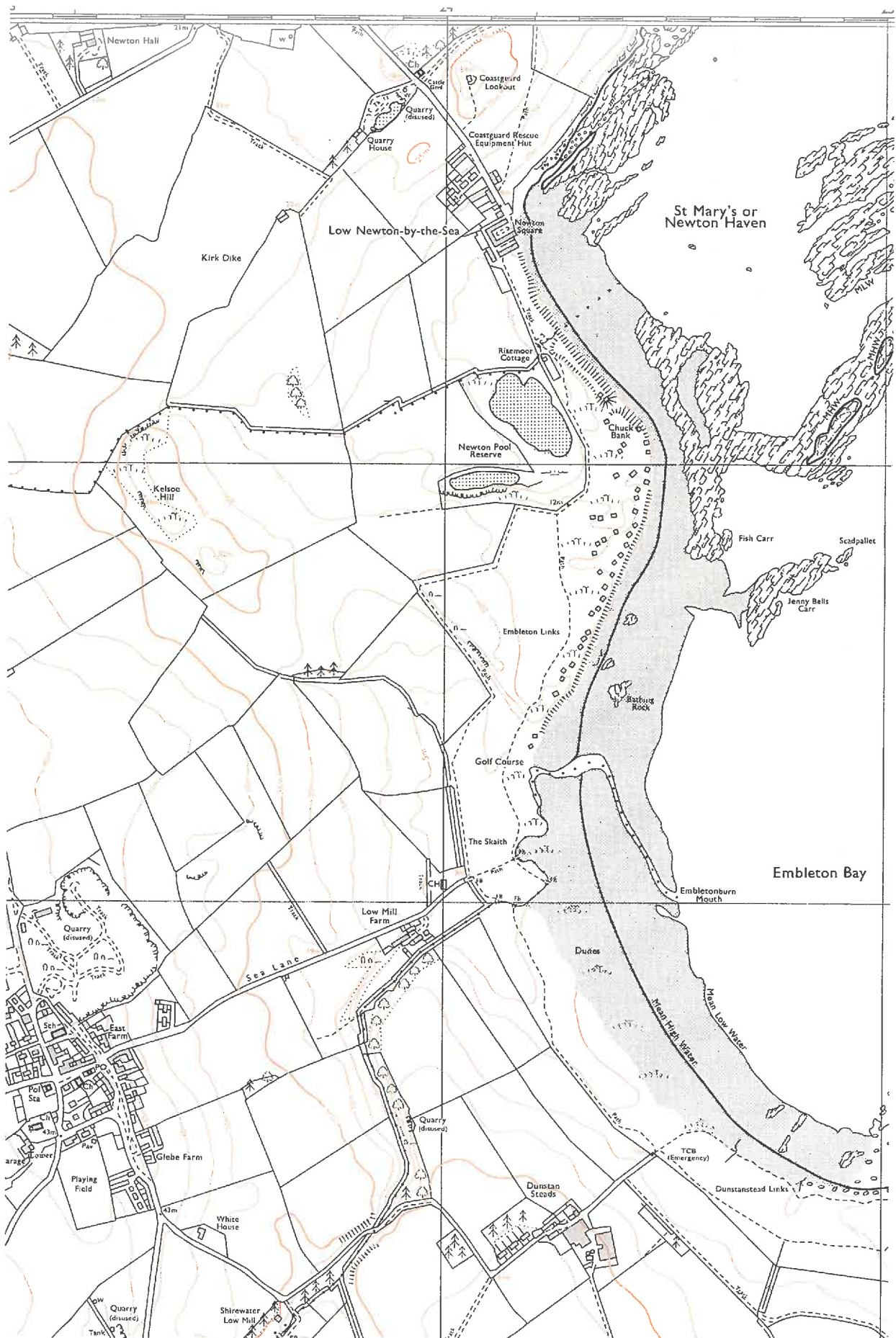
1974 County Road Schedule

Route No.	Name of Road	Description	Responsible Division or Authority	Mileage	Total Mileage
C.72	Christon Bank - Newton Seahouses	From intersection of B.1340 and B.1399 (NU.225245) eastwards via Newton-by-the-Sea to Newton Seahouses (NU.241246)	Alnwick Division		1.42
C.73	Rock Moor House - Rennington	From B.6347 at Rock Moor House (NU.186209) south-eastwards via Rennington to join B.1340 north of Rennington House (NU.214184)	Alnwick Division		2.64
C.74	Embleton - Craster	From B.1339 at Embleton (NU.231224) south-eastwards via Dunstan Village to Craster Post Office (NU.258199)	Alnwick Division		2.98
C.75	Howick Grange - Dunstan	From B.1339 near Howick Grange (NU.241165) north-eastwards and northwards via Howick to join C.74 at Dunstan Village (NU.247197)	Alnwick Division		3.26
C.76	Hocketwell - Craster	From B.1340 near Hocketwell (NU.213171) north-eastwards via Littlemill Station to C.74 near Craster (NU.248195)	Alnwick Division		3.17
C.77		NOT ALLOCATED TO ANY ROAD.			
C.78	Howick Grange - Harlow Hill	From B.1339 near Howick Grange (NU.239163) westwards to C.79 near Harlow Hill (NU.220159)	Alnwick Division		1.30
C.79	Hocketwell - Hawkhill	From C.76 at Hocketwell (NU.214170) southwards via Peppermoor to A.1068 near Hawkhill (NU.221127)	Alnwick Division		2.81
C.80	Denwick - Boulmer - Lesbury	From B.1340 at Denwick Bridge End (NU.206144) eastwards, southwards and westwards via Longhoughton and Boulmer to B.1339 at Lesbury (NU.238117)	Alnwick Division		6.89

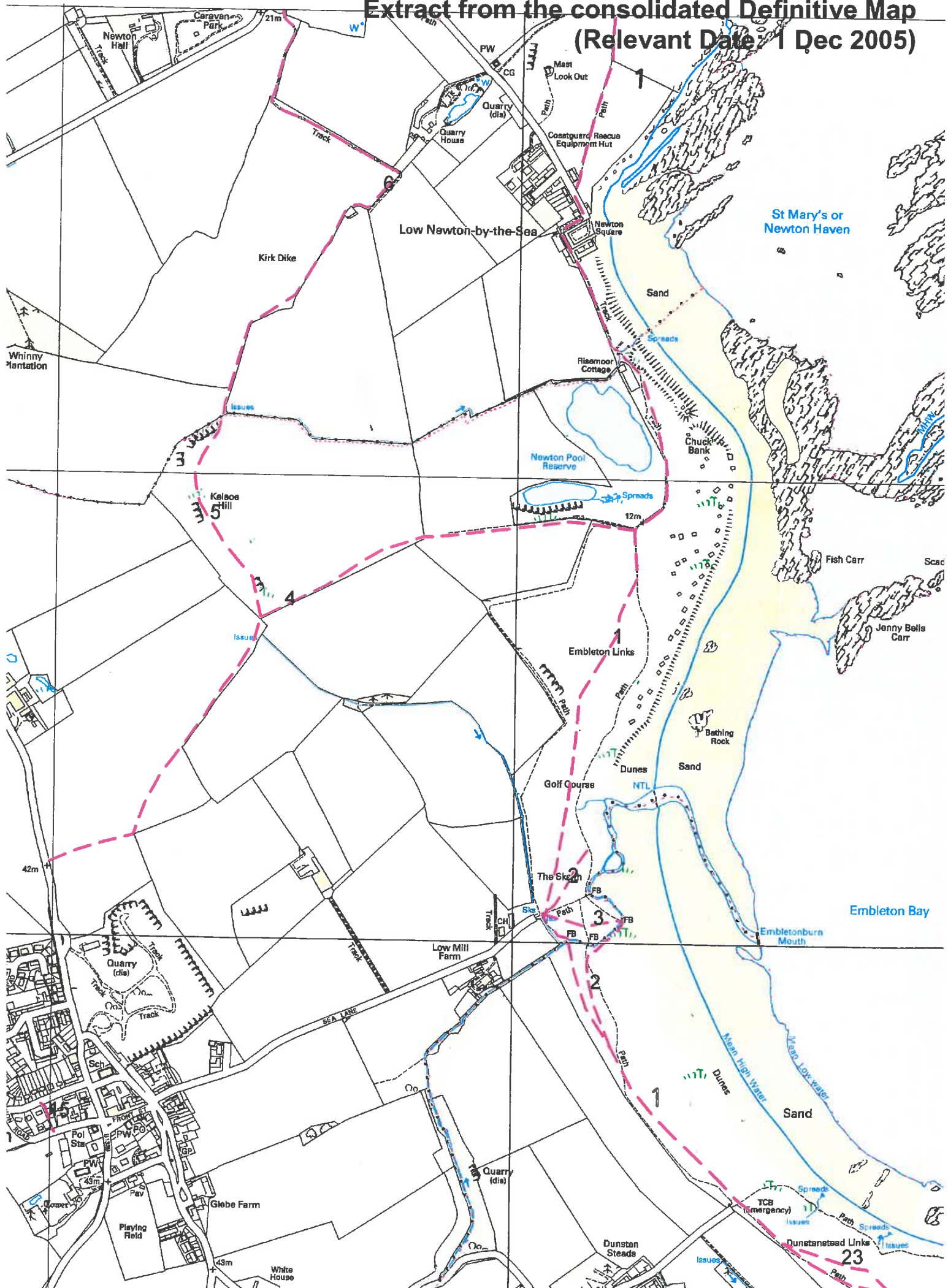
Extract from the Council's 6" Highways Map

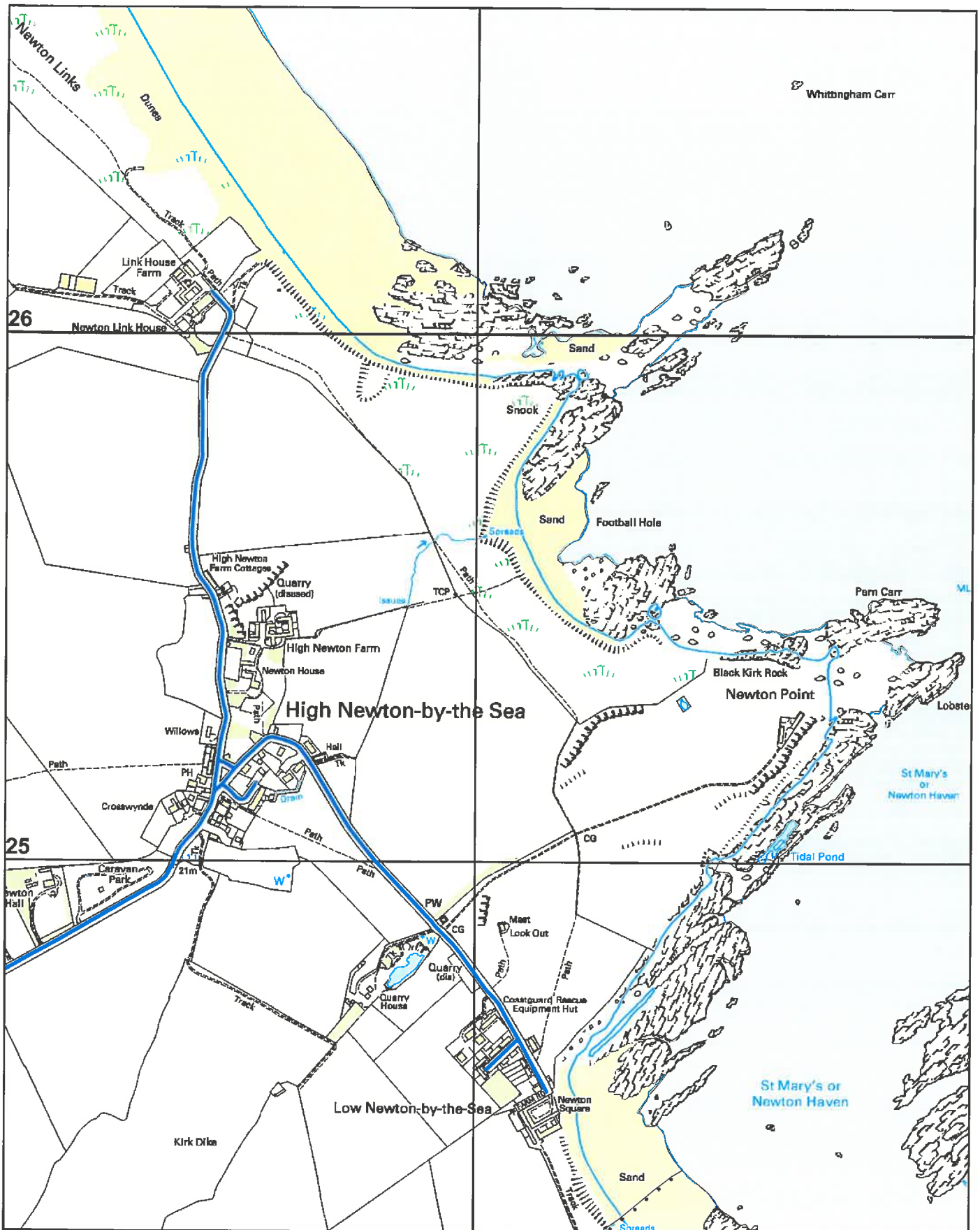


1:10,000 O.S. Map
1978



Extract from the consolidated Definitive Map
(Relevant Date 1 Dec 2005)





Network Management Information System

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

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Drn:	Date:	Scale:
AB	Jan 2019	1:10,000