



Northumberland County Council

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL
RIGHTS OF WAY SUB-COMMITTEE
25 June 2019

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

ALLEGED BYWAY OPEN TO ALL TRAFFIC No 47 PARISH OF EGLINGHAM

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

Purpose of report

In this report, the North Northumberland Local Area Council Rights of Way Sub-Committee is asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over the U3098 road, between the B6347 road and Shipley Hill Farm.

Recommendation

It is recommended that the sub-committee agrees that:

- (i) there is sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the Y-S-P part of the route;**
- (ii) there is sufficient evidence to show, on a balance of probability, that public vehicular rights exist over the route P-Q;**
- (iii) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the Y-S-P or P-Q parts of the route;**
- (iv) there is not sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the S-Z-R part of the route or to show (on a balance of probability) that public vehicular rights exist over the R-A part of the route;**
- (v) there is sufficient evidence to indicate that public bridleway rights have been reasonably alleged to exist over the S-Z-R part of the route;**
- (vi) the route Y-S-P-Q be included in a future Definitive Map Modification Order as a byway open to all traffic;**

- (vii) the route S-Z-R 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 public rights 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.

1.5 When this route was consulted upon, in February 2018, the route that was identified was the one that was shown on the Council's List of Streets as at May 2006 (this date is significant bearing in mind section section 67 of the Natural Environment and Rural Communities Act 2006 (see paragraph 8.10 of this report)). It subsequently transpired that the route identified at that time was incorrect - the List of Streets has now been amended to correct that error.

2.0 PUBLIC EVIDENCE

2.1 In the late 1980s the County Council carried out consultations regarding proposals to add a number of unsealed tracks in the north of the County to the

Definitive Map as byways open to all traffic on the basis that the routes were included in the County Council's "List of Streets" as unclassified County roads (UCR). The rationale for doing so was that it would not be obvious to members of the public (particularly horse riders, walkers and cyclists) that they were legally entitled to use routes such as these (which were considered to have vehicular status), because their physical appearance might suggest otherwise.

- 2.2 The view, held by those officers of the Council responsible for maintaining the 'List of Streets' for the County of Northumberland was (and still is) that only public roads (not public bridleways or public footpaths) were shown on this List. The only exceptions to this are the surfaced paths and alleyways providing pedestrian links between roads, in urban streets. Thus, tracks in rural settings, which have their own unique reference numbers (e.g. the 'U3098' road), were considered to be all-purpose public highways maintainable at public expense.
- 2.3 Shortly afterwards, the processing of applications from third parties seeking to record public footpath or public bridleway rights was afforded a higher priority. Later on, the process of recording UCRs as byways open to all traffic was effectively suspended because the Ordnance Survey indicated that they would be showing such routes on their published maps as being an "Other route with public access". Although, on that basis, members of the public would still be unclear as to precisely what rights they had over routes identified in this fashion.
- 2.4 The most recent advice from DEFRA (paragraph 4.42, Rights of Way Circular 1/09) is that inclusion on the List of Streets may provide evidence of vehicular rights but that this should be examined on a case by case basis. In view of this advice, it is considered prudent to evaluate the status of the U3098 unclassified County road based upon more than simply its inclusion in the List of Streets.

3. LANDOWNER EVIDENCE

- 3.1 By letter, dated 15 February 2018, Mr D Renner of Shipley Hill responded to the consultation stating:

"Further to your letter dated 9 February, I'm writing to query one part of your proposed change to Byway open to all traffic No 47. Most of this route (that marked Y to Z on your plan) I have no problem with, but the part marked Z to A I feel is an inappropriate change.

"I have included a plan showing my understanding of the existing (council-maintained) road, and the start of the bridleway which leads off from it before the start of our farmyard (titled 'Shipley Hill Byway / Bridleway).

"Your proposals on Plan 29 appear to show the byway not turning up into the farmyard but to continue straight along towards the line of the bridleway so that all traffic could continue up to Point A on your map, just past one of our farm buildings.

"This change is inappropriate for the following reasons:-

"i) There is no surface in the area you propose making a byway - its just grass and would get churned up if open to all traffic. During some of our farm operations, we do sometimes cut this corner off, but we only do this in fine weather when the ground is dry (we turn in the farmyard when the ground is too wet there to travel on). This area is right outside our farmhouse so we try to keep it tidy and we cut the grass - we would not like to see it churned up as could happen if it became a byway open to all traffic (we couldn't then tell enthusiastic 4x4 drivers, for example, to stop churning it up). Would the council assume responsibility for making this area into a 'proper' road if the proposed change is made?

"ii) Your proposal shows the byway stopping at an arbitrary point a little way past one of our sheds. This is an unpaved, narrow muddy farm track and traffic cannot easily turn round at point A. A vehicle travelling from point Z to point A could then only sensibly either reverse back to the paved road at point Z or reverse back past our shed then execute a turn on our grass churning up the surface - I don't think this is sensible.

"I hope that all makes sense; perhaps marking Z-A as a byway was a mistake? I look forward to hearing from you. Please give me a ring if you'd like to discuss it further or if you'd like to visit to clarify matters."

"Re No 47 (Please note that this concerns parts Y to Z of route 47, not Z to A which I've covered in my letter).

This is our farm access road which is maintained by the Council and as such I'm happy that it is a Byway Open to All Traffic.

"Balance of Public Use:

Motor Vehicles: 99%

Horse Riders: < 1%

Cyclists < 1%

Walkers < 1%

"Between May '01 and '06 it is certainly true that vehicular use was greater than the other combined public uses."

3.2 By email on 30 March 2018, Mr D Renner of Shipley Hill contacted the Council again, stating:

"I spoke to you and wrote to you six weeks ago in response to your letter dated 9th Feb, which was a consultation on making our farm road into a BOAT (route 47). As you may remember my concern was that the route proposed diverged from the road to the farmyard and crossed a stretch of grass before ceasing to be a BOAT a short way along a bridleway that crosses our farm (a muddy track).

"I think that this is probably a mistake that should be rectified before the Definitive Map is updated. My concern is that, if your proposal goes ahead it will create confusion into the future (eg. if the definitive map is used to create sat-nav mapping, traffic heading for the farm may end up diverging down a most unsuitable track).

"I just thought I'd email you to see if you'd yet had time to read my letter and review route 47.

- 3.3 By note, received on 26 March 2018, Ms S Radcliffe of 1 Shipley Hill, responded to the consultation stating:

"Line marked in red between Z and Y indicates route I use to access my home. I rent the cottage from the farm at Shipley Hill.

" I have lived at this property since June 2015. During this time I have observed walkers, horse riders and vehicles using this byeway.

"I am also a member of the Northumberland JLAF." [Joint Local Access Forum]

4. CONSULTATION

- 4.1 In February 2018, 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 the 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 Eglington BOAT 47 were supplied.

- 4.3 By email, on 12th May 2018, Ms S Rogers responded to the consultation, on behalf of the British Horse Society, stating:

"Eglington parish
Alleged byway open to all traffic 47 (Shipley Hill)
This provides a tarmac access road to the farm. It also leads to two public bridleway so it forms an important part of the ridden network. For this reason the BHS supports its addition to the definitive map."

5. DOCUMENTARY EVIDENCE

- 5.1 A search has been made of archives relating to the area. Evidence of Quarter Sessions Records, Council Highways records, County Maps and O.S. Maps was inspected, and the following copies are enclosed for consideration.

1769 Armstrong's County Map

There is no evidence of a road or track approximating to the route of alleged Byway No 47.

1820 Fryer's County Map

There is evidence of a road or track approximating to the route of alleged Byway No 47.

1827 Cary's Map

There is no evidence of a road or track approximating to the route of alleged Byway No 47.

1828 Greenwood's County Map

There is clear evidence of a road or track approximating to the route of alleged Byway No 47, with a continuation proceeding northwards.

1841 Shipleigh Tithe Award Map

There is clear evidence of a road or track approximating to the Y-Z part of the route of alleged Byway No 47.

c.1860 Ordnance Survey Map: Scale 1:2500

There is clear evidence of an enclosed road / track over the route of alleged Byway No 47. The road is identified as part of parcel number "40". In the accompanying Book of Reference, parcel "40" is identified as "Public road".

1897 Ordnance Survey Map: Scale 1:2500

There is clear evidence of an enclosed road / track over the route of alleged Byway No 47.

Finance Act 1910 plan

There is clear evidence of an enclosed road / track over the route of alleged Byway No 47. The route, and also its northerly continuation, is identified as being separate from the adjacent land by coloured boundaries. This is a good indication that the road was considered to be public at that time.

1923 Ordnance Survey Map: Scale 1:2500

There is clear evidence of an enclosed road / track over the route of alleged Byway No 47.

1932 Alnwick RDC Handover Map

Although the route is identified as a track on the base map, it is not coloured so as to identify it as a publicly maintainable road.

c.1938 Restriction of Ribbon Development Act 1935 Map

Although the route is identified as a track on the base map, it is not coloured so as to identify it as a publicly maintainable road to be protected from ribbon development.

1951 Highways Map

The route of alleged Byway Open to All Traffic No 47 is coloured so as to identify it as a publicly maintainable road. It is labelled, in purple, as the "U3098". As the original road labelling was in black ink, this is a strong indication that the U3098 was a later addition.

c.1952 Definitive Map – original Survey Schedules & Map

The route of alleged Byway Open to All Traffic No 47 exists as an enclosed road or track on the base map, and the majority of it is coloured green, to indicate the existence of public bridleway (No 2) rights. The northern end of the route is coloured in purple, to indicate the existence of public footpath (No 3) rights.

Draft Map

The route of alleged Byway Open to All Traffic No 47 exists as an enclosed road or track on the base map, and the majority of it is coloured green, to indicate the existence of public bridleway (No 2) rights. The northern end of the route is coloured in purple, to indicate the existence of public footpath (No 3) rights.

1954 Highway Dedication

On 26th October 1954, David Richardson Renner of Shipley Hill "dedicated to the use of the public as a highway that portion of land at Shipley Hill Alnwick in the County of Northumberland which is coloured RED hereon as from today's date." The route of the U3098 road, between Points Y-S-P-Q (i.e. alleged Byway Open to All Traffic No 47) is the land which is coloured in red.

Provisional Map

The route of alleged Byway Open to All Traffic No 47 exists on the base map as an enclosed road or track, with only a short length of it identified for inclusion on the Definitive Map as a public right of way. Bridleway No 2 is now identified as beginning some 60 metres north of its former crossroads with Footpath No 3. Footpath No 3 is unchanged, which means that 40 metres of the U3098 road (and alleged Byway No 47) proceeds along the route of this section of footpath.

1957 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an enclosed road / track over the route of alleged Byway No 47.

1962 Original Definitive Map

The route of alleged Byway No 47 exists on the base map, but (apart from the northwesternmost 40 metres) is not identified as a public footpath, public bridleway or Road Used as a Public Path (RUPP). Public Footpath No 18 proceeds roughly east-west through Shipley Hill, and a 40 metre long section of it is coincidental with the U3098 road. Bridleway No 10 has been significantly trimmed back, but now appears to start too far north (at Point R, rather than at Point Z).

1964 Highways Map

The Y-S section of the route of alleged Byway Open to All Traffic No 47 is coloured so as to identify it as a publicly maintainable road. It is labelled "U3098". The S-P-Q section is not shown coloured.

1976/7 Ordnance Survey Map: Scale 1:10,000

There is clear evidence of an enclosed road / track (labelled "Track") over the route of alleged Byway No 47.

2005 Ordnance Survey Explorer 340 Map: Scale 1:25,000

There is clear evidence of an enclosed track over the route of alleged Byway No 47. The section between Y and Z is shown as a yellow road. The section between P and Q is identified as public footpath. There is a short gap between the southern end of the public bridleway near point A and the start of the yellow road at point Z.

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

The route of the alleged byway Y-S-Z-A is clearly identified as publicly maintainable highway. The S-P-Q section is not identified as such.

- 5.2 In the Schedule of reputed Public Rights of Way prepared by Alnwick Rural District Council, under the Rights of Way Act 1932 there is one route (BR 2) identified along the majority of the route of alleged Byway No 47, and another route (FP 6) over the north-western end of the route:

2. BR. From the South Charlton public road running over cart road in a NW direction, then N past Shipley Hill to the South Charlton Parish Boundary, joining bridle road Nos 1, 4 in that Parish.

6. F. From South Charlton public road W of bridge, running in a W direction through field Nos 48, 47, passing through Shipley Hill, then through field Nos 43, 9, 12, 13, joining the west Ditchburn public road.

- 5.3 The Council's Bridges and Roads Committee considered this route in 1952. The minutes of the 22 December 1952 Bridges and Roads Committee state:

"(5) Private Streets

...

"Farm Roads

...
Shipleigh Hill Road (Alnwick Rural District) - Mr D Renner has requested that this road, a bridle road, about half a mile long serving a farm, two cottages and fields of other farms, be taken over by the County Council.

The decision of the Committee is stated as "Referred to the Private Street Works Sub-Committee for inspection and report".

- 5.4 The Council's Bridges and Roads Committee further considered this route in 1953. The minutes of the 22 June 1953 Bridges and Roads Committee state:

"(32) Private Street Works Sub-Committee
I submit the following report of the Private Street Works Sub-Committee:-

...
"Shipleigh Hill Road (Alnwick Rural District)
In this case the road, which is about half a mile long and serves a farm, two cottages and fields of other farms, has a good foundation, but the surface is very rough and scoured by surface water, and the Sub-Committee recommend that it be adopted after being put into a satisfactory state of repair and adequate drainage being provided."

The decision of the Committee is stated as "That the Sub-Committee's report be approved and adopted".

- 5.5 The entry for the U3098 road, in the 1958 County Road Schedule is:

"U3098 Shipleigh Hill Road, Alnwick
From B6347 0.40 miles from junction with B6346 north westerly to west gable of Shipleigh Hill Farm House (765 yards)."

The length of the U3098 road is identified as 0.434 miles.

- 5.6 The entry for the U3098 road, in the 1964 County Road Schedule is:

"U3098 Shipleigh Hill Road
From B6347 south of Shipleigh Burn north-westwards to the west gable of Shipleigh Hill Farm House, (765 yards).

The length of the U3098 road is identified as 0.43 miles.

- 5.7 The entry for the U3098 road, in the 1974 County Road Schedule is:

"U3098 Shipleigh Hill Road
From B6347 south of Shipleigh Burn (NU 152185) north-westwards to the west gable of Shipleigh Hill Farm House (NU149190) (765 yards)."

The length of the U3098 road is identified as 0.43 miles.

- 5.8 The route of the alleged byway does not appear to be identified in the Schedule of unclassified roads identified under the provisions contained within the Restriction of Ribbon Development Act 1935.

- 5.9 The original Definitive Statements for the public rights of way that connect

with this road state:

Public Bridleway No 10 (Parish of Eglington)

“From FP 18 in the Parish of Bewick at the Glendale Rural District boundary in a south-easterly, north-easterly and south-easterly direction by West Ditchburn, East Ditchburn and across bridge over the Red Burn to join the public road at Shipleyhill.

Public Footpath No 18 (Parish of Eglington)

“From the West Ditchburn - Shipley Bridge road north west of Smallburns in an easterly and south-easterly direction crossing the Small Burn and the public road at Shipleyhill to join the Old Shipley - South Chalrton road south-west of the Bridge over the Shipley Burn.”

6. SITE INVESTIGATION

- 6.1 From a point marked Y, on the B6347 road, 325 metres north of Old Shipley, a 2.7 metre wide tarmac road in a 10 to 11.5 metre wide corridor proceeds in a north-westerly direction along the U3018 road for a distance of 410 metres. The road then narrows to between 7.5 and 10.5 metres for a distance of 10 metres at the bend. Thereafter a 2.7 metre wide tarmac road in a 12 to 16 metre wide corridor proceeds in a northerly direction for a distance 220 metres to a point marked S, 25 metres east of Shipley Hill Farmhouse. At point S, things get more complicated.
- 6.2 The 1954 Highway dedication by Mr DR Renner follows the route S-P-Q. This is a 3 metre wide tarmac road, in a general westerly direction, for a distance of 50 metres, through a 14 metre wide farm yard area, ending 15 metres north of Shipley Hill farmhouse. This is the route of the U3098 road, as currently identified on the Council’s List of Streets, and the most westerly 40 metres of this route is also recorded on the Definitive Map of Public Rights of Way as part of Public Footpath No 18.
- 6.3 The route which was incorrectly shown on the Council’s List of Streets on 2 May 2006, and was consulted upon in February 2018 as a result, is shown by S-Z-R-A. From Point S, a 3 metre wide grass, then stone surfaced track proceeds in a northerly direction for a distance of 60 metres to Point A, 75 metres north-east of Shipley Hill farmhouse. Initially, it is difficult to identify a width because of the junction splay, but the northern end of the route lies within a 9.14 metre (i.e. 30 foot) wide corridor. The 15 metre long R-A section is already recorded on the Definitive Map as being part of Public Bridleway No 10.

7. COMMENTS RECEIVED ON THE DRAFT REPORT

- 7.1 In May 2019, a copy of the report was circulated to those landowners / occupiers who responded to the initial consultation for their comments.
- 7.2 By email, on 29 May 2019, Mr D Renner of Shipley Hill made the following comments in relation to the draft report:

“Thankyou for the documents that you sent through yesterday. I have looked through them and your recommendations and conclusions seem entirely sensible.”

8. DISCUSSION

- 8.1 Section 53 (3)(c)(i) and (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 [s53(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 [s53(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 route of alleged Byway Open to All Traffic No 47 is identified on the County Council's current List of Streets as being the U3098 road. The route was not identified as being publicly maintainable on the 1932 Alnwick Rural District Council Handover Map, nor on the map and schedule of roads produced in relation to the Restriction of Ribbon Development Act 1935. The whole route appears to have been identified on both the Council's 1951 Highways Map and the later 1964 Highways Map, albeit that its depiction on the 1951 map appears to have been a later addition. It was also included in the 1958, 1964 and 1974 County Road Schedules.
- 8.5 The route has been consistently identified as an enclosed road / track on Ordnance Survey maps since c.1860. Although the route is not shown on Armstrong's County Map of 1769 or on Cary's Map of 1827, it is shown on Fryer's County Map of 1820 and (with a northerly continuation) on Greenwood's County Map of 1828. It is also shown on the Shipley Tithe Award map of 1841.
- 8.6 The route was identified as a public bridleway in the Schedule of Reputed

Public Rights of Way published by Alnwick Rural District Council under provisions contained within the Rights of Way Act 1932. The Y-S section of the alleged Byway route was included on the Survey Map and on the Draft (Definitive) Map as a public bridleway (the short Q-P-Z section was shown as a public footpath). The Y-S section was not, however, shown as a public bridleway on the Provisional (Definitive) Map which was published in the late 1950s. Technically, it probably should have been shown on the Provisional Map, because the route was still just a bridleway when the Draft Map was published in 1954 (Relevant Date: 20 September 1954), a month before the higher vehicular rights were dedicated (on 26 October 1954), but someone seems to have taken the (not entirely unreasonable) decision to delete the section that was now a road. The amount of public bridleway that was deleted does seem to have been excessive. The pencilled annotations on the Survey Map and on the Draft Map appear to indicate a misunderstanding in relation to the extent of the U3098 road. As a consequence, Public Bridleway No 10 was then (and still is now) recorded as terminating at Point R, some 45 metres north of a connection with the public road at Shipley Hill. Clearly this was a mistake. The public bridleway rights between Point R and Point S have never been stopped up; they do still exist; but they are not currently recorded on the Definitive Map.

- 8.7 The County Council accepts that, given the way the regulations were written with regard to the way highway authorities could include publicly maintainable highways in the List of Streets, there was no impediment to public bridleways and public footpaths also being included. That is not to say that any bridleways or footpaths were so shown – just that they could be. It must, therefore, be entirely proper to consider each UCR on a case by case basis, but that does not mean that we should begin with the assumption that each UCR is no more than a public footpath unless higher rights can be proven by other means. In Northumberland there is no evidence to suggest that public footpaths and public bridleways were deliberately shown on the 1958, 1964 or 1974 County Road Schedules (forerunners of the modern day List of Streets). The fact that a route is shown on these schedules must, therefore, be evidence of some weight that public vehicular rights exist.
- 8.8 Letters from DEFRA, dated 2003 and November 2006, and Rights of Way Circular 1/09 set out the approach Inspectors and order making authorities should take in determining the status of routes included on the List of Streets. In summary, the guidance states that the inclusion of a route on the List of Streets is not a record of what legal rights exist over that highway but may provide evidence of vehicular rights. However, this must be considered with all other relevant evidence in order to determine the nature and extent of those rights. Highway Authorities are recommended to examine the history of such routes and the rights that may exist over them on a case by case basis in order to determine their status.
- 8.9 On 26th October 1954, a document / plan was signed by David Richardson Renner stating:
- “I David Richardson Renner of Shipley Hill, Alnwick do hereby declare that I / we have dedicated to the use of the public as a highway that portion of land at Shipley Hill Alnwick in the County of Northumberland which is coloured RED hereon as from todays date.”

- 8.10 The Y-S-P-Q route of alleged Byway Open to All Traffic No 47 is highlighted in red on the plan. The width of the highway being dedicated is not given, but the highlighting extends across the full width of the corridor, between boundaries and is not limited to just the width of the present day tarmac carriageway.
- 8.11 Until Mr Renner's highway dedication, the accepted position appears to have been that the Y-S section was a public bridleway (part of Public Bridleway No 10) and that the P-Q section was a public footpath (part of Public Footpath No 18).
- 8.12 Unfortunately, in the dedication document it does not specify precisely what public highway rights were being dedicated. Those highway rights need not necessarily be vehicular ones. Public footpaths and public bridleways are also "highways". There are a number of reasons why it could reasonably be argued that the landowner's actual intention was to dedicate a public vehicular highway:
- Firstly, persons unfamiliar with highway law are unlikely to be aware that public footpaths and bridleways are public highways; the term "highway" – in everyday usage – is generally used to refer to a vehicular route.
 - Secondly, the dedication plan is entitled "Shiplehill Farm Road".
 - Thirdly, given the width of the highway being dedicated (as much as 16 metres, between the boundaries, in places), it seems unlikely that the landowner was dedicating something less than a public vehicular right of way.
 - Fourthly, since nearly all of the route was already in the process of being recorded as being a publicly maintainable public bridleway, there would be no need for the landowners to dedicate public bridleway rights over this section.
- 8.13 Although the Y-S part of the route (and also the northern continuation) is depicted on Greenwood's County Map of 1828 and the Shipley Tithe Award of 1841 and is identified in the Book of Reference accompanying the 1st Edition O.S. map as a "Public Road" and is uncoloured on the Finance Act 1910 plan, this is not considered to be sufficient evidence to satisfy the balance of probabilities test necessary in order to justify upgrading this section to restricted byway status.
- 8.14 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.

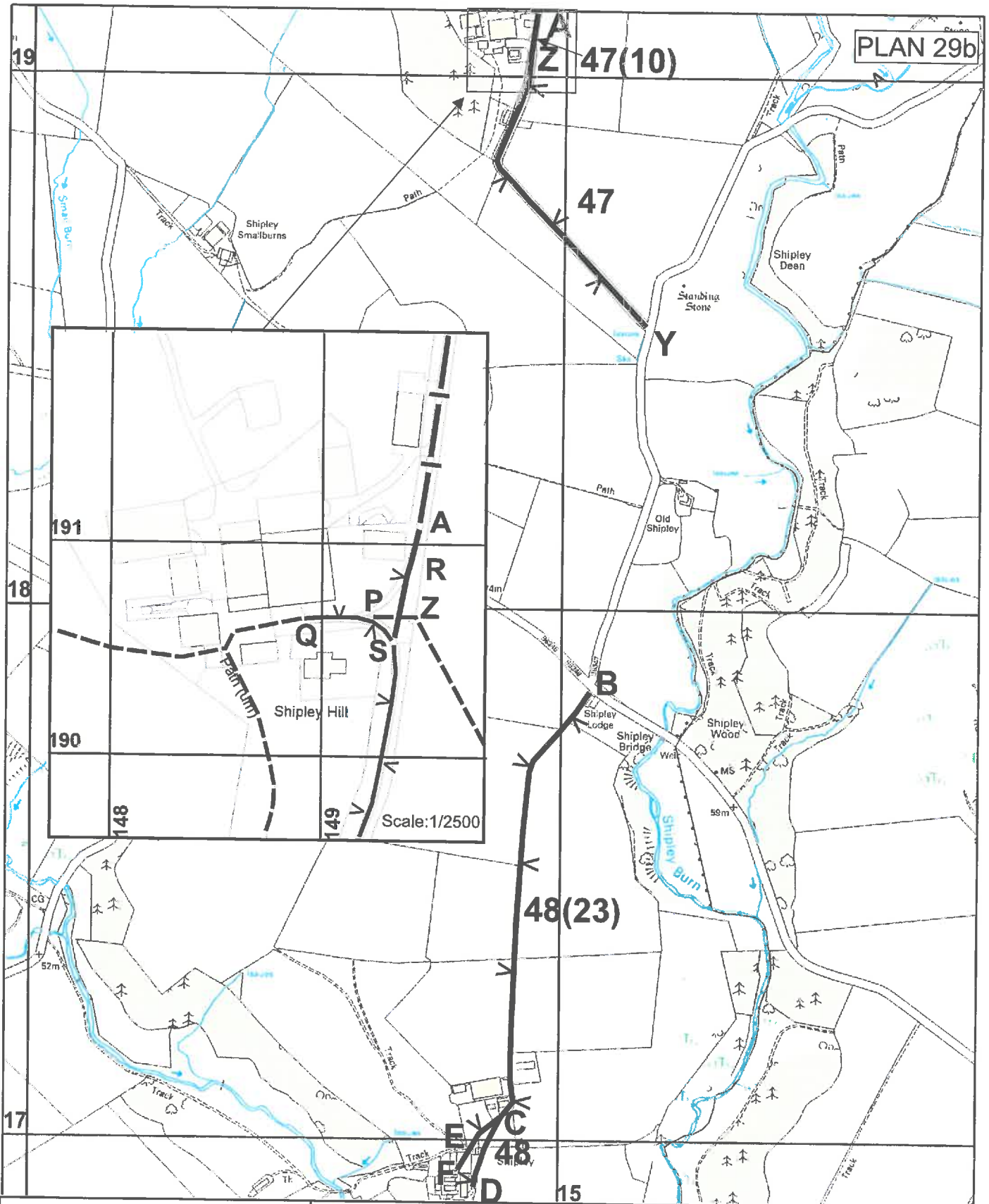
- 8.15 Of the saving provisions above, (b) will apply to the Y-S-P part of the route of alleged Byway No 47. The public's motor vehicular rights would not have been extinguished by the NERC Act 2006. Where, however, a route is shown on the Definitive Map as a footpath or bridleway, then the fact that it is shown on the List of Streets will not be sufficient to prevent the public's motor vehicular rights from being extinguished. This applies to the short P-Q section of the route, so here it is necessary to see whether or not one of the other saving provisions might apply.
- 8.16 Under section 67(2)(c) of NERCA 2006, the public's motor vehicular rights would not be extinguished if those rights had been created on terms that expressly provided for a right of way for mechanically propelled vehicles. As discussed in paragraphs 8.11 and 8.12 above, although it is reasonably clear that the 1954 highway dedication intended to create a public right of way for mechanically propelled vehicles, it did not do so in express terms, so this saving provision would seem unlikely to apply. The Inspector who determined Definitive Map Modification Order (No 23) 2012 (Kilham) certainly took that view.
- 8.17 Under section 67(2)(a) of NERCA 2006, the public's motor vehicular rights would not be extinguished if they are over a way whose main lawful use by the public during the period of 5 years between 2nd May 2001 and 2nd May 2006 was with mechanically propelled vehicles. The difficulty here is that the Council has no real evidence regarding the balance of public user during this 5 year period. The road is not a through route for vehicles, though there is a public bridleway continuing in a northerly direction beyond Shipley Hill and public footpaths proceeding south-easterly, southerly and north-westerly from Shipley Hill. What vehicular use it does get is likely to be the associated property holders themselves, their visitors and invitees; all people who it could be argued have a private right or permission to use the route (i.e. who might not qualify as being "the public"). For these reasons, it may be difficult to demonstrate that public motor vehicular use outweighed pedestrian (and equestrian and cycle use).
- 8.18 Under section 67(2)(e) of NERCA 2006, the public's motor vehicular rights would not be extinguished if they are over a way that had been in long use by mechanically propelled vehicles before 1930, when it first became an offence to drive 'off-road'. There is no evidence of long-standing public motor vehicular use before 1930 in this instance.
- 8.19 Finally, under section 67(2)(d) of NERCA 2006, the public's motor vehicular rights would not be extinguished if they are over a way that had been created by construction of a road intended to be used by MPVs. The Inspector who determined Definitive Map Modification Order (No 23) 2012 (Kilham) concluded that public motor vehicular rights had been 'saved' over that route (in part) by virtue of this exemption. At Kilham, there was the highway dedication by the landowner in 1968 (similar to the highway dedication of the Y-S-P-Q route by Mr Renner in 1954) supported by Council Bridges and Roads Committee minutes from 1957 stating that "subject to the road(s) being completed to the satisfaction of the County Surveyor, they be taken over as highways repairable by the inhabitants at large and that the necessary notices

be signed by the Clerk of the Council and fixed up therein pursuant to Section 19 of the Private Street Works Act 1892.” On that basis, the Inspector argued that because the Committee decision to accept dedication was contingent upon the road being “made up to a satisfactory standard” this meant the road (which must have been unsatisfactory at that time) was to be constructed to a standard suitable for motor vehicles and all other traffic. The minutes relating to the Shipley Hill road are phrased in a similar way as the Kilham route, suggesting that the saving provisions in section 67(2)(d) of NERCA 2006 can also be applied to the P-Q part of alleged Byway No 47.

- 8.20 For a route to be a byway open to all traffic, it has to be (i) a public motor vehicular right of way and (ii) a route which is nevertheless used (or is likely to be used) by the public mainly for the reasons which footpaths and bridleways are used.
- 8.21 The majority of this route has a reasonable tarmac surface. From the consultation responses, the route would appear to be at least occasionally used by members of the public travelling on foot or horseback or bicycle. Mr Renner has indicated that the route is primarily used by the public with motor vehicles and Ms Radcliffe has observed walkers, horse riders and vehicles without identifying any relative proportions. Whilst motor vehicular use might dominate, the vast majority of this use is presumed to relate to the farm itself (the owners and their various visitors) and the occupants of and visitors to the two cottages - rather than use by the general public. This route would be a reasonably short and unexciting cul-de sac for members of the public to use with motor vehicles.
- 8.22 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. Where no width can be determined by documentary means (such as an Inclosure Award, Highway Order or dedication document), there is usually a boundary to boundary presumption for public highways. On this basis it is proposed to record Byway Open to All Traffic No 47 with a width varying from 7.5 metres to 16 metres, as identified in paragraphs 6.1 and 6.2, above, and the ‘missing’ S-Z-R section of Public Bridleway No 10 with a width of 9.14 metres.
- 8.23 Whilst Mr Renner’s concerns regarding the potential damage which might be caused by irresponsible users of recreational vehicles deviating from the tarmac carriageway are understandable, this isn’t a matter which can be taken into account when determining the status of this route. That said, given the cul-de-sac nature of the route, recreational motor vehicular use of it is likely to be negligible to non-existent and if the route of the vehicular highway is established as being Y-S-P-Q, with public bridleway rights, only, extending northwards over the route S-Z-R, then the sensitive grassy area in the vicinity of Point Z should be preserved.

9. CONCLUSION

- 9.1 In light of the documentary evidence available, it appears that public vehicular rights have been reasonably alleged to exist over the Y-S-P section of the route of alleged Byway Open to All Traffic No 47, and shown to exist, on a balance of probabilities, over the P-Q section of the route.



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

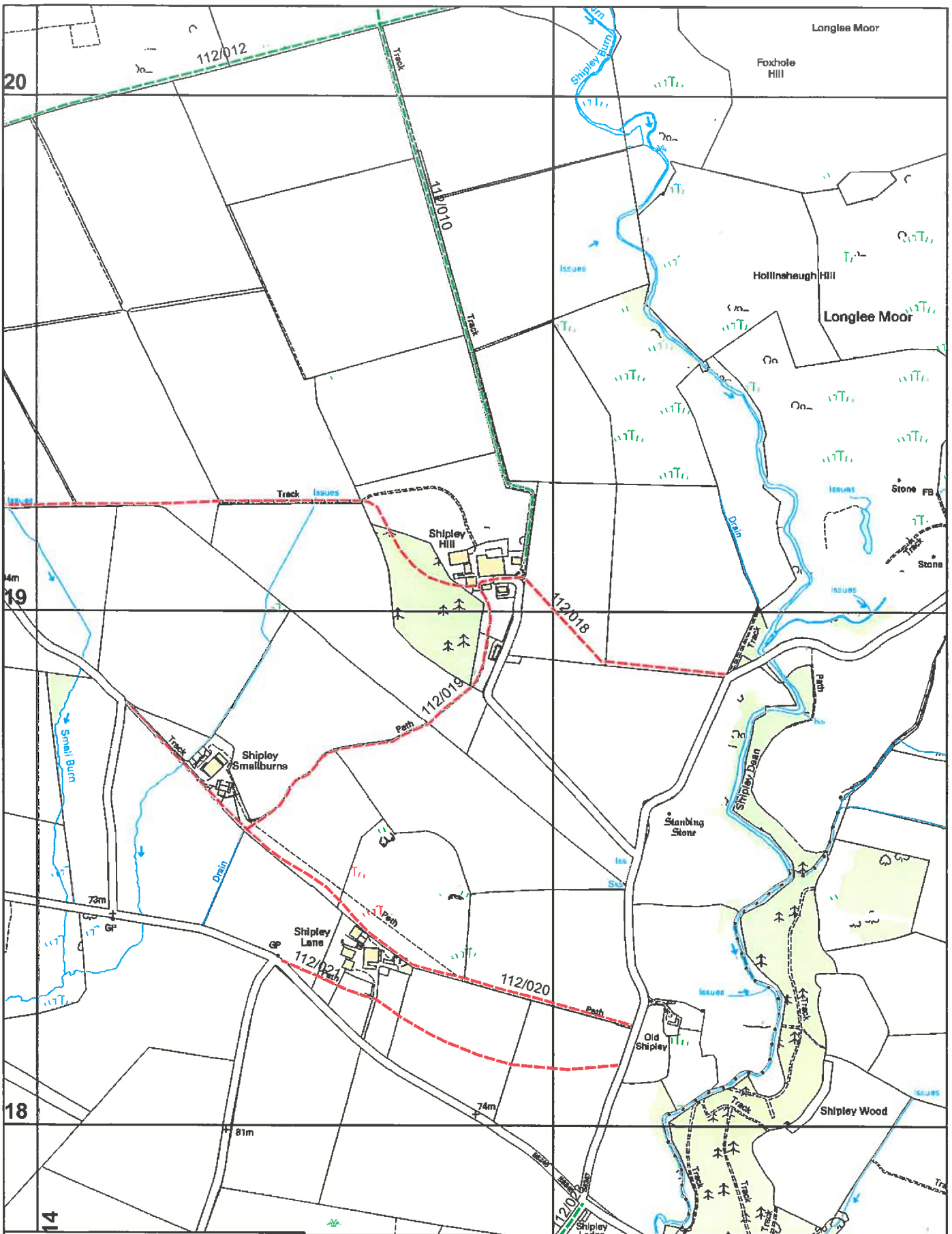
**Wildlife and Countryside Act 1981
 Public Rights of Way**



Alleged Byway Open to All Traffic

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| | | |
|-------------------------------|-------------------------|-------------------|
| Former District(s) Alnwick | Parish(es) Eglingham | Scale 1:10,000 |
| Def. Map No. 57/58 | O.S. Map NU 11 NW/NE | Date May 2019 |



Northumberland
County Council

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

Legend

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

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

Scale: 1:10,000

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PLAN ACCOMPANYING MR RENNER'S LETTER OF 15/2/18

414500

415000

Shipleigh Hill Byway / Bridalway

Bridalway

Farm Road

1844

0307

5904

7601

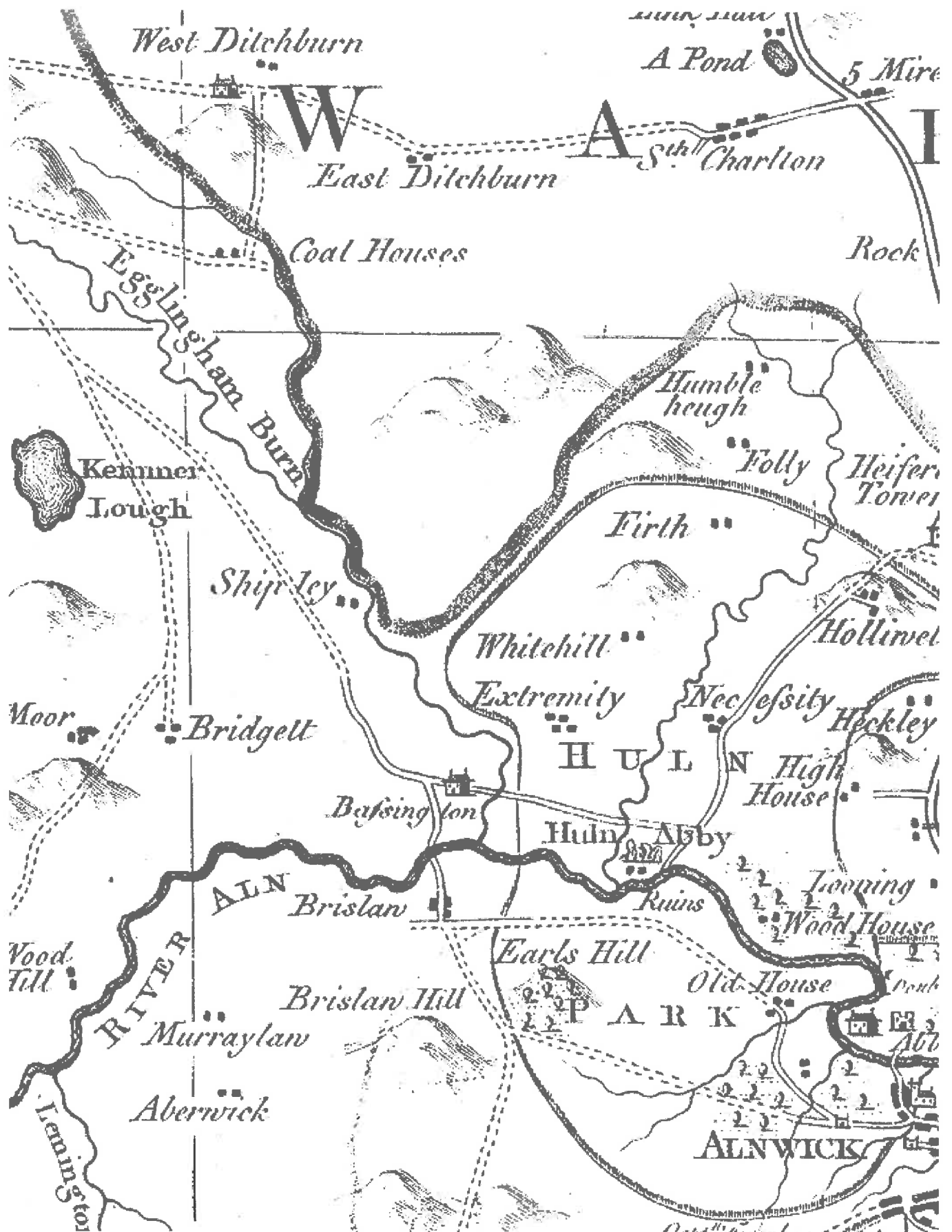
NU1419 NU1519
NU1418 NU1518

1176

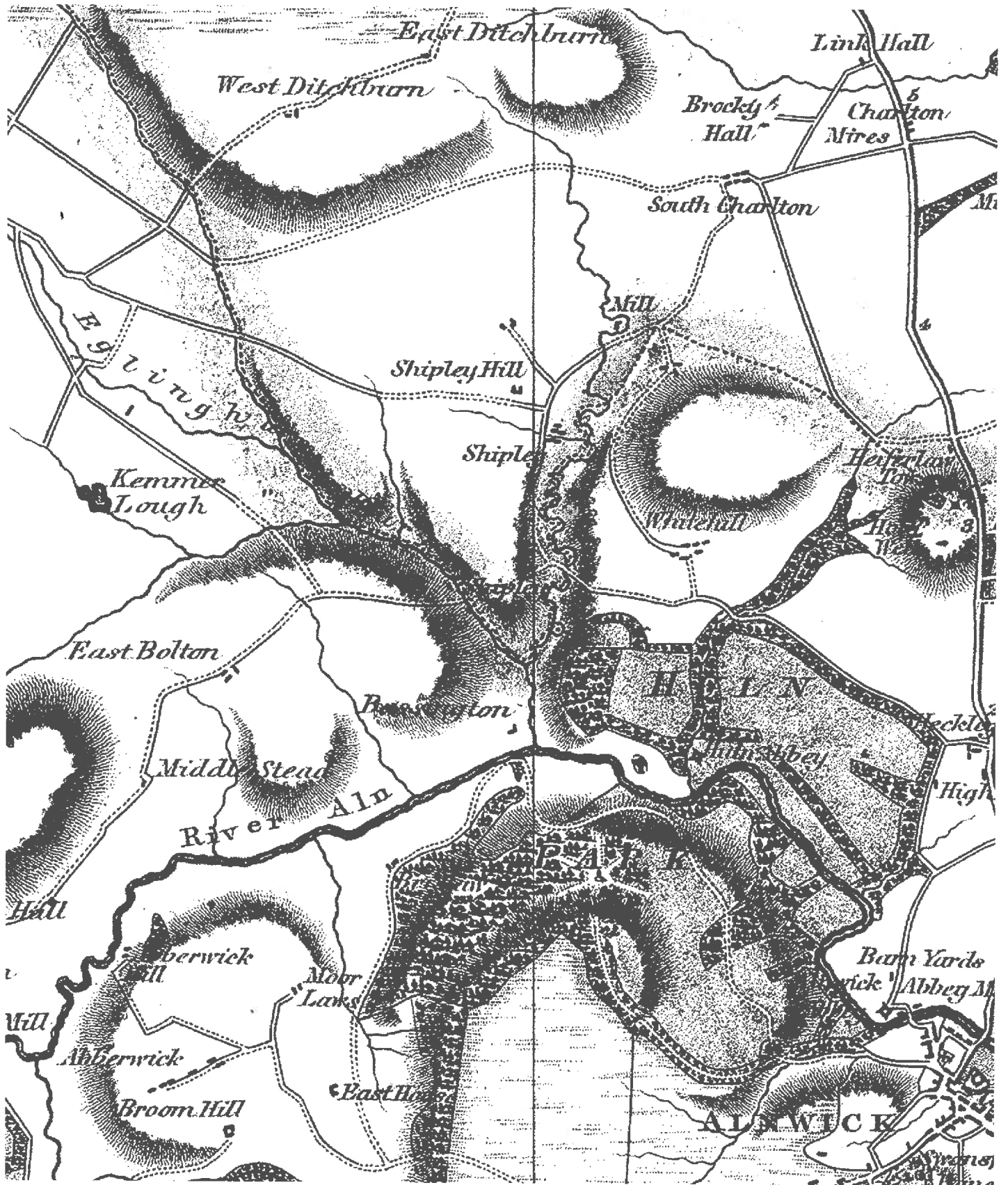
9865

414500

415000



Fryer's County Map
1820





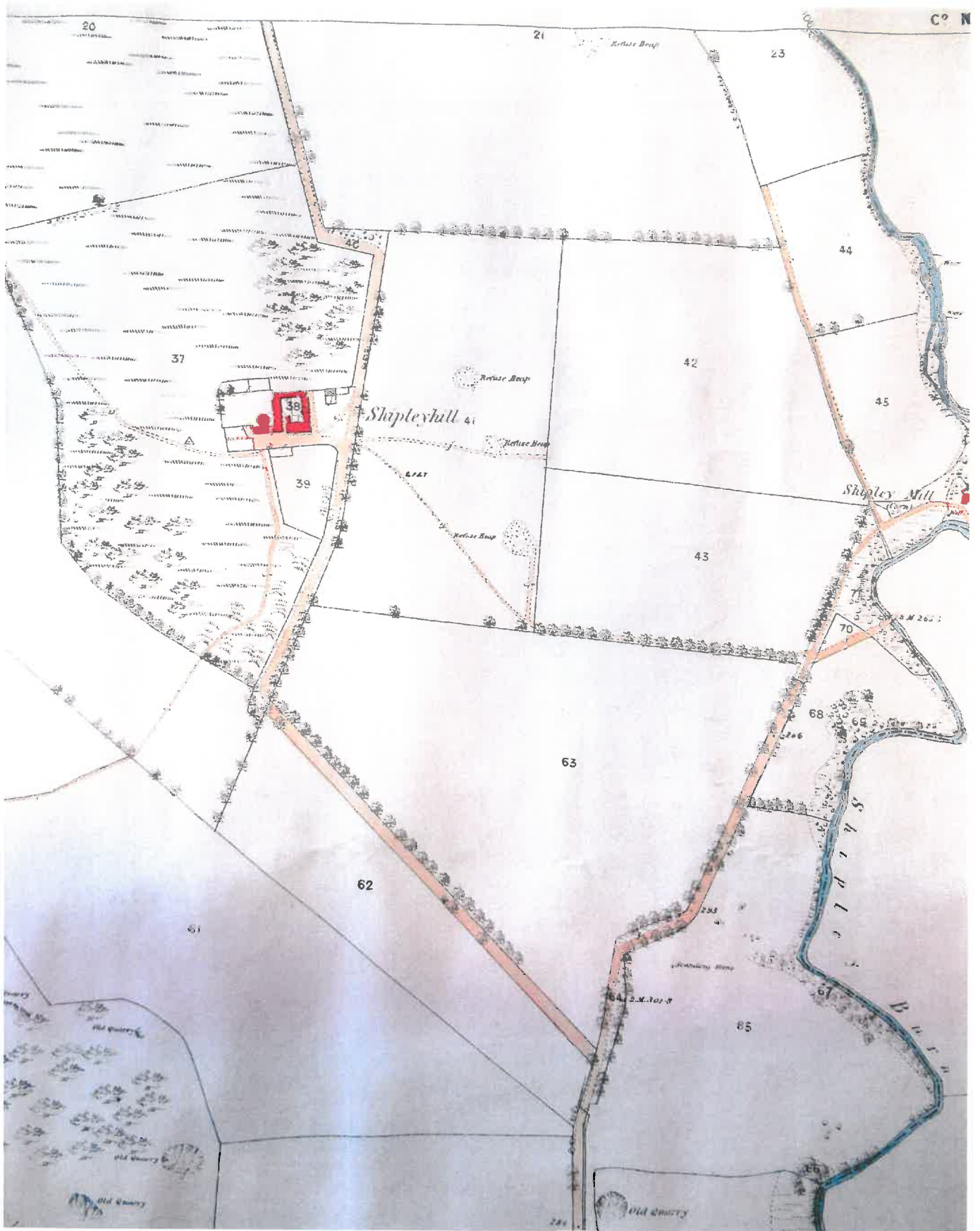
Greenwood's County Map
1828



ShIPLEY Tithe Award 1841



1st Edition 25" O.S. Map
c.1860



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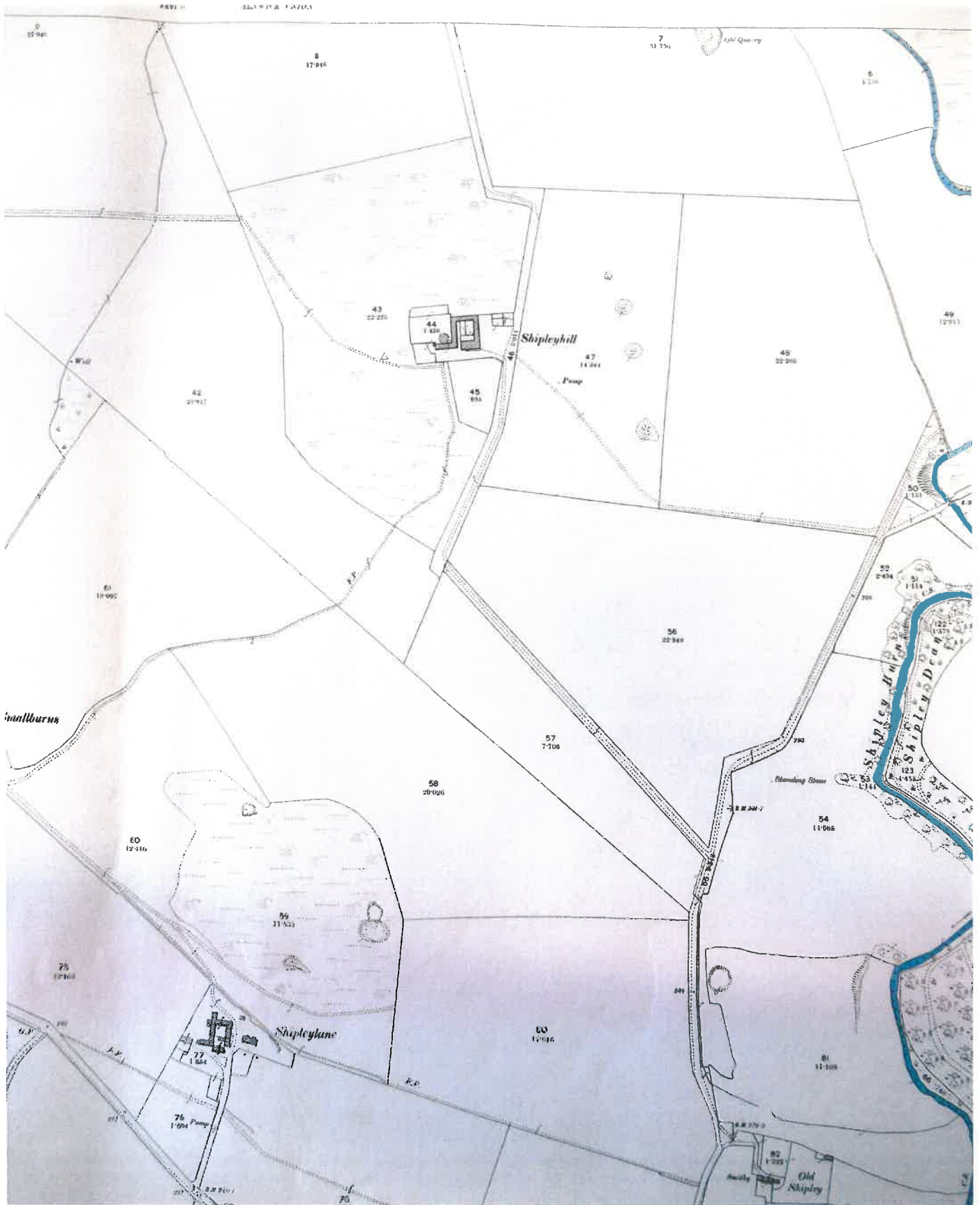
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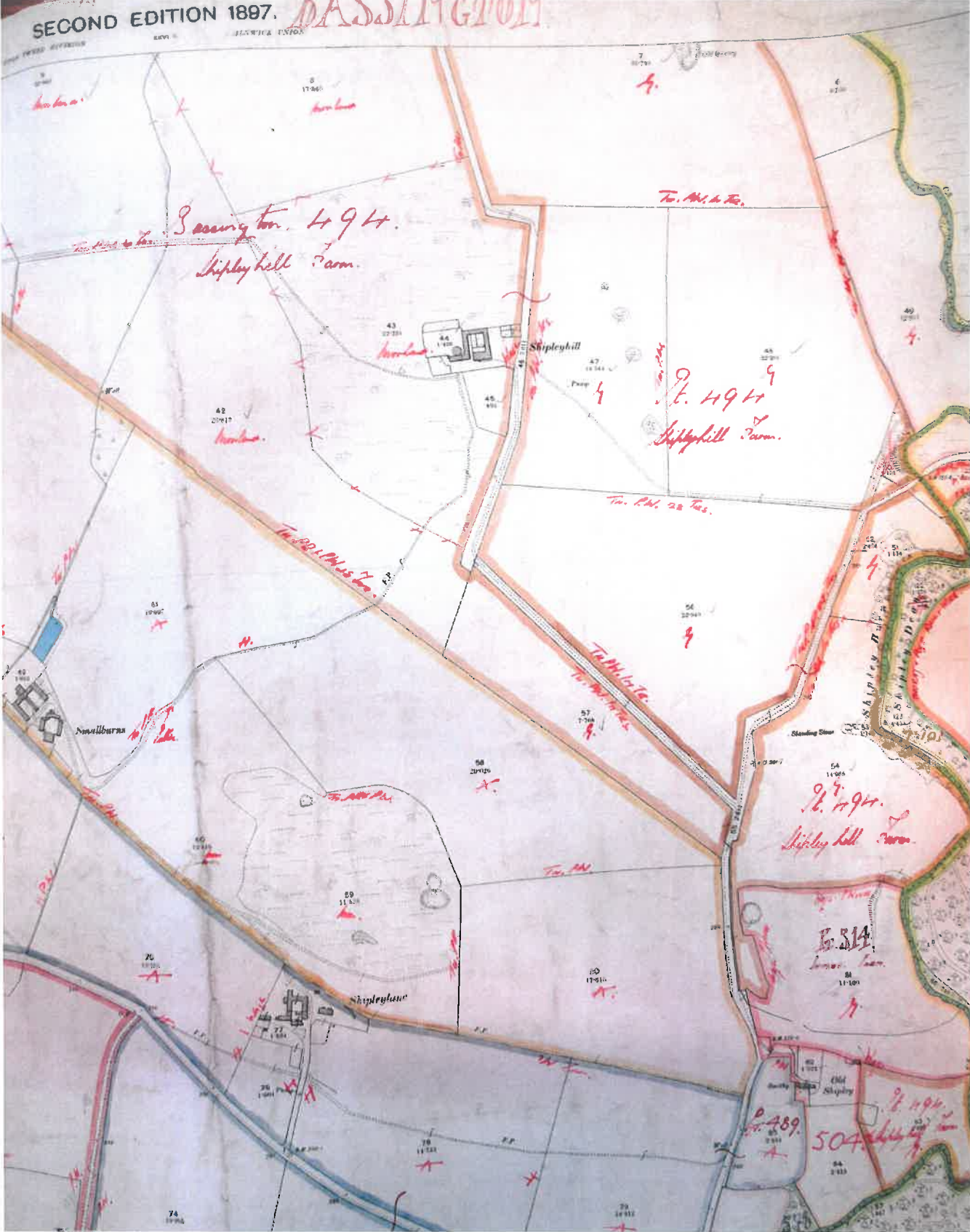
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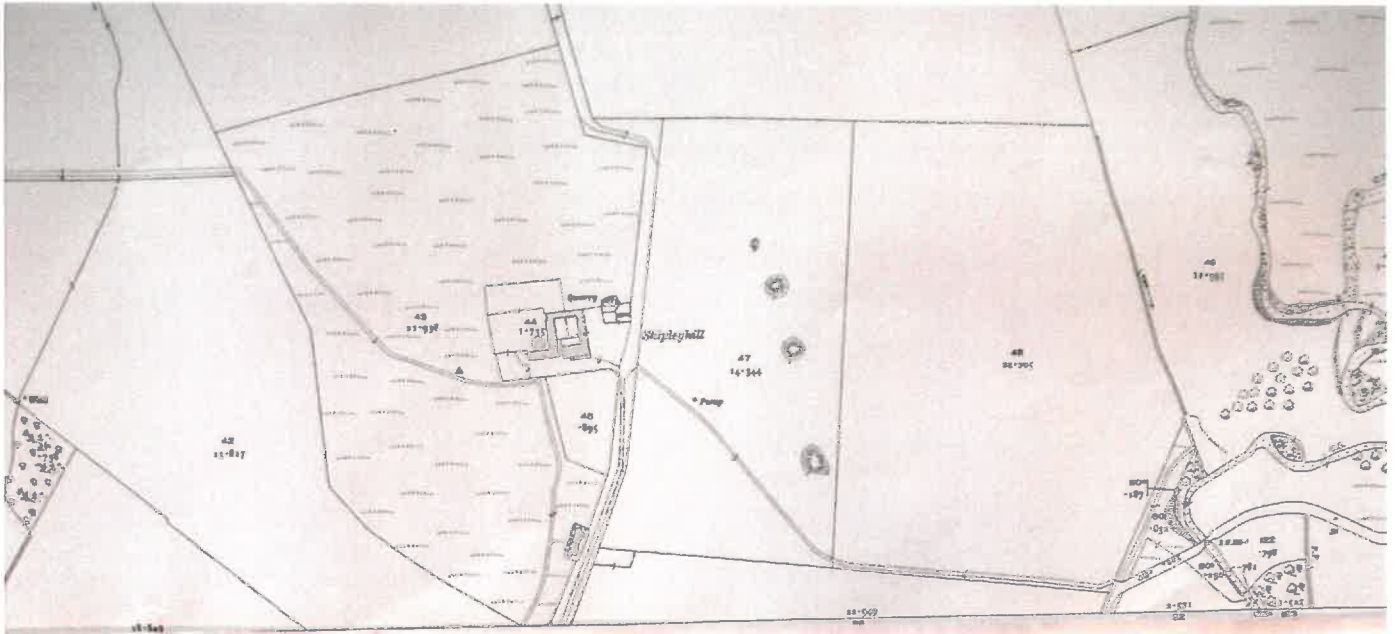
TOWNSHIP OF SHIPLEY.

| No. on Plan. | Area in Acres. | Description. | No. on Plan. | Area in Acres. | Description. |
|--------------|----------------|----------------------------------|--------------|----------------|---|
| 1 | 28.410 | Arable & stream. | | 600.202 | <i>Brought forward.</i> |
| 2 | 21.650 | Arable. | 36 | 23.817 | Arable & stream. |
| 2a | 29.442 | Arable & road. | 37 | 22.225 | Rough pasture, furze, & roads. |
| 3 | 25.184 | Rough pasture & stream | | | |
| 4 | 30.660 | Rough pasture & stream | 38 | 1.517 | Farmsteading, gardens &c. |
| 5 | 29.660 | Arable & rough pasture | | | |
| 6 | 27.233 | Arable, stream, & rough pasture. | 39 | .859 | Pasture. |
| 6a | .105 | Pasture. | 40 | 4.747 | Public road. |
| 7 | .239 | Public road. | 41 | 14.344 | Arable & refuse heaps. |
| 8 | 7.530 | Wood. | 42 | 12.768 | Arable. |
| 9 | 17.336 | Arable & road. | 43 | 9.437 | Arable & roads. |
| 10 | 20.046 | Arable. | 44 | 3.559 | Arable & road. |
| 11 | 23.198 | Arable. | 45 | 3.503 | Arable, stream, & road. |
| 12 | 21.318 | Arable & road. | 46 | 4.483 | Rough pasture and streams. |
| 13 | 20.667 | Arable & road. | | | |
| 14 | .190 | House, garden, & ruins | 47 | .040 | House. |
| 15 | 7.252 | Arable, stream, & road. | 48 | .232 | Houses, gardens, and yards. |
| 16 | 14.407 | Arable & colliery. | 49 | 22.040 | Arable & road. |
| 17 | 25.012 | Arable & stream. | 50 | 2.324 | Rough pasture, coal pits, & road. |
| 18 | 26.112 | Arable & stream. | | | |
| 19 | 27.949 | Arable, stream, & road. | 51 | 15.979 | Arable, stream, & marsh |
| 20 | 17.346 | Rough pasture & stream | 52 | 17.116 | Arable & stream. |
| 21 | 29.639 | Arable & refuse heap. | 53 | 22.974 | Arable & stream. |
| 22 | 1.978 | Rough pasture & trees | 54 | 15.529 | Arable, rough pasture, & stream. |
| 23 | 4.032 | Arable. | | | |
| 24 | 36.873 | Arable. | 55 | 28.694 | Arable, rough pasture, stream, & roads. |
| 25 | 2.155 | Rough pasture & refuse heap. | 56 | 1.286 | Arable, stream, & small plantation. |
| 26 | 1.429 | Private road & old lime kiln. | 57 | .763 | Farmsteading, &c. |
| 27 | 1.456 | Arable & road. | 58 | .456 | Houses, gardens, yards &c. |
| 28 | 6.392 | Arable & road. | | | |
| 29 | 14.994 | Arable, stream, & road. | 59 | .231 | Pond. |
| 30 | 19.605 | Arable. | 60 | 18.866 | Arable & stream. |
| 31 | 12.798 | Arable. | 61 | 20.026 | Arable. |
| 32 | 3.018 | Public road. | 62 | 7.708 | Arable & stream. |
| 33 | 15.434 | Arable & stream. | 63 | 22.949 | Arable. |
| 34 | 25.710 | Arable & stream. | 64 | 2.772 | Public road. |
| 35 | .743 | Wood. | 65 | 14.005 | Arable. |
| | 600.202 | <i>Carried forward.</i> | | 915.451 | <i>Carried forward.</i> |

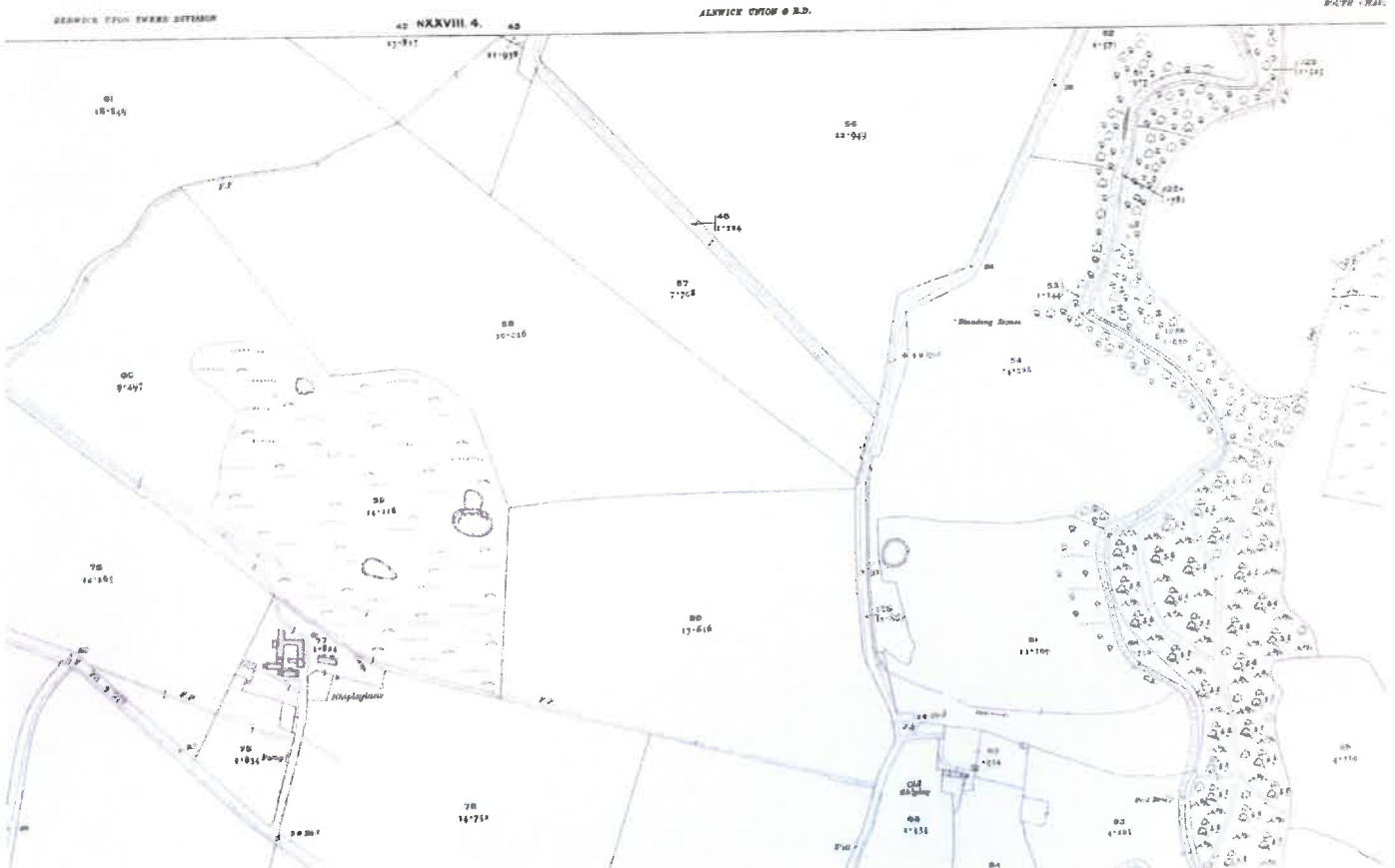
2nd Edition 25" O.S. Map
1897



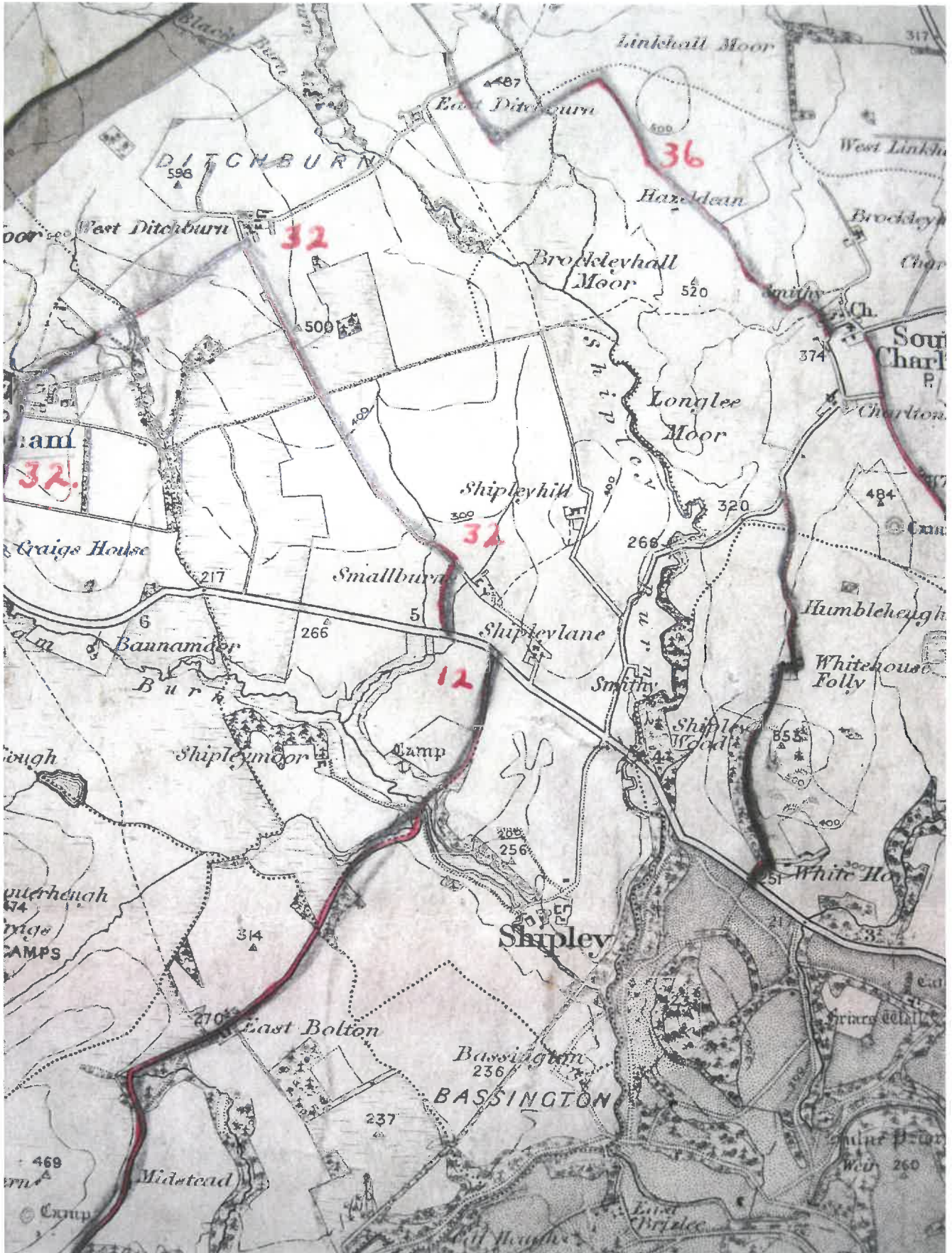




EDITION OF 1923



Alnwick RDC Handover Map 1932



Alswick

**ALNWICK RURAL DISTRICT
COUNCIL**

**SCHEDULE
OF
REPUTED
PUBLIC RIGHTS
OF WAY**

Description.

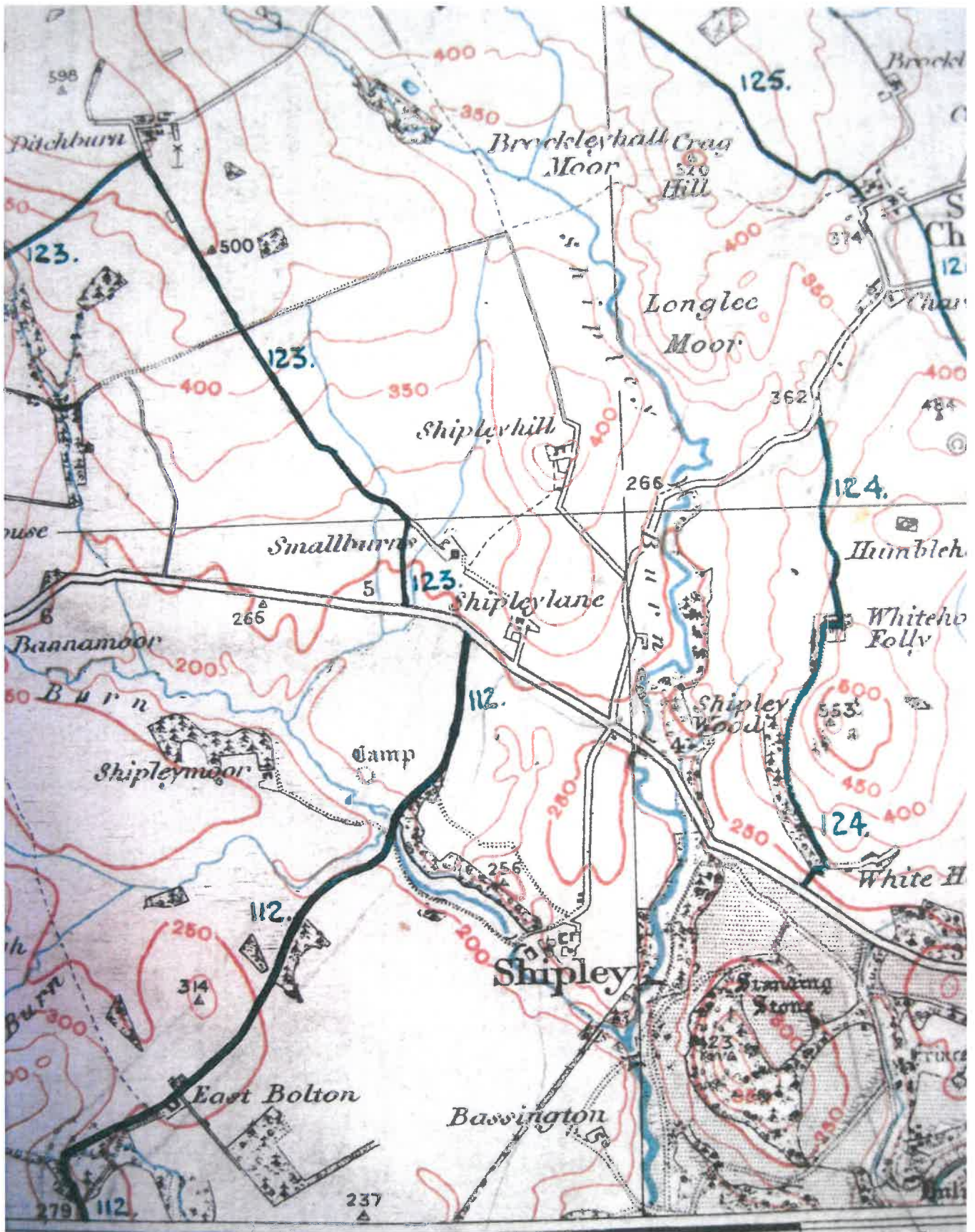
50. PARISH OF SHILBOTTLE.

1. B.R. From the Shilfield Dykes public road E. of Hampheth Quarry to Snipe House running in a N.W. direction through field No. 30 then along cart road to the Denwick Parish Boundary joining bridle road No. 6 in that Parish.
2. F. From public road at County Quarry Plant to Snipe House, running in a W. direction by side of Trainway to the Denwick Parish Boundary, joining footpath No. 7 in that Parish.
3. C.R. From Hitchcroft public road joining Beacon public road at Beacon Quarry.
4. F. From public road at Hillhead Corner running in a N. direction through field No. 259 to the Beacon public road.
5. B.R. From public road at Colliery Farm to West Cawledge, running in a N.W. direction through field No. 70 and Black Plantation to the Denwick Parish Boundary, joining bridle road No. 11 in that Parish.
6. F. From public road at Percy Cottage, Shilbottle, to Cawledge Middle Park, running in a N. direction through field Nos. 164, 149, 74, 74b, 77, joining footpath Nos. 9, 10, at the Denwick Parish Boundary, joining footpath No. 12 in that Parish.
7. F. From bridle road No. 5 at Colliery Farm running in an E. direction to join footpath No. 6.
8. F. From Dean Moor public road S. of Colliery Farm running in an E. direction through field Nos. 149, 148, 145, 136, to public road at Milburns Bank.
9. F. From public road W. of the Cannon, Shilbottle, to Cawledge Middle Park, running in an N. direction through field Nos. 144, 145, 146, 75, 77, to the Denwick Parish Boundary, joining footpath No. 12 in that Parish.
10. F. From public road at Milburns Bank, Shilbottle, to West Cawledge Park, running in a N. direction over cart road then through field Nos. 76, 78, 77, to the Denwick Parish Boundary, joining footpath No. 13 in that Parish.
11. F. The Denwick Grange to Alwrick from the Woodhouse Parish Boundary at the Tychaw Burn joining footpath No. 1 in that Parish, running in a N. direction through field Nos. 113, 93, crossing public road, then through field Nos. 92, 90, to the Denwick Parish Boundary, joining footpath No. 14 in that Parish.
12. B.R. From public road N. of Percy Road, running in a N.E. direction over cart road to Townfoot Farm.
13. B.R. From Townfoot Farm running in a N.W. direction over cart road to public road.
14. F. From Townfoot Farm to Bilton Banks, running in a N.E. direction over cart road then through field Nos. 163, 166, passing Louglyke to the Lesbury Parish Boundary, joining footpath No. 15 in that Parish.
15. B.R. From Grange Road to Townfoot running in a N. direction over cart road in front of Council Houses, then through field Nos. 295, 293, 126, 127, joining bridle road No. 12.
16. F. From N. end of Percy Road running in a W. direction to public road on N. side of Shilbottle.
17. F. From public road at Aged Miners' Homes running in a S. direction over cart road then through Church Yard to public road near Parish Room.
18. F. From footpath No. 17 running in an E. direction to Percy Road.
19. F. From public road at Hillhead running in an E. direction over cart road to Hillhead Farm, then over field No. 277 joining bridle road No. 20.
20. B.R. From public road E. of Farmers Arms, Shilbottle, to Hartlaw, running in a S. direction over Green Lane, then through field Nos. 226, 261, 277, 275, then E. through field No. 301 then again S. through field Nos. 269, 301a, 301b, 309, crossing Sturton Grange public road, then through field No. 306 to the Hazon and Hartlaw Parish Boundary, joining bridle road No. 3 in that Parish.

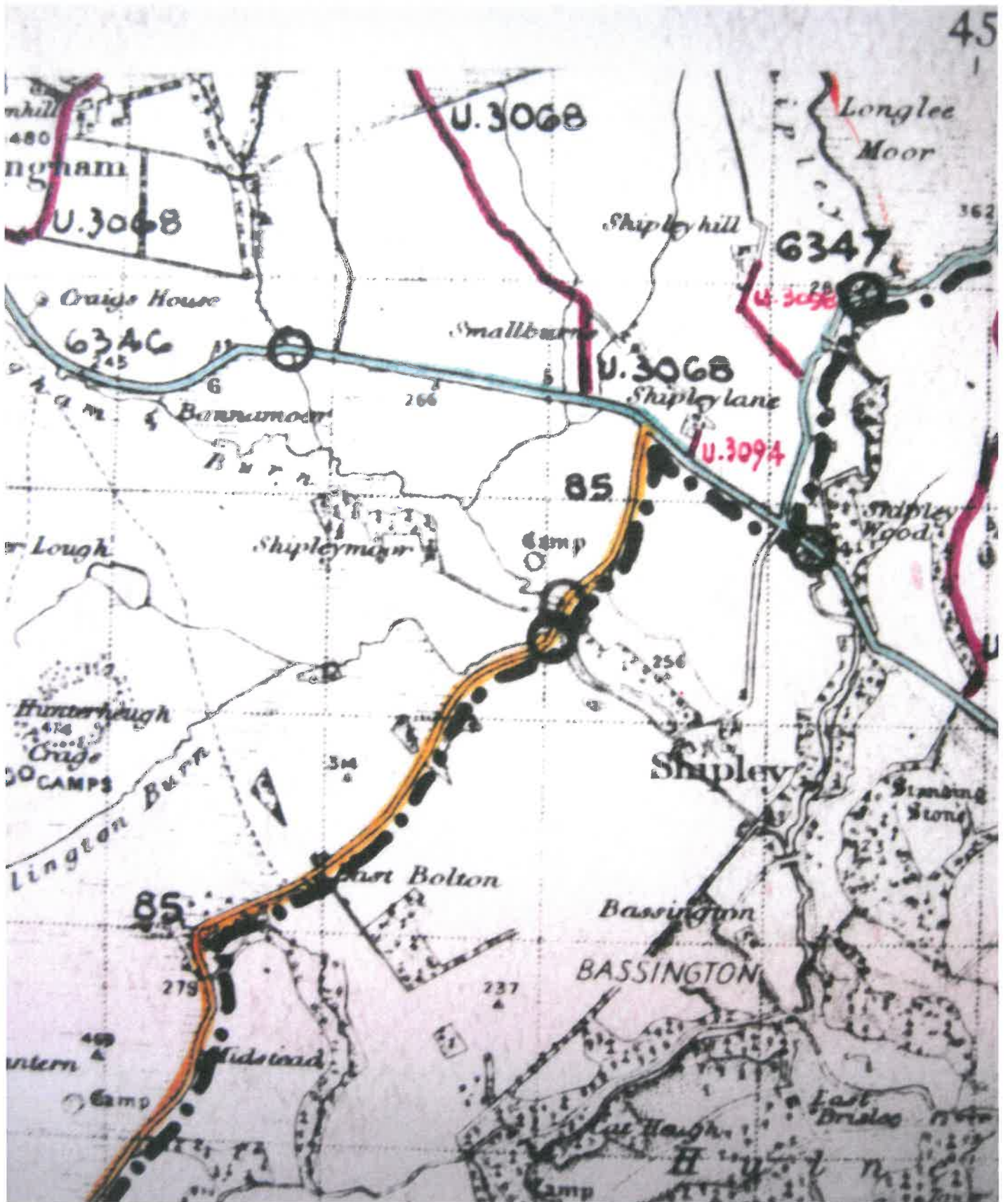
Description.

21. B.R. From Sturton Grange public road to Shilbottle Grange Colliery, running in a N. direction through field No. 305 then E. along fence to the Woodhouse Parish Boundary, joining bridle road No. 2 in that Parish.
22. F. Newcastle main road to the Fifth Cottages, from main road running in a N.W. direction through Plantation to the Denwick Parish Boundary, joining footpath No. 9 in that Parish.
51. PARISH OF SHIPLEY.
1. B.R. From the Wooler public road and E. of Bannamoor Bridge running in a N. direction to the Ditchburn Parish Boundary, joining bridle road No. 1 in that Parish.
2. B.R. From the South Charlton public road running over cart road in a N.W. direction, then N. past Shipley Hill to the South Charlton Parish Boundary, joining bridle road Nos. 1, 4, in that Parish.
3. F. From South Charlton public road W. of bridge, running in a W. direction through field Nos. 48, 47, passing through Shipley Hill, then through field Nos. 43, 9, 12, 13, joining the West Ditchburn public road.
4. F. Smallburns to Shipley Hill, from footpath No. 5 near Smallburns, running in a N.E. direction through field Nos. 60, 58, 42, 43, joining footpath No. 3 at Shipley Hill.
5. F. From the South Charlton public road near Old Shipley, running in a W. direction to Shipley Lane and Smallburns, through field Nos. 80, 59, 60, to West Ditchburn public road.
6. F. From the South Charlton public road below Old Shipley, running in a W. direction through field Nos. 78, 76, 75, to the Wooler Road opposite Bolton road end.
7. B.R. From Bolton public road opposite the Plantation, running in a N.W. direction through field Nos. 94, 98, to the Eglington Parish Boundary, joining bridle road No. 13 to Eglington in that Parish.
8. C.R. To Shipley from Wooler Road at Shipley Lodge, running in a S. direction to Shipley, then W. through field No. 110a, crossing the Eglington Burn, then N.W. through field Nos. 137, 130, 131, 94 to the Bolton Road near bridge over Titlington Burn.
9. F. From Shipley cart road No. 8 running in a N.E. direction through field Nos. 115, 115b, to the Denwick Parish Boundary, joining footpath No. 1 in that Parish at footbridge over Shipley Burn.
52. PARISH OF STAMFORD.
1. C.R. From Embleton South Farm running in a W. direction to Priclesley Bridge.
2. B.R. Stamford to Dunstan from public road S. of Old Quarry, running in an E. direction through field Nos. 43, 42, to the Howick Parish Boundary at Haddleton Plantation, and joining bridle road No. 1 in that Parish.
3. F. Stamford to Little Mill, from public road at Stamford Farm running in a S. direction through field Nos. 67a, 67, 69, 69a, Boundary, joining footpath No. 3 in that Parish.
4. B.R. Little Mill to Rennington, from public road near Little Mill Plantation, running in a N. direction through field No. 69a, passing under L.N.E.R., and then through field No. 59 to the Rennington Parish Boundary, joining bridle road No. 6 in that Parish.
53. PARISH OF STURTON GRANGE.
1. F. Commencing at main road of Sturton Grange and running in a N. direction along cart road past cottages through field No. 11 to Woodhouse Parish Boundary, joining footpath No. 3 in that Parish.
2. F. From Sturton Grange road end across field No. 23 in a N.E. direction to Low Buston Parish Boundary, joining footpath No. 8 in that Parish.

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



Extract from the Council's 1951 Highways Map



REPORTS OF COUNTY SURVEYOR—continued.

I suggest, therefore, that the preparation of the Annual Estimate for 1953-54 be referred to the Accounts Subcommittee, with power to act, as has been done for the last few years.

(5) Private Streets.

Alnwick Rural District.

Daivison Avenue (Extension), Felton, and Emberton Housing Scheme.—A previous application for the adoption of these roads was deferred until the development was completed. While the estates are not yet finished, certain lengths of road are fully developed and I recommend that these be taken over subject to repairs being carried out satisfactorily.

The Heagh, Craster.—This estate has not been completed and no further building is taking place at present. One length of road has, however, been fully developed on both sides, and I recommend that on the satisfactory completion of footpath works and any necessary repairs this be taken over.

Belford Rural District.

Burnside Estate.—The carriageways and footpaths have been completed on part of this estate, and subject to their being in a satisfactory condition at the end of the contractor's maintenance period and to any necessary repairs being carried out, I recommend that the finished roads be adopted.

Bellingham Rural District.

Fairshaw Crescent, Bellingham; Briedley Gardens, Otterburn; St. Michael's Mount, Wark.—The Committee have already agreed to take over these roads subject to the carrying out of certain necessary repairs. The Bellingham Rural District Council are prepared to pay £241 7s. 0d., the estimated cost of these repairs, and I recommend that the roads be taken over on payment of this sum.

Castle Ward Rural District.

Jackson Avenue, Ponteland.—The Castle Ward Rural District Council have asked for this road to be adopted, and I recommend that it be taken over as soon as the street works are satisfactorily completed.

Road from Co. Canary Inn to Walter Street, Dinnington Colliery.

In accordance with the Committee's decision at their last meeting, the National Coal Board were asked whether they are prepared to make up this road. They have replied that as the road is only a secondary approach to properties which have their main access along streets already maintained by the County Council, and in view of existing commitments elsewhere in respect of property and street improvements, they regret that they cannot include it among the works for which they will accept responsibility in the near future.

Decision of the Committee.

That the roads be taken over as suggested, the repairs being payable by the inhabitants at large as from the 1st March, 1953. In such later date as the conditions referred to are complied with, and that the necessary notices be signed by the Clerk of the Council and fixed up therein pursuant to Section 19 of the Private Street Works Act, 1892.

Received.

REPORTS OF COUNTY SURVEYOR—continued.

Stendale Rural District.

Victoria Road, Wooler.—Messrs. Jas. Redpath & Son, Ltd., have asked for an estimate of the cost of making up Victoria Road, Wooler, which is fully developed only on the west side and is 25ft. 6in. wide. Owing to the limited depth and configuration of the land on the east side of the road it is improbable that development will take place there for several years, and I recommend that the carriage-way and one footpath be taken over as soon as they are made up satisfactorily.

Morpeth Rural District.

Back Co-operative Terrace, Pegswood.—This street has now been made up, and the Pegswood Co-operative Society have paid the County Council the full cost of the work. The street occupies an area of 485 square yards of land which has been dedicated for highway purposes, and I recommend that it be taken over.

Swarland Terrace (West Back Street).—The National Coal Board have made up this street satisfactorily, and I recommend that it be taken over.

Farm Roads.

Addressstone Low Mill Farm Road (Belford Rural District).—Messrs. R. Harvey & Sons have asked that this road, which is about five-eighths of a mile long and serves the farm and nine cottages, be adopted.

Shipley Lane (Alnwick Rural District).—Mr. J. Stafford has asked for an assurance that if he has this road, which is about 200 yards long and serves a farm and two cottages, made up satisfactorily the County Council will take it over.

Shipley Hill Road (Alnwick Rural District).—Mr. D. Kemner has requested that this road, a bridle road about half a mile long serving a farm, two cottages and fields of other farms, be taken over by the County Council.

Heckley High House Farm Road (Alnwick Rural District).—Mr. L. Green has requested the County Council to take over this road, which serves a farm and four cottages.

(6) Private Street Works.

Proposals for making up the following streets have been submitted to the Ministry of Housing and Local Government for preliminary approval, but the Ministry have stated that they are not in a position to authorise these until they have had a further opportunity of considering to what extent works of this kind can be approved in 1953 :—

Alnwick Rural District :—

Togston ... Entrance road on west side of Social Club.
Road north of East View.
Road west of East View.
Road north of Chapel Row.
Swarland ... Swarland Estate Roads.
Swarland Moor Roads.

Decision of the Committee.

That the roads be taken over as suggested, the repairs being payable by the inhabitants at large as from the 1st March, 1953. In such later date as the conditions referred to are complied with, and that the necessary notices be signed by the Clerk of the Council and fixed up therein pursuant to Section 19 of the Private Street Works Act, 1892.

Referred to the Private Street Works sub-committee for inspection and report.

Received.

REPORTS OF COUNTY SURVEYOR—continued.

REPORTS OF COUNTY SURVEYOR—continued.

Decision of the Committee.

Received.

(29) Staff.
I have to report that the following appointments have been made to fill vacancies on the clerical staff as from the dates shown :—
Mr. W. A. Doherty, General Division, 13th April, 1953.
Mr. W. H. Johnson, General Division, 11th May, 1953.
I regret to report that Mr. J. A. Douglas, a Clerical Division Clerk, who had been ill for some time, died on the 3rd June, 1953.

(30) Roadmen.
As the Chairman reported verbally to the Council at their last meeting, effect has been given to a recommendation of the National Joint Council for County Council Roadmen that the wages of County roadmen should be increased by 5/6d. a week with effect from the 20th April, 1953. The cost of the increase during the current financial year will be £12,500, for which no provision is included in the Annual Estimates, and as the Ministry of Transport have ruled in the past that supplementary grants will not be issued in respect of increased wages or costs, this amount will have to be provided for by an adjustment of the estimates.

(31) Annual Inspection of Roads and Bridges.
It is suggested that the Committee's annual inspection of roads and bridges in the County should take place on the 24th July, 1953.

(32) Private Street Works Sub-Committee.
I submit the following report of the Private Street Works Sub-Committee :—
Road to Grey Cottage, Hunshaugh. (Hexham Rural District).
This road, which is 130 yards long and serves nine properties, has been made up to a satisfactory standard and subject to an improvement being carried out at the junction with the main road, the Sub-Committee recommend that it be taken over.
Shipley Lane. (Alnwick Rural District).
This road, which is about 150 yards long and serves a farm and two cottages, has been made up to a satisfactory standard and the Sub-Committee recommend that it be taken over.

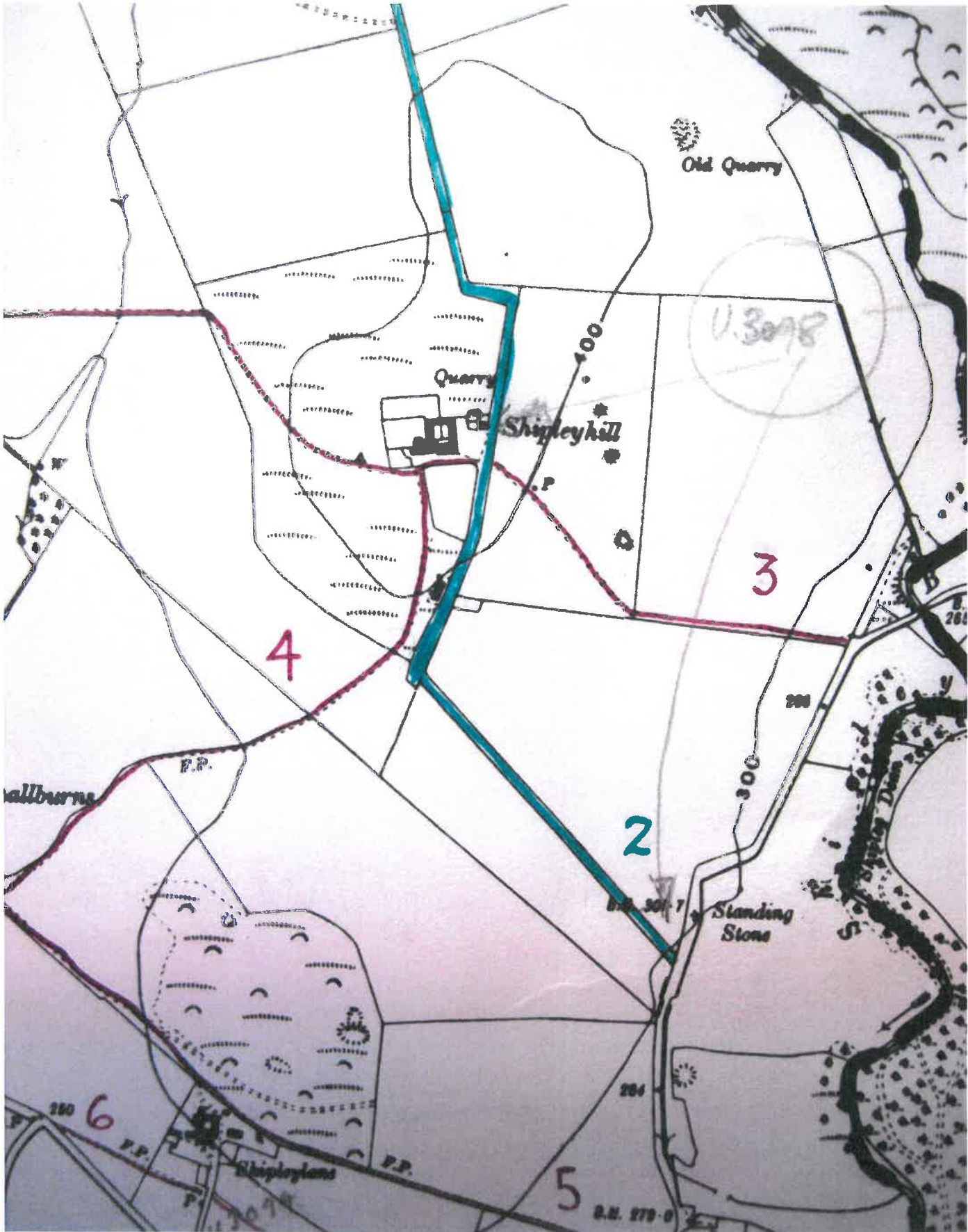
Road to Heckley High House. (Alnwick Rural District).
This road, which is 900 yards long, connects the Alnwick-Woperton Road, B.6346, and the Class III road and serves a farm and four outcages. It has been put into a satisfactory state of repair and the Sub-Committee recommend that it be taken over.
Road between Denton Fountain and Marden House, Alnmouth.
This road, which is 870 yards long, runs across the Alnmouth Golf Links and the Alnmouth Parish Council have asked if the County Council will take it over and, if so, on what conditions. The road has a hard surface and is used by visitors in the summer, but otherwise serves only one property, and the Sub-Committee do not recommend its adoption.

(33) Repair and Adoption of Private Streets.
Cambo.
An application has been received from Sir Charles Trevelyan for two sections of road in Cambo Village to be adopted. The roads, which carry all the essential traffic into and out of Cambo, have in fact always been fully available to the general public and I recommend that they be taken over by the County Council subject to their being made up satisfactorily. The foundations are good and I estimate that £220 (ls. 0d.), spent mainly on surface dressing, would put them into a satisfactory condition.
Cambo Church.
Cambo Church has a frontage of 55 yards on the north-south road, and as this would not be liable for an apportionment if the roads were made up under the Private Street Works Act, the Committee might consider recommending the Council to make a contribution of £33 (os. 0d.), the amount which would be payable on such an apportionment.
Seathouses War Memorial.
Belford Rural District Council have asked that the space round the war memorial at Seathouses, which is beside the main road, should be taken over and I suggest that this might be done if the owner of the land will pay the cost of making it up.

Scots Gap Housing Estate.
The Morpeth Rural District Council have requested that the Committee should reconsider their decision that the construction of a cattle grid at the entrance to this estate might prejudice the eventual adoption of the road, and the Chairman, Councillor Tilley and the Deputy County Surveyor have met representatives of the Rural District Council and pointed out the disadvantages and general unsuitability of a grid in these conditions.

That the road be adopted on the basis that the Council be recommended to contribute £33 towards the cost.
Approved.
Approved.
That the increased rates be paid with effect from the 20th April, 1953.
Approved.
That the Sub-Committee's report be approved and adopted.





1954 Highway Dedication

COUNTY OF NORTHUMBERLAND

SHIPLEYHILL FARM ROAD

132/ 531

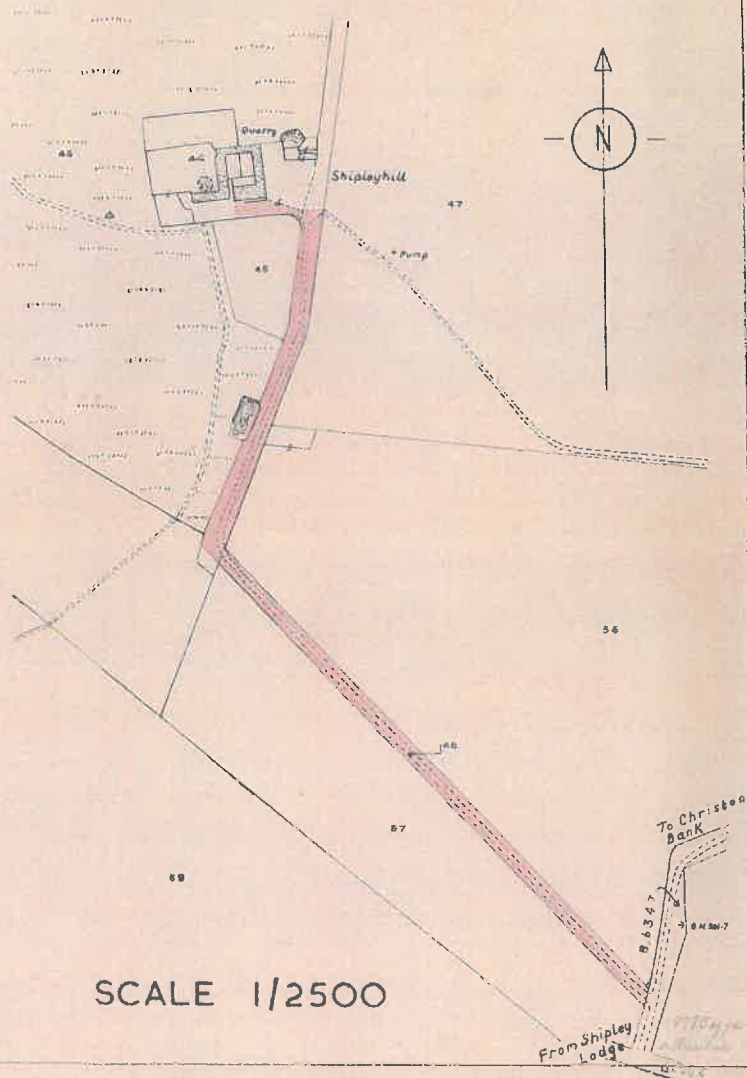
I/we Daniel Richardson Reeves,
of Shipley Hill Alnwick
Do hereby declare that I/we have dedicated to the
use of the public as a highway that portion of land
at Shipley Hill Alnwick in the County of Northumberland
which is coloured RED hereon as from todays date
Dated this 26th day of October 1954

Signed D.R. Reeves



Witness E. P. Pinner

Address Shipley Hill
Alnwick

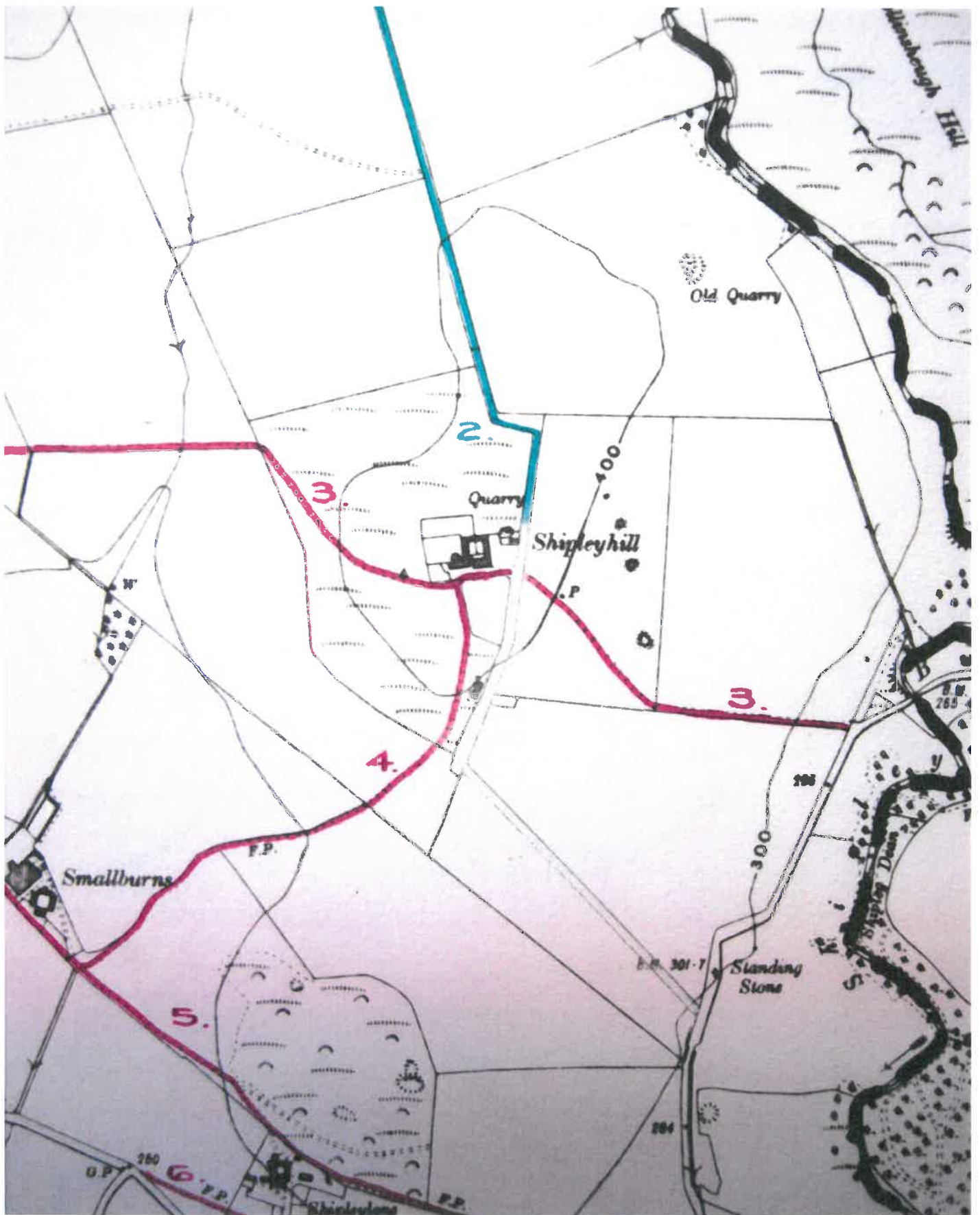


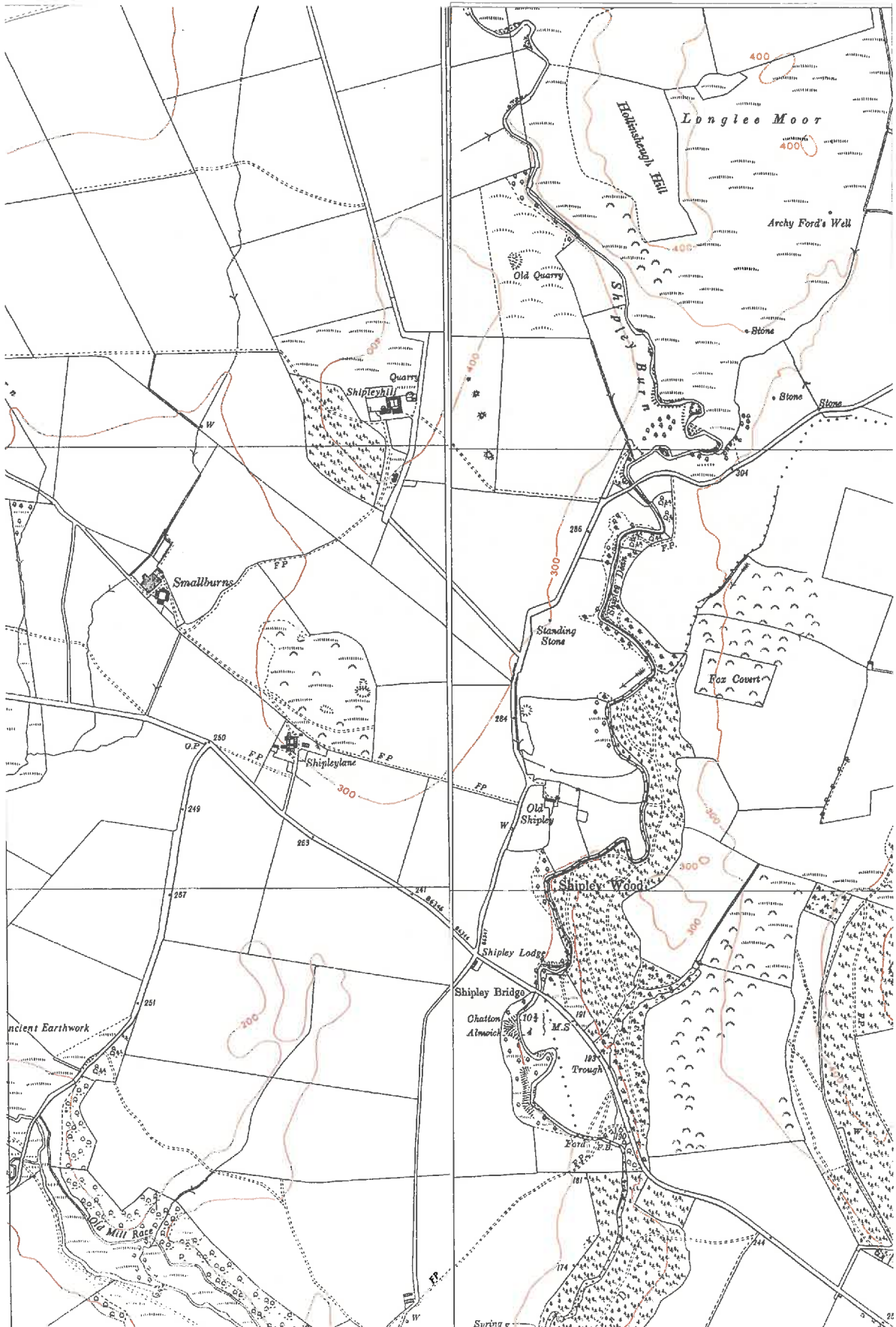
PLAN No. P7/ /

SCALE 1/2500

057 No. 1402 25.11.05 20/0/58

Provisional Map



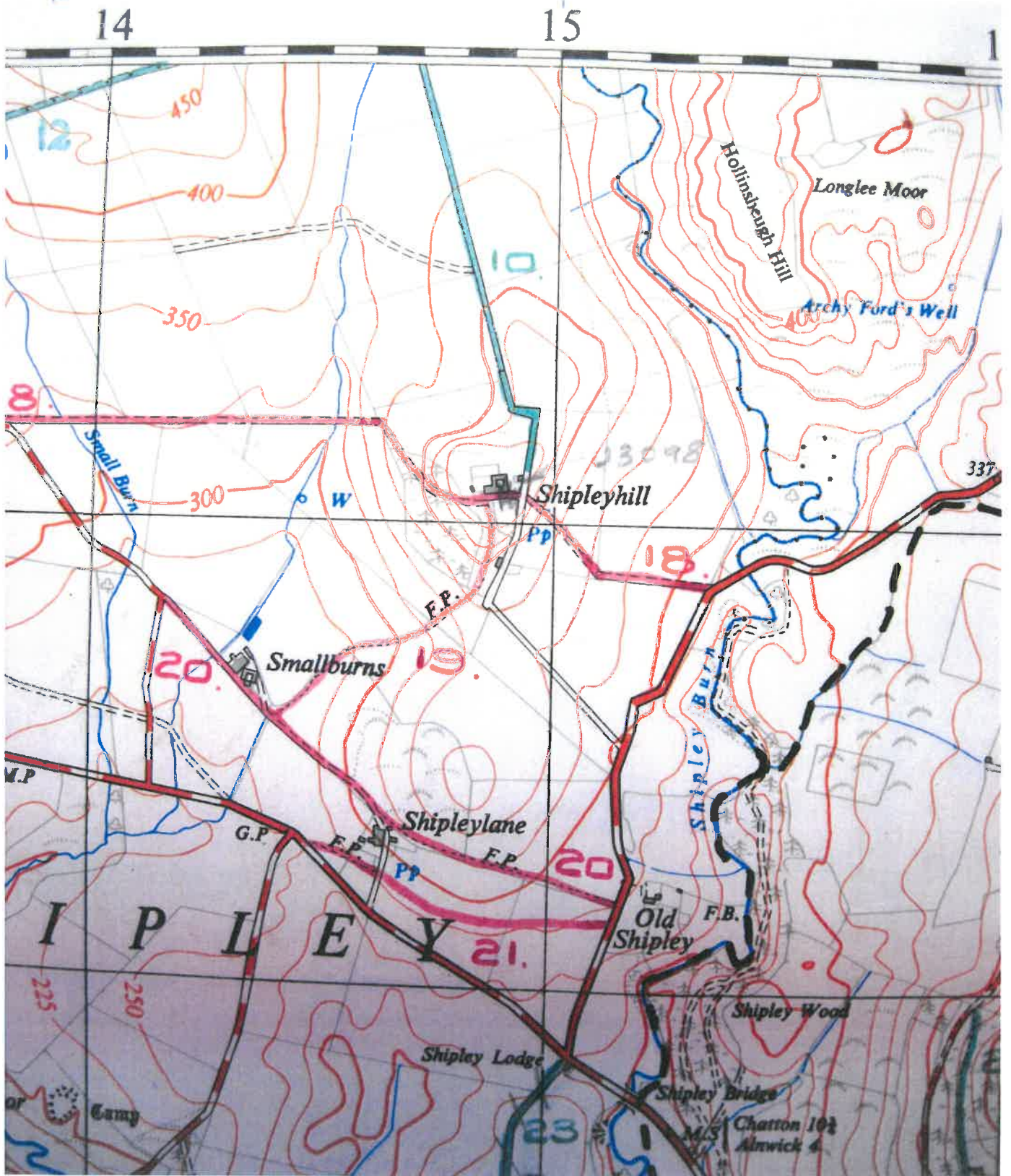


1958 County Road Schedule

BELFORD DIVISION

| | <u>Unclassified Roads in Alnwick Rural District</u> | Brought Forward | 23.218 |
|--------|---|--|---------------------|
| U.3098 | Shipley Hill Road, Alnwick | From B.6347 0.40 miles from junction with B.6346 north westerly to the west gable of Shipley Hill Farm House, (765 yards) | 0.434 |
| U.3102 | Greyfield Estate, Embleton. | From B.1339 near Embleton Quarry, westwards to House No. 37 and eastern boundary fence of House No. 46 including cul-de-sac and turning space. | 0.164 |
| U.3103 | Christon Bank Farm Road | From the B.6347 at Christon Bank eastwards to Christon Bank Farm. | 0.23 |
| U.3104 | Brockley Hall Farm Road South Charlton | From the B.6347 at South Charlton northwards to entrance gate to Brockley Hall Farm (577 yards) | 0.328 |
| U.3106 | Powburn - Breamish House. | From A.697 near Branton Mense southwestwards to Rural District Boundary at Breamish House (250 yards) (See Branton Township Diversion 1893) | 0.142 |
| U.3107 | Boatman's Place, Low Newton by the Sea. | From C.72 140 yards north of Newton Seahouses south-westwards for 86 yards. | 0.049 |
| | | TOTAL | <u>24.565 miles</u> |

Original Definitive Map



NORTHUMBERLAND COUNTY COUNCIL.

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

PUBLIC RIGHTS OF WAY - STATEMENT.

1. ~~Borough~~
~~Urban District~~
Rural District ALNWICK
2. Parish EGLINGHAM
3. Number of Footpath on Map 10
4. Name of Path
5. Kind of Path (i.e. FP/BR) B.R.
6. General Description of Path
From F.P. 18 in the Parish of Bewick at the
Glendale Rural District boundary in a south-easterly, north-easterly and
south-easterly direction by West Ditchburn, East Ditchburn and across bridge
over the Red Burn to join the public road at Shipleyhill.
.....
.....
7. Other relevant information Footbridge at Ditchburn East recorded on
County Council Schedule as F.B. 3045.
.....
.....
.....
.....

NORTHUMBERLAND COUNTY COUNCIL.

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

PART IV.

PUBLIC RIGHTS OF WAY - STATEMENT.

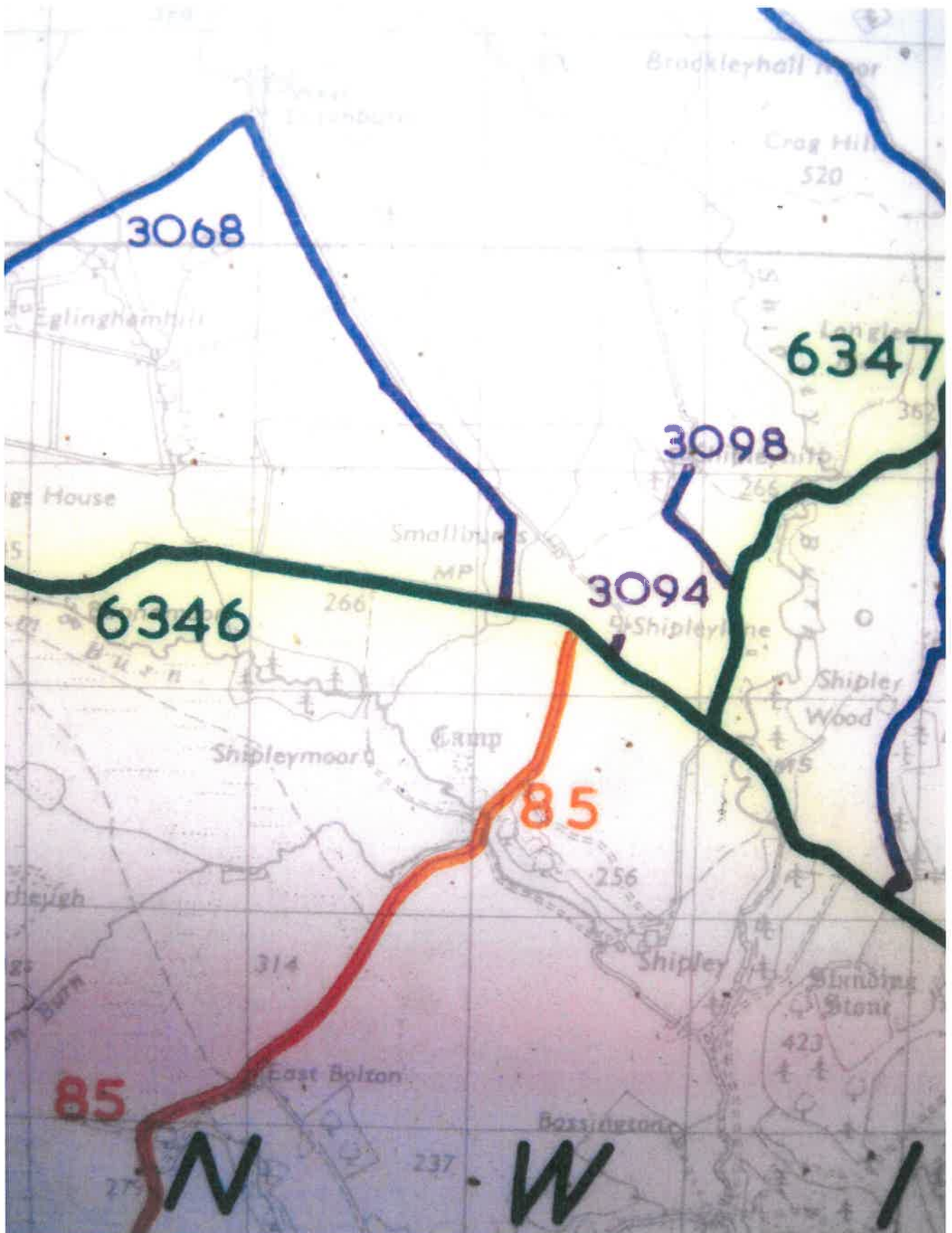
1. Borough
Urban District
Rural District **ALWICK**
2. Parish **EGLINGHAM**
3. Number of Footpath on Map **18**
4. Name of Path
5. Kind of Path (i.e. FP/BR) **F.P.**
6. General Description of Path **From the West Ditchburn - Shipley Bridge road.**
north west of Smallburns in an easterly and south-easterly direction crossing
the Small Burn and the ^{County Road U. 3098} public road at Shipleyhill to join the Old Shipley - ...
South Charlton road south-west of the Bridge over the Shipley Burn,
.....
.....
7. Other relevant information
.....
.....
.....
.....
.....

1964 County Road Schedule

- 85 -

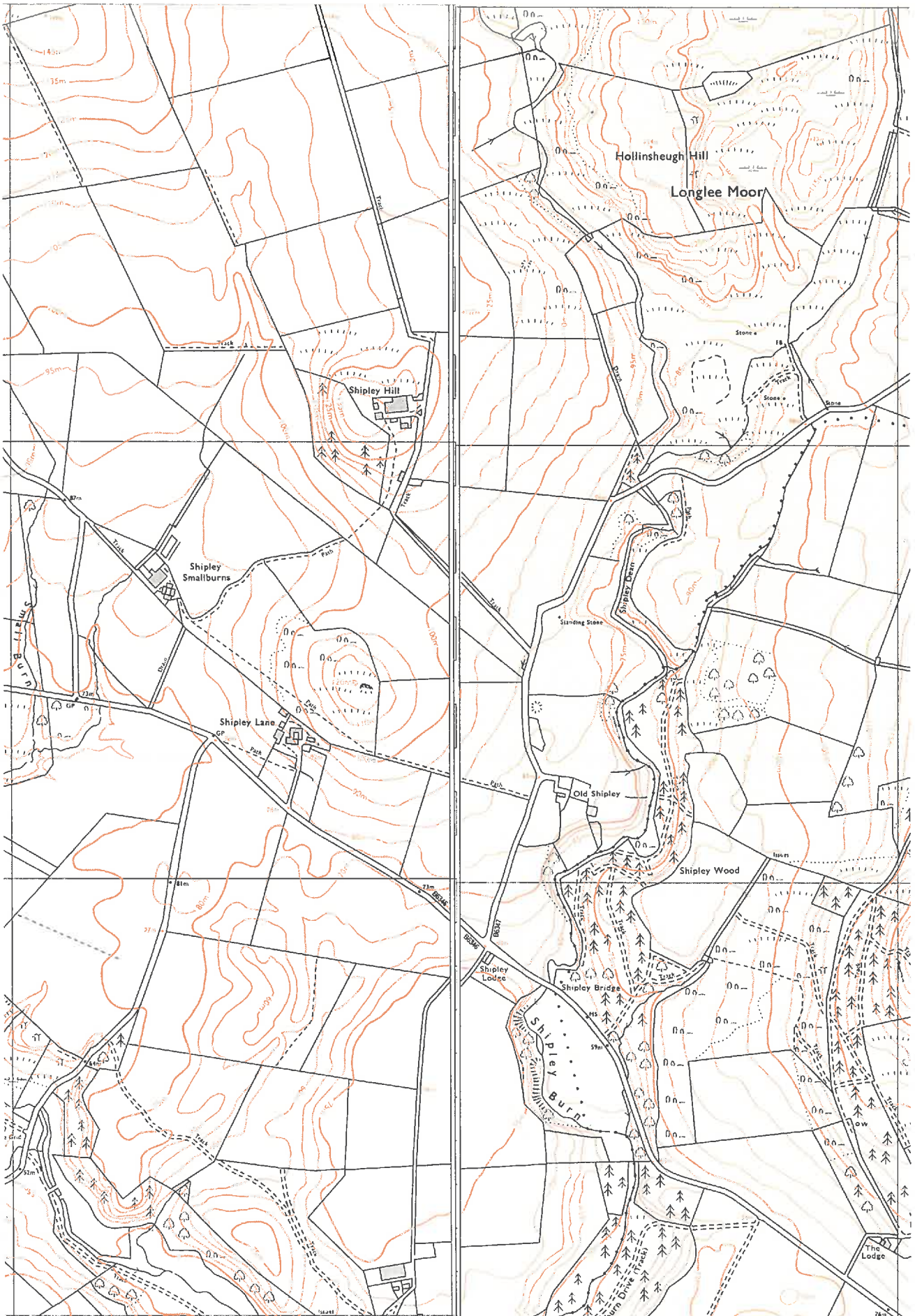
| <u>Route No.</u> | <u>Name of Road.</u> | <u>Description.</u> | <u>Responsible Division or Authority.</u> | <u>Total Mileage.</u> |
|------------------|--|--|---|-----------------------|
| U.3096 | Glantlees Farm Road. | From Longframlington - Newton-on-the-Moor Road, C.106, north-westwards to Glantlees Farm and Snook Bank Farm Cottages. | Alnwick. | 0.76 |
| U.3097 | Markworth Streets. (See also U.3043). | From C.105 at Warkworth south-westwards via Warkworth Avenue and then north-eastwards via Barns Road to join C.103 at Morwick Road. | Alnwick. | 0.24 |
| U.3098 | Shipleighill Road. | From B.6347 south of Shipleigh Burn north-westwards to the west gable of Shipleighill Farm House, (765 yards). | Alnwick. | 0.43 |
| U.3099 | Swarlandfence-Feltonfence. | From B.6345 at Swarlandfence south-eastwards to Feltonfence. | Morpeth. | 0.30 |
| U.3100 | Kirkwell Cottages, Hauxley. | From C.109 at Hauxley northwards to Kirkwell Cottages for a distance of 788 feet. | Alnwick. | 0.15 |
| U.3101 | Whittle Colliery Road. | From C.97 southwards for 80 yards towards Whittle Colliery. | Alnwick. | 0.05 |
| U.3102 | Greyfield Estate, Embleton. | From B.1339 at Embleton westwards to hoin U.3010, (333 yds), together with two cul-de-sacs off the southside, (100 yds and 117 yds). | Alnwick. | 0.31 |
| U.3103 | Christon Bank Farm Road. | From B.6347 at Christon Bank eastwards to Christon Bank Farm. | Alnwick. | 0.23 |
| U.3104 | Brockleyhall Farm Road. | From B.6347 at South Charlton northwards to entrance gate to Brockleyhall Farm, (577 yds). | Alnwick. | 0.33 |
| U.3105 | Rock Midstead Farm Road. | From B.6347 at a point 300 yards east of Drythropple south-westwards to Rock Midstead Farm Cottages for 180 yards. | Alnwick. | 0.10 |
| U.3106 | Powburn-Breamish House. | From A.697 near Branton Manse westwards to the Rural District boundary at Breamish House, (250 yds). (Continuing in Glendale Rural District as U.1092). (See Branton Township Division, 1893). | Alnwick. | 0.14 |
| U.3107 | Boatman's Place, Low Newton-by-the-Sea. | From C.72 at Low Newton-by-the-Sea south-westwards for 86 yards. | Alnwick. | 0.05 |

Extract from the Council's 1964 Highways Map



1974 County Road Schedule

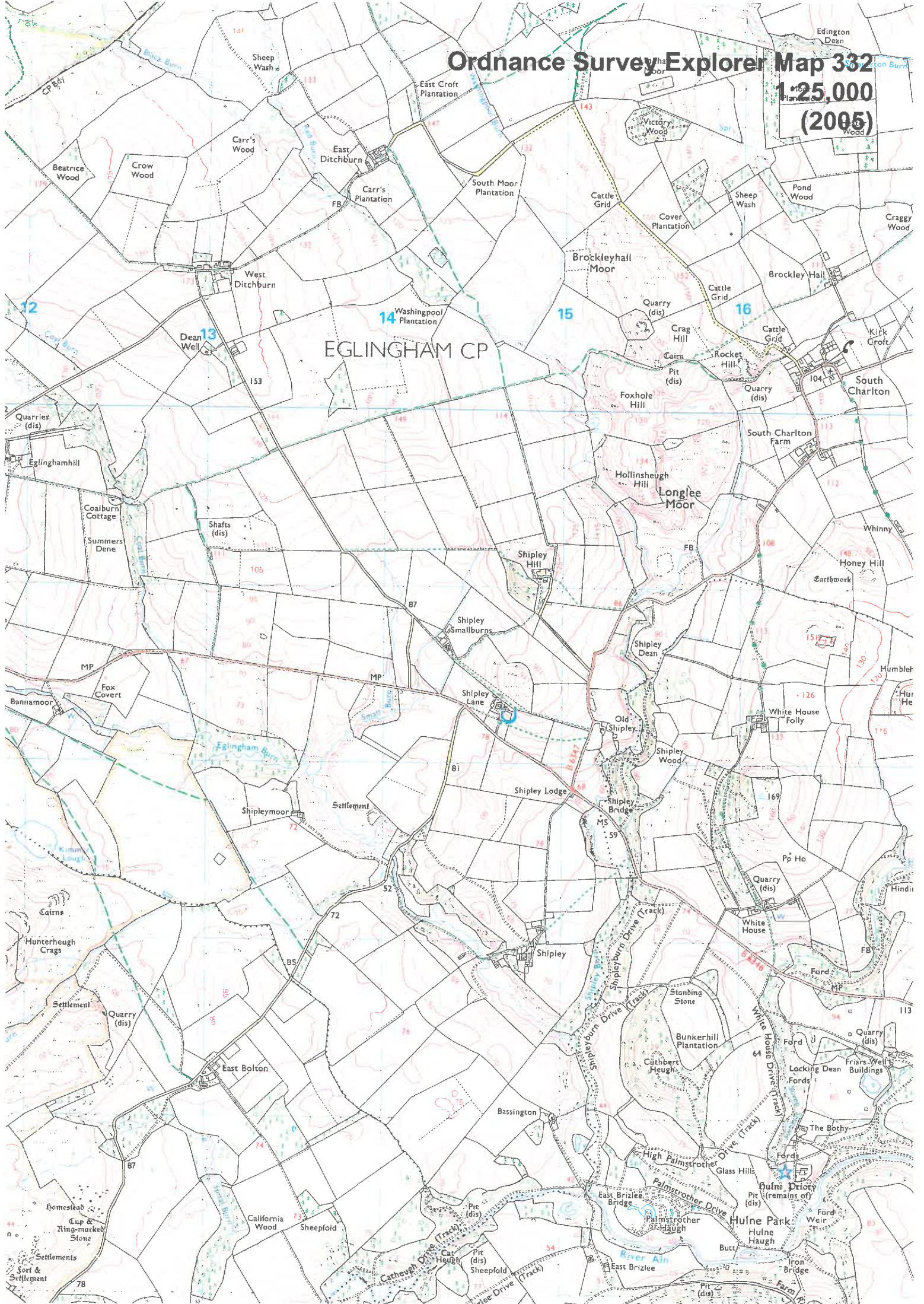
| Route No. | Name of Road | Description | Responsible Division or Authority | Mileage | Total Mileage |
|-----------|--|---|-----------------------------------|---------|---------------|
| U. 3096 | Glantlees Farm Road. | From C.106 at NU 147047 north-westwards to Glantlees Farm and Snook Bank Farm Cottages (NU 140055). | Alnwick Division | | 0.76 |
| U. 3097 | Markworth Streets. (See also U.3043). | From C.105 at Markworth (NU 246053) south-westwards via Markworth Avenue and then north-eastwards via Barns Road to join C.103 at Morwick Road (NU 245054). | Alnwick Division | | 0.24 |
| U. 3098 | Shipleyhill Road. | From B.6347 south of Shipley Burn (NU 152185) north-westwards to the west gable of Shipleyhill Farm House (NU 149190) (765 yards). | Alnwick Division | | 0.43 |
| U. 3099 | Swarlandfence-Feltonfence. | From B.6345 at Swarland (NU 157011) south-eastwards to Feltonfence (NU 159008). | Morpeth Division | | 0.30 |
| U. 3100 | Kirkwell Cottages, Hauxley. | From C.109 at Hauxley (NU 275031) northwards to Kirkwell Cottages for a distance of 788 feet. | Alnwick Division | | 0.15 |
| U. 3101 | Whittle Colliery Road. | From C.97 at NU 174067 southwards for 80 yards towards Whittle Colliery. | Alnwick Division | | 0.05 |
| U. 3102 | Greyfield Estate, Embleton. | From B.1339 at Embleton (NU 230228) westwards to join U.3010, (333 yards) together with two culs-de-sac off the southside, (100 yards and 117 yards). | Alnwick Division | | 0.31 |
| U. 3103 | Christon Bank Farm Road. | From B.6347 at Christon Bank (EU 207233) eastwards to Christon Bank Farm (NU 210223). | Alnwick Division | | 0.23 |
| U. 3104 | Brockleyhall Farm Road. | From B.6347 at South Charlton (NU 164203) northwards to entrance gate to Brockleyhall Farm (577 yards). | Alnwick Division | | 0.33 |



Ordnance Survey Explorer Map 332

1:25,000
(2005)

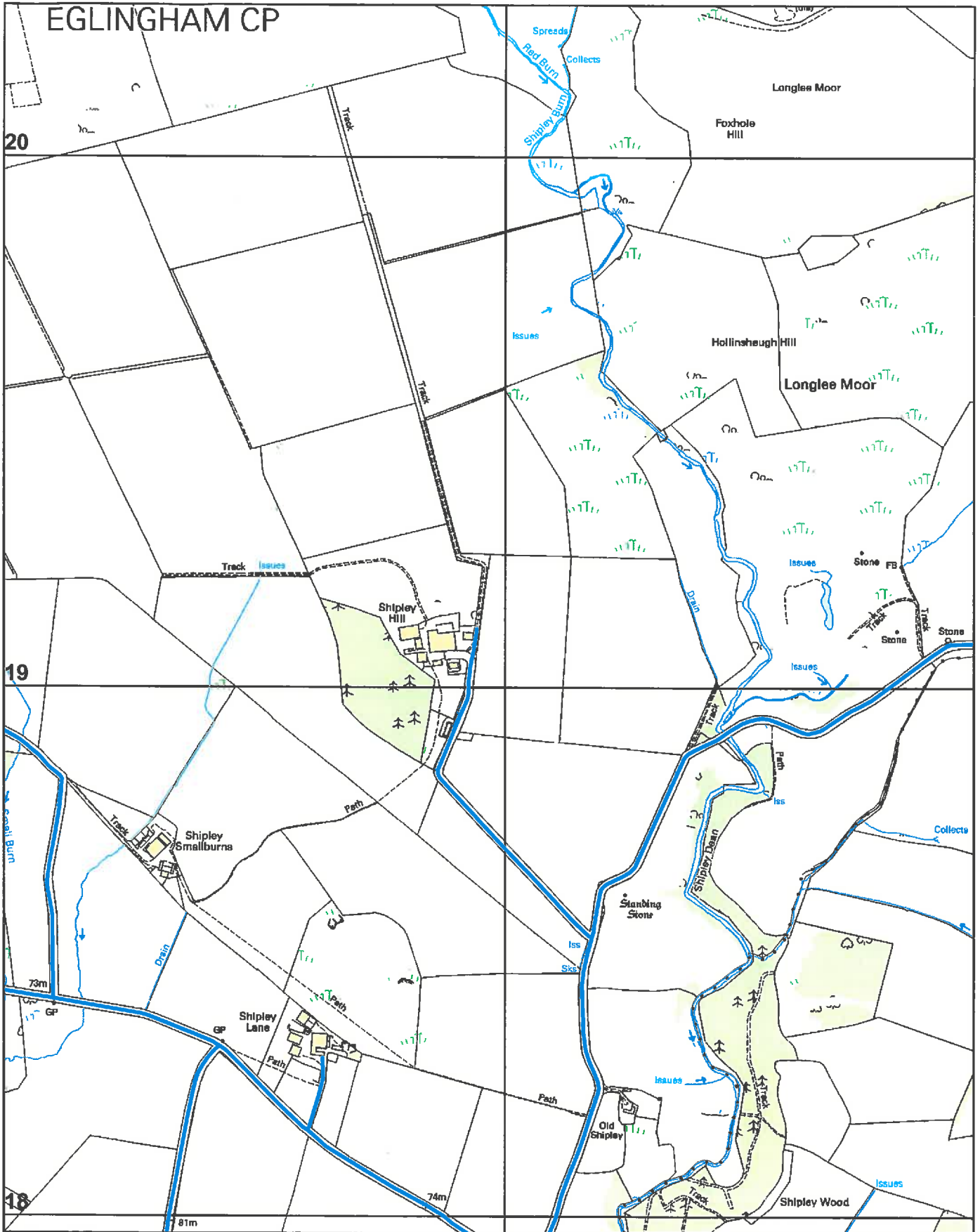
EGLINGHAM CP



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

| Road Number | Description | Length - Metres |
|--------------------|--------------------------------------|------------------------|
| U3097 | | |
| | <i>Total length for U3097</i> | 955 |
| U3098 | | |
| | B6347 JCT TO SHIPLEY HILL FARM | 711 |
| | <i>Total length for U3098</i> | 711 |
| U3099 | | |
| | B6345 TO FELTON FENCE FARM | 508 |
| | <i>Total length for U3099</i> | 508 |
| U31 | | |
| | U29 JCT TO U30 JCT | 338 |
| | <i>Total length for U31</i> | 338 |
| U3100 | | |
| | C109 TO KIRKWELL COTTAGES CUL-DE-S | 242 |
| | THE FAIRWAY HIGH HAUXLEY | 113 |
| | <i>Total length for U3100</i> | 355 |
| U3101 | | |
| | B1340 JCT TO U2041 DISTRICT BOUNDARY | 451 |
| | <i>Total length for U3101</i> | 451 |
| U3102 | | |
| | WEST VIEW ESTATE | 45 |
| | WEST VIEW ESTATE | 78 |
| | GREYFIELD ESTATE FOOTPATH EMBLETO | 52 |
| | GREYFIELD ESTATE EMBLETON | 113 |
| | GREYFIELD ESTATE EMBLETON | 211 |
| | GREYFIELD ESTATE EMBLETON | 194 |
| | <i>Total length for U3102</i> | 692 |
| U3103 | | |

EGLINGHAM CP



Network Management Information System

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

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Drn:
AB

Date:
May 2019

Scale:
1:10,000