



# Northumberland

## County Council

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

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### REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED PUBLIC BRIDLEWAYS NOS 43 & 27 PARISHES OF INGRAM & WHITTINGHAM

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

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#### **Purpose of report**

In this report, the Rights of Way Sub-Committee is asked to give consideration to all the relevant evidence gathered in support and rebuttal of a proposal to add a public bridleway from the U1094 road (Byway No 40) at Clinch in a general south-easterly direction via Plantation House, crossing the Ingram / Whittingham parish boundary then continuing in an easterly direction to join the C169 road, 160 metres west of Mile End Farm.

#### **Recommendation**

**It is recommended that the Sub-Committee agree that:**

- i) there is sufficient evidence to justify that public vehicular rights have been reasonably alleged to exist over the route M - R - S - P**
- ii) the route M - R - S - P be included in a future Definitive Map Modification Order as a Restricted Byway.**
- iii) there is sufficient evidence to justify that public bridleway rights have been reasonably alleged to exist over the route Q - T - N - O.**
- iv) the route Q - T - N - O be included in a future Definitive Map Modification Order as a public bridleway.**

## 1.0 BACKGROUND

- 1.1 By virtue of Section 53 of the Wildlife and Countryside Act, 1981, the County Council is required to keep the Definitive Map and Statement under continuous review and make modification orders upon the discovery of evidence, which shows that the map and statement need to be modified.
- 1.2 The relevant statutory provisions which apply to adding and upgrading a public right of way on the Definitive Map and Statement based on historical documentary evidence is Section 53(3)(c)(i) of the Wildlife and Countryside Act, 1981, which requires the County Council (as Surveying Authority) to modify the Definitive Map and Statement following:
- “the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows:
- “that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic;”
- 1.3 All the relevant statutory provisions and competing rights and interests have been considered in making this report. The recommendation is in accordance with the law and proportionate, having regard to individuals' rights and the public interest.

## 2.0 PUBLIC EVIDENCE

- 2.1 In November 2017, Edward Liddle of Steel, Hexham submitted an application to amend the Definitive Map and Statement by adding a public bridleway from a point marked M on the U1094 road (Byway No 40) at Clinch in a general south-easterly direction for a distance of 2140 metres via Plantation House to a point marked N at the Ingram / Whittingham parish boundary then continuing in an easterly direction for a distance of 250 metres to a point marked O on the C169 road 160 metres west of Mile End Farm.
- 2.2 The application is supported by historical evidence including Greenwood's County Map of 1828, the 1840 Tithe Award for the township of Branton, the 1841 Tithe Award for the township of Clinch, the 1862 Deposited Plan for the Northumberland Central Railway, the 1<sup>st</sup> Edition O.S. 25" plan of 1866 with the accompanying Book of Reference, the 1<sup>st</sup> Edition 1" plan (revised) of 1894, the 2<sup>nd</sup> Edition O.S. 6" plan of 1896, Bartholomew's Cycling Map of 1903, the 1910 Finance Act records and the 3<sup>rd</sup> Edition O.S. 6" plan of 1921.
- 2.3 The application was also accompanied by the following submission:

### **Plantation House**

#### The route

"1. The route, which is currently unrecorded, lies partly in the parish of Whittingham and partly in the parish of Ingram.

"2. It starts at GR NU 051 138 (A) on the C 169 road, close to Mile End. It joins for a short section the U1098 (C - D) close to Plantation House and ends at the southern end (F) of BOAT 224/040 (U1094) at GR NU 035 148, close to Clinch.

"3. Starting from (A) the alleged route follows the fence line in the first field and then crosses the parish boundary (B) to pass into an old hedged lane in which it descends to the Branton Burn. It then crosses a large field to meet the recorded public road at (C) close to Plantation House. It turns southwest and follows this road for a short distance to (D). From here it follows the field edge to (E) where it joins a track which becomes a tarmac road, BOAT 224/040 at Clinch (F).

"4. It is approximately 3 - 4 metres wide in the remnants of the old lane and on the track near Clinch.

"5 It can be seen on OS Explorer sheet 332.

*See photographs*

#### The documentary evidence

#### **1. 1828 Greenwood's Map of Northumberland**

The alleged route is shown for its full length on this map as a 'cross road', that is a minor road connecting two roads of greater importance.

*See extract*

#### **2. 1840 Tithe award for Branton Township**

**DT 65M**

"Part of the alleged route is shown on this plan, from (B) to the burn, the part that lay in Branton Township at that time. It is coloured pale brown in the same manner as the current public tarmac roads to Branton and Glanton. It should be noted that this plan is not aligned to north.

*See extract*

#### **3. 1841 Tithe award for Clinch Township**

**DT 105M**

"The plan, titled 'Plan of the vill or hamlet of Clinch in the parish of Ingram' shows the section of the alleged route from (E) labelled as 'Clinch Road' which has the plot number 13. This plot is described in the apportionment as 'The Clinch Road' and is shown as being not tithed under the heading 'Roads & waste land'.

The 'Clinch Road' is shown joining the already recorded route at (D). This is labelled 'from Ryle' in one direction and 'to Glanton' in the other.

The label 'to Glanton' indicates it is referring to the way along the alleged route rather than along the recorded public road, which goes in the direction of Branton and would be a long way round for travellers going to Glanton.

*See extract*

**4. 1862 Plan & Book of Reference for the Northumberland Central Railway QRUP 108a**

"This type of plan was a statutory requirement before the building of a new railway line could begin. It gave the names of the owners and occupiers over whose land the proposed railway would go and identified all the public roads that it would cross. It was open to public inspection. This line was to link the Wansbeck railway at Scots Gap to Cornhill. However some sections were never built as the money ran out once it got to Rothbury. This included the part of the proposed line through the parishes of Whittingham and Eglington through which the alleged route passed.

On sheet 13 of the plan, the line of the proposed railway is shown crossing the alleged route in plot 2 in Eglington Parish.

In the Book of Reference in the section for Eglington Parish, plot 2 is described as a '**bridle road**'. The owner is John Fawcett and the occupiers are Joseph Park, John Turnbull **and the public**.

*See extract*

**5. 1866 OS 1<sup>st</sup> edition, scale 1:2,500 (25")**

[www.old-maps.co.uk](http://www.old-maps.co.uk)

**OS Book of Reference for the parish of Eglington and Ingram**

"The sheets for this area, XXX/6 & XXX/11 are not available at Woodhorn but can be partially seen on this website.

In the parish of Eglington, township of Branton, the hedged lane is shown as **plot 77**. After it crosses the burn to cross a large field, the route is braced with the field as **plot 74**. Once it joins the recorded public road it passes into **plot 75**, also braced with the adjacent field. The junction of the recorded public road with the alleged route north to Clinch is shown to be in this plot.

The plot number is missing for the field around which the route passes in the parish of Ingram, township of Clinch & Hartside. But it reappears again for the section of track leading up to Clinch. This is shown as **plot 9**.

In the Book of Reference, the descriptions of land use for these plots are:

Eglington parish, Branton township

Plot 77	<b>Public road</b>
Plot 74	Arable, <b>roads</b> , streams
Plot 75	Arable & <b>road</b>

Ingram parish, Clinch & Hartside township

Plot 9	Arable, rough pasture, <b>roads</b>
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*See extracts*

**6. 1894 OS 1<sup>st</sup> edition revised scale 1:63,360, the 1"**

**NLS website**

The alleged route is highlighted on the extract of this revised version of the 1" edition which shows it following the same route as on the 1866 edition.

*See extract*

**7. 1896 OS 2<sup>nd</sup> edition scale 1:10,560, the 6"**

**Sheets XXX SE, XXX SW**

The full route is shown clearly along the same line as on the 1" edition.

*See extract*

**8. 1903 Bartholomew's cycling map**

**NLS website**

"This map was produced to meet the demand from road cyclists. The alleged route has been highlighted on the extract. Although it does not recommend the route as a route suitable for cyclists, it is recorded on the map to show that it is an available public road.

*See extract*

**9. 1910 Finance Act**

**NRO 437/XXX/11, 7 & 6**

"On **sheet XXX/11**, the section of the route in Eslington township (A - B) is shown to be in **plot 288** as part of The Mountain Farm.

The hedged lane is shown as a '**white road**' indicating that it was public as it is not included in the plots of either of the adjacent landowners. The yellow shading along the lane indicates the line of the parish boundary.

The unfenced section across the field leading to Plantation House (C) in Branton township lies in **plot 81** as part of Branton Farm. It has been labelled in hand writing in red ink as '**public**', presumably the work of the land agent who was preparing these documents required by law for the landowner.

The recorded road (U1098), which links the two unrecorded sections of the alleged route, is also labelled '**public**' in the same handwriting. The section leading from the junction (D) with this recorded road going towards Clinch can be clearly seen as being in **plot 101**, as part of Fawdon Farm.

"On **sheets XXX/7 & 6**, the remaining section of the route is shown, also in **plot 101** as part of Fawdon Farm.

*See extracts*

In the **Field Book, ref NRO 2000/52**, under Eslington township, there is no deduction for 'right of way or user' for **plot 288**. This is not unusual when land was part of a large estate. There is not a single deduction for any of the 73 hereditaments (plots) recorded as being in the ownership of the Eslington Estate in this Field Book and yet it is unlikely that there was not a single right of way to be found in such a large area.

In **Field Book, ref NRO 2000/21** on page 7, under Fawdon & Clinch, **plot 101** is shown as being owned by the Duke of Northumberland with Messrs Riddle as occupiers. There is a **deduction of £457** for 'Rights of Way or user'.

*See extracts*

#### **10. 1921 OS 3<sup>rd</sup> edition, scale 1:10,560 (the 6")**

The alleged route is shown on this later edition of the Ordnance Survey following the same line as in the earlier documentary evidence.

*See extracts*

#### **Conclusion**

The evidence above suggests that in the nineteenth and early 20<sup>th</sup> centuries there was a bridle road or minor public horse & cart road giving direct access to Plantation House from the road from Eslington to Glanton. The onward link to Clinch and so to Fawdon provided a very much more direct route to these farms than the long way round along the current tarmac road network. This was important at a time when travel was very much slower than it is today.

Please can you investigate this case in order to see if the alleged route should be added to the definitive map”

- 2.4 In April 2018 the County Council made Definitive Map Modification Order (No 5) 2018. This Order was to add to the Definitive Map and Statement a Byway Open to All Traffic and Restricted Byway over the U1098 and U4064 roads from north of Branton Middlesteads to to a point east of Mile Moor Plantation. A section of the claimed route between points P - Q was included in the Order as Parish of Ingram Byway Open to All Traffic No 38. The Order has received objections, which have not been withdrawn and will likely therefore, be forwarded to the Secretary of State for determination.

### **3. LANDOWNER EVIDENCE**

- 3.1 By letter received 4<sup>th</sup> May 2018, Nigel Dods of Woodside, Branton Middlesteads, Glanton responded with the following comments.
- i) “I am puzzled as to why yet another bridleway/public right of way is being applied for by the Wildlife & Countryside Act 1981, when we are already having to improve tracks & gates for the old existing U4064 byway that runs across the farm, and if your proposal is permitted we will then have 2 public access routes running through it.
  - ii) “Being next door to the Ingram Valley & National Parks I would have thought plenty of routes were already available within the Ingram Valley. My main concern is the issue with dogs & our livestock across this route. Our stewardship scheme terminates at the end of the year and

as at this moment do not know what new scheme will be suitable for your proposed route, whether grass, cereals or environmental..

- iii) "I understand completely the pleasure gained from access to the countryside but question whether 2 routes on such a small acreage can be justified.
- iv) "Also I return with our ownership boundary marked green & also the byway road mentioned above"

3.2 By way of a compliment slip in May 2018, Mr W R Telford of Fawdon Farm, Powburn responded with the following comments.

- i) "I have marked the map to show my extent of ownership.
- ii) "I am happy with this route being used by walkers, but am bitterly opposed to vehicles being given any access. We have a council road to the Clinch which is in a terrible state of repair, so unless this road can be maintained better, the last thing we need is extra 4W.D. damage to the land and gateways etc; as well as the road."

#### **4. CONSULTATIONS**

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

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

"There is clear evidence of this route on the ground. This is supported by plenty of documentary evidence, the most important being the Railway Plan. Although the railway was never built, the preparation work was done thoroughly as it had to be open to public inspection before it could get approval from parliament."

#### **5. DOCUMENTARY EVIDENCE**

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

1769 Armstrong's County Map

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

1811 Estate Plan

The Estate plan shows the route between points R - S as an enclosed track identified by the number 14 and listed in the

accompanying schedule as 'Lane'. The same plan shows the route S - P as a track identified by the number 15 and listed in the accompanying schedule as 'Road & Bog'. (No copying possible)

1820 Fryer's County Map

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

1827 Cary's Map

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

1828 Greenwood's County Map

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

1840 Branton Tithe Award (Applicant's plan)

There is evidence of an enclosed track over the southern section of the claimed route between points T - N.

1841 Clinch Tithe Award (Applicant's plan)

There is evidence of a track over the entire length of the claimed path within Clinch township which is identified by the number 13 and listed in the accompanying schedule as 'Clinch Road'.

1848 Estate Plan

The Estate plan shows the route between points S - P as a track identified by the number 2 and listed in the accompanying schedule as 'Twist Close - Road included'. (No copying possible)

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

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

The northern and middle sections of the path have no specific numbers but cross the field parcels numbered 9, 74 & 75 which are annotated collectively in the Book of Reference as 'arable, rough pasture, **roads** & streams'.

The southern section of the claimed route from the Whaupmoor Burn to the parish boundary is numbered 77 and annotated as a 'Public Road'.

1862 Deposited Plan of the proposed Northumberland Central Railway

The section of the claimed route from the Whaupmoor Burn to the parish boundary is identified as crossing the route of the proposed



railway. It is annotated by the number 2 and listed in the accompanying schedule as a 'Bridle Road' with one of the occupiers being listed as 'the Public'.

1866 1<sup>st</sup> Edition O.S. Map: Scale 1:10,560

There is evidence of a track over the entire length of the claimed route. The southern section from the Whaupmoor Burn to the parish boundary appears to be enclosed.

1899 2<sup>nd</sup> Edition O.S. Map: Scale 1:10,560

There is evidence of a track over the entire length of the claimed route. The southern section from the Whaupmoor Burn to the parish boundary appears to be enclosed.

1926 3<sup>rd</sup> Edition O.S. Map: Scale 1:10,560

There is evidence of a track over the entire length of the claimed route. The southern section from the Whaupmoor Burn to the parish boundary appears to be enclosed.

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

There is evidence of a track over the entire length of the claimed route. The southern section from the Whaupmoor Burn to the parish boundary appears to be enclosed.

## **6. SITE INVESTIGATION**

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

## **7. COMMENTS RECEIVED ON THE DRAFT REPORT**

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

## **8. DISCUSSION**

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

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

- 8.2 When considering an application or proposal for a modification order, Section 32 of the Highways Act, 1980 provides for “any map, plan or history of the locality or other relevant document” to be tendered in evidence and such weight to be given to it as considered justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.
- 8.3 The representation of a path or track on an Ordnance Survey map is not conclusive evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey.
- 8.4 Greenwood’s County Map depicts a track over the full length of the alleged route. If the purpose of the map was to depict commercial travel routes throughout the County then it is reasonable to assume that the route carried higher rights than public footpath.
- 8.5 All of the Ordnance Survey plans from the 1<sup>st</sup> Edition map c.1860 to the plan in 1957 depict a track over the full length of the claimed route. It is noted that on the 1957 plan that the southern part of the route is annotated as a Footpath (FP) suggesting that the surveyor considered the physical appearance of the route was likened to a footpath rather than a bridleway. However, it is also noted that the ‘Book of Reference’ accompanying the first edition 25” map c1860 describes part of the southern enclosed section as a ‘Public Road’.
- 8.6 While the information relating to the 1910 Finance Act is valuable there is usually no direct correlation linking the financial deduction for public rights of way in the Valuation Books to the tracks identified within the plots on the Valuation Plans. However, in this case there are instances where the plans have been annotated in red ink. The section running south-easterly from Plantation House has been identified as ‘Public’.
- 8.7 The Branton and Clinch Tithe Awards show a track over the majority of the claimed route suggesting that the route physically existed but give no clear indication as to its public or private status.
- 8.8 The extract from Bartholomew’s Cycling Map shows the entire length of the claimed route. However, it is noted that the same extract also shows other routes currently recorded as public footpaths and some routes with no recorded public status at all.
- 8.9 It is accepted that not all of the historical evidence may show the whole of the alleged route. However, the cumulative evidence would suggest that it is reasonable that a track existed over the route of the alleged public right of way and that the route would have been used by the public. Members must be satisfied that it is also reasonable that the public use of the route would have been more than just pedestrian and that public bridleway rights or restricted byway rights have been reasonably alleged to exist over the route. At this stage members are looking at the ‘low level’ reasonable test and do not need to be satisfied, on the balance of probability, a public right of way exists over the route.

- 8.10 In the light of the evidence submitted it appears that the historical evidence is sufficient to demonstrate that public vehicular rights have been reasonably alleged to exist over the route between points M - R - S - P. This part of the alleged route is included on the 19th Century Estate Plans as either a 'road' or 'lane' and is identified on the Tithe award as a road. It is on all of the Ordnance Survey plans and listed in the book of reference as being within land parcels that include roads. All of this evidence suggests that the route was part of the historical road network linking Clinch to the communities at Brandon, Ryle and Glanton.
- 8.11 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. None of the above saving provisions apply therefore, if the track were to be recorded as a restricted byway, it would be an offence for any member of the public to use the route with a mechanically propelled vehicle without the landowners' permission.
- 8.12 In the light of the evidence submitted it appears that the historical evidence is sufficient to demonstrate that public bridleway rights have been reasonably alleged to exist over the route between points Q - T - N - O. This part of the alleged route is not included on the Estate Plans and only part of the route is included on the Tithe award. It is included on the majority of the Ordnance Survey plans, a section of which is included in the book of reference as a 'public road'. However, a cross section of the route is also included on the proposed Northumberland Central Railway but it is listed in the accompanying schedule as a 'bridle road' rather than a 'public road'.
- 8.13 If an order were to be made, it is usual practice for officers to investigate whether there is the possibility of agreeing a harmonious route on a consistent alignment that satisfies the concerns of all the interested parties.
- 8.14 Advice from the Planning Inspectorate in their 'consistency guidelines' states that it is important to have the correct width, where known, recorded in the definitive statement. It is considered appropriate therefore, to record the restricted byway section with a default minimum width of 5 metres and the public bridleway section with a default minimum width of 3 metres.

## **9. CONCLUSION**

- 9.1 In the light of the evidence submitted it appears that public vehicular rights have been reasonably alleged to exist over the route M - R - S - P.
- 9.2 The route M - R - S - P be included in a future Definitive Map Modification order as a restricted byway.
- 9.3 In the light of the evidence submitted it appears that public bridleway rights have been reasonably alleged to exist over the route Q - T - N - O.
- 9.4 The route Q - T - N - O be included in a future Definitive Map Modification order as a public bridleway.

## **BACKGROUND PAPERS**

Local Services Group File B/24/43z, A/38/27z

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**NORTHUMBERLAND**

Northumberland County Council

Infrastructure Records  
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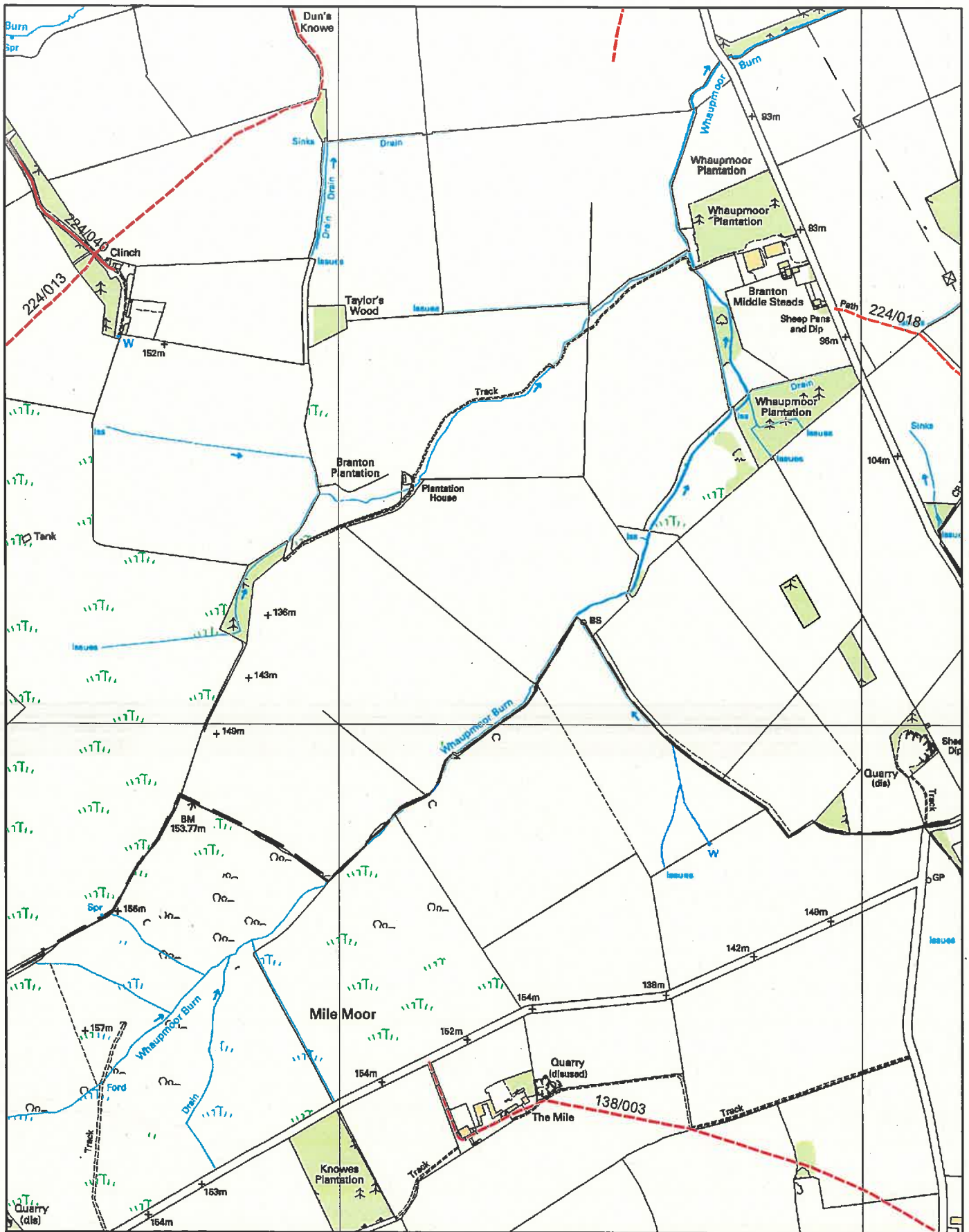
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## Wildlife and Countryside Act 1981 Public Rights of Way



Alleged Public Bridleway

Former District(s) <b>Berwick/Alnwick</b>	Parish(es) <b>Ingram/Whittingham</b>	Scale <b>1:10,000</b>
Def. Map No. <b>66/67</b>	O.S. Map <b>NU 01 SW/SE</b>	Date <b>March 2018</b>



  
**Northumberland**  
 County Council

Contact: John McErlane  
 Tel: 01670 624136  
 Email: John.McErlane@northumberland.gov.uk

**Legend**

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

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

Scale: 1:10,000

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PUBLIC RIGHTS OF WAY

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

CERTIFICATE OF SERVICE OF NOTICE OF  
APPLICATION FOR MODIFICATION ORDER

Former Borough/District ..... Alnwick .....

Parish ..... Whittingham, Ingram .....

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

I/We ..... EDWARD LIDDLE ..... (Name)

of ..... CHAPEL HOUSE STEEL ..... (Address)  
..... HEXHAM NE47 0HD .....

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

Name	Address
<u>R. W. K. Telford</u>	<u>Brauton Eastside Farm, Brauton, Alnwick</u>
<u>W. R. Telford</u>	<u>Fawdon Farm, Powberron, Alnwick, NE66 4JQ</u>
<u>Mrs &amp; Mrs N. Dodd</u>	<u>Woodside House, Brauton Middlesteads,</u>
	<u>Clanton, Alnwick, NE66 4BQ</u>
<u>Mrs &amp; Mrs J. Sowerby</u>	<u>The Clinch, Powberron, Alnwick, NE66 4JT</u>
<u>Mr R. Telford</u>	<u>Mile End Farmhouse, Clanton</u>
	<u>Alnwick, NE66 4BD</u>

Dated ..... 16.11.17 ..... Signed .....  .....

PUBLIC RIGHTS OF WAY

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

APPLICATION FOR MODIFICATION ORDER

Former Borough/District Alnwick

Parish Whittingham, Ingram Rights of Way No. —  
(on Definitive Map)

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

I/We EDWARD LIDDLE (Name)

of CHAPEL HOUSE STEEL (Address)  
HEXHAM NE47 0HD

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

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

from G.R. NU 051 138 close to Mile End

to G.R. NU 035 148 close to Church

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

from .....

to .....

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

from .....

to .....


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

from .....

to .....

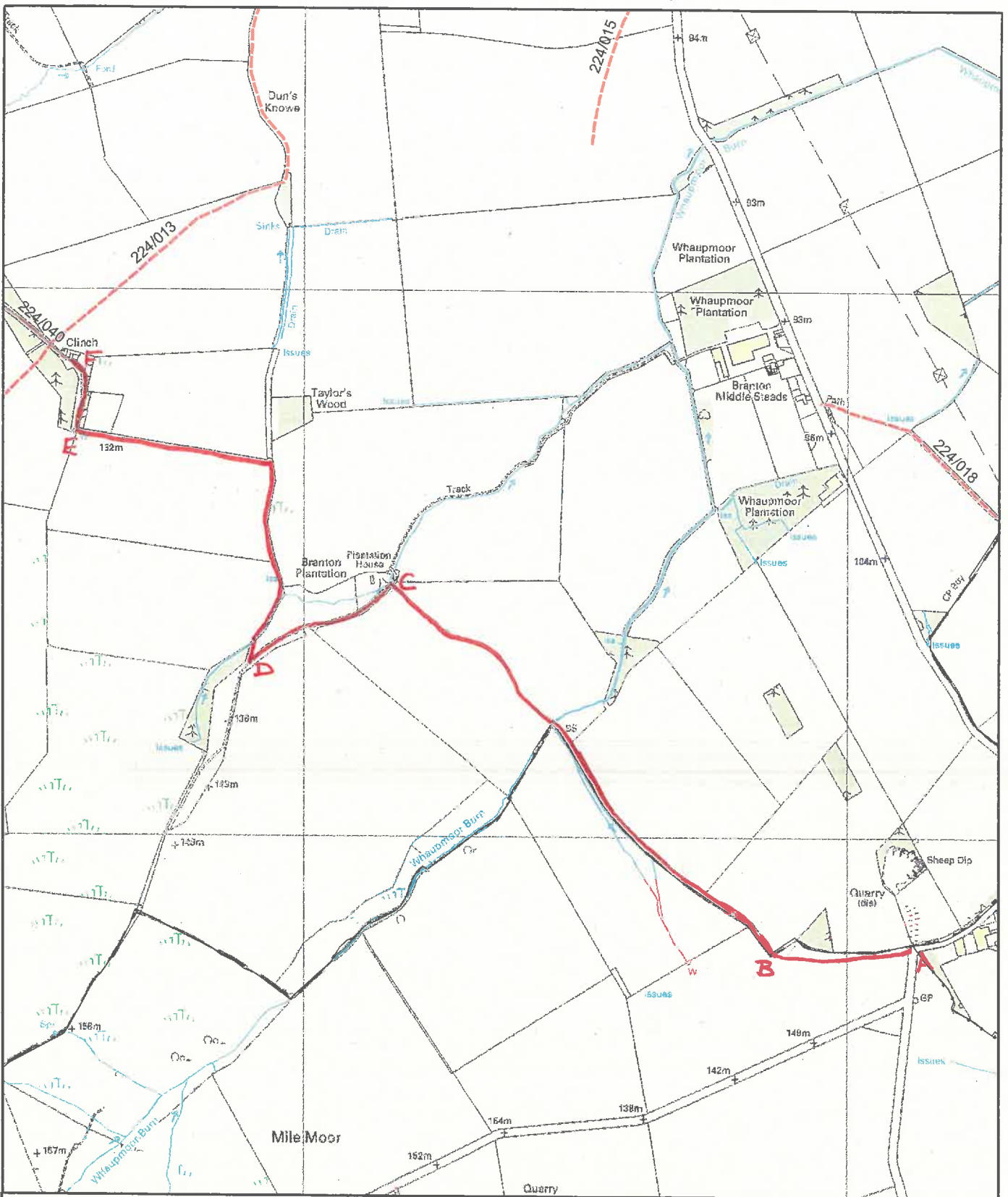
by providing that .....  
as shown on the plan attached.

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

Dated 16.11.17 Signed 

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





# NORTHUMBERLAND

Northumberland County Council

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

## Wildlife & Countryside Act, 1981



Claimed Public Right of Way

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Former District	Berwick	Parish	Ingram	Scale	1:10,000
Def. Map. No.		O.S. Map		Date	

## Plantation House

### The route

1. The route, which is currently unrecorded, lies partly in the parish of Whittingham and partly in the parish of Ingram.
2. It starts at GR NU 051 138 (A) on the C 169 road, close to Mile End. It joins for a short section the U1098 (C - D) close to Plantation House and ends at the southern end (F) of BOAT 224/040 (U1094) at GR NU 035 148, close to Clinch.
3. Starting from (A) the alleged route follows the fence line in the first field and then crosses the parish boundary (B) to pass into an old hedged lane in which it descends to the Branton Burn. It then crosses a large field to meet the recorded public road at (C) close to Plantation House. It turns southwest and follows this road for a short distance to (D). From here it follows the field edge to (E) where it joins a track which becomes a tarmac road, BOAT 224/040 at Clinch (F).
4. It is approximately 3 - 4 metres wide in the remnants of the old lane and on the track near Clinch.
5. It can be seen on OS Explorer sheet 332.

*See photographs*

### The documentary evidence

#### **1. 1828 Greenwood's Map of Northumberland**

The alleged route is shown for its full length on this map as a 'cross road', that is a minor road connecting two roads of greater importance.

*See extract*

#### **2. 1840 Tithe award for Branton Township**

**DT 65M**

Part of the alleged route is shown on this plan, from (B) to the burn, the part that lay in Branton Township at that time. It is coloured pale brown in the same manner as the current public tarmac roads to Branton and Glanton.

It should be noted that this plan is not aligned to north.

*See extract*

#### **3. 1841 Tithe award for Clinch Township**

**DT 105M**

The plan, titled 'Plan of the vill or hamlet of Clinch in the parish of Ingram' shows the section of the alleged route from (E) labelled as 'Clinch Road' which has the plot number 13. This plot is described in the apportionment as 'The Clinch Road' and is shown as being not tithed under the heading 'Roads & waste land'.

The 'Clinch Road' is shown joining the already recorded route at (D). This is labelled 'from Ryle' in one direction and 'to Glanton' in the other.

The label 'to Glanton' indicates it is referring to the way along the alleged route rather than along the recorded public road, which goes in the direction of Branton and would be a long way round for travellers going to Glanton.

*See extract*

4. **1862 Plan and Book of Reference for the Northumberland Central Railway**  
**QRUP 108 a**

This type of plan was a statutory requirement before the building of a new railway line could begin. It gave the names of the owners and occupiers over whose land the proposed railway would go and identified all the public roads that it would cross. It was open to public inspection. This line was to link the Wansbeck railway at Scots Gap to Cornhill. However some sections were never built as the money ran out once it got to Rothbury. This included the part of the proposed line through the parishes of Whittingham and Eglington through which the alleged route passed.

On sheet 13 of the plan, the line of the proposed railway is shown crossing the alleged route in plot 2 in Eglington Parish.

In the Book of Reference in the section for Eglington Parish, plot 2 is described as a '**bridle road**'. The owner is John Fawcett and the occupiers are Joseph Park, John Turnbull **and the public**.

*See extracts*

5. **1866 OS 1<sup>st</sup> edition, scale 1:2,500, the 25"** [www.old-maps.co.uk](http://www.old-maps.co.uk)  
**OS Books of Reference for the parishes of Eglington and Ingram**

The sheets for this area, XXX/6 & XXX/11 are not available at Woodhorn but can be partially seen on this website.

In the parish of Eglington, township of Branton, the hedged lane is shown as **plot 77**. After it crosses the burn to cross a large field, the route is braced with the field as **plot 74**. Once it joins the recorded public road it passes into **plot 75**, also braced with the adjacent field. The junction of the recorded public road with the alleged route north to Clinch is shown to be in this plot.

The plot number is missing for the field around which the route passes in the parish of Ingram, township of Clinch & Hartside. But it reappears again for the section of track leading up to Clinch. This is shown as **plot 9**.

*See extracts*

In the Books of Reference, the descriptions of land use for these plots are:

Eglingham parish, Branton township

Plot 77	<b>Public road</b>
Plot 74	Arable, <b>roads</b> , streams
Plot 75	Arable & <b>road</b>

Ingram parish, Clinch & Hartside township

Plot 9	Arable, rough pasture, <b>roads</b>
--------	-------------------------------------

*See extracts*

6. **1894 OS 1<sup>st</sup> edition revised scale 1:63,360, the 1"** **NLS website**  
The alleged route is highlighted on the extract of this revised version of the 1<sup>st</sup> edition which shows it following the same route as on the 1866 edition.  
*See extract*
  
7. **1896 OS 2<sup>nd</sup> edition scale 1:10,560, the 6"** **Sheets XXX SE, XXX SW**  
The full route is shown clearly along the same line as on the 1<sup>st</sup> edition.  
*See extracts*
  
8. **1903 Bartholomew's cycling map** **NLS website**  
This map was produced to meet the demand from road cyclists. The alleged route has been highlighted on the extract. Although it does not recommend the route as a route suitable for cyclists, it is recorded on the map to show that it is an available public road.  
*See extract*
  
9. **1910 Finance Act plan** **NRO 437/XXX/11, 7 & 6**  
On **sheet XXX/11**, the section of the route in Eslington township (A – B) is shown to be in **plot 288** as part of The Mountain Farm.  
The hedged lane is shown as a '**white road**' indicating that it was public as it is not included in the plots of either of the adjacent landowners. The yellow shading along the lane indicates the line of the parish boundary.  
The unfenced section across the field leading to Plantation House (C) in Branton township lies in **plot 81** as part of Branton Farm. It has been labelled in hand writing in red ink as '**public**', presumably the work of the land agent who was preparing these documents required by law for the landowner.  
The recorded road (U1098), which links the two unrecorded sections of the alleged route, is also labelled '**public**' in the same handwriting. The section leading from the junction (D) with this recorded road going towards Clinch can be clearly seen as being in **plot 101**, as part of Fawdon Farm.

**On sheets XXX/7 & 6**, the remaining section of the route is shown, also in **plot 101** as part of Fawdon Farm.

*See extracts*

In the **Field Book, ref NRO 2000/52**, under Eslington township, there is no deduction for 'right of way or user' for **plot 288**. This is not unusual when land was part of a large estate. There is not a single deduction for any of the 73 hereditaments (plots) recorded as being in the ownership of the Eslington Estate in this Field Book and yet it is unlikely that there was not a single right of way to be found in such a large area.

In **Field Book, ref NRO 2000/21** on page 7, under Fawdon & Clinch, **plot 101** is shown as being owned by the Duke of Northumberland with Messrs Riddle as occupiers. There is a **deduction of £457** for 'Rights of Way or user'.

*See extracts*

**10. 1921 OS 3<sup>rd</sup> edition, scale 1:10,560 (the 6")**

The alleged route is shown on this later edition of the Ordnance Survey following the same line as in the earlier documentary evidence.

*See extract*

Conclusion

The evidence above suggests that in the nineteenth and early 20<sup>th</sup> centuries there was a bridle road or minor public horse & cart road giving direct access to Plantation House from the road from Eslington to Glanton. The onward link to Clinch and so to Fawdon provided a very much more direct route to these farms than the long way round along the current tarmac road network. This was important at a time when travel was very much slower than it is today.

Please can you investigate this case in order to see if the alleged route should be added to the definitive map?

Sent to NCC November 2017

**From the roadside close to Mile End**

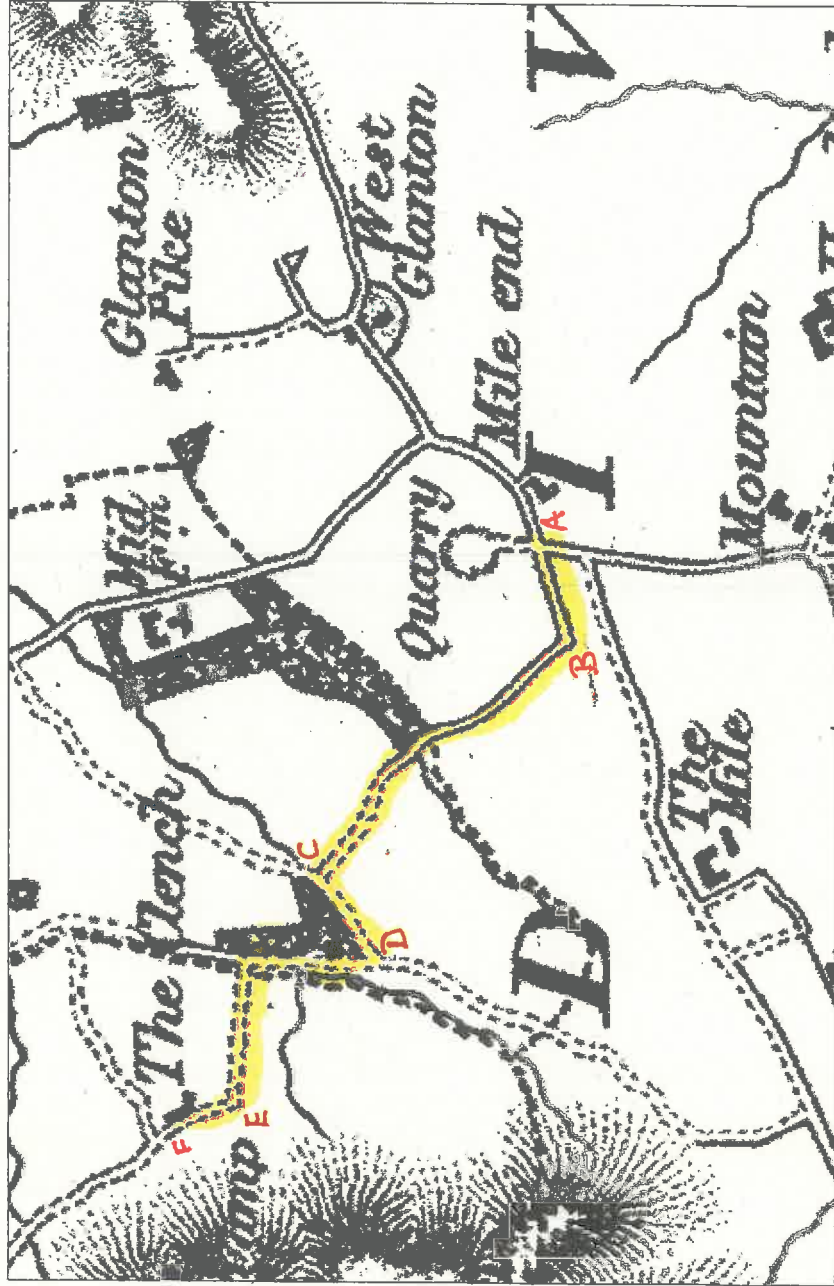


**The remnants of the hedged lane viewed from Plantation House**

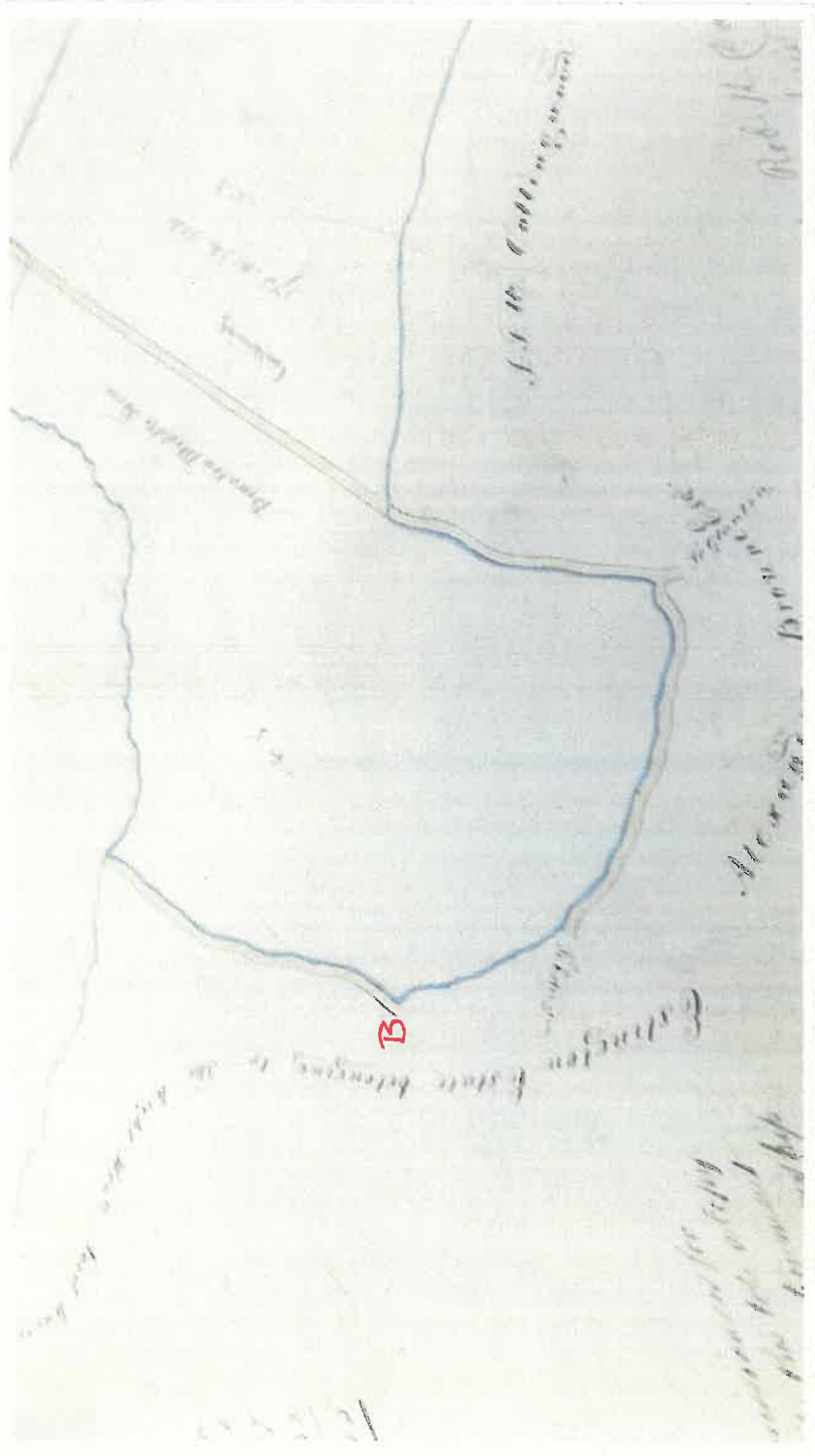




1828 Greenwood's Map of Northumberland

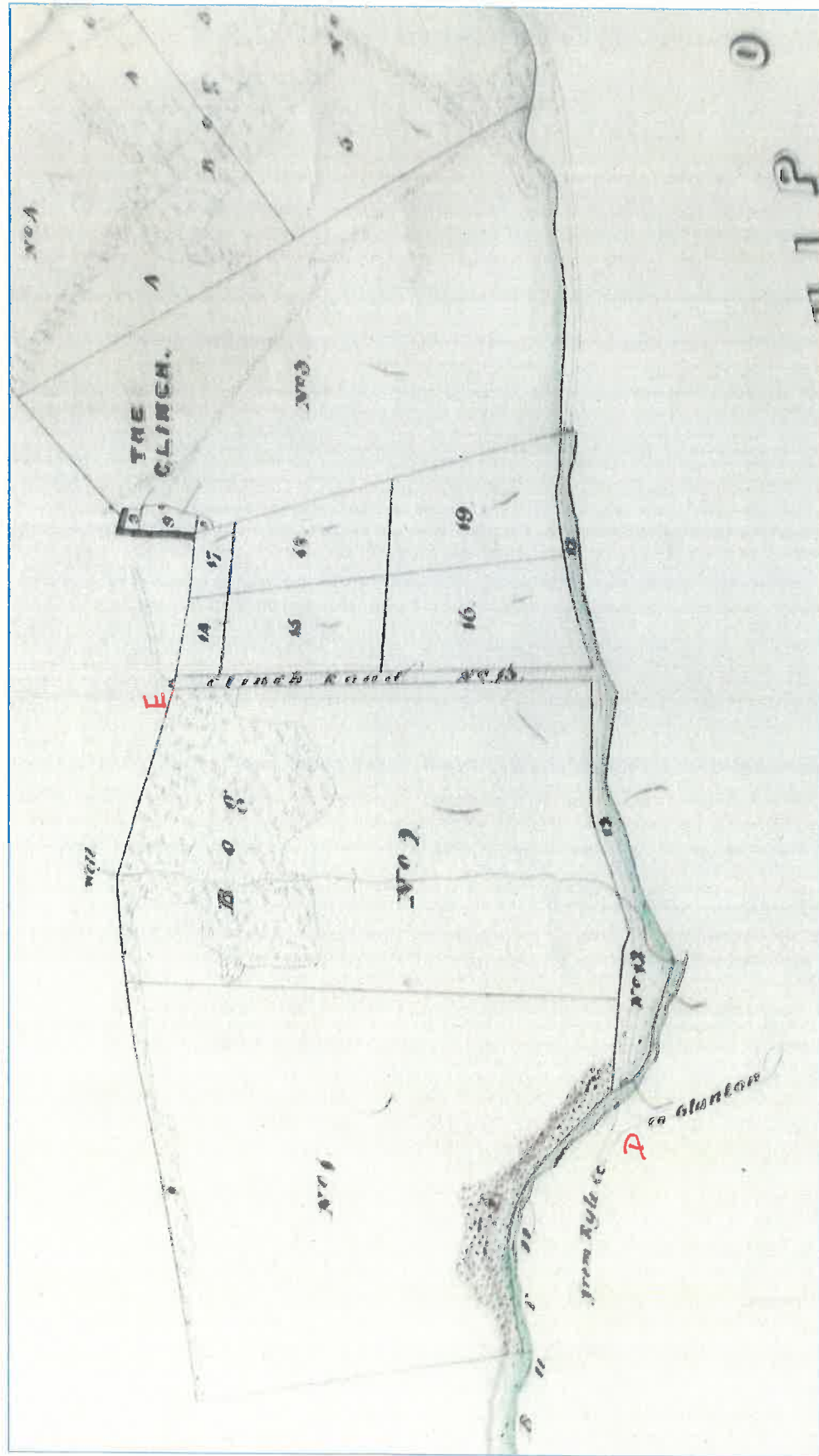


1840 tithe award for Branton township

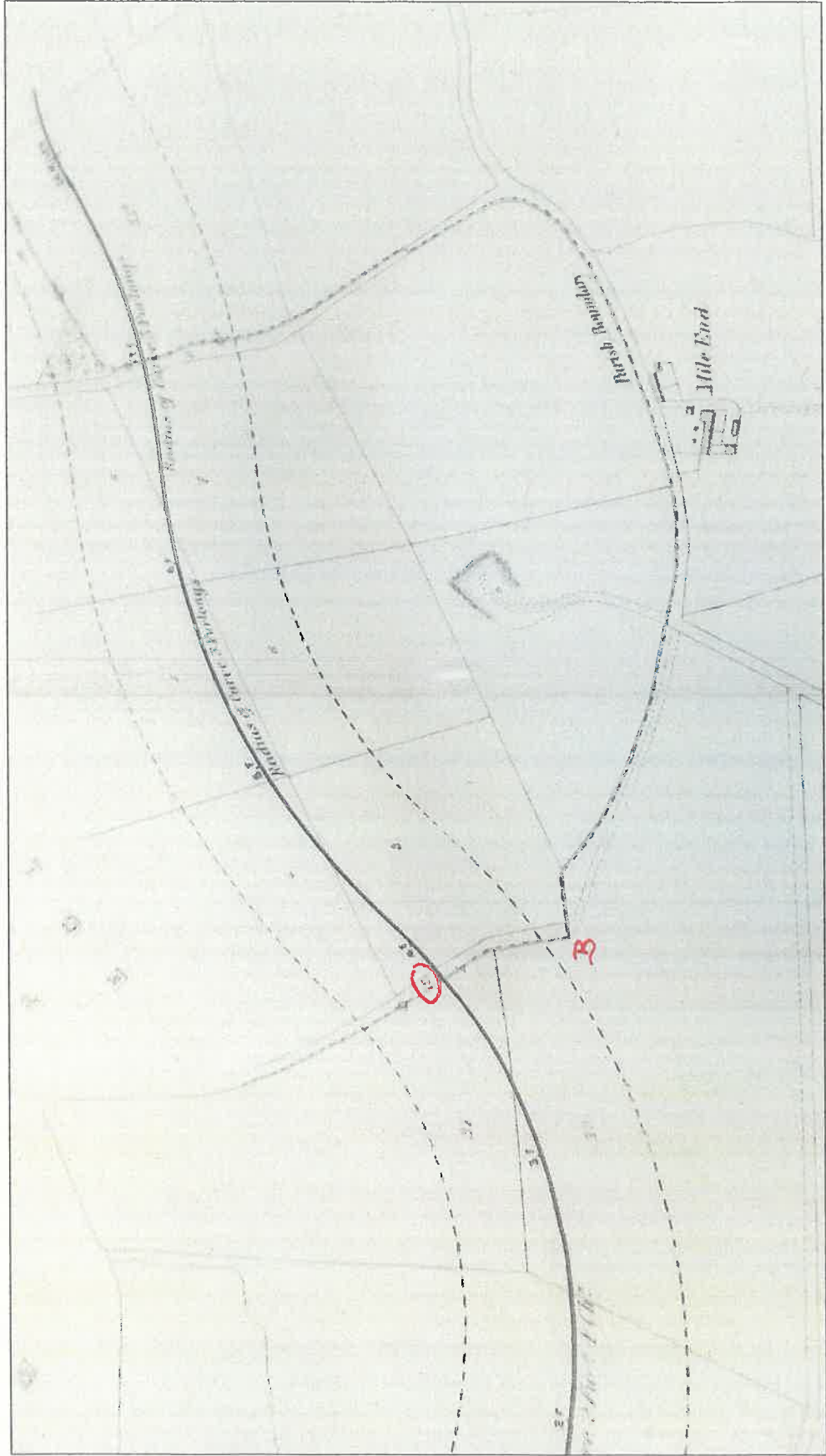




1841 Tithe award for the vill or hamlet of Clinch



1862 Plan of the Northumberland Central Railway

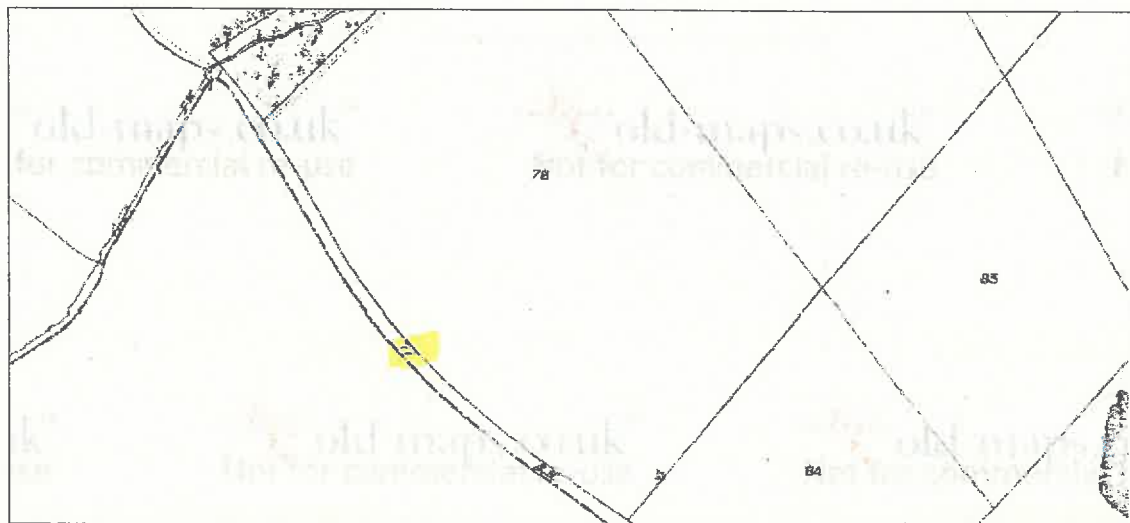
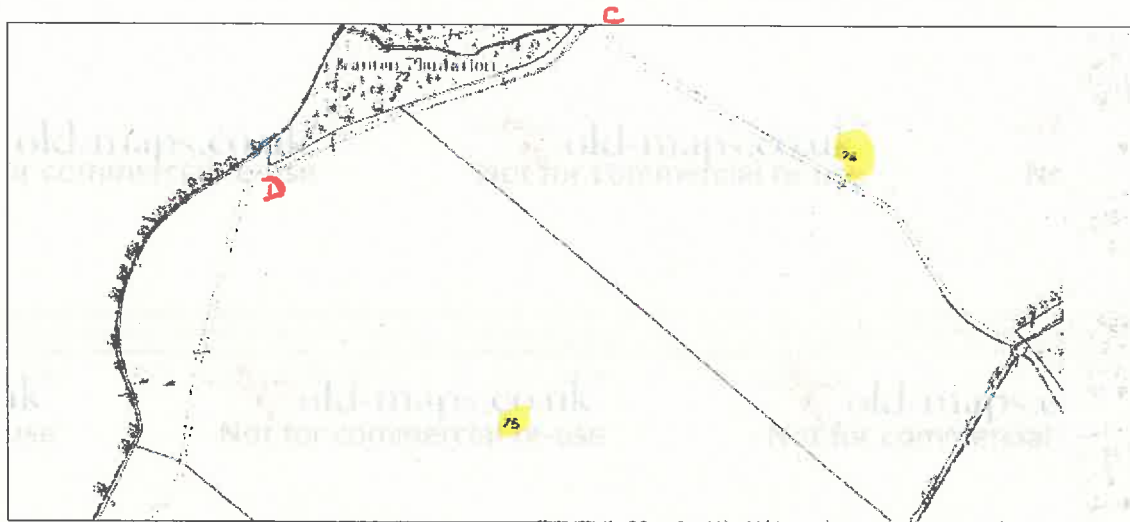
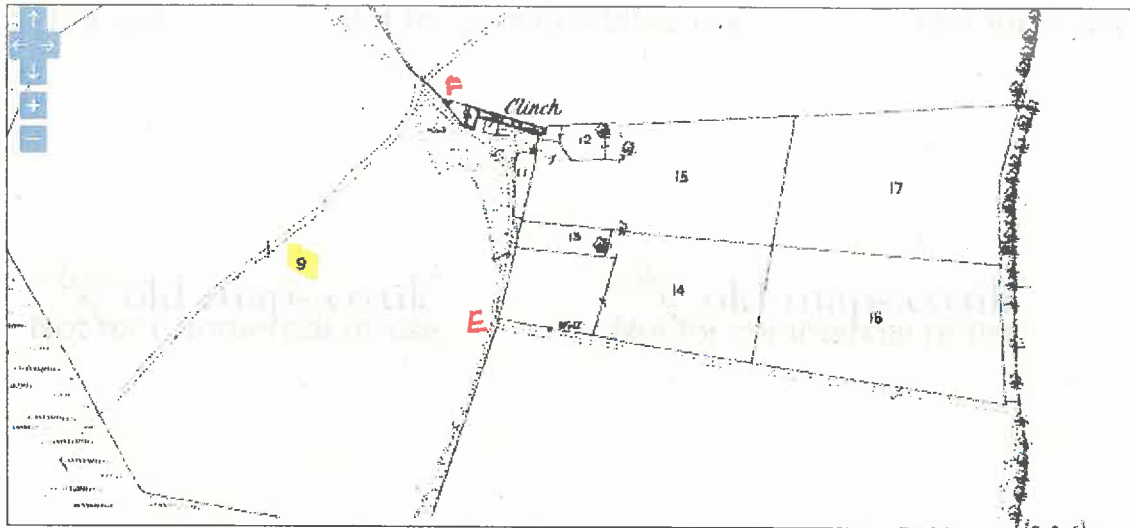


THE PARISH OF *Egglestonham* IN THE COUNTY OF *N*

OWNERS	LESSORS OR HELDERS LESSEES	INCLOSURES
1	<i>Since being the boundary of the parish of Egglestonham</i>	<i>John Fawcett and Joseph Park or the Lord Rousham or and Robert Cowley or the one of them one of them</i>
2	<i>Gravel Road</i>	<i>John Fawcett Joseph Park and</i>
3	<i>Arable land</i>	<i>John Fawcett Joseph Park</i>

IN THE COUNTY OF NORTHUMBERLAND.

OWNERS	LESSORS OR HELDERS LESSEES	INCLOSURES
	<i>and Joseph Park John Turnbull or and Robert Cowley or the one of them</i>	<i>Joseph Park John Turnbull and Robert Cowley or the one of them</i>
	<i>Joseph Park and John Turnbull</i>	<i>Joseph Park and John Turnbull and the Public.</i>
	<i>Joseph Park</i>	<i>Joseph Park</i>
	<i>John Turnbull</i>	<i>John Turnbull</i>



PARISH OF INGRAM.

No. on Plan.	Area in Acres.	Description.	No. on Plan.	Area in Acres.	Description.
27	391-410	Brought forward.	20	187-754	Brought forward.
28	35-144	Arable & fence.	21	39-249	Arable, road, & stream.
29	1-191	Public road.	22	240-407	Rough pasture, roads, & streams.
30	24-377	Arable, stream, & road.	23	629	Pasture & sheds.
31	17-964	Arable & roads.		12-181	Rough pasture (Fox cover).
32	24-473	Arable, stream, & fence.		430-220	Area of the Township of Clinch & Hartside (exclusive of the detached portion).
33	24-473	Rough pasture.			
34	7-912	Rough pasture, roads, & streams.			
	538-090	Wood.			
	2-882				
	1043-352				

RECAPITULATION.		
1032-237	Land.	
9-924	Water.	
1-191	Public road.	
1043-352	Total Area of the Township of Fawdon.	

TOWNSHIP OF CLINCH AND HARTSIDE (DETACHED).		
1	299	Limbope Burn.
2	23-804	Arable, rough pasture, & stream.
3	35-944	Arable, stream, & road.
4	27-493	Arable, rough pasture, & road.
5	199	Garden.
6	696	Pasture & stream.
7	1-130	House, farmstead, & waste (Hartside).
8	5-488	Arable, stream, & road.
9	401	Pasture.
10	532-312	Rough pasture, trees, streams, roads, &c.
11	10-876	River Breamish.
12	071	Rough pasture (island).
	638-708	

RECAPITULATION.		
627-533	Land.	
11-175	Water.	
638-708	Area of the Township of Clinch & Hartside (Detached).	
430-220	See above.	
1068-928	Total Area of the Township of Clinch & Hartside.	

PARISH OF INGRAM.

GENERAL RECAPITULATION.			
Page.	Area of parts of Townships.	Total Area of Townships.	Townships of
1		2309-641	Reavaley.
2	2004-761		Ingram (exclusive of the detached portion).
3	4510-759		Ingram (Detached).
3	6524-620	6524-620	Ingram (including the detached portion).
3		1043-352	Fawdon.
4	430-220		Clinch & Hartside (exclusive of the detached portion).
4	638-708		Clinch & Hartside (Detached).
4	1068-928	1068-928	Clinch & Hartside (including the detached portion).
		10946-441	Total Area of the Parish of Ingram.

RECAPITULATION FOR THE PARISH.		
10863-261	Land.	
82-858	Water.	
10-322	Public roads.	
10946-441	Total Area of the Parish of Ingram, in the County of Northumberland.	

TOWNSHIP OF BRANTON.

No. on Plan.	Area in Acres.	Description.	No. on Plan.	Area in Acres.	Description.
69	940-768	Brought forward.	80	1107-170	Brought forward.
70	-904	Wood.	81	16-910	Arable & road.
71	-866	Wood & stream.	82	9-459	Wood & stream.
72	28-968	Arable & stream.	83	8-384	Arable.
73	8-129	Wood & stream.	84	8-463	Arable.
74	222	House & garden.	85	9-378	Arable & quarry.
75	30-397	Arable, roads, & stream.	86	14-372	Arable & road.
76	38-240	Arable & road.			
77	26-033	Arable, road, & stream.			
78	1-354	Public road.		1174-559	
79	21-728	Arable & road.			
	19-003	Arable & road.			
	1107-170	Carried forward.			

RECAPITULATION.

1147-416	Land.
16-670	Public roads.
10-573	Water.
1174-559	Total Area of the Township of Branton

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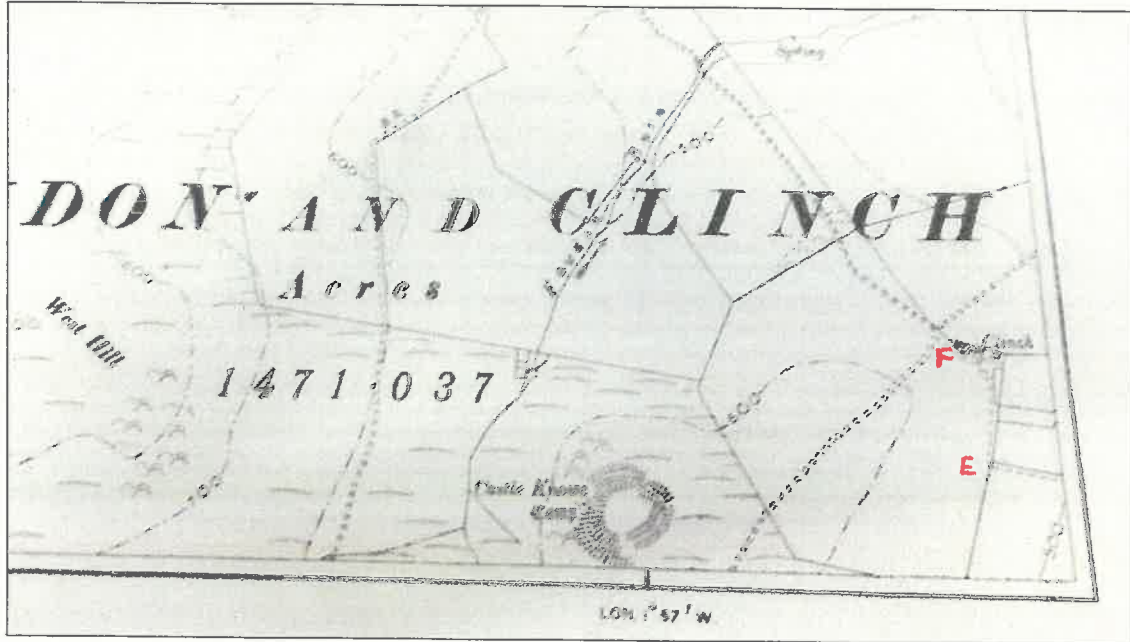
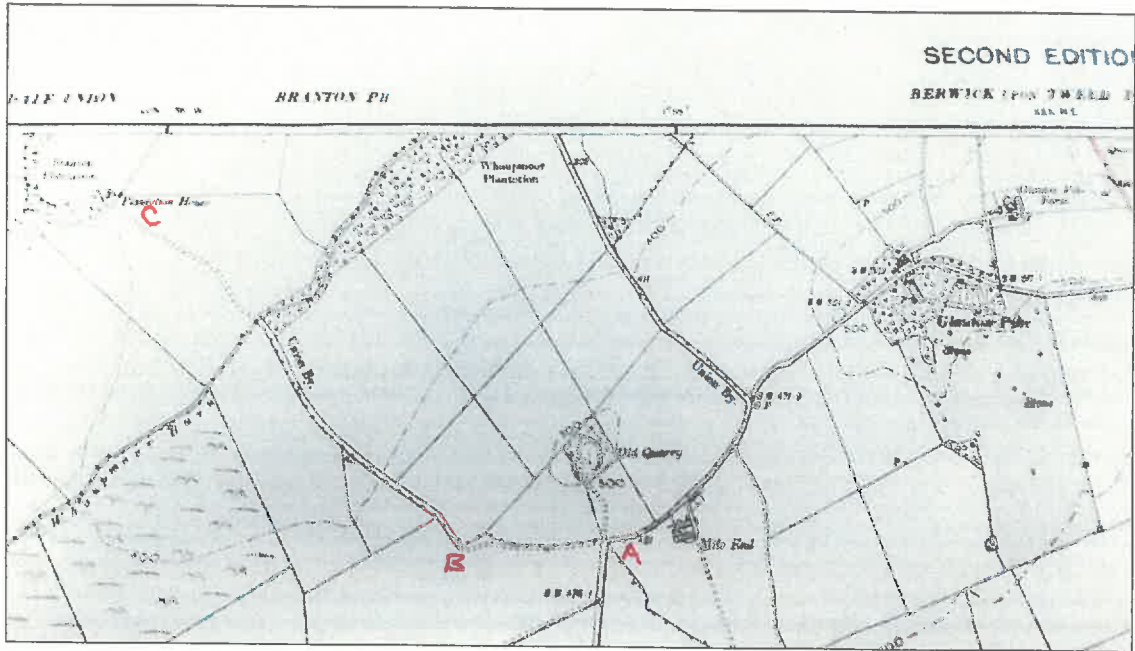
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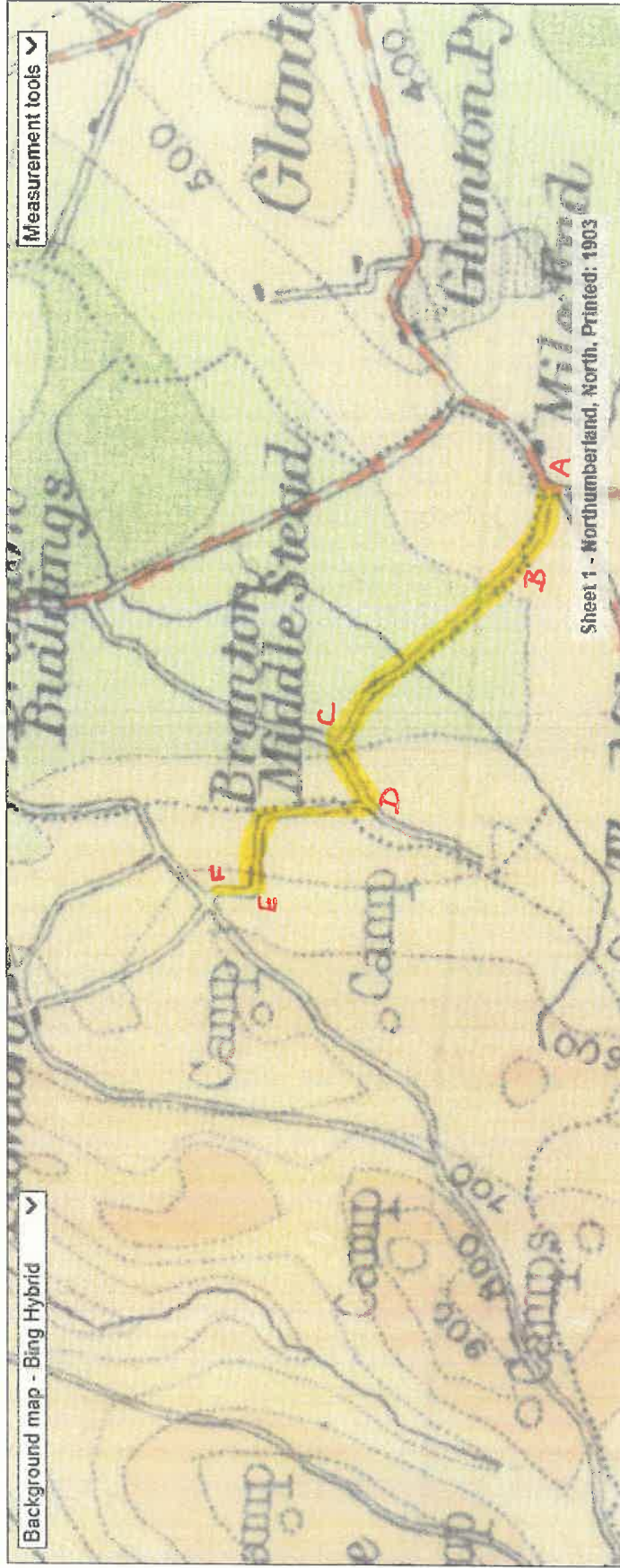


1896 OS 2<sup>nd</sup> edition 6"

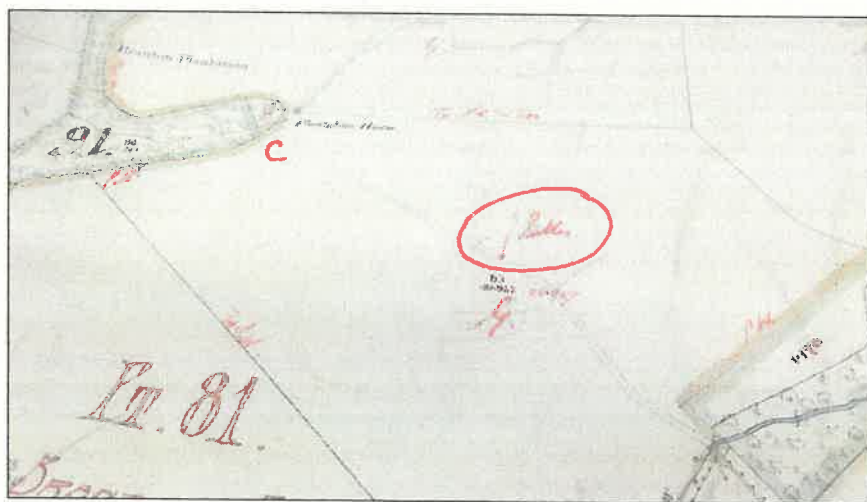
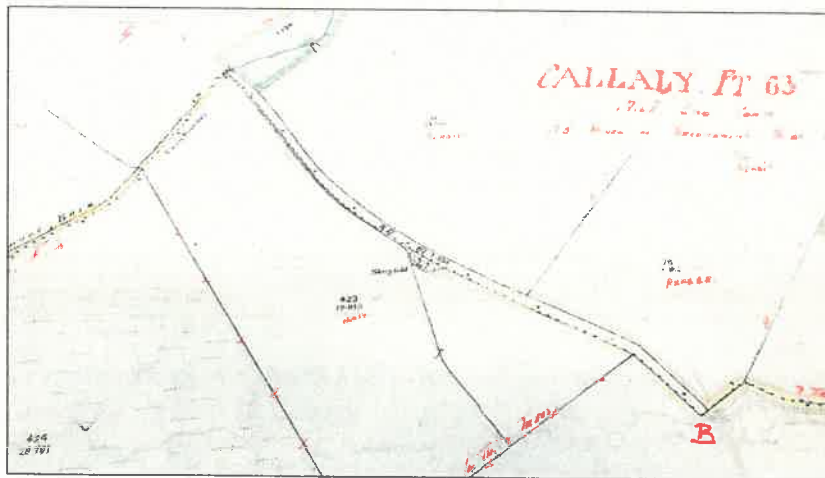
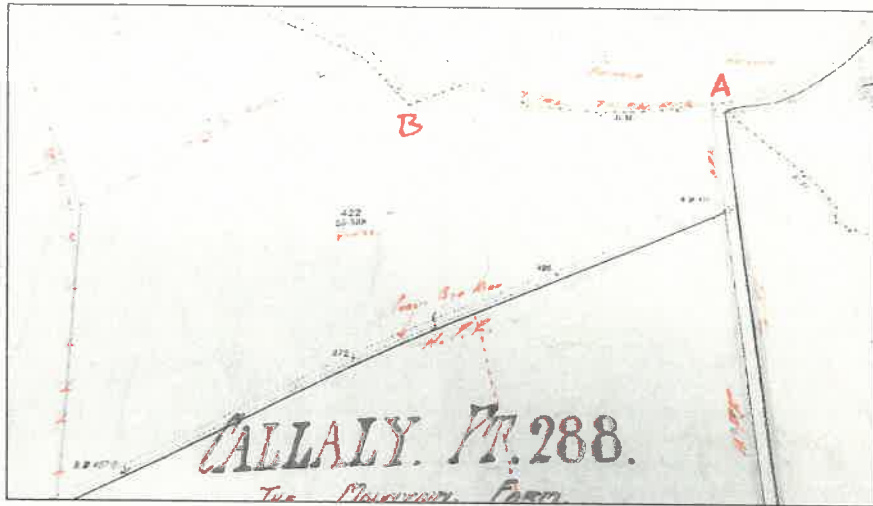


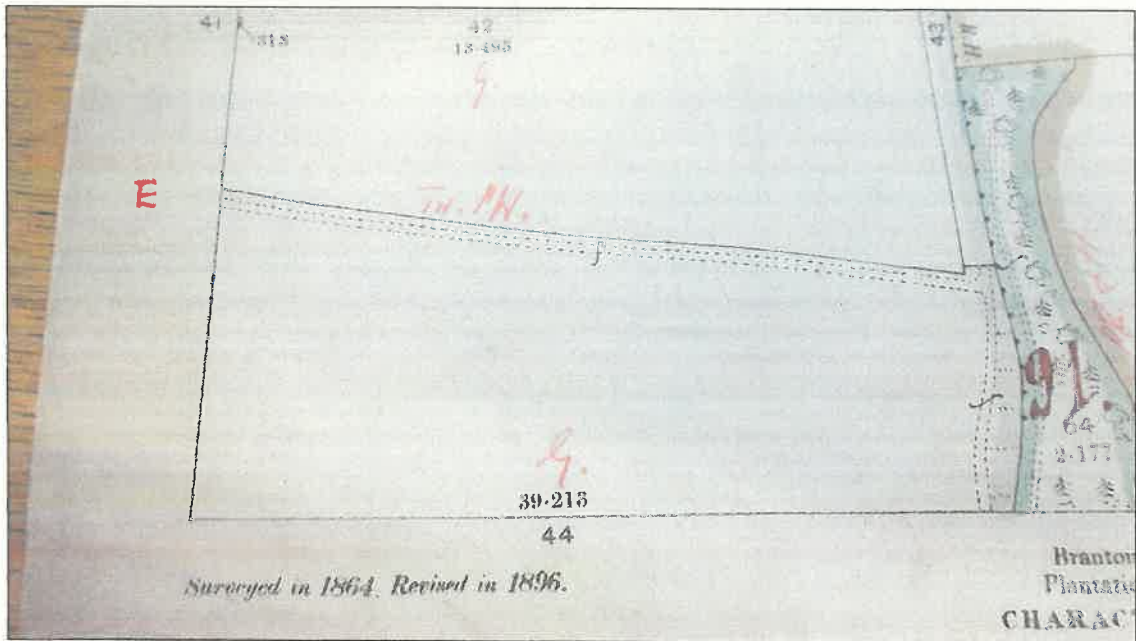
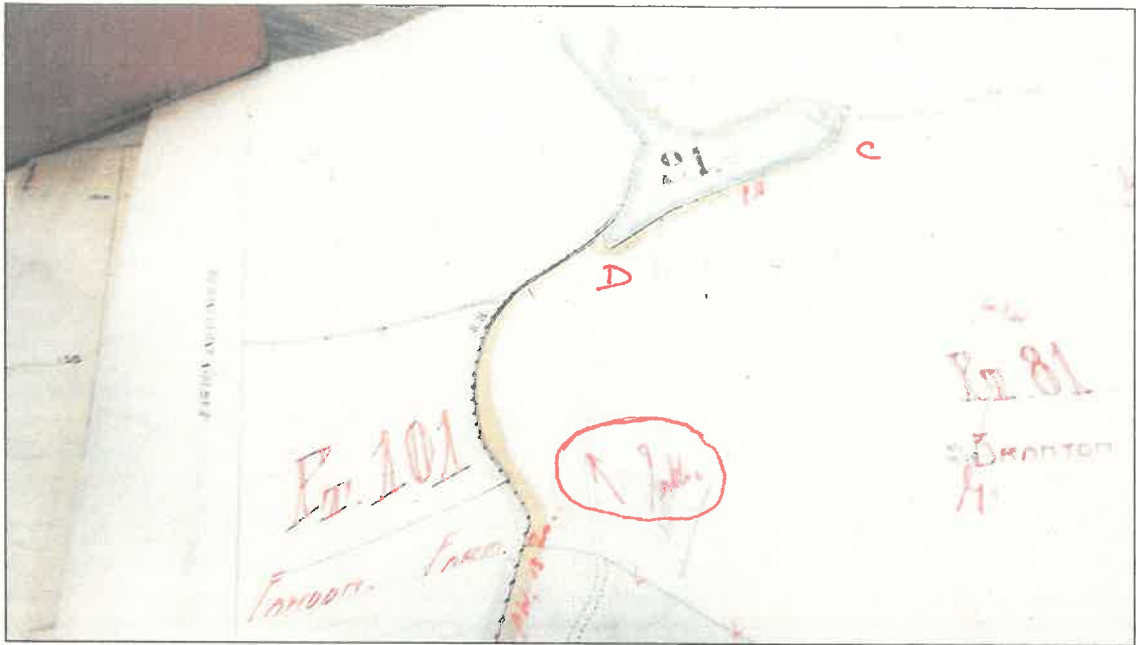


1903 Bartholomew's Cycling Map



1910 Finance Act Plan





*Field Book NRO 2000/21*

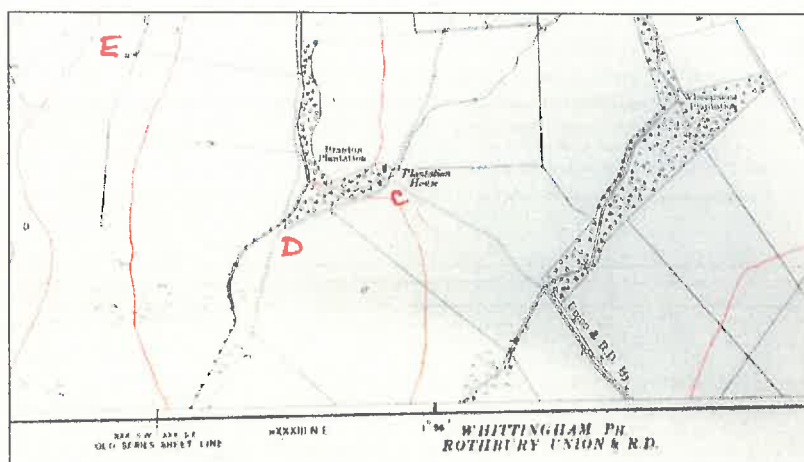
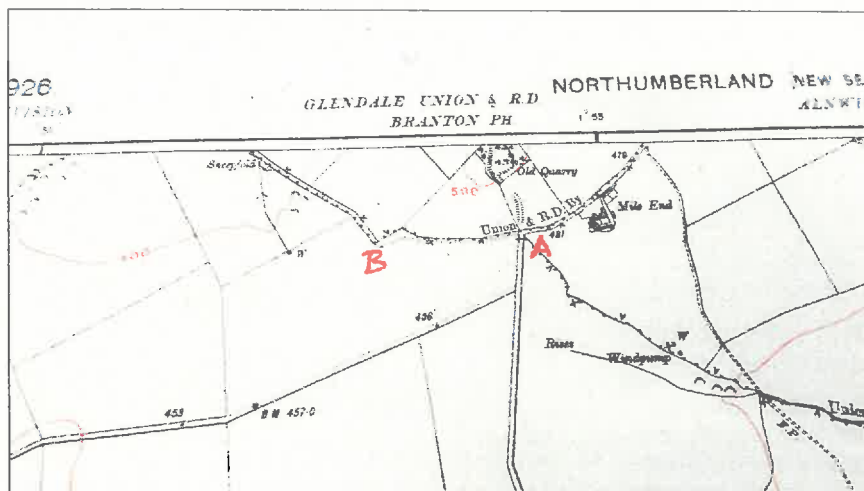
No.	Name	Address	Property	Value	Rate	Amount
101	New Riddle	Duke of Northle	Land	Fairson	1365	688 266
102	do	do	Buildings	do		22 7
103	do	do	Cottages	do		14 9 0
104	do	do	Same	do		
105	J. Kerbit	St. Allgood	Land	Ingramhill	60	22 40
106	do	St. Allgood	Buildings	Fairson		58 15 33 15
107	R. J. Loddan	Duke of Northle	Fishing	- ground		

*Field Book NRO 2000/21*

No.	Name	Address	Property	Value	Rate	Amount
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1921 OS 3<sup>rd</sup> edition 6"



Woodside  
Branton Middlesteads  
Glanton  
Alnwick NE66 4BP

Dear John,

Re- your letter 21-3-18 Your ref B/24/432, A/38/272.

I am puzzled as to why yet another bridleway / public right of way is being applied for by the Wildlife & Countryside Act 1981, when we are already having to improve tracks & gates for the old existing U1064 byway that runs across the farm. Branton Middlesteads is only a 176 acre farm, and if your proposal is permitted we will then have 2 public access routes running through it.

Being next door to the Ingram Valley & National Parks I would have thought plenty of routes were already available within the Ingram Valley. My main concern is the issue with dogs & our livestock across this route.

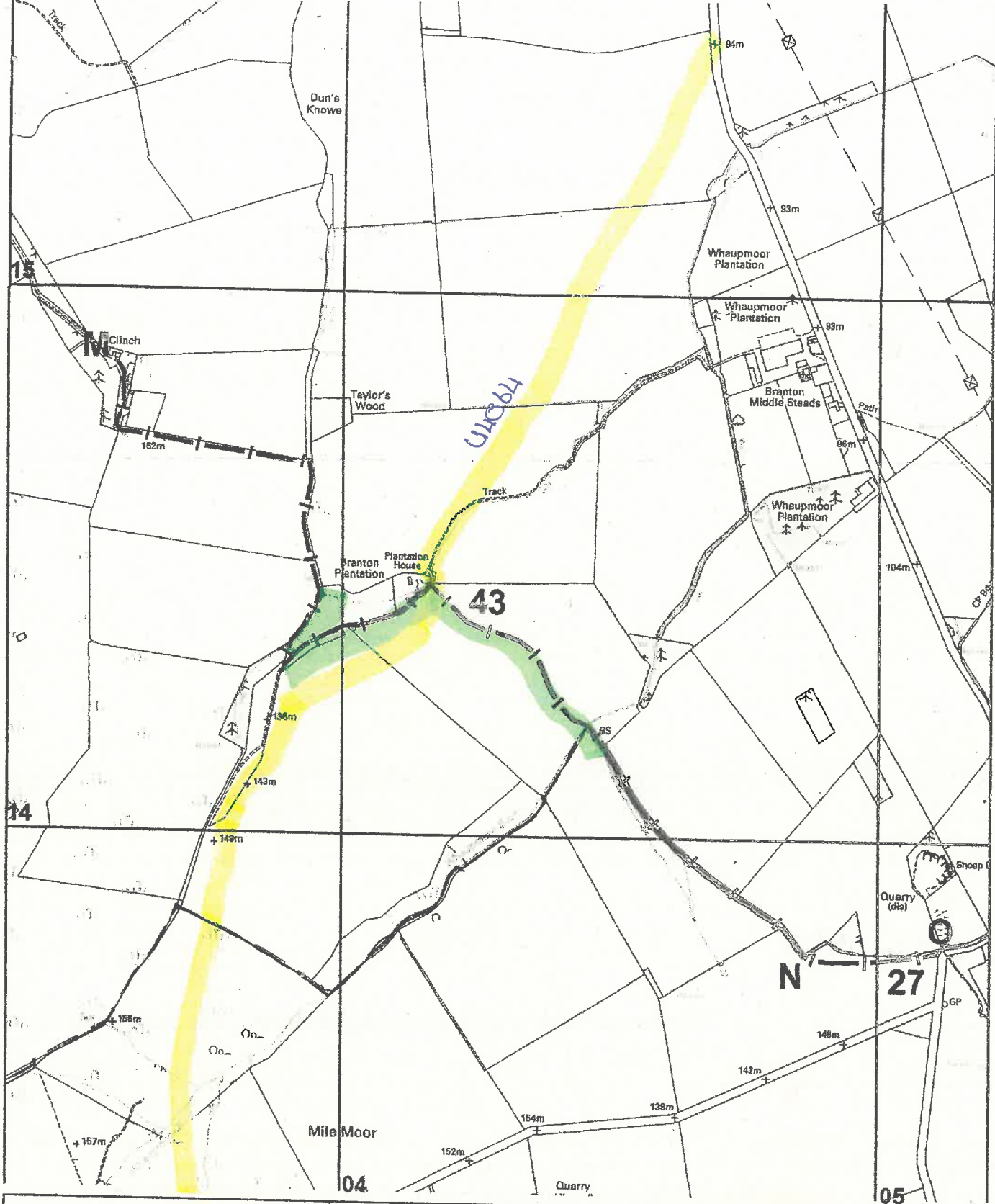
Our Stewardship scheme terminates at the end of the year and as at this moment do not know what new scheme will be suitable for your proposed route, whether grass, cereals or environmental.

I understand completely the pleasure gained from access to the countryside but question whether 2 routes on such a small acreage can be justified.

Also I return with our ownership boundary marked green & also the byway road mentioned above

Yours sincerely

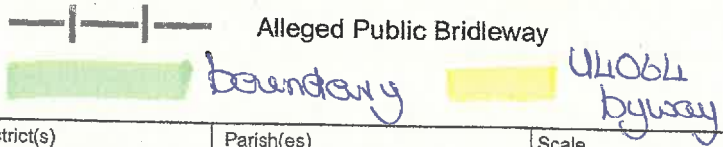




**Northumberland**  
 Northumberland County Council  
 Infrastructure Records  
 Local Services  
 County Hall Morpeth Northumberland  
 NE61 2EF  
 Telephone 0845 600 6400

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## Wildlife and Countryside Act 1981 Public Rights of Way



Former District(s) <b>Berwick/Alnwick</b>	Parish(es) <b>Ingram/Whittingham</b>	Scale <b>1:10,000</b>
Def. Map No. <b>66/67</b>	O.S. Map <b>NU 01 SW/SE</b>	Date <b>March 2018</b>



# FAWDON FARMS

W.R. & S.M. Telford

FAWDON FARM • POWBURN • ALNWICK • NE66 4JQ

TEL: (01665) 578 255 FAX: (01665) 578 709

Dear Sirs,

I have marked the map to show my extent of ownership  
I am happy with this route being used by walkers, but am  
bitterly opposed to vehicles being given any access. We have  
a council road to the Clinch which is in a terrible state of repair

With Compliments

P.T.O

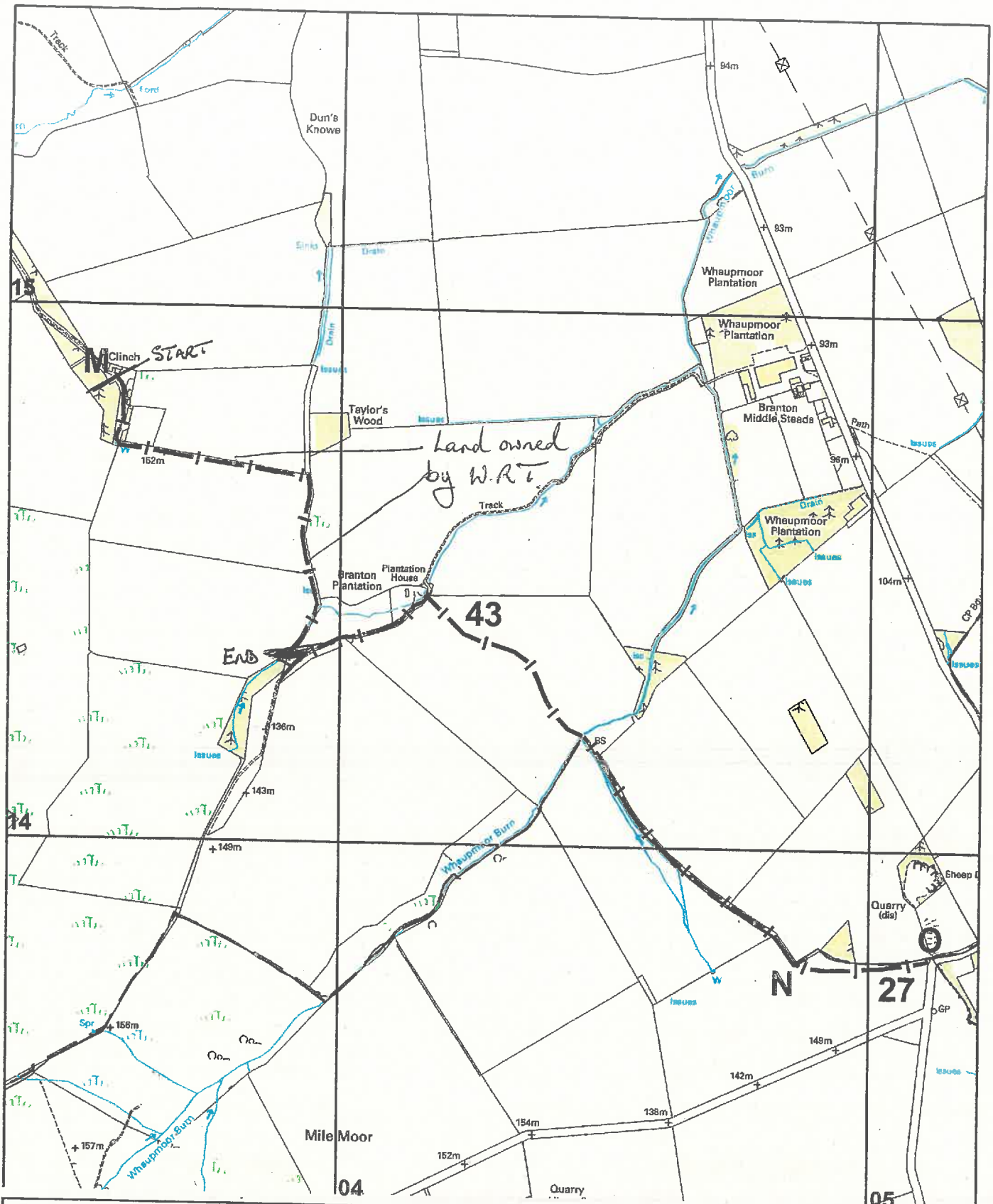
So unless this road can be maintained better, the last  
thing we need is extra H.W.D. damage to the land and  
gateways etc. as well as the road.

Please contact me if discussion is needed

Yours







# Northumberland

Northumberland County Council

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

## Wildlife and Countryside Act 1981 Public Rights of Way



Alleged Public Bridleway

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Former District(s)  
Berwick/Alnwick

Parish(es)  
Ingram/Whittingham

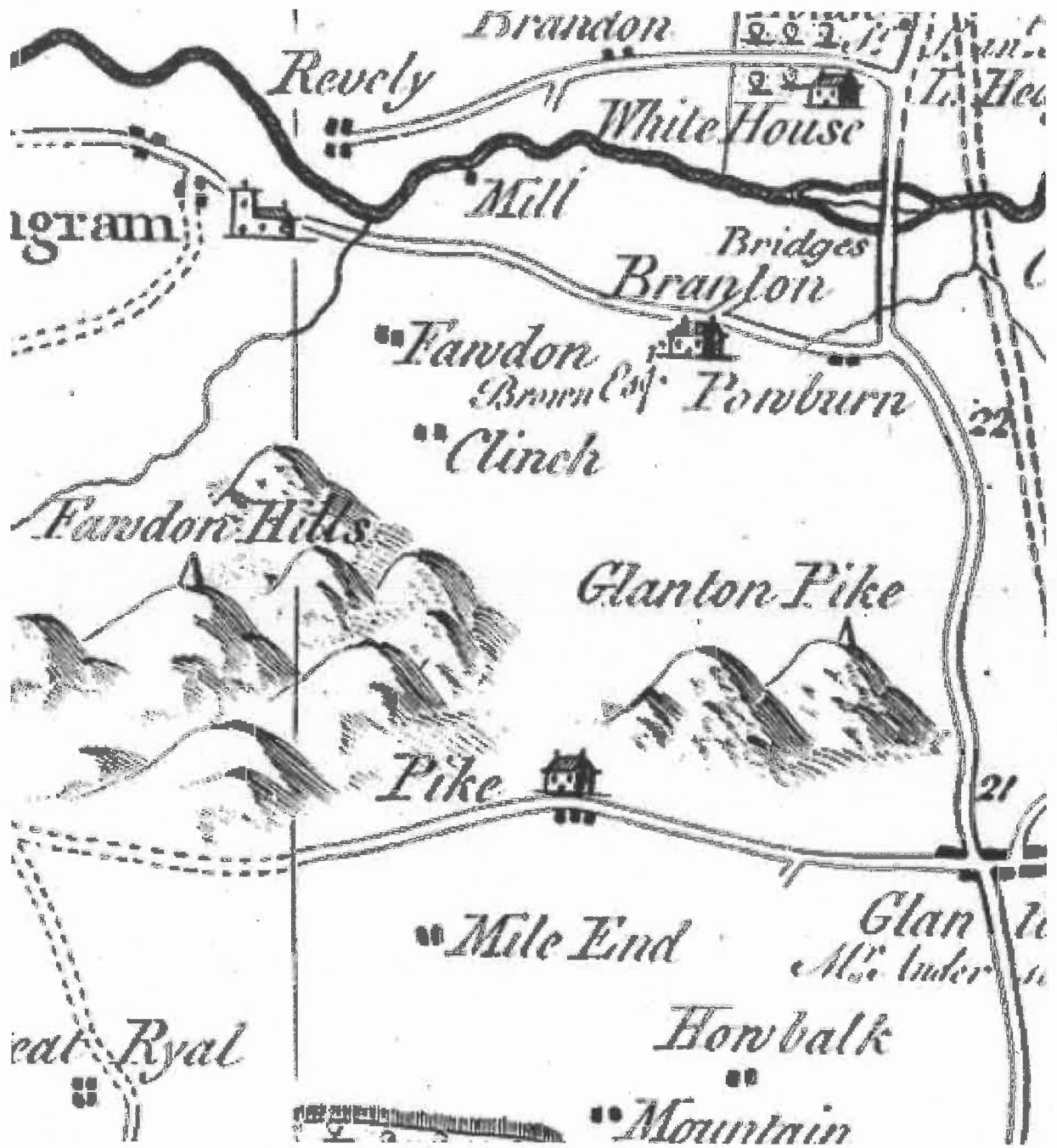
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66/67

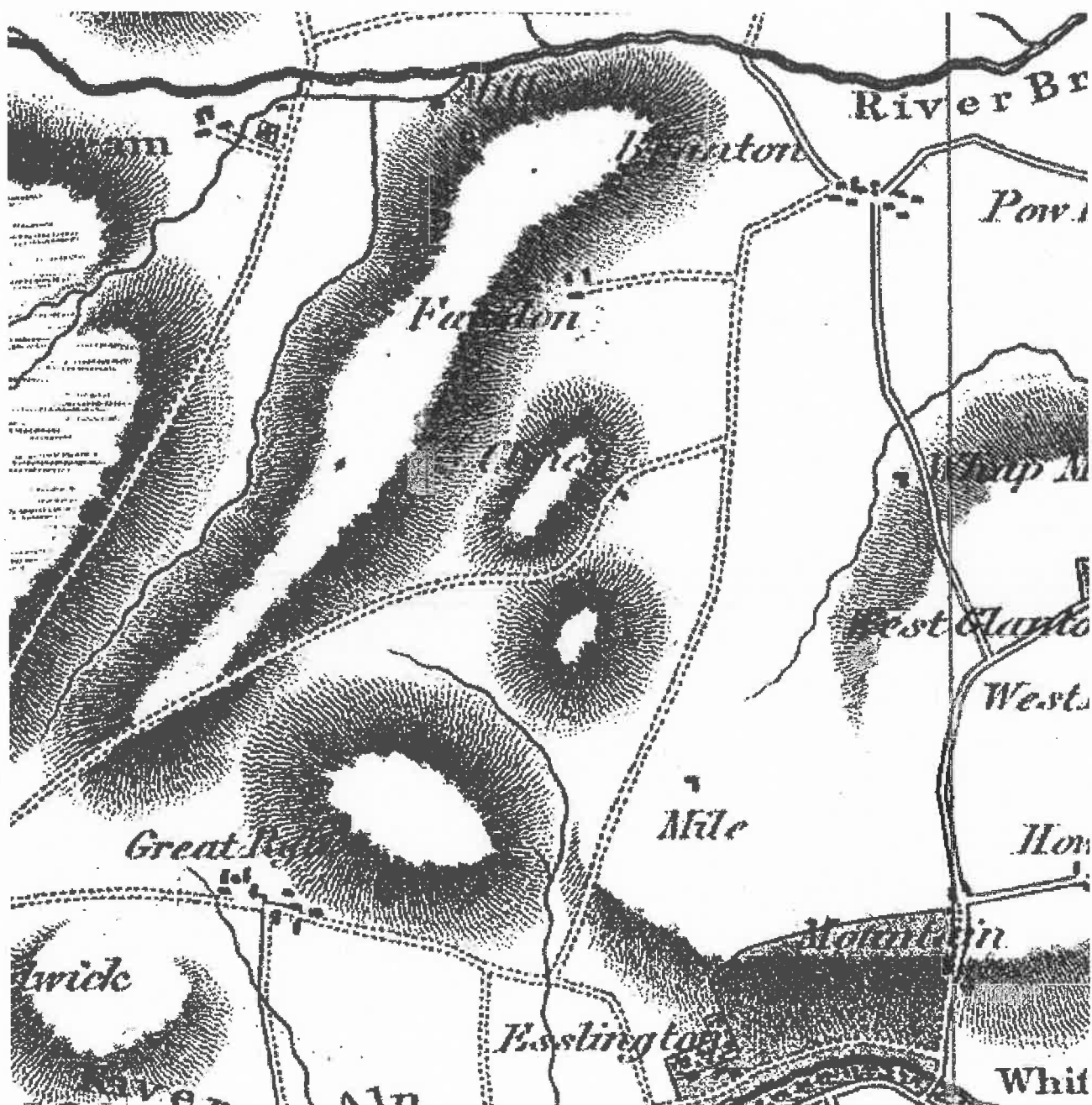
O.S. Map  
NU 01 SW/SE

Date  
March 2018

ARMSTRONG'S COUNTY MAP  
1769



FRYER'S COUNTY MAP  
1820



GREENWOOD'S COUNTY MAP  
1828

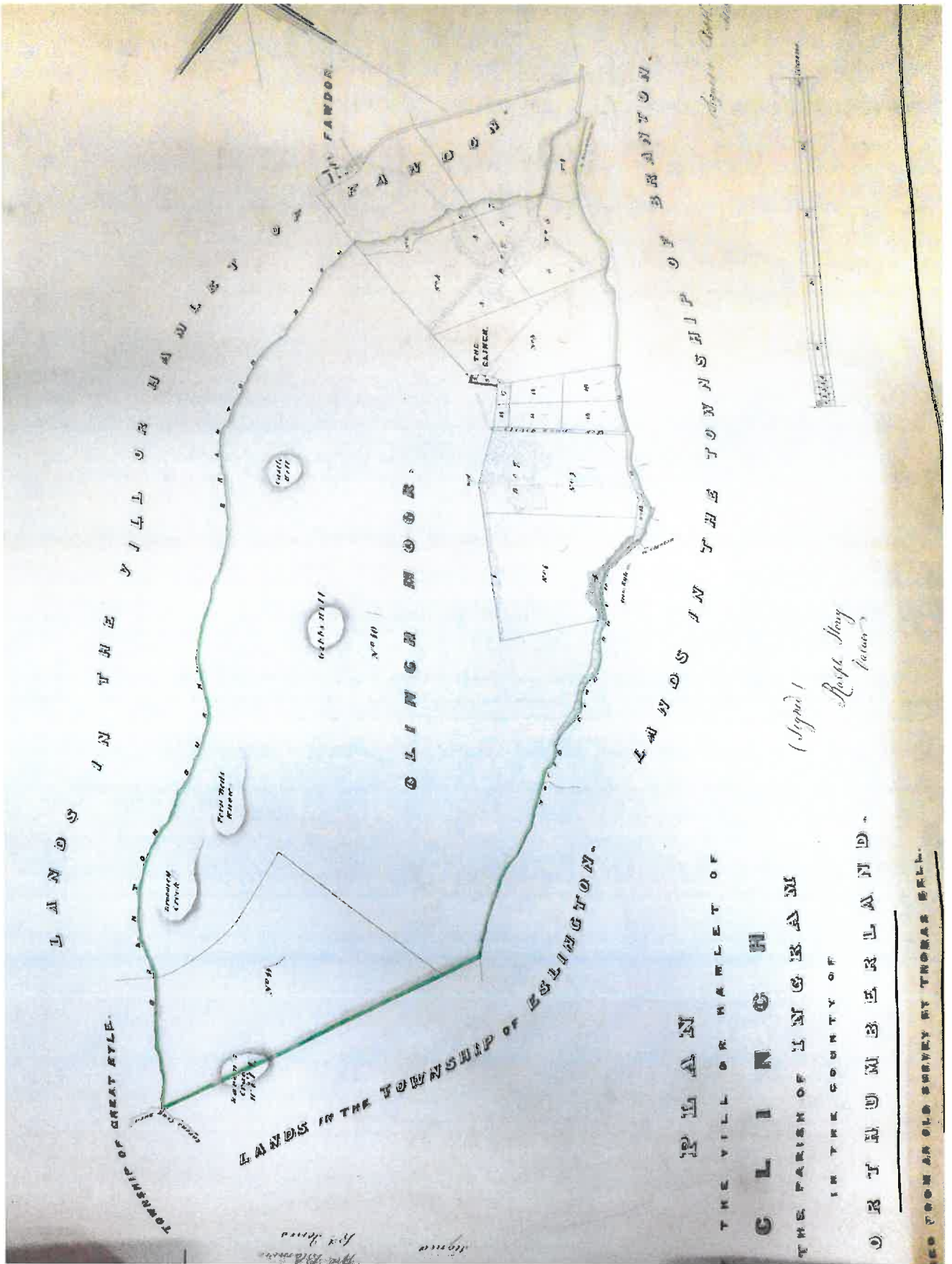


CARY'S COUNTY MAP  
1820-32





Clinch Tithe Award  
1841



(Signed) Rogge Hoag  
1841

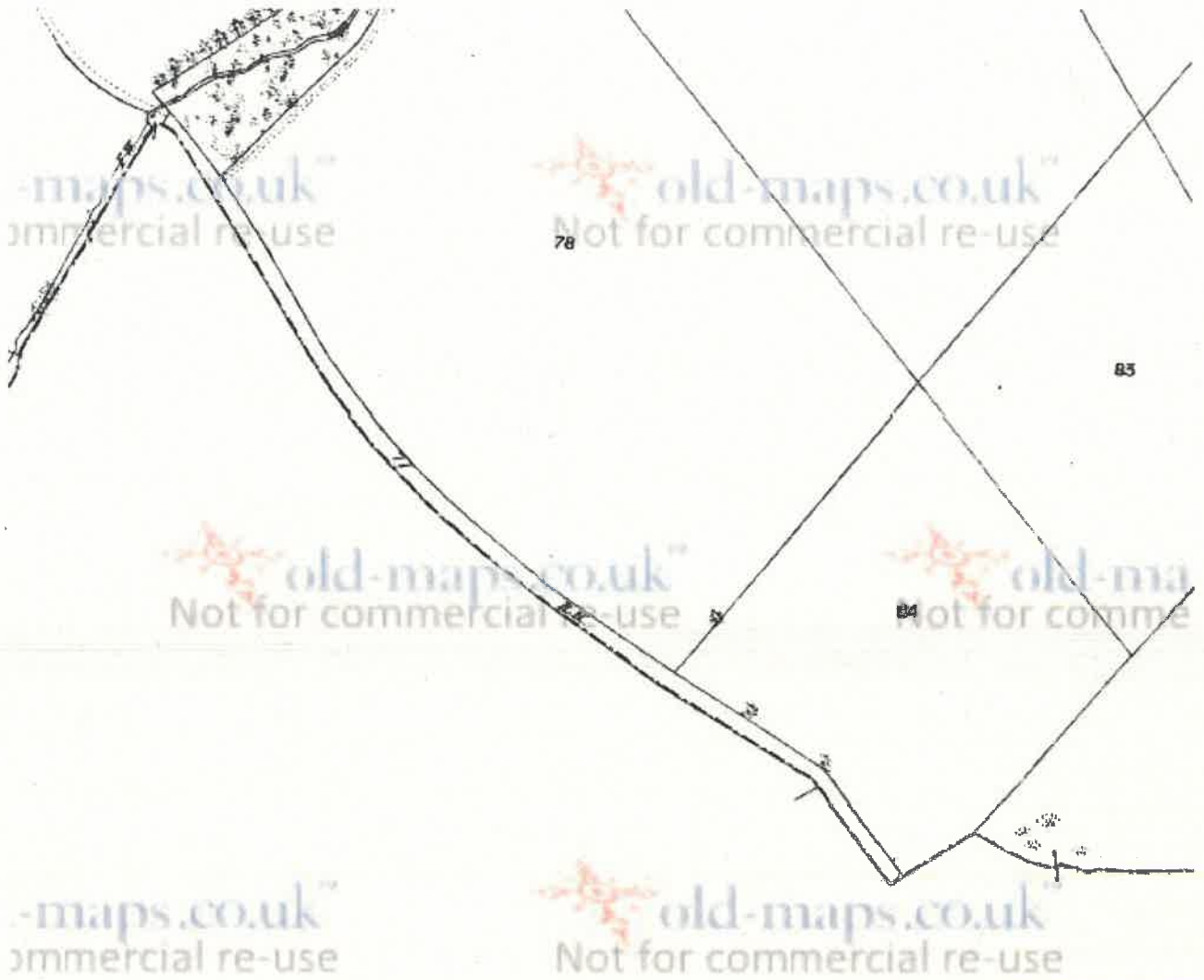
A PLAN  
OF THE VILL OR HAMLET OF  
CLINCH  
IN THE PARISH OF INGRAM  
IN THE COUNTY OF  
ORTYM BERLANID.

AS TAKEN FROM AN OLD SURVEY BY THOMAS BELL.





ORDNANCE SURVEY 25"  
BOOK OF REFERENCE

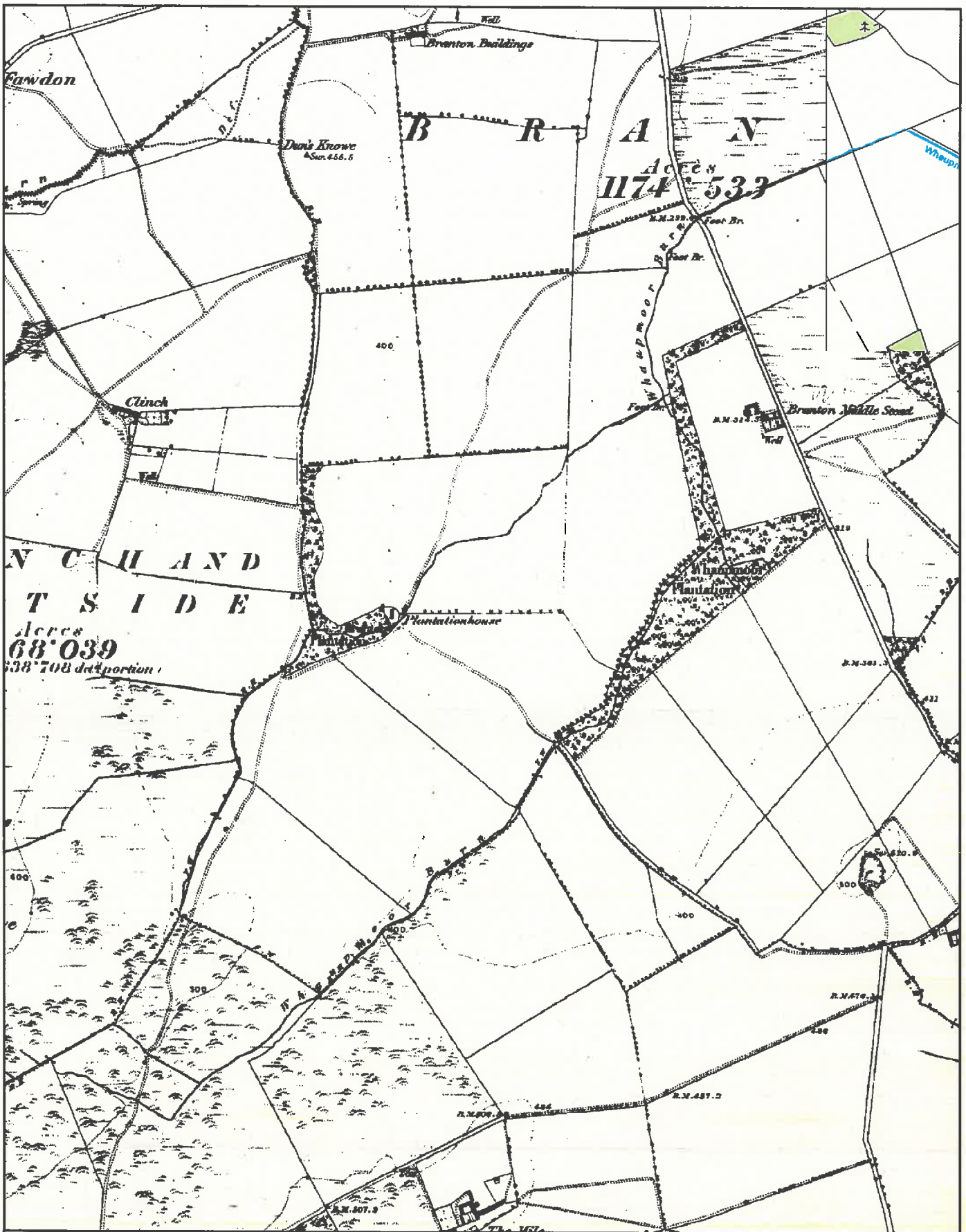


ORDNANCE SURVEY 25"  
BOOK OF REFERENCE

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	RiverBreamish(partof)	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	169	Wood.
5	16-176	Arable.	37	29-557	Arable.
6	19-200	Arable.	38	16-797	Arable.
7	34-954	Arable, rough pasture, & stream.	39	13-731	Arable & roads.
			40	23-723	Arable.
8	1-368	Wood.	41	26-314	Arable & road.
9	417	Pond.	42	17-776	Arable.
10	34-275	Arable & streams.	42 a	413	Houses, garden, & yard
11	15-397	Arable & streams.	43	26-448	Arable.
12	479	House, garden, yard, &c.	44	075	Arable.
			45	15-392	Arable.
13	1-495	Farmsteading, houses, gardens, &c.	46	6-051	Public road.
			47	35-448	Rough pasture, stream, & road.
14	076	Chapel.			
15	080	Cottages.	48	18-574	Arable.
16	314	Houses, gardens, yards, &c.	49	16-206	Arable.
			50	304	Wood.
17	2-024	Farmsteading, houses, gardens, &c.	51	19-157	Arable & stream.
			52	26-005	Arable, stream, & road
18	203	Wood.	53	25-833	Arable, streams, & road
19	8-259	Arable & rough pasture	54	14-215	Arable & stream.
20	186	Wood.	55	10-294	Arable.
21	18-593	Rough pasture & stream	56	35-884	Rough pasture.
22	5-998	Public road.	57	4-412	Rough pasture.
22a	141	Public road.	58	1-230	Rough pasture & stream
23	6-345	Arable & road.	59	8-969	Rough pasture.
24	16-888	Arable, rough pasture, & stream.	60	2-177	Wood.
			61	39-285	Arable & stream.
25	20-807	Arable & rough pasture	62	25-419	Arable & streams.
26	33-537	Arable.	63	18-483	Wood & streams.
27	19-351	Arable & road.	64	15-619	Arable.
28	18-224	Arable & road.	65	149	House & yard.
29	26-472	Arable & road.	66	347	House, garden, &c.
30	11-263	Arable.	67	23-285	Rough pasture, stream, & road.
31	8-993	Arable.			
32	3-028	Public road.	68	10-683	Arable.
	341-386	<i>Carried forward.</i>		940-768	<i>Carried forward.</i>

No. on Plan.	Area in Acres.	Description.	No. on Plan.	Area in Acres.	Description.
	940-768	<i>Brought forward.</i>		1107-170	<i>Brought forward.</i>
69	904	Wood.	80	16-910	Arable & road.
70	866	Wood & stream.	81	574	Wood & stream.
71	23-986	Arable & stream.	82	9-459	Arable.
72	3-129	Wood & stream.	83	6-234	Arable.
73	222	House & garden.	84	8-462	Arable.
74	30-957	Arable, roads, & streams	85	9-378	Arable & quarry.
75	38-240	Arable & road.	86	14-372	Arable & road.
76	26-033	Arable, road, & stream			
77	1-354	Public road.		1174-659	
78	21-728	Arable & road.			
79	19-003	Arable & road.			
	1107-170	<i>Carried forward.</i>			



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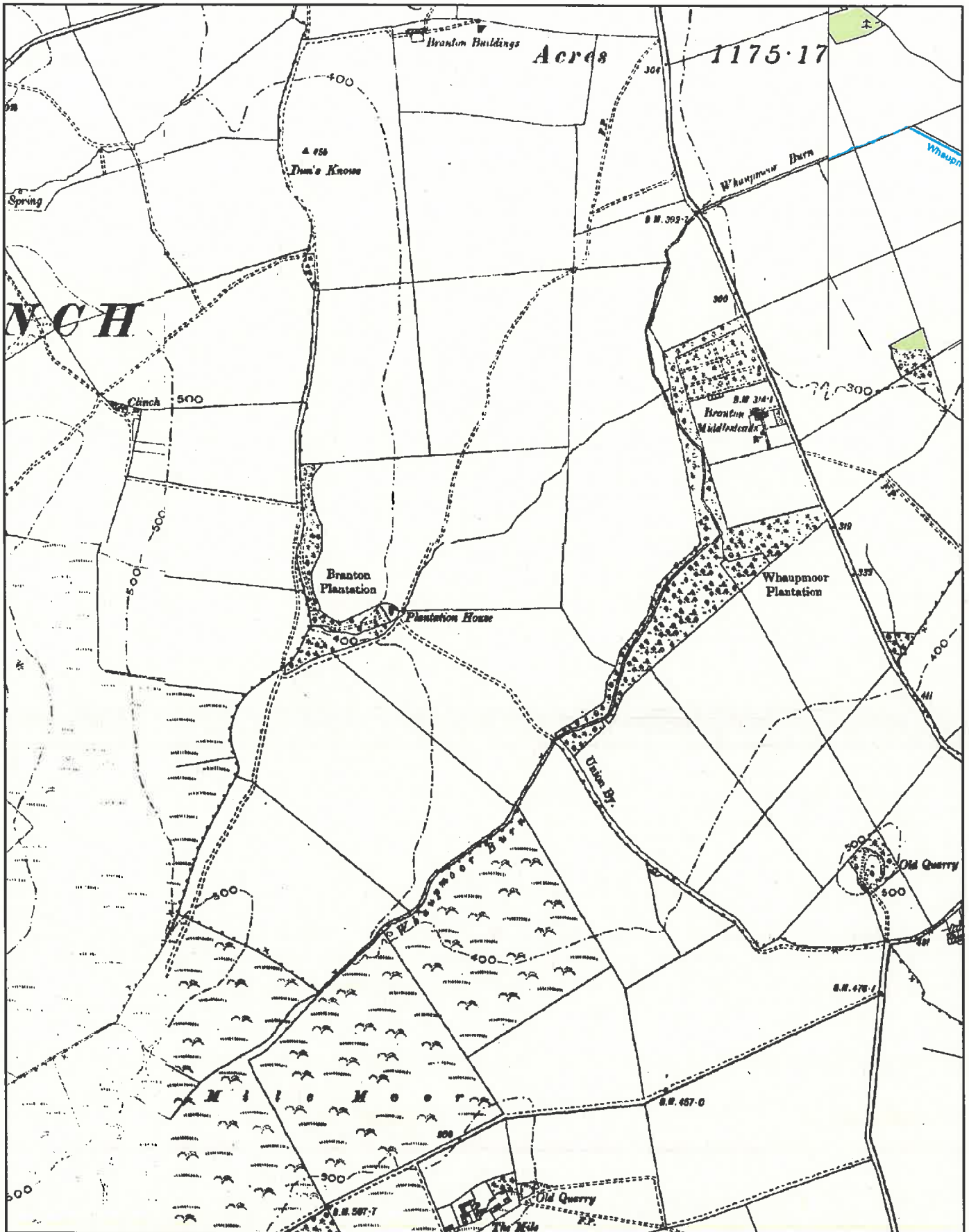
# Ordnance Survey Plan 1866

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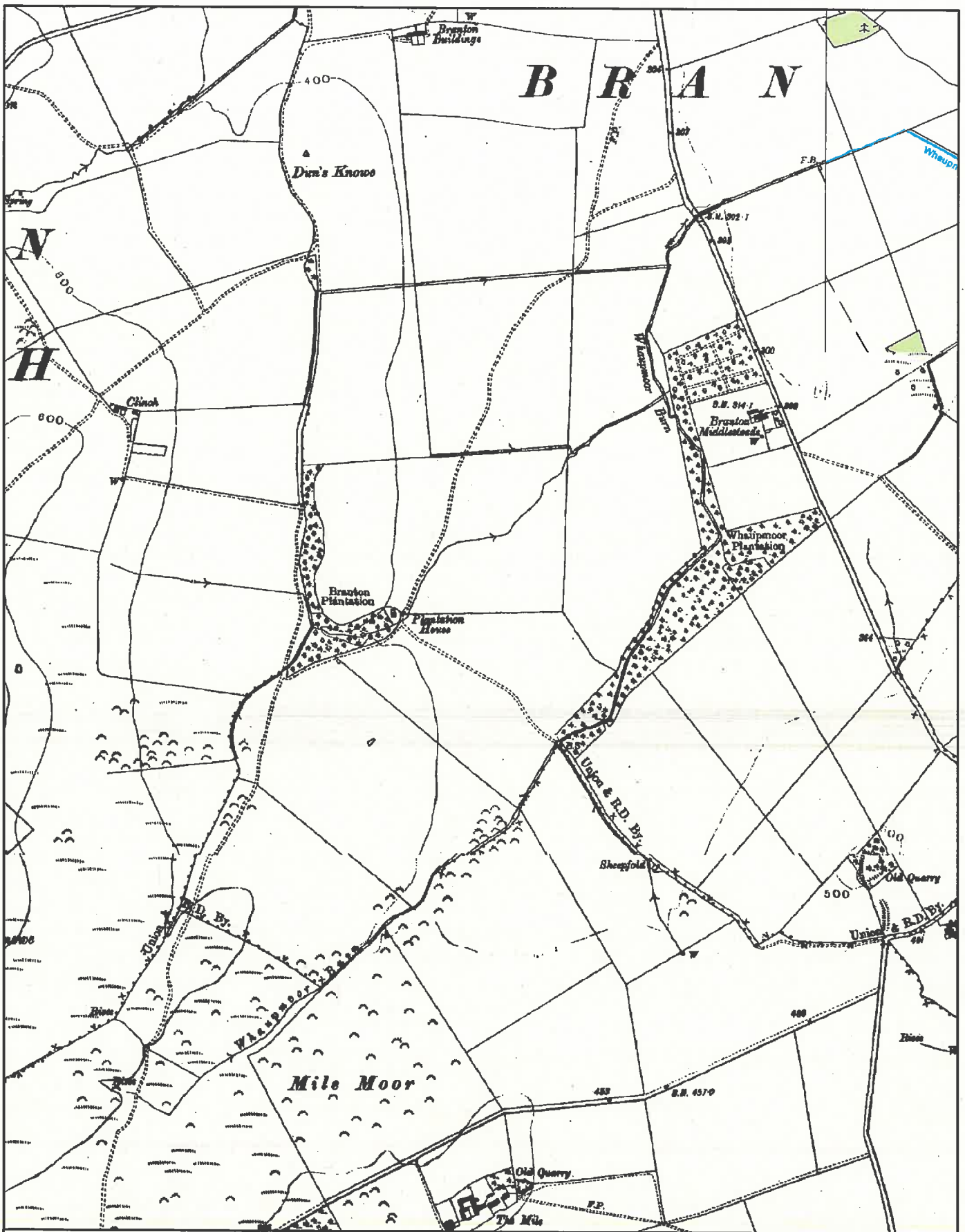
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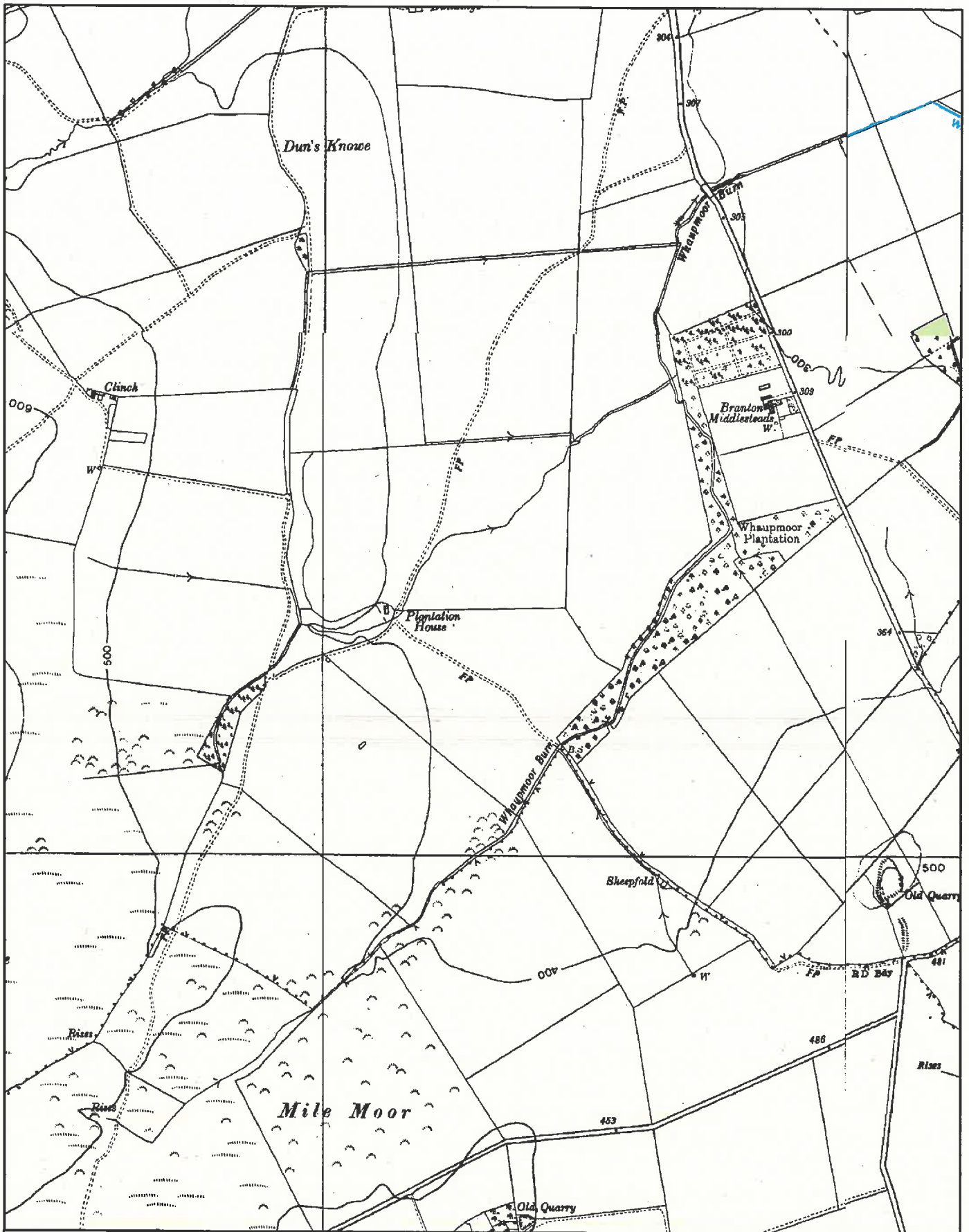
# Ordnance Survey Plan 1926

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