



Northumberland

County Council

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL
RIGHTS OF WAY SUB-COMMITTEE
24 April 2019

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

ALLEGED PUBLIC BRIDLEWAY / FOOTPATH No 13 PARISH OF INGRAM

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 bridleway rights over the route of existing Public Footpath No 13, from the northern end of existing Public Bridleway No 12 in the Parish of Alnham, north-east of Great Ryle, to the U1094 road, north of Branton Buildings, and also a short spur joining the U1094 north-west of Branton Buildings.

Recommendation

It is recommended that the Council agrees that:

- (i) there is sufficient evidence to indicate that, on a balance of probability, public bridleway rights have been shown to exist over the N-Z part of existing Public Footpath No 13;**
- (ii) there is sufficient evidence to indicate that, on a balance of probability, public vehicular rights have been shown to exist over the Z-Y part of existing Public Footpath No 13;**
- (iii) there is insufficient evidence to indicate that, on a balance of probability, public bridleway rights have been shown to exist over the Y-P part of existing Public Footpath No 13;**
- (iv) public vehicular rights have been reasonably alleged to exist over the route Y-W**
- (v) the N-Z route be included in a future Definitive Map Modification Order as public bridleway and that the Z-Y-W route be included in a future Definitive Map Modification Order as restricted byway.**

1.0 BACKGROUND

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

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

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

“that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic;”

1.3 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 recommendations are in accordance with the law and proportionate, having regard to individuals' rights and the public interest.

2.0 PUBLIC EVIDENCE

2.1 Ever since the Definitive Map of Public Rights of Way was first published, in 1962, an anomaly has existed where Public Bridleway No 12 in the Parish of Alnham meets Public Footpath No 13 in the Parish of Ingram. There is no recorded bridleway continuation within Ingram parish.

3. LANDOWNER EVIDENCE

3.1 By letter, dated 19 April 2018, Mr G Hunter, of Branton Buildings, responded to the consultation stating:

“In response to your letter Ref ADB sent on 9th February 2018.

"I enclose a copy of our drawing from our deeds showing in yellow the path used by walkers at present.

"This has four gates two of which are on our land where our horses graze.

"Some walkers who are afraid of horses sometimes come through our garden to avoid them.

"We would propose an alternative route behind our house which would only require two gates to be opened and closed, this is shown dotted in green."

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 email, on 26th February 2018, Ms H Evans responded to the consultation, on behalf of Cycling UK, stating:

"Ted has now looked at these and come back to me with the attached and also the comment that "Most are standard changes to confirm existing BOATs but a few are really good gains to the access network. No comment means we support and no comments are necessary."

No comments relating specifically to Ingram Bridleway No 13 were supplied.

4.3 By email, on 22nd April 2018, Mrs S Rogers responded to the consultation, on behalf of the British Horse Society, stating:

"Ingram parish
Alleged public bridleway 13 (Clinch)

"This route passes through pasture following fence lines. In places the line of the old road can clearly be seen on the ground. Once it crosses the road near Clinch, it follows a well defined track to join a recorded public bridleway leading to Great Ryle at the parish boundary.

"The evidence quoted suggests that the through route from Branton to Great Ryle has been in existence for a very long time though somehow its true status did not get recorded in the 1950s leaving an obvious anomaly on the definitive map. Recording it as a public bridleway will enhance the network available to horse riders in the area. For this reason the BHS supports the proposal to add it to the definitive map."

5. DOCUMENTARY EVIDENCE

- 5.1 A search has been made of archives relating to the area. Evidence of Inclosure Awards, County Maps and O.S. Maps was inspected, and the following copies are enclosed for consideration.

1769 Armstrong's County Map

There is no evidence of a road or track approximating to the route of existing Alnham Bridleway No 12 / Ingram Footpath No 13.

1820 Fryer's County Map

There is clear evidence of a road or track approximating to the majority of the route of existing Ingram Footpath No 13, but not existing Alnham Bridleway No 12. The route goes from Prendwick, via Clinch to Branton, not from Great Ryle, via Clinch to Branton.

1827 Cary's Map

There is clear evidence of a road or track approximating to the majority of the route of existing Ingram Footpath No 13, but not existing Alnham Bridleway No 12. The route goes from Prendwick, via Clinch to Branton, not from Great Ryle, via Clinch to Branton.

1828 Greenwood's County Map

There is evidence of a road or track approximating to the middle part of the route of existing Ingram Footpath No 13.

1840 Branton Tithe Award

The Award map is short on detail. It appears to show enclosed roads but not paths, tracks or roads which proceed across open ground. The Branton Middlesteads road is not shown. The road between Branton and Fawdon is not shown - though it is certainly implied by an annotation saying "To Fawdon" at the point where the Fawdon road exits the perimeter of the Award. A route "To Clinch" is annotated at the Award boundary slightly further to the south, but this appears to relate to the east-west Clinch road, not the existing Footpath / alleged Bridleway No 13 route.

1841 Clinch Tithe Award

There is feint evidence of a path or track proceeding in a north-easterly direction across the field immediately north of The Clinch. There is also feint evidence of a north-south track just outside the eastern boundary of the Clinch Award (annotated "To Branton" at its northern end). Both of the above mentioned sections appear to follow part of the route of existing Footpath / alleged Bridleway No 13. The southerly continuation of this eastern perimeter route does lie within the area of land covered by this Award, and is given its own identifying reference number ("12") which, in the Award, corresponds with the entry "Part of Ryle Road and

Bog". The section of existing footpath / alleged bridleway south-west of The Clinch (i.e. across Clinch Moor) is not shown on the Award map.

1842 Great Ryle Tithe Award

There is clear evidence of a road or track proceeding in a north-easterly direction along the route of existing Public Bridleway No 12 in the Parish of Alnham. As it reaches the Award boundary, the route's continuation is annotated "To Clinch".

c.1860 Ordnance Survey Map: Scale 1:2500

Only the map sheet covering the northern part of the alleged bridleway route is available in the archives at Woodhorn (covering the section between Point Z and (almost) Point P). There is clear evidence of a minor path or track over the section of existing Ingram Footpath No 13, north of Branton Buildings. There is evidence of a more substantial path or track over the route W-Y-Z. West of Branton Buildings, this track is identified by the reference number "32". In the Book of Reference which accompanied this 1:2500 scale edition of the Map, number 32, in the Township of Branton is identified as "Public Road".

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

There is clear evidence of a path or track over the route of existing Ingram Footpath No 13 and Alnham Bridleway No 12.

1899 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a path or track over the route of existing Ingram Footpath No 13 and Alnham Bridleway No 12. The section north of Branton Buildings is annotated with "FP".

Finance Act 1910 Plan

On the OS base map used, there is clear evidence of a track over the existing footpath / alleged bridleway route. The route appears to be entirely unenclosed, so it is unsurprising that there are no coloured boundaries separating it from the surrounding farmland (where a route is separated from the adjacent farmland by coloured boundaries this is considered to be a positive indication in favour of a public vehicular right of way - by way of example, see the section of road north-west of Branton Buildings). That said, both south of Dun's Knowe and also immediately north of Clinch, the route has clearly been annotated with the description "Public". Such labelling does not appear to have been routinely applied to routes which were just footpaths or bridleways, the implication being that this route was considered to be a public carriageway.

1926 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a path or track over the route of existing Ingram Footpath No 13 and Alnham Bridleway No 12. The section north of Branton Buildings is annotated with "FP". The section between

Clinch and the Rothbury RDC boundary is annotated with "BR" and the existing Alnham bridleway section is also annotated with "BR".

1932 Glendale RDC Handover Map

All but the northern end of the route of existing Public Footpath / alleged Public Bridleway No 13 is identified as a track on the base map. The alleged bridleway crosses over a route identified as a publicly maintainable highway near Clinch, and terminates on another route identified as a publicly maintainable highway, west of Branton.

c.1938 Restriction of Ribbon Development Act 1935 Map

There doesn't appear to be a surviving map covering the former Glendale RDC area.

1951 Highways Map

Publicly maintainable highways are identified at both ends of the existing Bridleway No 12 - Footpath No 13 route, and also over the route from Fawdon to Clinch. The existing / alleged bridleway route is not, itself, identified as a publicly maintainable highway, though the section between Great Ryle and Clinch is shown as a path or track on the base map used.

c.1951 Definitive Map – original Survey Schedules & Maps

The route of existing Public Footpath No 13 is clearly identified for inclusion as a public footpath (No 1) between the Rothbury Rural District boundary and the Fawdon - Branton township boundary just south of Dun's Knowe and also (as No 2) between Branton Buildings and the U1094 road, west of Branton. There is no public right of way (or an existing road) identified between the northern end of Footpath No 1 and the southern end of Footpath No 2. The route of existing Bridleway No 12 in the Parish of Alnham is clearly identified for inclusion as a public bridleway (No 1) between the Glendale Rural District boundary and the C169 road at Great Ryle. In the Schedule for Great Ryle BR 1, it is noted that the route is "Overgrown with grass and not easily seen". Despite this, a continuation into Ingram parish is clearly implied. Under 'Grounds for believing the path to be public' it states "From information received from old shepherds residing in the district this bridle road was used frequently for driving sheep." Under 'Names of owners' it states "Lord Ravensworth (for Great Ryle) His Grace the Duke of Northumberland (for continuation of Bridle Road over Fawdon Hill)". And under 'Any other relevant information' it states "To the best of my knowledge this bridle road is still used occasionally by horsemen and hikers."

Draft Map

On the Glendale RDC area maps, the route of existing Public Footpath No 13 is clearly identified for inclusion as a public footpath (No 1) between the Rothbury Rural District boundary and the Fawdon - Branton township boundary just south of Dun's Knowe and also as a

public footpath (No 2) between the Fawdon - Branton township boundary and the U1094 road, west of Branton. On the Rothbury RDC area map, the continuation of this route to Great Ryle is clearly identified for inclusion as a public bridleway (also No 1).

Provisional Map

As with the Draft Map, the route of existing Public Footpath No 13 is clearly identified for inclusion as a public footpath (No 1) between the Rothbury Rural District boundary and the Fawdon - Branton township boundary just south of Dun's Knowe and also as a public footpath (No 2) between the Fawdon - Branton township boundary and the U1094 road, west of Branton. As with the Draft Map, on the Rothbury RDC area map, the continuation of this route to Great Ryle is clearly identified for inclusion as a public bridleway (also No 1).

1957 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a path / track over the route of existing Alnham Bridleway No 12 and Ingram Footpath No 13. The Alnham bridleway section is annotated with the letters "FP" as is the Ingram footpath section between Branton Buildings and the road.

Original Definitive Map (Glendale RDC area)

The route of existing Public Footpath No 13 (i.e. alleged Public Bridleway No 13) is clearly shown between the Alnham Parish boundary and the public road just west of Branton.

Original Definitive Map (Rothbury RDC area)

The route of existing Public Bridleway No 12 (i.e. the continuation of alleged Public Bridleway No 13) is clearly shown between the Ingram Parish boundary and the public road at Great Ryle.

First Review Definitive Map (Rothbury RDC area)

The route of existing Public Bridleway No 12 (i.e. the continuation of alleged Public Bridleway No 13) is clearly shown between the Ingram Parish boundary and the public road at Great Ryle.

1964 Highways Map

Publicly maintainable highways are identified at both ends of the existing Bridleway No 12 - Footpath No 13 route, and also over the route from Fawdon to Clinch. The existing / alleged bridleway route is not, itself, identified as a publicly maintainable highway, though the section between Great Ryle and Branton Buildings is shown as a path or track on the base map used.

There is no evidence of a path / track over the route of existing Alnham Bridleway No 12. There is evidence of a "track" over the section of existing Footpath No 13 immediately west and north of Gibb's Hill.

- 5.2 The original Definitive Statement for this route states:

Public Footpath No 13 (Parish of Ingram)

"From the Fawdon-Branton road west of Branton in a southerly and south-westerly direction by Branton Buildings, Clinch and Gibb's Hill to the Rothbury Rural District boundary south-west of Broomycrook Knowe joining BR12 in the Parish of Alnham."

- 5.3 The original Definitive Statements for the public rights of way that connect with this route state:

Public Bridleway No 12 (Parish of Alnham):

"From the Prendwick - Great Ryle Road east of Great Ryle in a north-easterly direction by the Well to the Glendale Rural District Boundary joining FP 13 in the parish of Ingram."

Public Footpath No 14 (Parish of Ingram)

"From FP 13 at Gibb's Hill in a south-westerly direction to join FP 11."

6. SITE INVESTIGATION

- 6.1 From a Point P, on the U1094 road, 190 metres west of Branton, the existing footpath / alleged bridleway is largely undefined, proceeding through two pasture fields in a southerly direction for a distance of 650 metres to Branton Buildings. The footpath / bridleway then heads in a westerly direction for a distance of 260 metres, passing immediately to the south of Branton Buildings and then along its access track to a 'T' junction at Point Y. The alleged bridleway is, again, largely undefined as it proceeds in a mainly southerly direction for a distance of 420 metres to the northern end of a small strip of woodland.
- 6.2 At this point the historical (and legally recorded) line of the footpath (and hence the alleged bridleway) continues in a southerly direction (i.e. through the woodland) for a further 20 metres to Point Z, then in a westerly direction into another pasture field immediately south of an east-west field boundary. This part of the public right of way is obstructed by the woodland and the boundaries around it, public passage being facilitated by a wooden stile over the north-south boundary north of Point Z and by another wooden stile through the east-west boundary west of Point Z.
- 6.3 A clearly defined, slightly elevated, grass surfaced track proceeds in a westerly direction across a pasture field for a distance of 520 metres, to a junction with existing Byway Open to All Traffic No 40, 40 metres north-west of Clinch. The path then proceeds in a south-westerly direction for a distance of 40 metres, through a woodland strip immediately to the west of Byway 40. A suitably wide fenced corridor through the woodland does permit public access to the

pasture beyond, but this corridor / track lies between 5 and 20 metres north of the current line of the public footpath / alleged bridleway.

- 6.4 The route then continues, largely undefined, in a south-westerly direction across pastureland for a distance of 265 metres, to another woodland strip. Here, the gap in the woodland does correspond with the recorded alignment of the footpath / bridleway. A 2.7 to 3 metre wide grass / stone / earth surfaced track continues in a south-westerly direction for 485 metres, then in a general southerly direction for 350 metres.
- 6.5 A less well-defined 1.5 to 2 metre wide grass / earth track then proceeds in a south-westerly direction for a distance of 250 metres. Then a barely defined path proceeds through tussocky grass and across a small stream (no obvious crossing point) for a further 110 metres. Finally, a 2.5 to 3 metre wide grass / earth track continues in a south-westerly direction for a distance of 20 metres to a Point marked N, at the north end of existing Public Bridleway No 12 (Parish of Alnham) at a culverted crossing of the Mere Burn. An alternative route, slightly off the existing footpath / bridleway route does exist, east of Point N, which allows the north-south stream to be crossed by means of a culvert / bridge.
- 6.6 An alternative northern end of the route, still beginning on the U1094 road, exists from Point W, southwards for a distance of 165 metres, to Point Y. The route is a 3 metre wide stone surfaced track, within a 6.7 metre wide corridor.

7. COMMENTS RECEIVED ON THE DRAFT REPORT

- 7.1 In March 2019, a copy of the report was circulated to those landowners / occupiers who responded to the initial consultation for their comments. No additional comments were received.

8. DISCUSSION

- 8.1 Section 53 (3)(c)(i)+(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 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; [53(3)(c)(i)]

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. [53(3)(c)(ii)]”

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

of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.

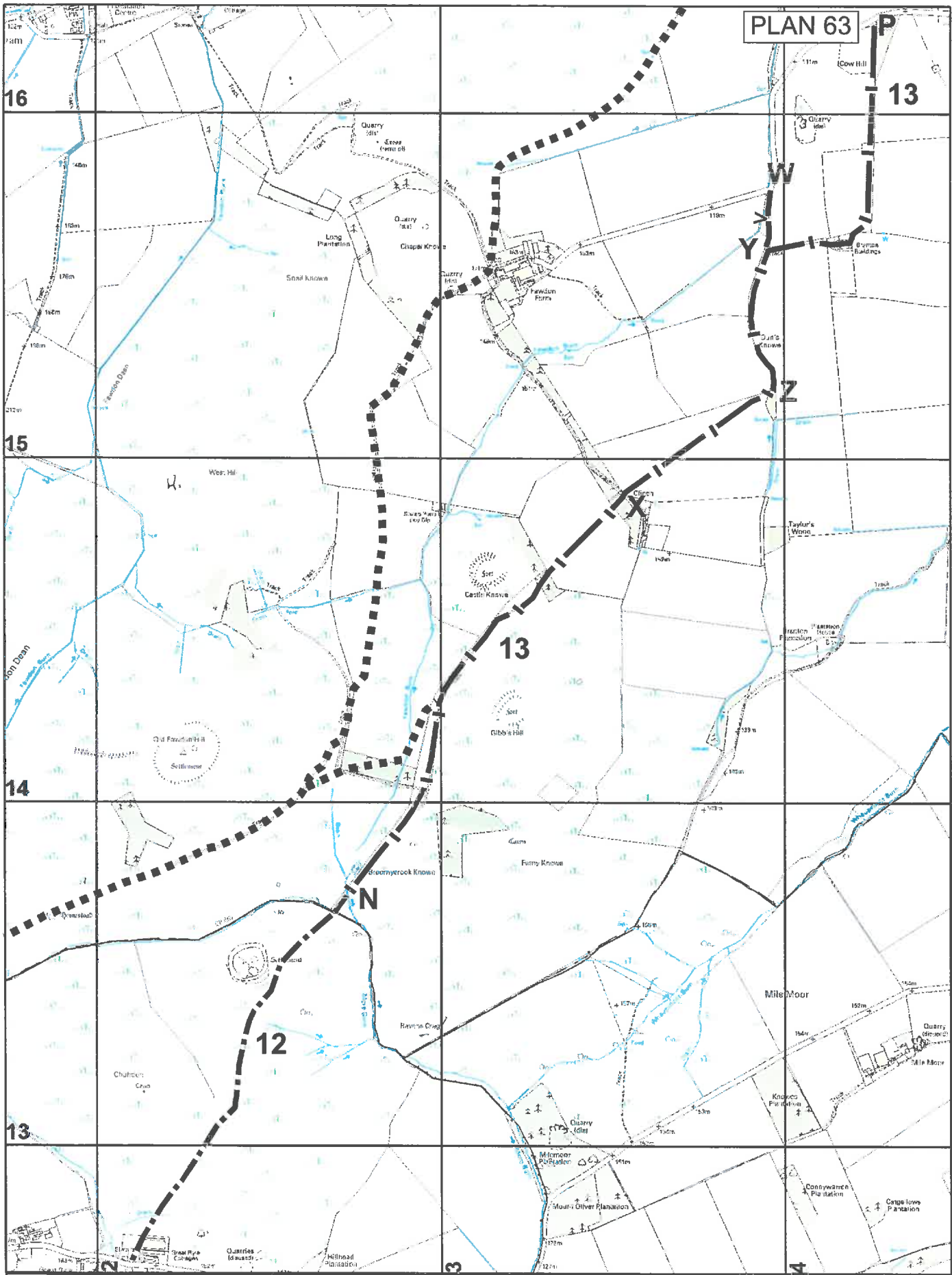
- 8.3 The representation of a path or track on an Ordnance Survey Map is not evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey.
- 8.4 The first Definitive Map was prepared in sections, based upon the old rural and urban district boundaries. Within the RDC areas, the collection of public rights of way information was further broken down into parish units. For this reason, it was not unknown for Parish A to identify a linear route within its area as being a public bridleway with the neighbouring Parish B identifying the continuation of that route as a public footpath. Occasionally, one parish might identify a cross-boundary route as a public footpath or bridleway with the neighbouring parish not identifying the continuation as a public right of way at all.
- 8.5 The original Definitive Map was the product of a multi-stage process. First of all, locally produced survey maps identified the routes which were being proposed for inclusion. Survey schedules were produced for most of these routes. A certain degree of vetting presumably took place then, based on these initial surveys, Draft Maps were published. These Draft Maps were the first official stage in the process. Anyone had an opportunity to object or make representations regarding what was shown on these maps. Typically land owners might dispute the inclusion of certain routes, individual users or path user groups might challenge the omission of certain routes and all parties might take issue with the proposed status or alignment of these routes. The County Council employed independent barristers to hear the evidence presented both for and against alterations to the Map. Some alterations were approved, others were rejected. The approved alterations were identified on Modified Draft Maps and the whole process moved forward to the next official stage, with publication of Provisional Maps. At this stage landowners (only) had a second opportunity to make objections or representations regarding what was shown on the Maps. Again, objections or representations were considered by independent barristers (looking at all the evidence available). The Provisional Maps, as amended by the last round of successful challenges, were published as Definitive Maps.
- 8.6 The original Survey schedule for existing Parish of Alnham Public Bridleway No 12, completed in the early 1950s, contained more detail than is generally the case. It indicates that that bridleway was identified as such on the basis of information from old shepherds residing in the district. The route was seemingly frequently used for driving sheep and the person completing the form added "to the best of my knowledge this bridle road is still used occasionally by horsemen and hikers." Land ownership information appears to have been supplied not only for the Alnham section (Lord Ravensworth) but also for the Ingram continuation (Duke of Northumberland). If the existing Alnham Bridleway No 12 section was, historically, used for driving sheep and by horsemen it seems inconceivable that it was a bridleway cul-de-sac, extending only as far as the parish boundary, with just a footpath continuation in Ingram parish. The person completing the Survey for the Alnham bridleway further noted that the route was overgrown with grass and not easily seen. If


this was indeed the case, it might help to explain why, on the Ingram side of the boundary, the route was only identified for inclusion as a footpath.

- 8.7 A road / track resembling the claimed bridleway route is shown on Fryer's and Cary's Maps of 1820 and 1827, albeit with the southern end and existing Bridleway No 12 missing, the route being shown ending further to the east, at Prendwick, rather than at Great Ryle. This alignment might have been shown by mistake, or it could be that the alignment of the route used by the public has genuinely altered over time. A route resembling the alleged bridleway from The Clinch, northwards towards Branton, is also shown on Greenwood's Map of 1828. Most of routes shown on these maps are public vehicular rights of way, though a small number of public bridleways and a small number of private roads are known to be present, too.
- 8.8 The Branton Tithe Award Map of 1840 is quite basic, but a route which is unlikely to be merely a public footpath is implied by the "To Clinch" annotation, on the western boundary of the Award map. The short section from The Clinch, north-eastwards to the former Branton township boundary is also shown, somewhat feintly, on The Clinch Tithe Award of 1841. The Z-Y section of existing Public Footpath / alleged Bridleway No 13, and also its Y-Z northerly continuation (currently with no recorded public status) can clearly be identified as as a northerly continuation (within Branton) of the route identified in The Clinch Award as "Part of Ryle Road". At its northern end this route is annotated "To Branton". The route of existing Public Bridleway No 12 in the Parish of Alnham is clearly identifiable in the Great Ryle Tithe Award Map of 1842. The route's continuation into Ingram Parish is strongly implied by the annotation "To Clinch" at the boundary of the Award.
- 8.9 A continuous route is shown between Great Ryle and Branton on all the Ordnance Survey Maps from c.1860 through to 1957. The Book of Reference accompanying the 1860 map suggests that the W-Y-Z section (at least) was considered to be a public road by the Ordnance Survey surveyor. This does not necessarily mean that the Z-X-N section was also a public road. The documentary and physical evidence available suggests that it is probably more likely that the public road continued in a general southerly direction, to join Byway Open to All Traffic No 38, south of Plantation House. This aspect will need to be investigated further.
- 8.10 The Y-Z section of alleged bridleway is clearly annotated as being "Public" on the plans produced with regard to the 1910 Finance Act. As already indicated, such labelling does not appear to have been applied to routes which were just public footpaths or public bridleways; it is a good indication that this route was considered to be a public vehicular right of way.
- 8.11 No part of the alleged bridleway route, nor the W-Y spur, was identified as a publicly maintainable road on the 1932 Handover Map, or in the Restriction of Ribbon Development Act 1935 schedule, or on the 1951 or 1964 Highways Maps nor the 1958, 1964 or 1974 County Road schedules. No part of the route was identified on the Council's 'List of Streets' on 2 May 2006.
- 8.12 Whilst no single piece of the historical evidence available is considered sufficient to 'prove' the existence of public bridleway rights over the route of existing Public Footpath No 13 in the Parish of Ingram, taken as a whole, on a balance of probabilities, the totality of the evidence does appear to show that





the public bridleway rights existing along Public Bridleway No 12 in the Parish of Alnham did not simply stop at the parish boundary (Point N). The 'solution' however, appears to be more complicated than just upgrading all of existing Public Footpath No 13 to public bridleway status. The evidence clearly suggests that the Alnham public bridleway did continue into Ingram, following the route N-X-Z. It may be that the public bridleway simply continued northwards beyond Point Z, but it seems more likely that the Z-Y section of existing Public Footpath No 13 was actually part of a old north-south public road coming up from the direction of Plantation House and then continuing northwards from point Y, to the existing U1094 road at Point W. If the Z-Y-W route was an old public road (or possibly just a public bridleway) with a continuation over the modern day tarmac road between W and P, then the case for the Y-P section of existing Public Footpath No 13 also being a public bridleway is significantly weakened.

- 8.13 The Natural Environment and Rural Communities Act 2006 (NERC Act 2006) had a major impact upon the recording of byways open to all traffic based upon historical documentary evidence. Under section 67 of the Act, any existing, but unrecorded, public rights of way for mechanically propelled vehicles were extinguished unless one of the 'saving' provisions applied. In brief, these saving provisions were: (a) if the main lawful public use between 2001 and 2006 was with motor vehicles; (b) if the route was on the List of Streets (on 2 May 2006) and not also on the Definitive Map as something less than a byway open to all traffic; (c) the route was legally created expressly for motor vehicular use; (d) the route was a road deliberately constructed for public motor vehicular use; or (e) the vehicular highway came about as a result of unchallenged motor vehicular use before December 1930.
- 8.14 None of the saving provisions, above, would appear to apply to the route of alleged Bridleway / Restricted Byway No 13, or the W-Y spur. If the public did have motor vehicular rights over any part of this route, then the motorized element is considered to have been extinguished by the NERC Act 2006, leaving restricted byway rights.
- 8.15 Mr Hunter (of Branton Buildings) responded to the consultation identifying the current route used by walkers, in the vicinity of his property, and suggesting an alternative route. The current route, as identified by Mr Hunter, is the waymarked route, but it does not reflect the correct alignment of this footpath, as recorded on the Definitive Map of Public Rights of Way. It also appears to be obstructed by a single strand electric fence. The correct line of the footpath (and hence the alleged bridleway) proceeds immediately south of the original dwelling (i.e. through the Branton Buildings property, not around the outside of it). The alternative route Mr Hunter has proposed is by no means a bad suggestion, but it does appear to move the public right of way onto land which is not in his ownership.
- 8.16 Advice from the Planning Inspectorate in their 'consistency guidelines' states that it is important to have the correct width, where it can be determined, recorded in the definitive statement. Usually there is a boundary to boundary presumption for public highways – particularly those based on historical documentary evidence. Where a bridleway route is not enclosed and / or cannot be determined by reference to documentary evidence, the Council has




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Wildlife and Countryside Act 1981 Public Rights of Way			
	Existing Public Bridleway		
	Alleged Restricted Byway		
	Existing Public Footpath		
	Footpath to be upgraded to Bridleway		
Former District(s)	Parish(es)	Scale	
Berwick	Ingram	1:15,000	
Def. Map No.	O.S. Map	Date	
55/66	NU 01 NW/SW	March 2019	



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Legend

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

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

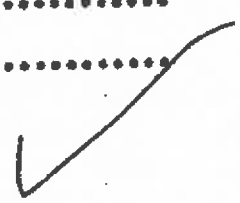
Scale: 1:25,000

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 ROTHBURY
2. Parish ALNHAM
3. Number of Footpath on Map 12
4. Name of Path -
5. Kind of Path (i.e. FP/BR) B.R.
6. General Description of Path From the Prendwick-Great Ryle Road east of
..... Great Ryle in a north-easterly direction by the Well to the Glendale
..... Rural District Boundary joining F.P. 13 in the parish of Ingrean
.....
.....
.....
7. Other relevant information
.....
.....
.....
.....



NORTHUMBERLAND COUNTY COUNCIL.

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

PUBLIC RIGHTS OF WAY - STATEMENT.

1. ~~Borough~~
~~Urban District~~
Rural District GLINDALE
2. Parish INGRAM
3. Number of Footpath on Map 13 ✓
4. Name of Path
5. Kind of Path (i.e. FP/BR) F.P.
6. General Description of Path
From the Fawdon - Branton road west of
Branton in a southerly and south-westerly direction by Branton Buildings,
Clinch and Gibbs Hill to the Rothbury Rural District boundary south-west
of Broomycrook Knowe joining B.R.12 in the Parish of Alnham.
.....
.....
7. Other relevant information
.....
.....
.....
.....

NORTHUMBERLAND COUNTY COUNCIL.

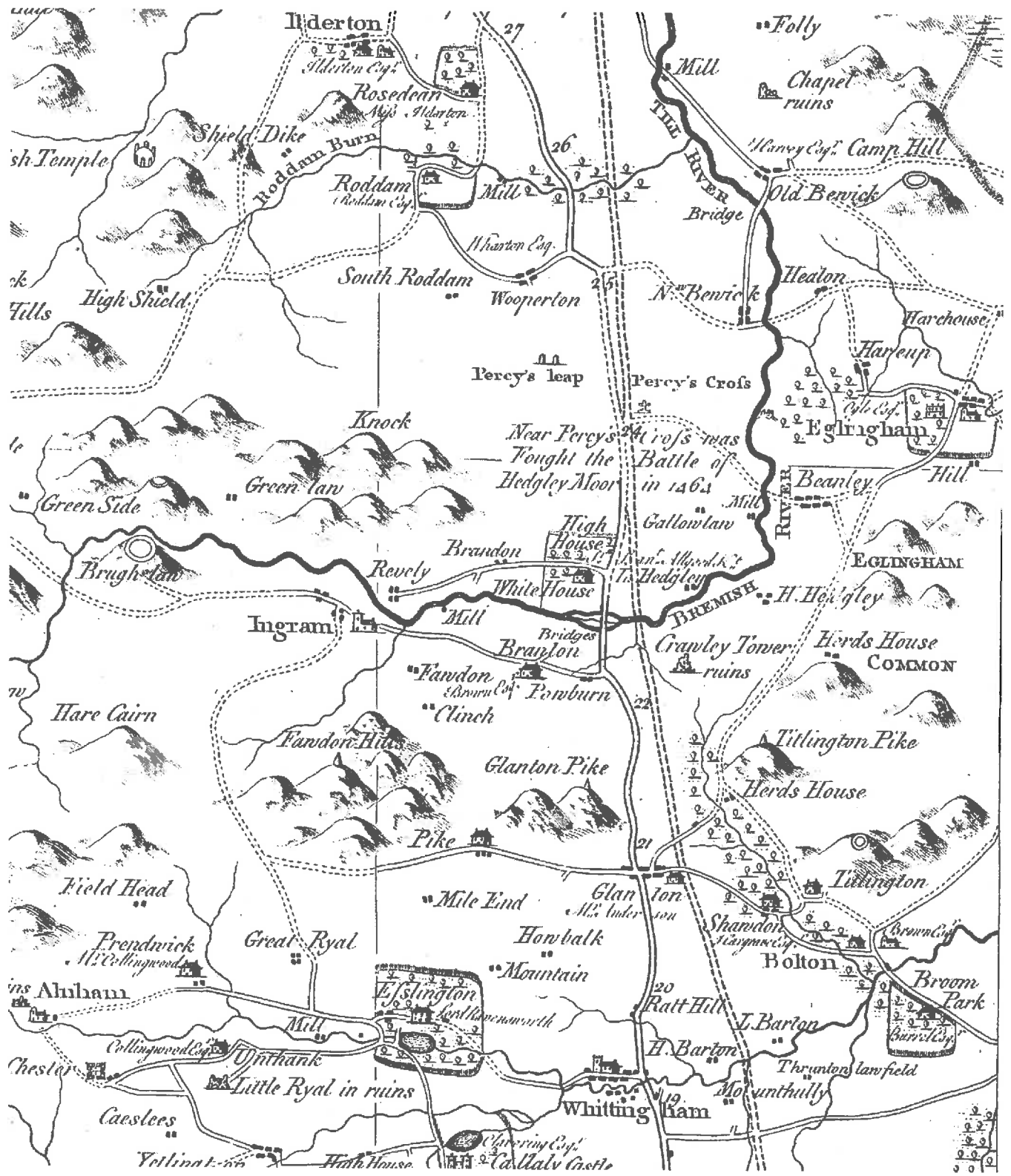
NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

PART IV.

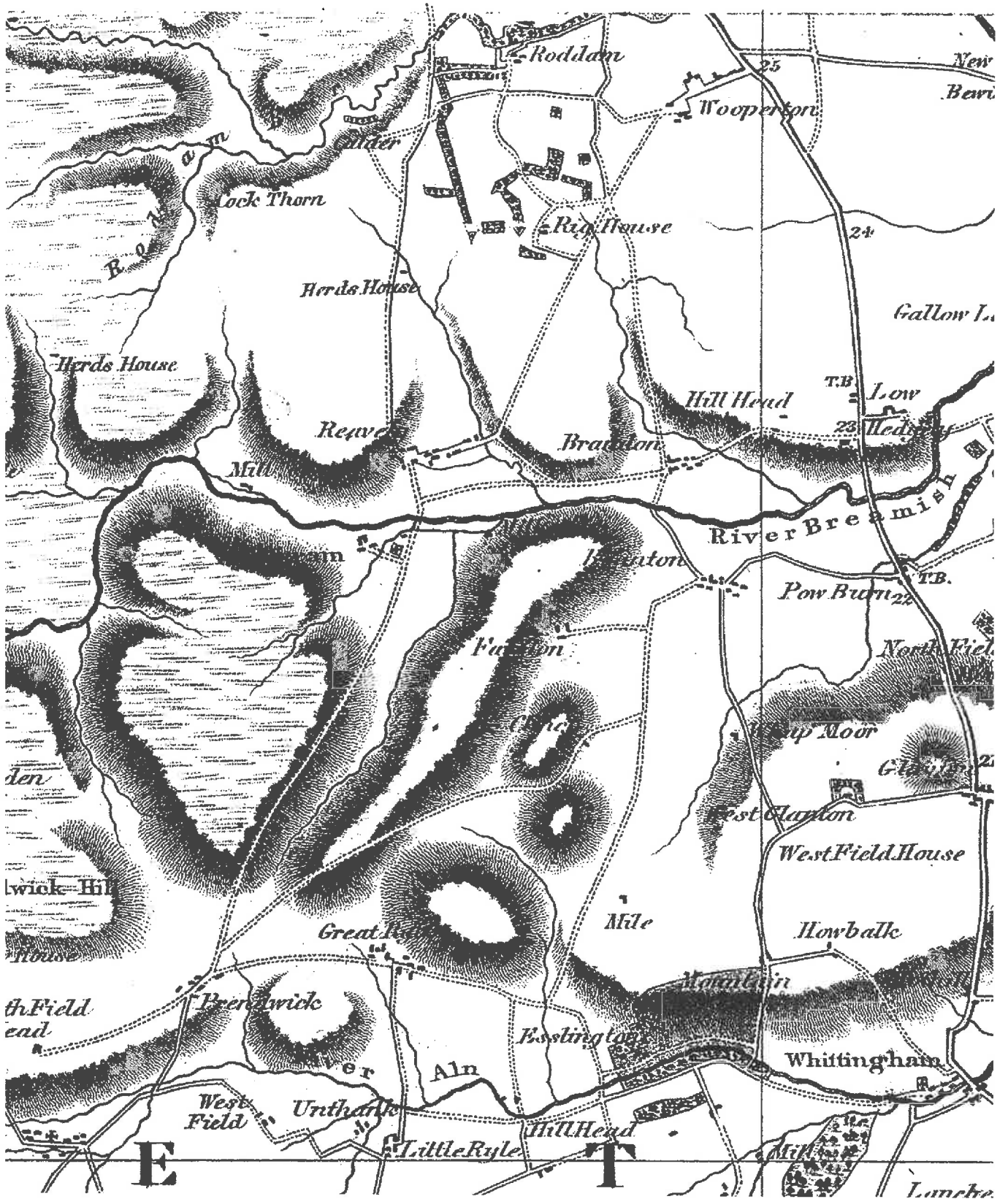
PUBLIC RIGHTS OF WAY - STATEMENT.

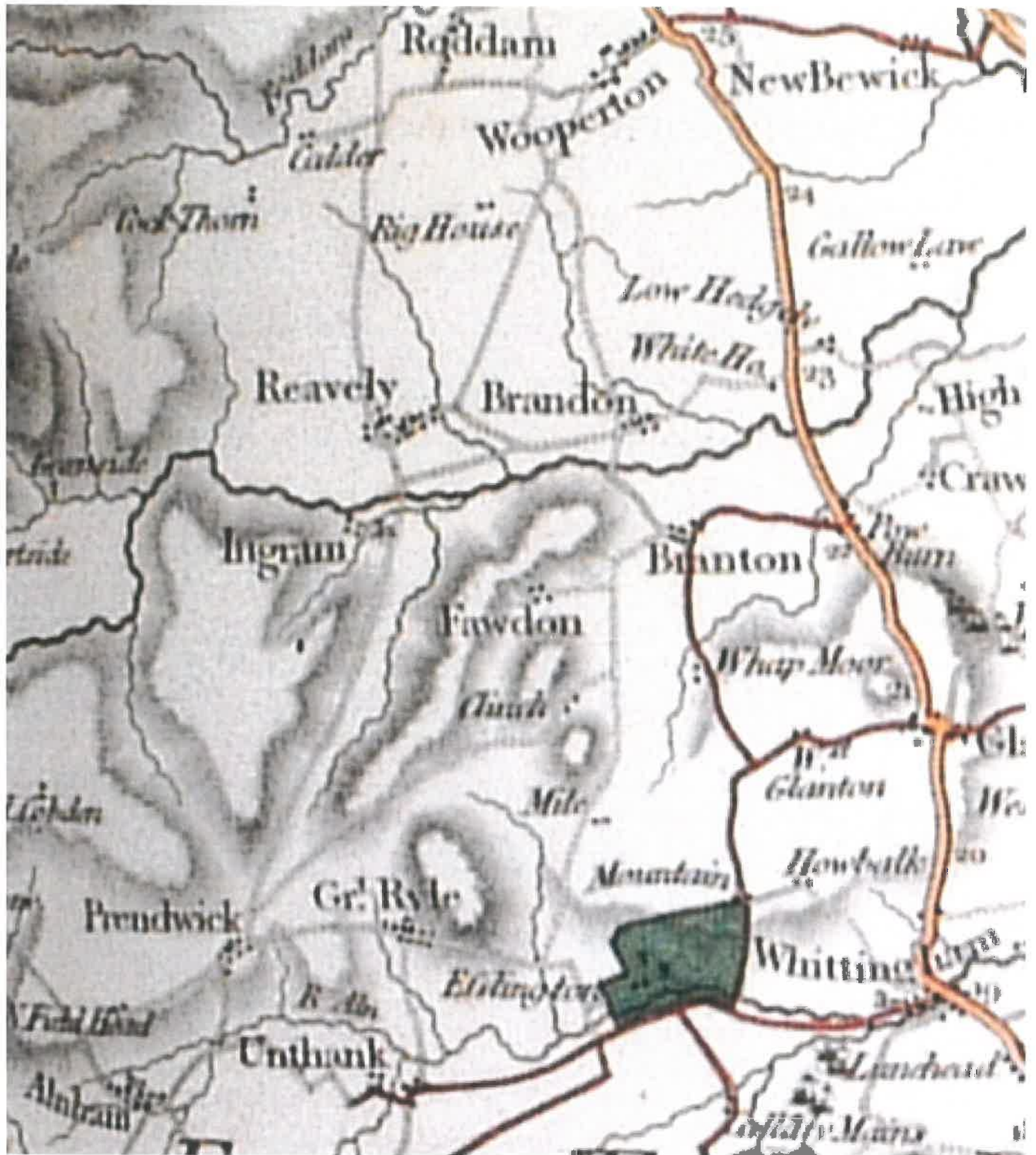
1. Borough
~~Urban District~~
Rural District GLENDALE
2. Parish INGRAM
3. Number of Footpath on Map 14 ✓
4. Name of Path
5. Kind of Path (i.e. FP/BR) F.P.
6. General Description of Path From F.P. 13 at Gibb's Hill in a
south-westerly direction to join F.P.11.
.....
.....
.....
.....
7. Other relevant information
.....
.....
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.....
.....

Armstrong's County Map
1769

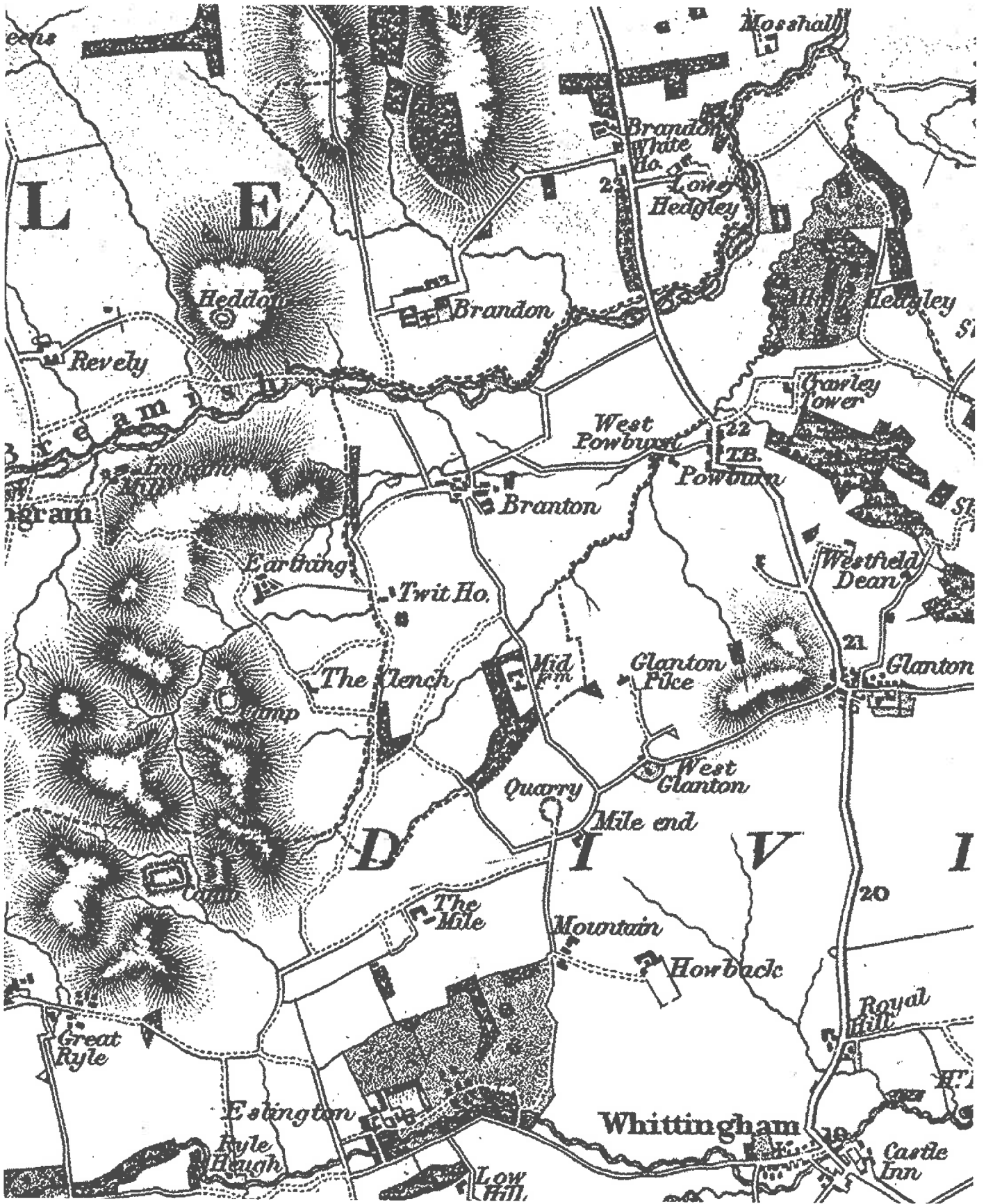


Fryer's County Map
1820

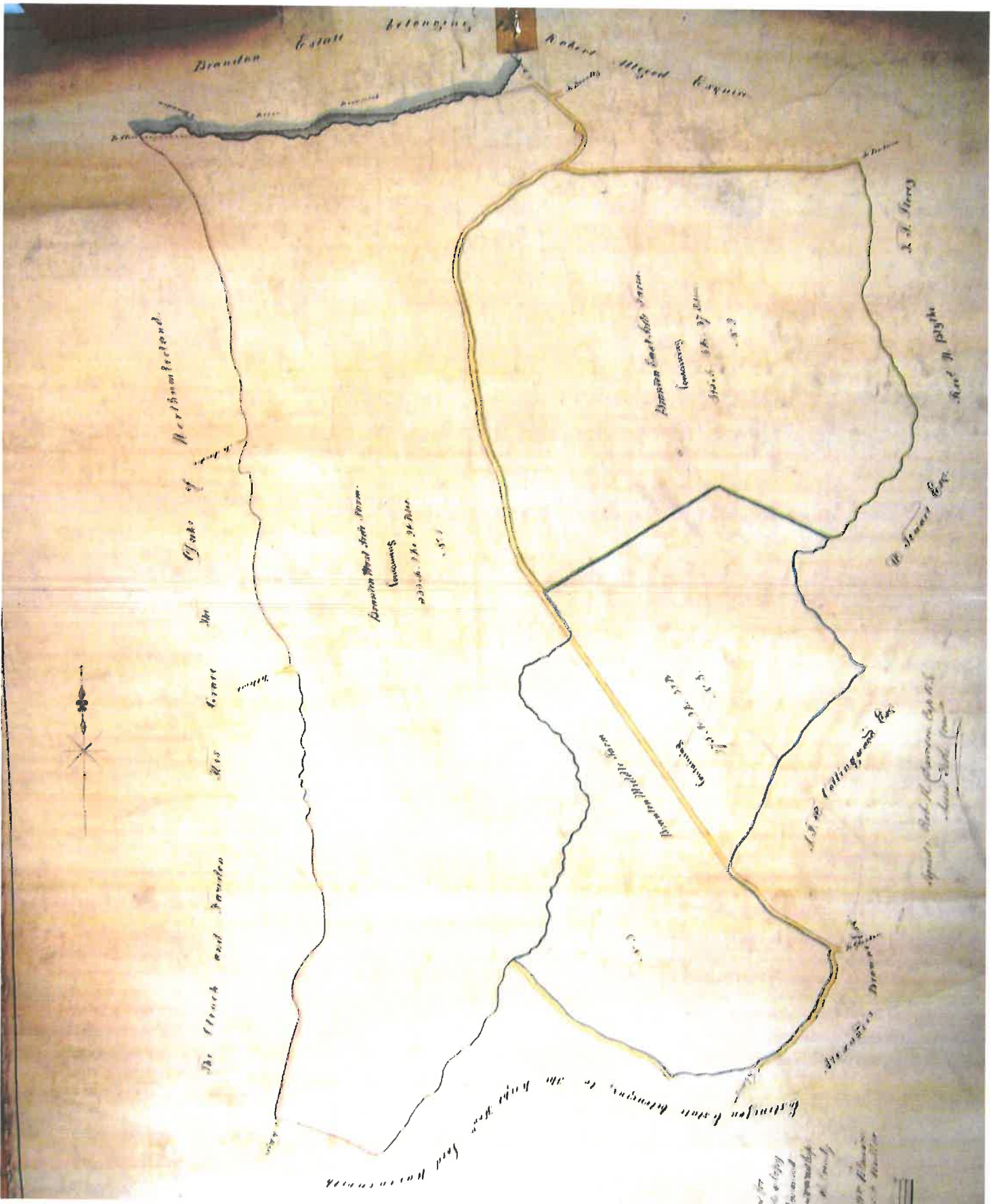




Greenwood's County Map
1828

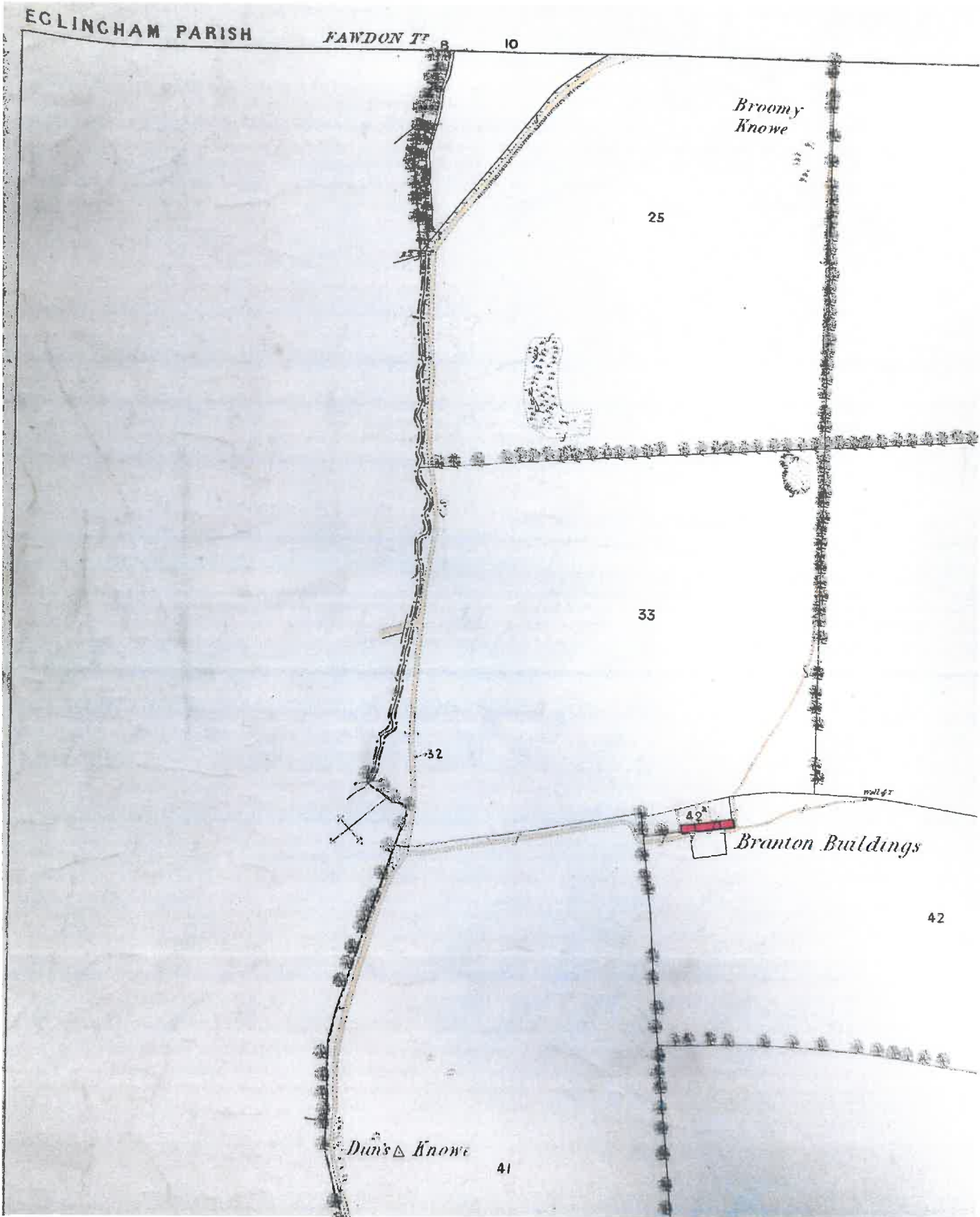


**Branton Tithe Award
1840**



Great Ryle Tithe Award
1842

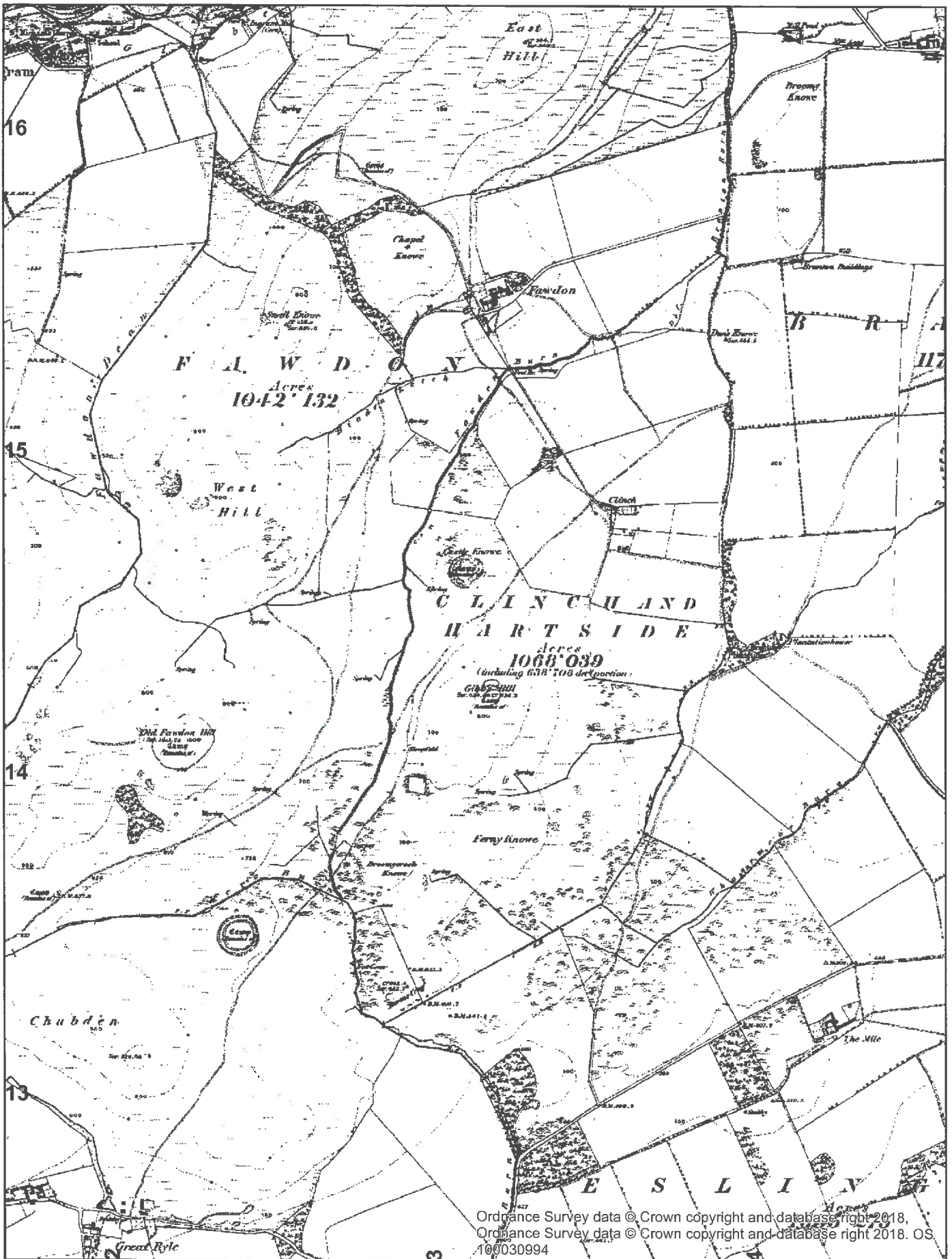


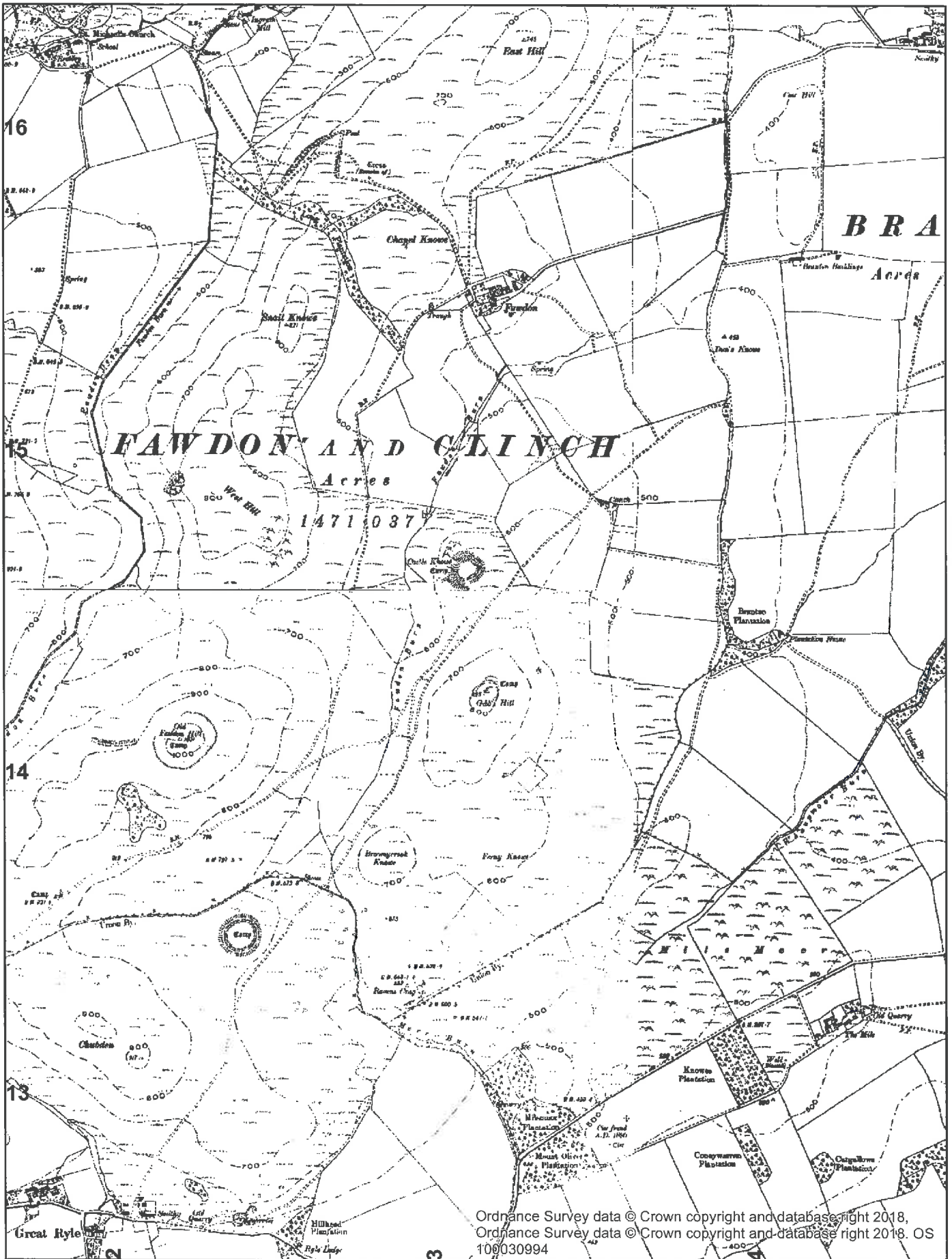


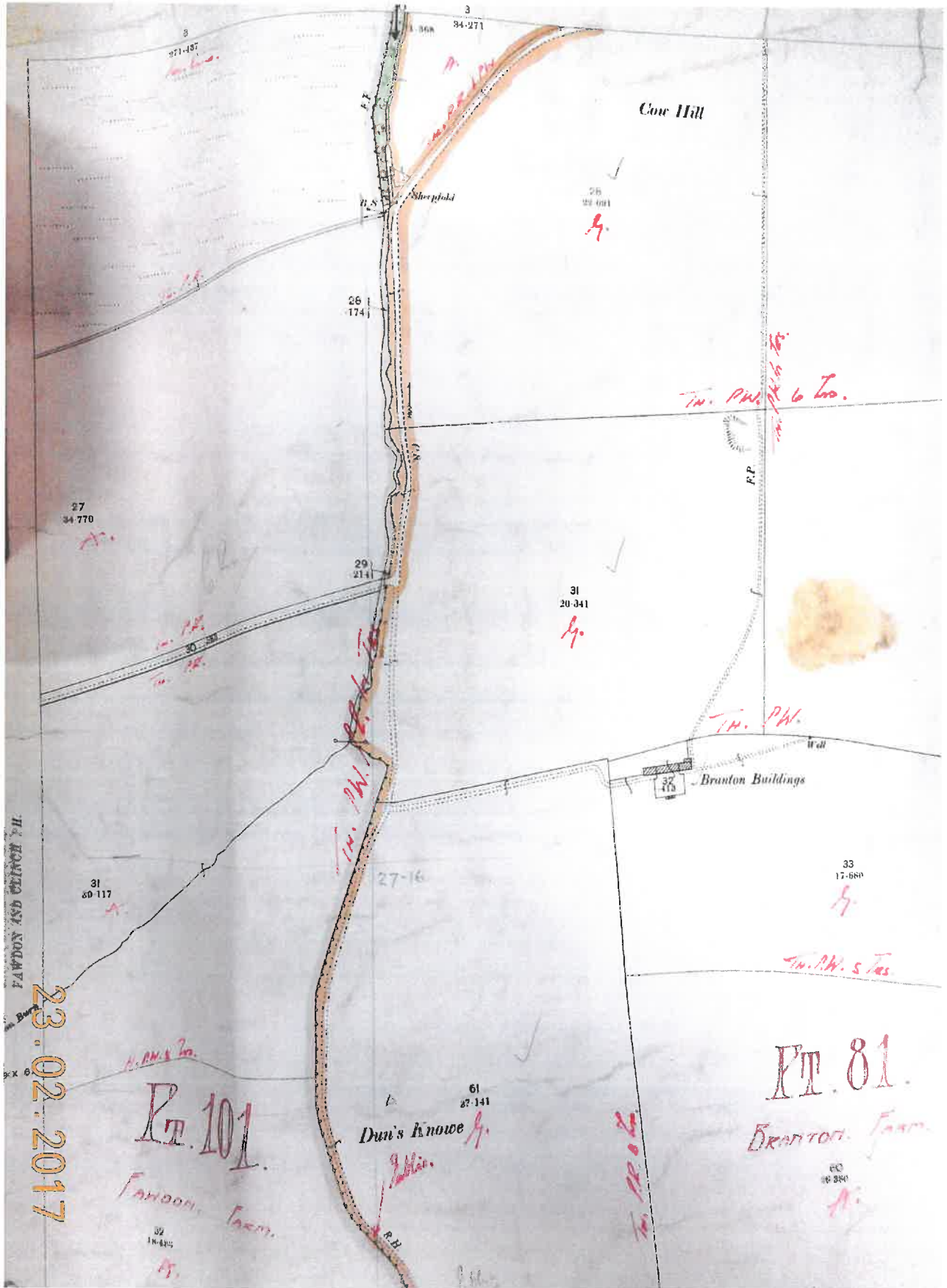


TOWNSHIP OF BRANTON.

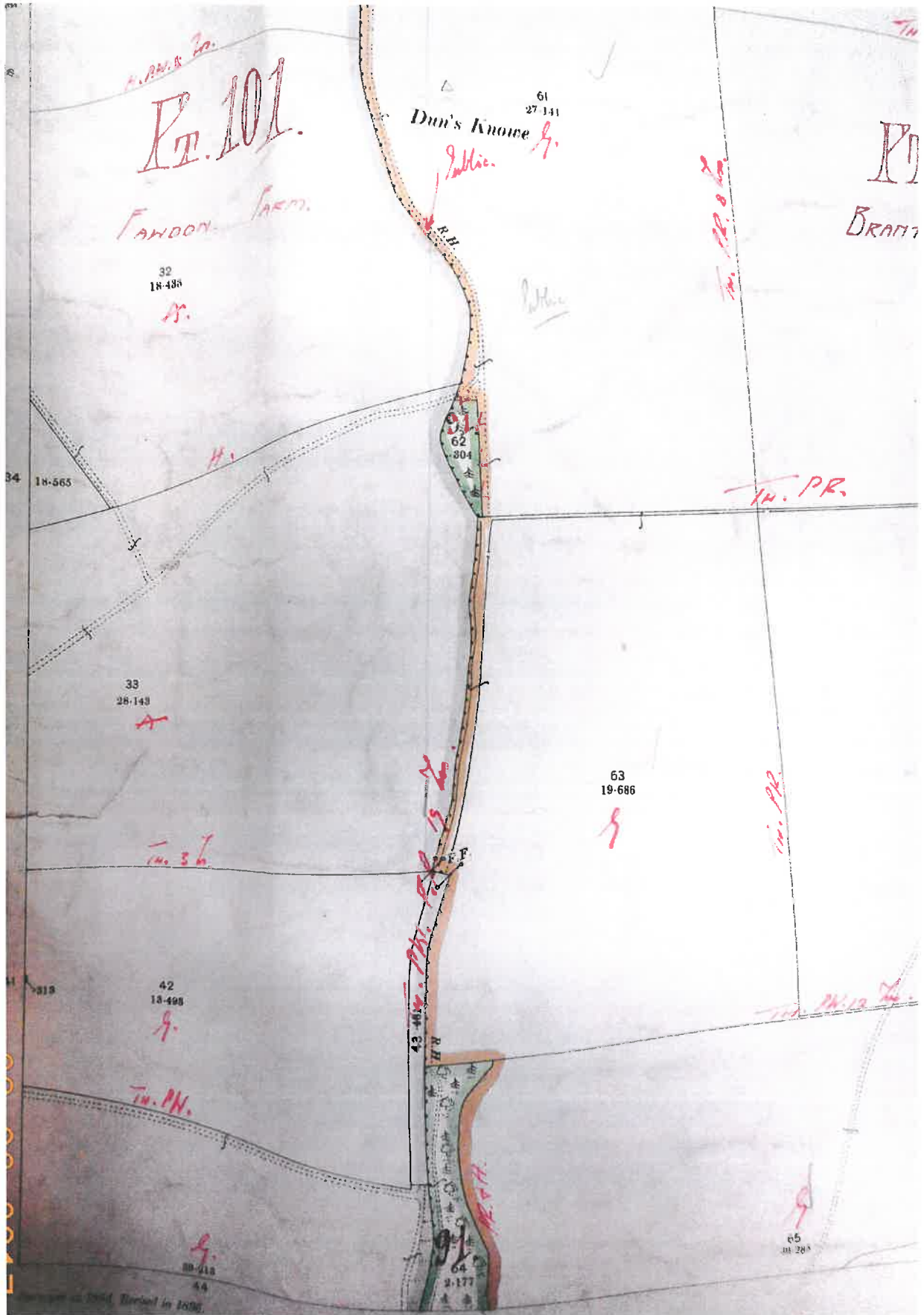
No. on Plan.	Area in Acres.	Description.	No. on Plan.	Area in Acres.	Description.
1	1·372	Rough pasture.		341·386	<i>Brought forward.</i>
2	10·156	River Breamish (part of)	33	20·105	Arable.
3	·829	Rough pasture.	34	28·779	Arable.
3a	·228	Rough pasture.	35	22·034	Arable.
4	4·280	Rough pasture & stream	36	·189	Wood.
5	16·176	Arable.	37	29·557	Arable.
6	10·200	Arable.	38	16·797	Arable.
7	34·954	Arable, rough pasture, & stream.	39	13·731	Arable & roads.
8	1·368	Wood.	40	23·723	Arable.
9	·417	Pond.	41	26·314	Arable & road.
10	34·275	Arable & streams.	42	17·776	Arable.
11	15·397	Arable & streams.	42 a	·413	Houses, garden, & yard
12	·479	House, garden, yard, &c.	43	26·448	Arable.
13	1·495	Farmsteading, houses, gardens, &c.	44	·075	Arable.
14	·076	Chapel.	45	15·392	Arable.
15	·080	Cottages.	46	6·051	Public road.
16	·314	Houses, gardens, yards, &c.	47	35·448	Rough pasture, stream, & road.
17	2·024	Farmsteading, houses, gardens, &c.	48	18·574	Arable.
18	·203	Wood.	49	16·206	Arable.
19	8·289	Arable & rough pasture	50	·304	Wood.
20	·186	Wood.	51	19·157	Arable & stream.
21	18·593	Rough pasture & stream	52	26·005	Arable, stream, & road
22	5·996	Public road.	53	25·853	Arable, streams, & road
22a	·141	Public road.	54	14·215	Arable & stream.
23	6·345	Arable & road.	55	10·294	Arable.
24	16·888	Arable, rough pasture, & stream.	56	35·884	Rough pasture.
25	20·807	Arable & rough pasture	57	4·412	Rough pasture.
26	33·537	Arable.	58	1·230	Rough pasture & stream
27	19·351	Arable & road.	59	8·969	Rough pasture.
28	18·224	Arable & road.	60	2·177	Wood.
29	26·472	Arable & road.	61	39·285	Arable & stream.
30	11·263	Arable.	62	25·419	Arable & streams.
31	8·993	Arable.	63	18·483	Wood & streams.
32	3·028	Public road.	64	15·619	Arable.
			65	·149	House & yard.
			66	·347	House, garden, &c.
			67	23·285	Rough pasture, stream, & road.
			68	10·683	Arable.
	341·386	<i>Carried forward.</i>		940·768	<i>Carried forward.</i>



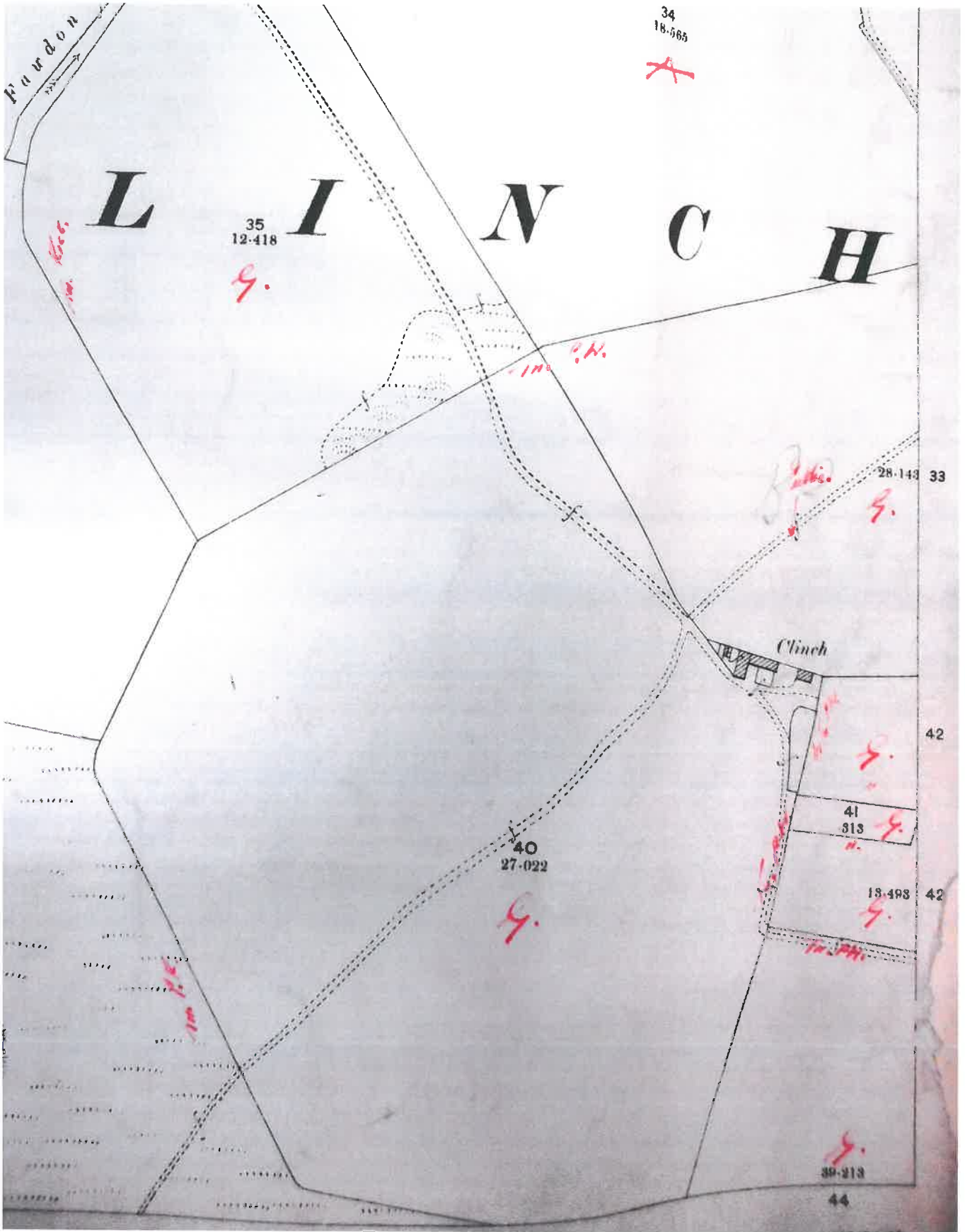




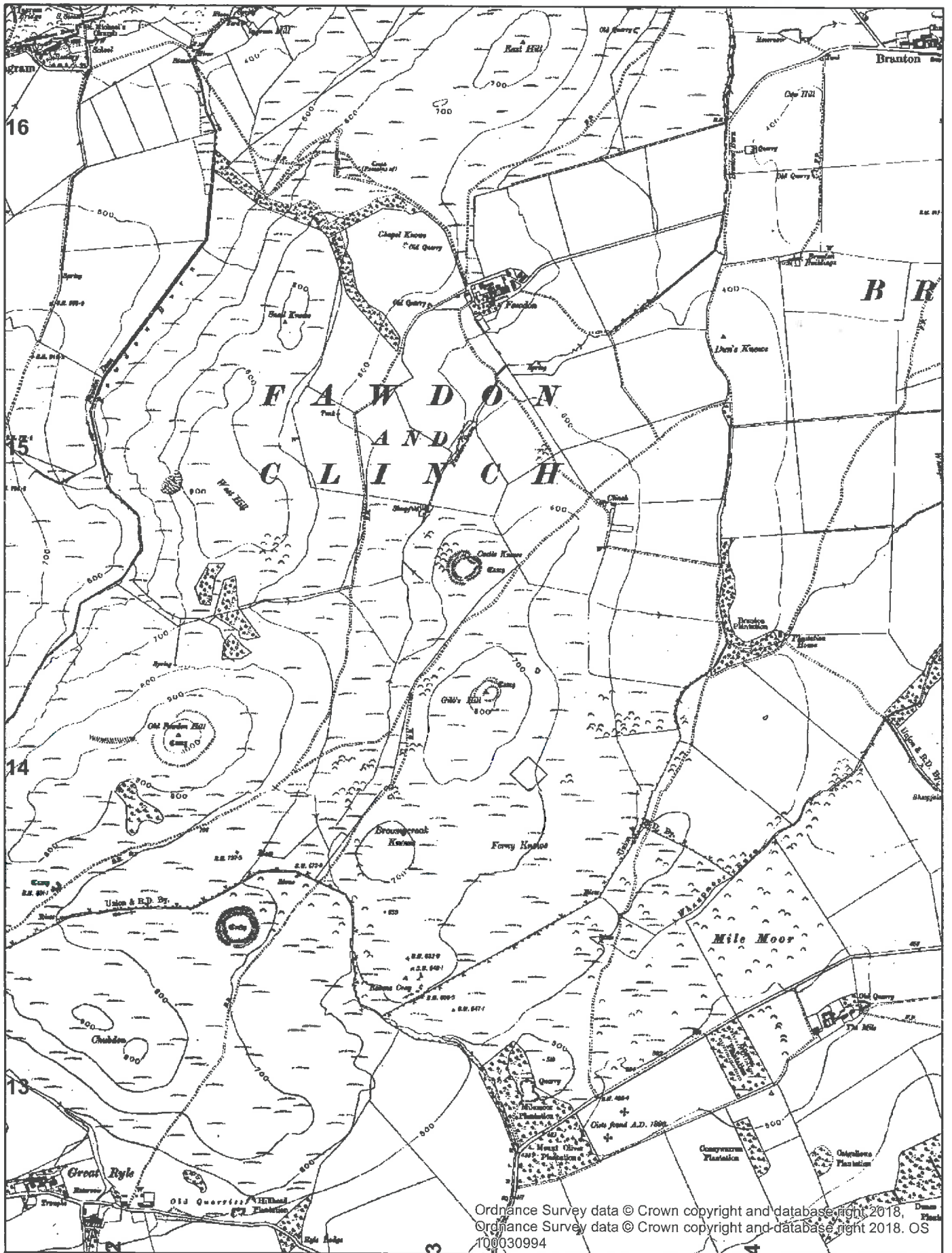
(Northern end)



(Middle section)



(Middle section)



Ordnance Survey data © Crown copyright and database right 2018, OS 100030994


Northumberland
 County Council

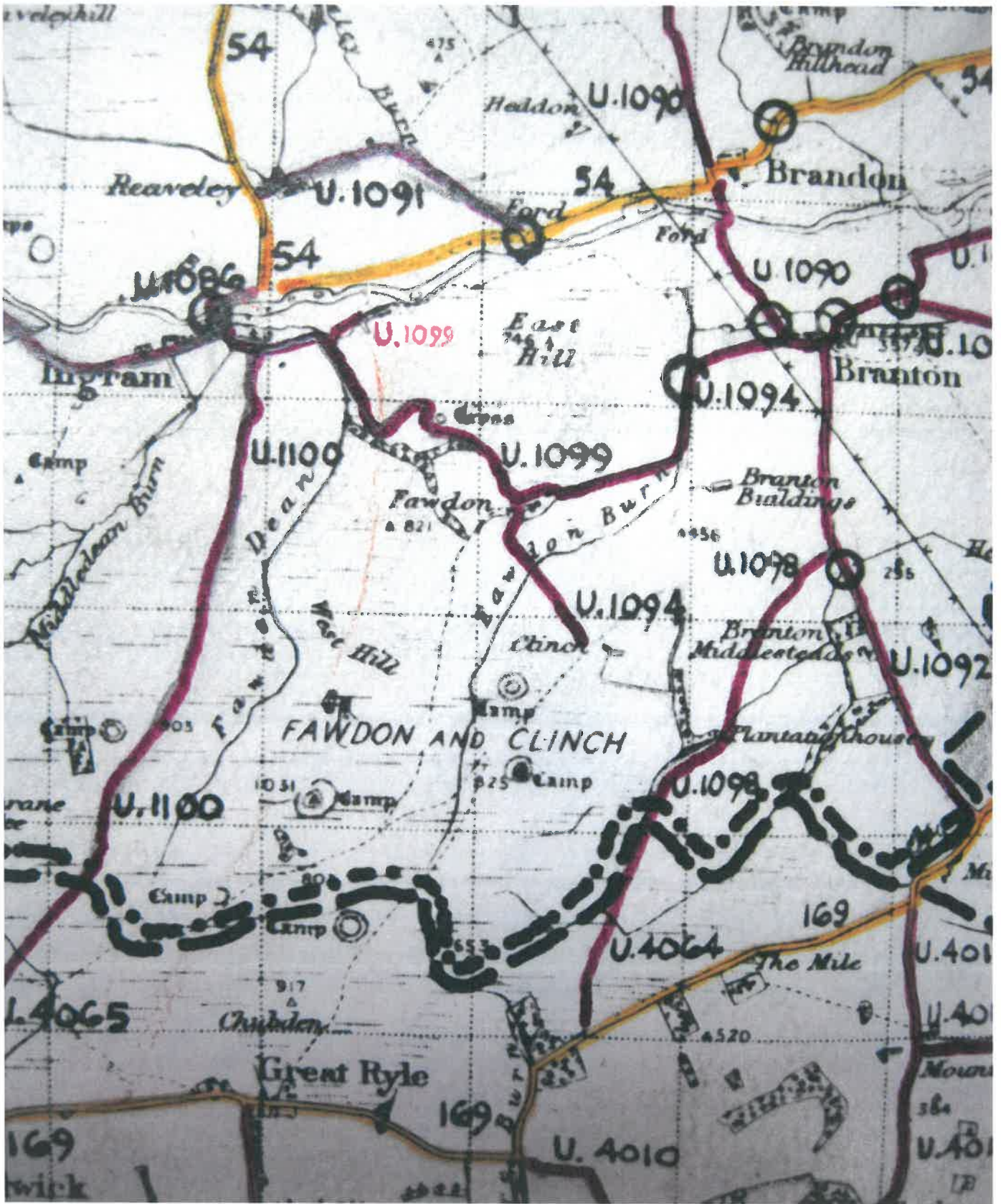
Ordnance Survey 3rd Edition 6" map (1926)

SCALE 1:16,000

Glendale RDC Handover Map
1932



Extract from the Council's 1951 Highways Map



Survey Map



(Northern section)

Survey Map (Glendale RDC area)



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

Parish of Farnfield and Clonsay in the Rural District of Glendale

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

- 1. Number of highway on Map 1 2. Kind of Path (i.e., F.P., B.R.) F.P.
- 3. Starts at Pratten House Steads to Shal Rpt.
- 4. Name of Path (if any) _____
- 5. Is the Path well defined? in part
- 6. Is the Path metalled? If so, define length _____
- 7. If its width can be stated, insert here _____
- 8. What is the present condition of the path, stiles, etc.? Yes
- 9. Is it subject to being ploughed out? Yes. Part.
- 10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known
None
- 11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant
Evidence of old inhabitant.
- 12. Have persons been prevented using the highway? No.
- 13. Give particulars of any obstructions. None.
- 14. Names of owners of freehold and previous owners, if known, for past 30 years.
His Grace The Duke of Northumberland.
- 15. What maps have been consulted, and where are they deposited?
- 16. What records have been consulted, and where are they deposited?
- 17. Any other relevant information

Surveyed by	Address	Dates of Survey
<u>[Signature]</u>	<u>2 Leamington Steads</u>	<u>20/4/52</u> <u>33 N.E</u>

Important:—Sheet No. of Map on which Highway is shown
0.57.80 S.E
0.57.89 N.E

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

Parish of BRANTON in the Rural District of GLENDALF

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

- 1. Number of highway on Map 2. Kind of Path (i.e., F.P., B.R.) F.P.
3. Starts at BRANTON to BRANTON BLADES
4. Name of Path (if any)
5. Is the Path well defined? ho.
6. Is the Path metalled? If so, define length ho.
7. If its width can be stated, insert here
8. What is the present condition of the path, stiles, etc.? Path good
9. Is it subject to being ploughed out? ho.
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 ho.
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 Evidence of old inhabitant.
12. Have persons been prevented using the highway? ho.
13. Give particulars of any obstructions ho.
14. Names of owners of freehold and previous owners, if known, for past 30 years Cap. Biddle-Atkinson
15. What maps have been consulted, and where are they deposited?
16. What records have been consulted, and where are they deposited?
17. Any other relevant information

Table with 3 columns: Surveyed by, Address, Dates of Survey. Handwritten entries include a signature, '2. Linn... Seaham', and '1/4/54'.

Important :- Sheet No. of Map on which Highway is shown 0.5.78 N. / XIV / S.E.

Survey Map
(Rothbury RDC area)



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

Parish of Great Kyle in the Rural District of Kothbury

Borough Urban District of _____
(Delete whichever is inapplicable).

1. Number of highway on Map 1 2. Kind of Path (i.e., F.P., B.R.) B.R.
3. Starts at Great Kyle cottages to Beanton
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.? overgrown with grass & not easily seen
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 none

11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant
Some information received from old shepherds residing in the district this bridle road was used frequently for driving sheep

12. Have persons been prevented using the highway? no

13. Give particulars of any obstructions none

14. Names of owners of freehold and previous owners, if known, for past 30 years
Lord Ravensworth (for Great Kyle)
This Space the Duke of Northumberland (for continuation of Bridle Road over Fawdon Hill)

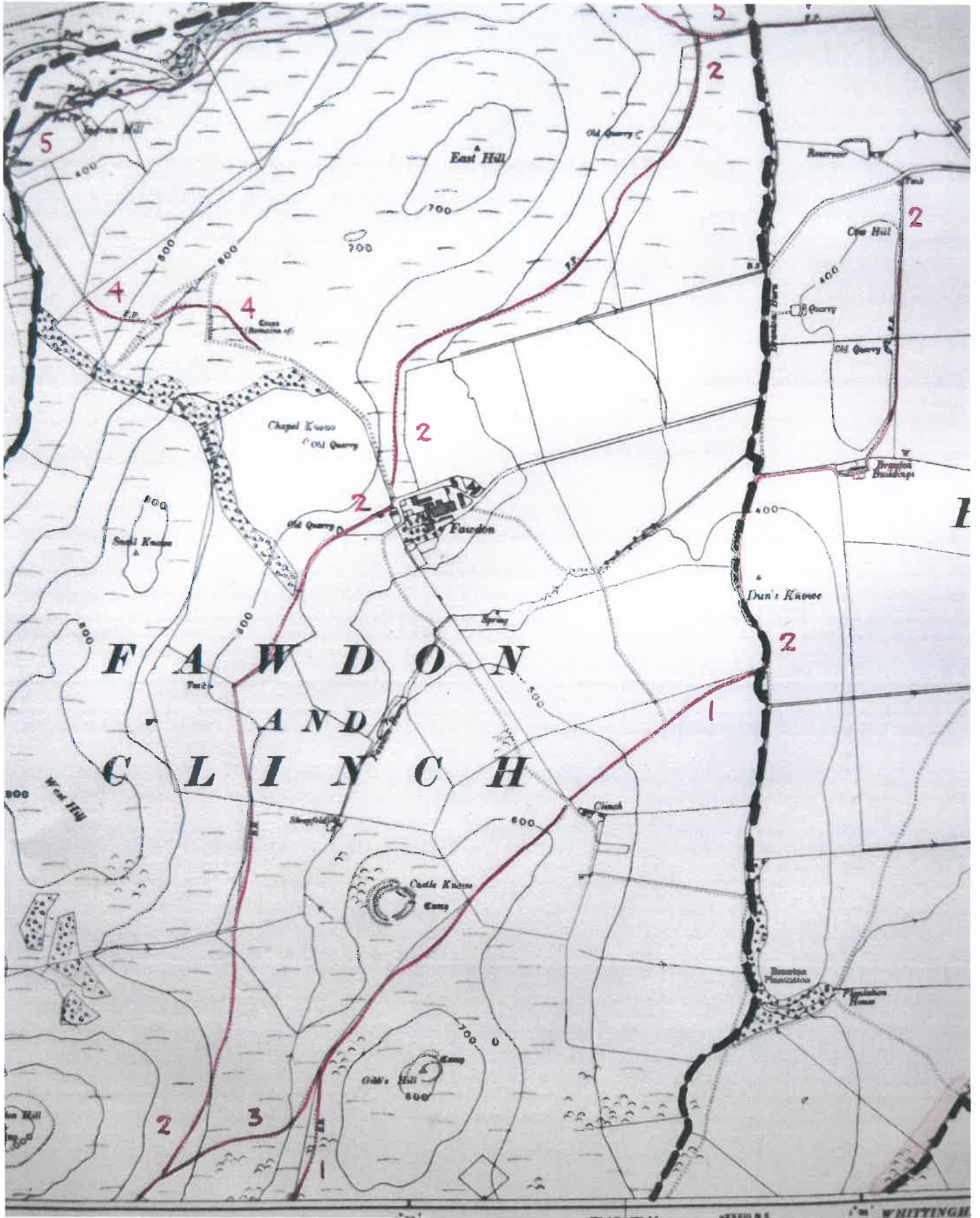
15. What maps have been consulted, and where are they deposited?
 Ordnance Survey Map (N.C.C) no. 285/50/33NE/2

16. What records have been consulted, and where are they deposited?
none

17. Any other relevant information In the best of my knowledge this bridle road is still used occasionally by horsemen and hikers.

Surveyed by	Address	Dates of Survey

Important:—Sheet No. of Map on which Highway is shown
285 / 50 / 33NE/2

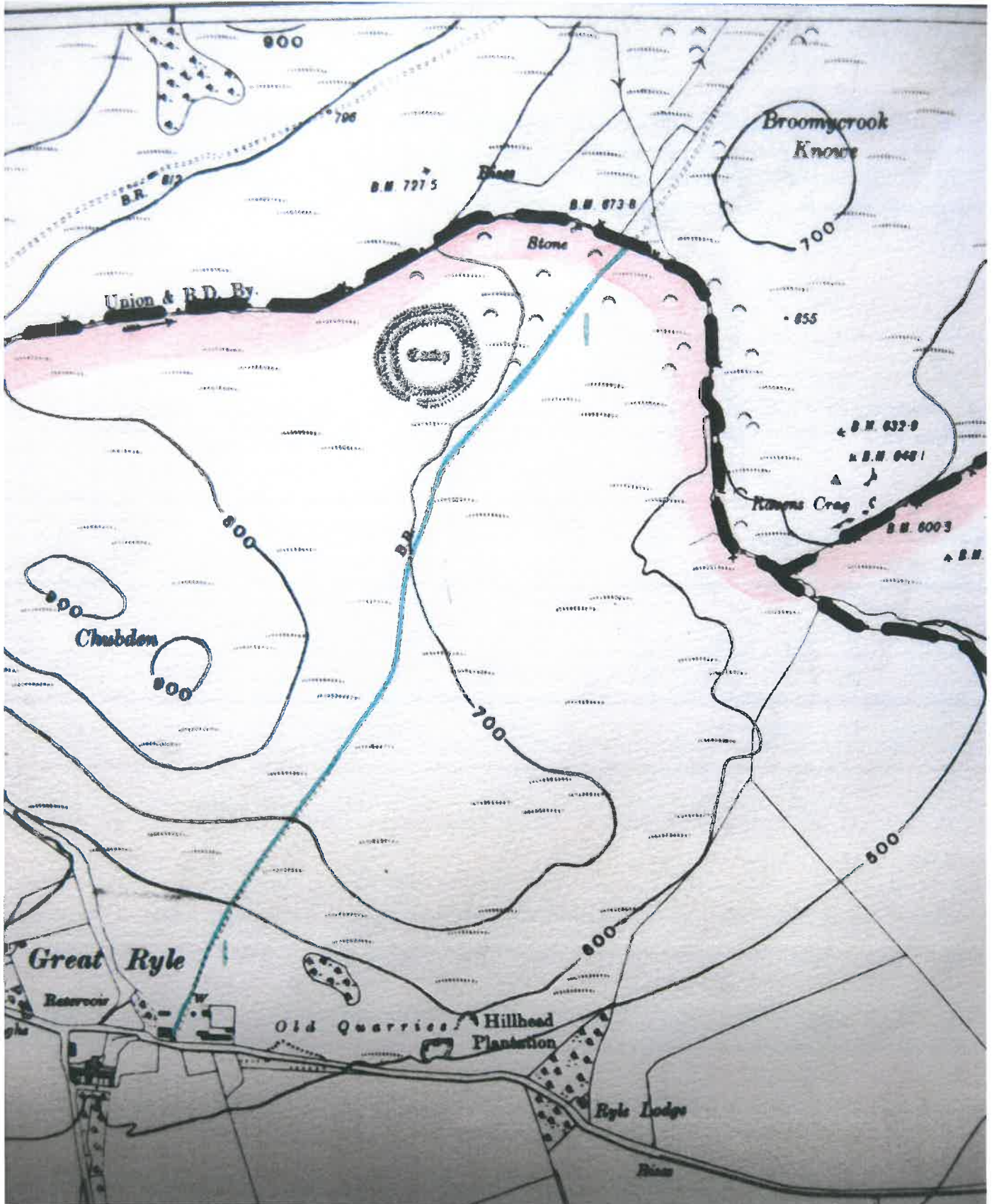


(Northern section)

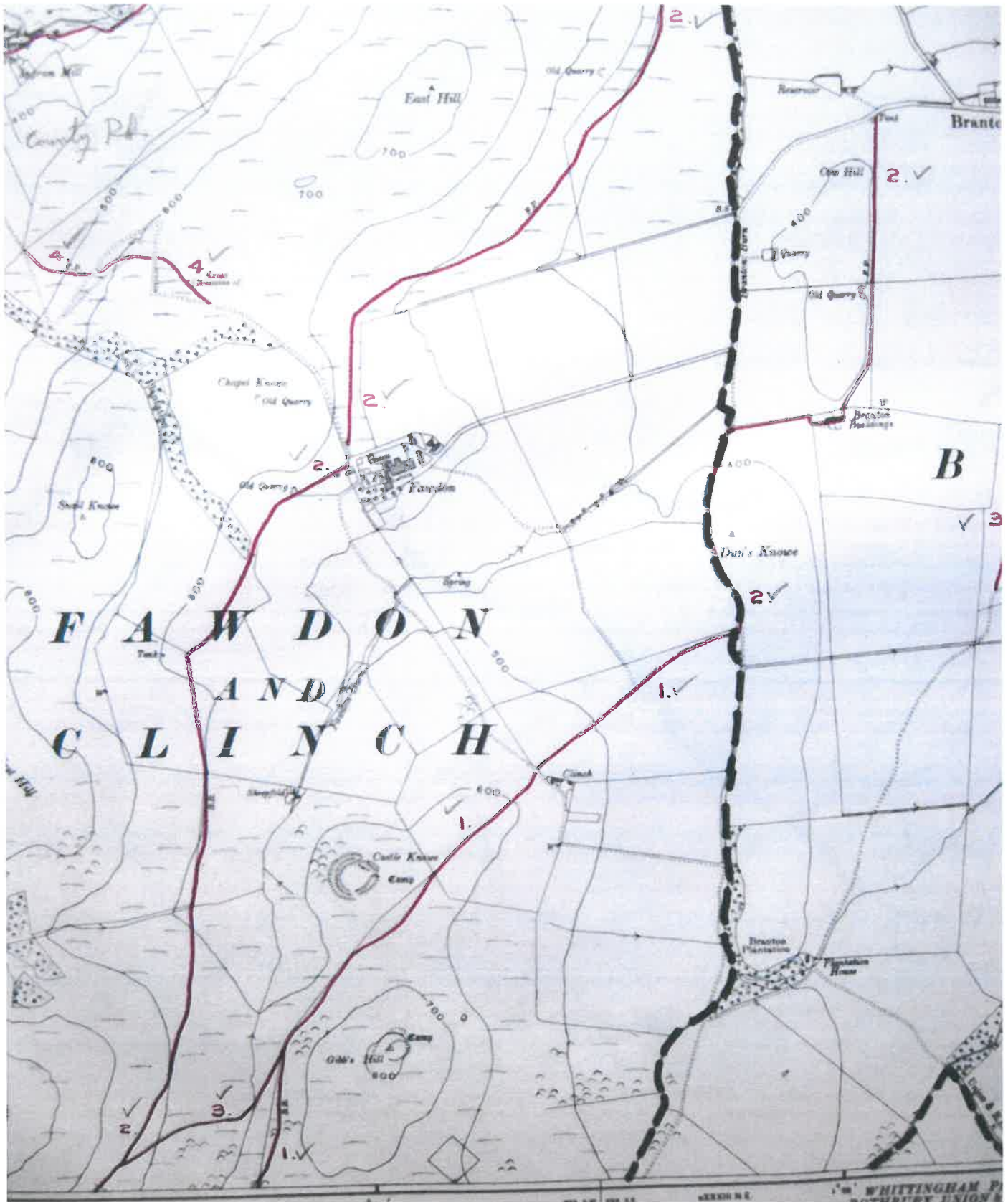
Draft Map
(Glendale RDC area)



Draft Map
(Rothbury RDC area)

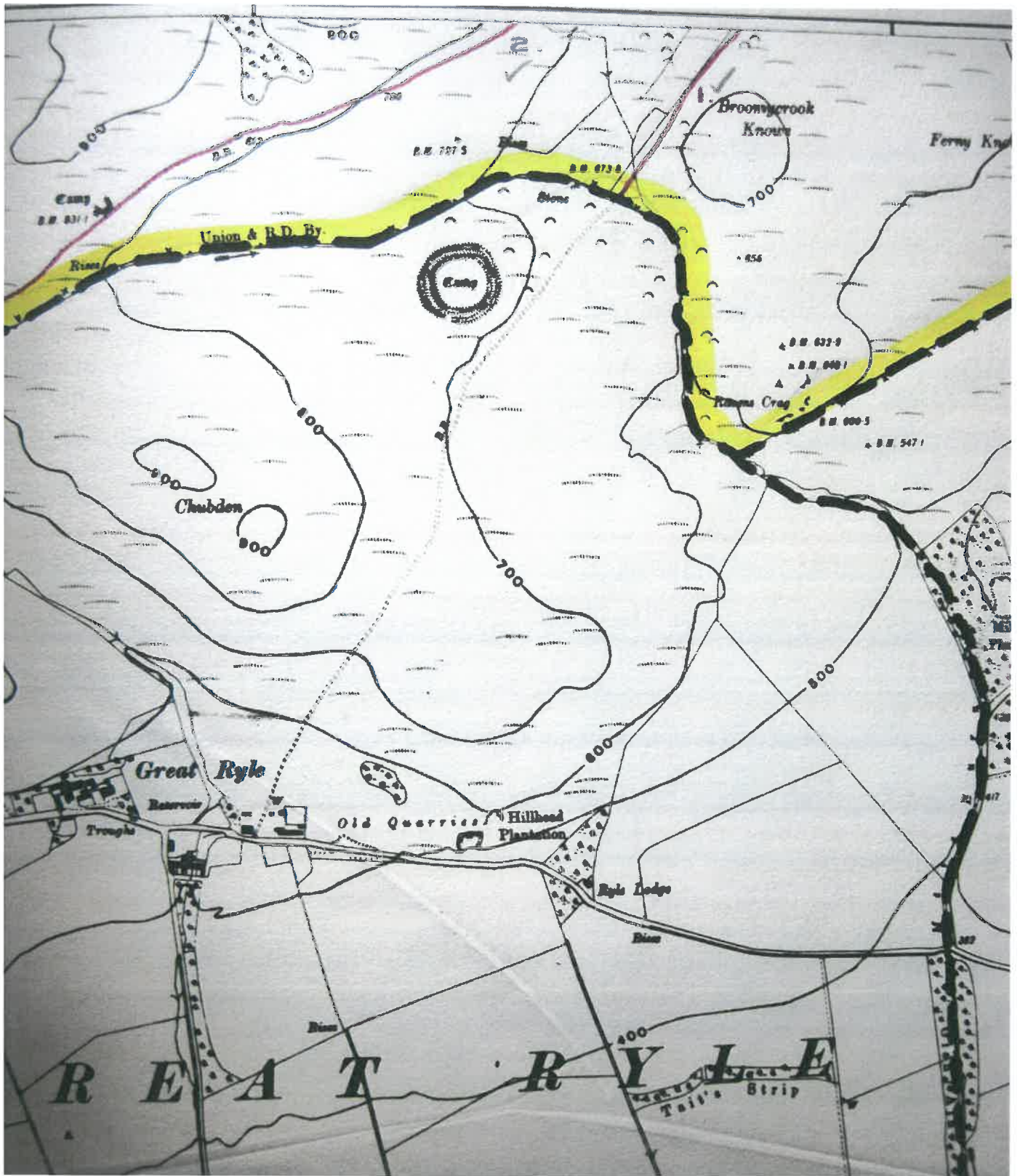


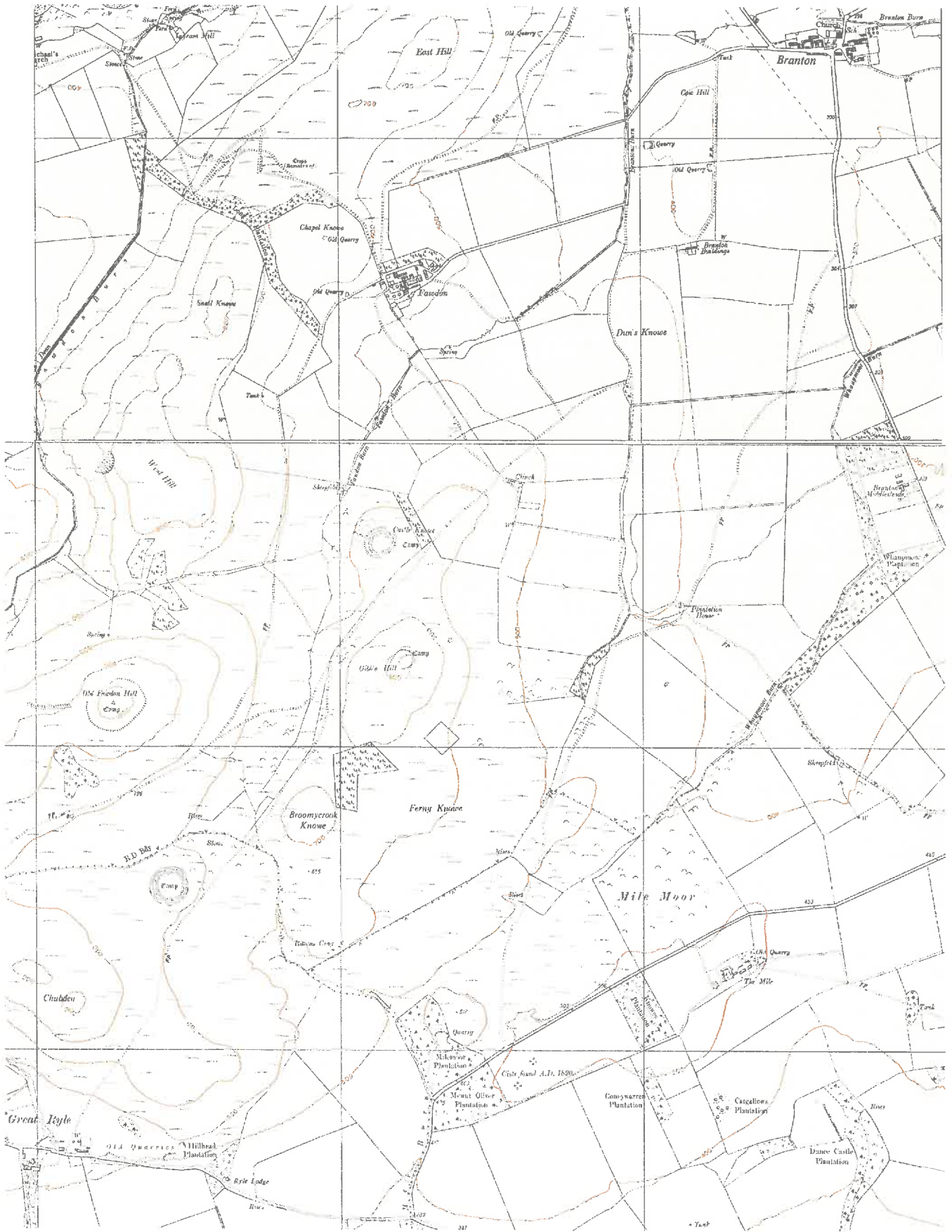
Provisional Map



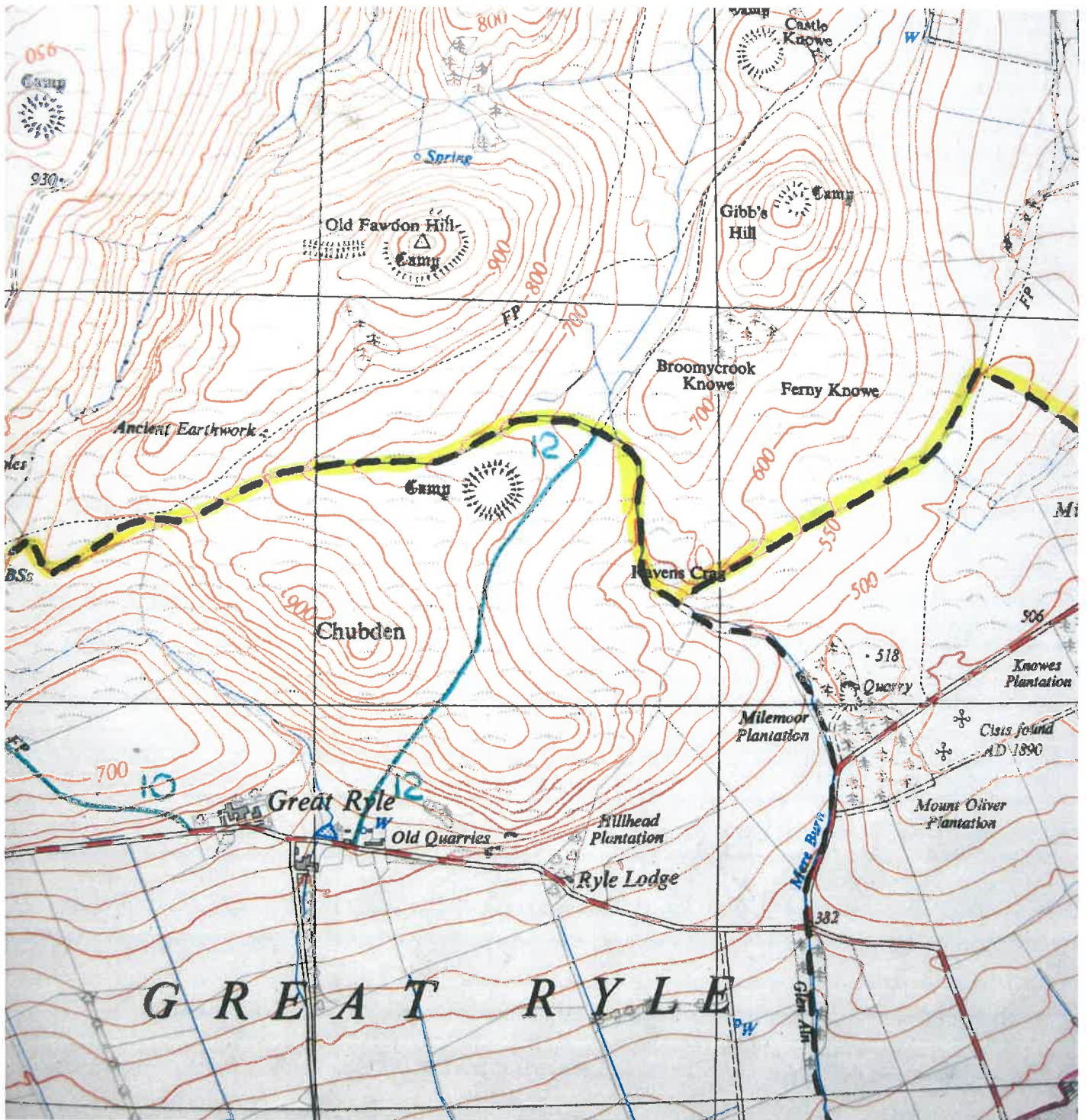
(Northern section)

Provisional Map
(Glendale RDC area)

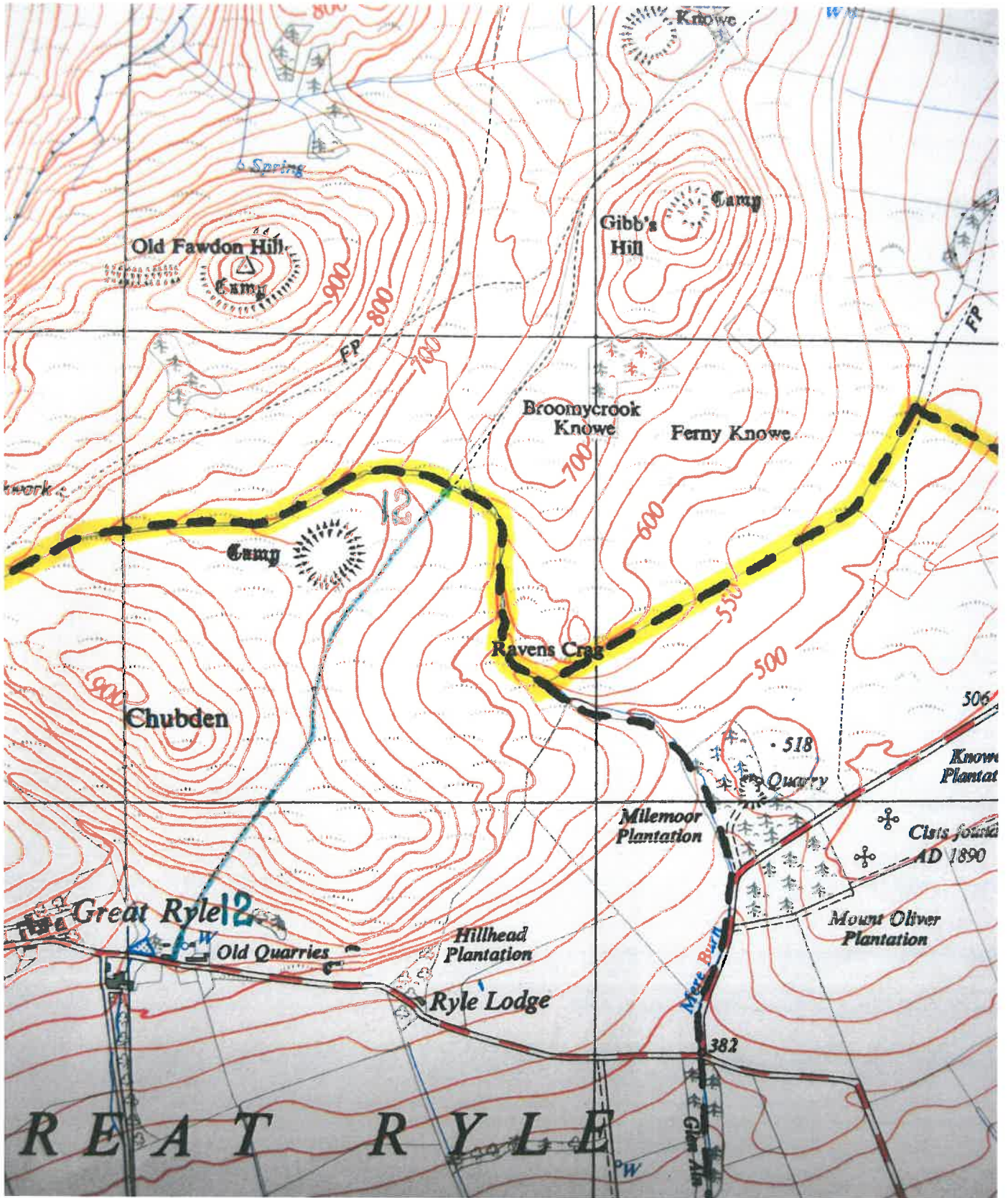




Original Definitive Map (Rothbury RDC area)



First Review Definitive Map (Rothbury RDC area)



1:10,000 O.S. Map
1979





Scale 1:2500

118 km
FANOM

Ditch

PROPOSED
SIMPER
ROUTE
Field drain

Water supply
to plantation
cottage and
Kiosks
GATE

GATE

Header Tank

GATE

Sybil Tank
(approx position)

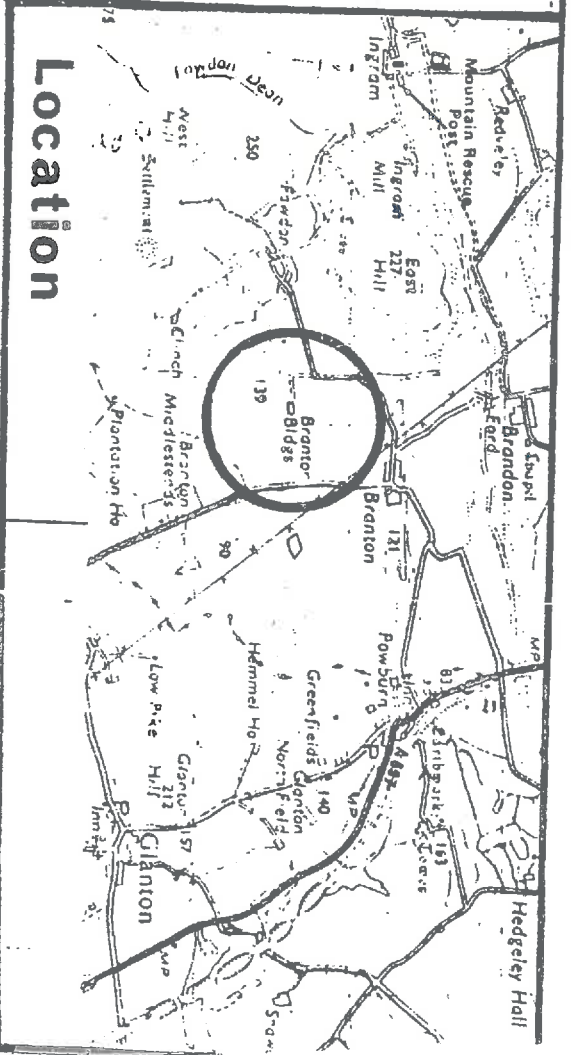
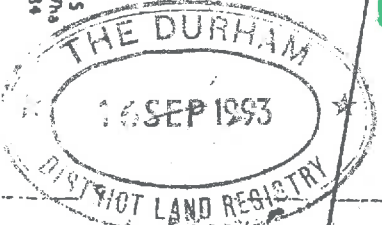
GATE

Branton Buildings

Water Main
(approx position)

PASTURE
FOR
HORSES

3255
7077a
1734



Location

AR

BRANTON BUILDINGS

Glover, Humble
&
Partners