



Northumberland

County Council

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL RIGHTS OF WAY SUB-COMMITTEE 28 August 2019

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

ALLEGED BYWAY OPEN TO ALL TRAFFIC No 19 PARISH OF MIDDLETON

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 part of the U34 road, between Detchant and Greymare Farm.

Recommendation

It is recommended that the sub-committee agrees that:

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

1.0 BACKGROUND

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

- 1.2 The relevant statutory provision which applies where an existing public bridleway, on the Definitive Map and Statement, is being upgraded to byway open to all traffic / restricted byway status, on the basis of historical documentary evidence, is Section 53(3)(c)(ii) 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 highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description”

- 1.3 However, where what is actually being proposed is the removal of a public right of way from the Map altogether, then Section 53(3)(c)(iii) would appear to be the only available option. This covers situations where:

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

“that there is no public right of way over the land shown in the map and statement as a highway of any description, or *any other particulars contained in the map and statement require modification.*”

- 1.4 The alleged byway route is currently recorded on the Definitive Map of Public Rights of Way as public bridleway. Until several years ago, the Council might have sought simply to remove a public bridleway under s.53(c)(iii) above. Unfortunately, the Court of Appeal's decision in relation to *Masters versus the Secretary of State* (2000) established a limited set of circumstances in which the “or any other particulars contained in the map and statement require modification” could be made to apply. Unless the law is changed, there appears to be no mechanism currently available which would permit the deletion of footpaths and bridleways from the definitive map on the basis that these routes have subsequently become a part of the ‘normal’ road network.
- 1.5 Nevertheless, it is still considered worthwhile examining the evidence in cases such as this for two reasons. Firstly, it is sensible to establish whether or not the Natural Environment and Rural Communities Act 2006 has extinguished the public's motor vehicular rights. The more time that elapses before these cases get considered, the harder it may become to establish what the effect of the 2006 Act really was, particularly in more marginal circumstances. Secondly, there is a hope that at some point in the future, the law will be amended to address this recognized shortcoming.
- 1.6 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.
- 1.7 In the original consultation, it was indicated that the County Council was considering recording this route on the Definitive Map as a restricted byway (upgrading it from its current public bridleway status). This was based on the premise that public motor vehicular rights had probably been extinguished by the Natural Environment and Rural Communities Act 2006. Further review of

section 67 of that Act, informed by the Inspector's decision (in June 2015) in relation to Definitive Map Modification Order (No 23) 2012 (Kilham), suggests that motor vehicular rights may have been preserved by one of the saving provisions which existed. This aspect will be considered in more detail in section 8 of this report.

- 1.8 Although now identified as part of the U34 road, the section of road proceeding westerly from the old A1 road at Detchant Lodge was originally numbered as the U2037 road. The U34 is a former Norham and Islandshires Rural District road number, whereas the U2037 was that road's continuation within Belford Rural District. At some point between 1964 and 1974, the U2037 Belford RD road was renumbered as part of the U34 Norham road.

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 'U34' 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 U34 unclassified County road based upon more than simply its inclusion in the List of Streets.

3. LANDOWNER EVIDENCE

- 3.1 By email, on 4th August 2014, Mr C Leyland of Greymare Farm responded to the consultation stating:

"Your letter of 28 July is erroneous.

"Map no 22 NU 03 NE Middleton Parish

"What you describe as Bridleway no 1 from K to J is in fact a road and has been so for the last 60 years. The road is how we get to our farm at Greymare and it is used by all sorts of vehicles including the timber trucks and articulated trucks that deliver the products made by Bedmax, a business based here.

"Occasionally the road is gritted by the county council so should be on your records.

"The bridleway starts at J. and heads towards Holborn and joins Cuthbert's Way.

"If you redo the map I can certainly fill it in as far as it affects me.

"Ps a quick squint at google earth or Bing maps would show you that it is a road."

- 3.2 By letter, dated 7th August 2014, Mr PM Hutchinson of Kettleburn Farm responded to the consultation stating:

"Re your letter of 28.7.14 Parish of Middleton Restricted Byway No 19 / Bridleway No 1 (U34 road). I have marked land under my ownership but would point out that the 'Restricted Byway' is in fact a Council adopted road to the best of my knowledge."

- 3.3 By email, on 31st October 2014, Mr M Stanton of The Old Farmhouse, Detchant, responded to the consultation stating:

"I was grateful for the opportunity to discuss this review with you following on from your letter dated 28 July 2014 to Robert Jackson at Detchant Farm.

"As you may recall, I live at The Old Farmhouse, Detchant, Belford, NE70 7PF and this property fronts onto the U34 road, a short distance from the eastern end of Bridleway No 1. My family and I frequently use the bridleway to go to Greymare Farm and beyond. Hence I should be grateful if you could record my interest in this proposal and hopefully be able to update me as the proposal is taken through the various stages that you have described.

"I would be most grateful if you could let me have an acknowledgement to this request? Should you require any more information or a formal hard copy letter to confirm this interest then I will be please to send one accordingly."

- 3.4 By email, on 3rd November 2014, Mr R Jackson of Detchant Farm responded to the consultation stating:

"I wish to respond to your letter dated 28th July 2014, sorry it has taken so long to get back to you.

"I do indeed farm the fields to the south side of the Bridleway No 1 from Detchant westwards, to the farm boundary fence at map ref 407749 636172, and use various field access gates on that line, so am very interested in this review.

"I am also well aware of the public use of the bridal way by walkers, cyclists and horse riders, having lived on this farm for the last 30 years.

"Hence, I should be grateful if you could record my interest in this proposal and hopefully, you will be able to update me as the proposal is taken through the various stages that you have described.

"I would be most grateful if you could let me have an acknowledgement to this request? Should you require any more information or a formal hard copy letter to confirm this interest then I will be pleased to send one accordingly."

4. CONSULTATION

- 4.1 In July 2014, the Council carried out a consultation with the Parish Council, known owners and occupiers of the land, the local County Councillor and the local representatives of the "prescribed and local organisations" listed in the Council's "Code of Practice on Consultation for Public Path Orders". Three replies were received and are included below.

- 4.2 By letter, dated 17th October 2014, Ms E Bamford responded to the consultation, on behalf of the Ramblers' Association, stating:

"My comments are attached. Where we have no facts or evidence and no objections I have written No comment. We would support these additions.

...

"Parish of Middleton Restricted Byway 19 No comment."

- 4.3 By letter, dated 28th October 2014, Mr D Roberts responded to the consultation, on behalf of the Cyclists' Touring Club, indicating he had no comment regarding this particular proposal.

- 4.4 By email, in October 2014, Ms S Rogers responded to the consultation, on behalf of the British Horse Society, stating:

"PARISH OF MIDDLETON
Upgrading of part of bridleway 1 to restricted byway 19
The BHS has no objection to the upgrading of the eastern part of this public bridleway to restricted byway."

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 19.

1820 Fryer's County Map

There is evidence of a road or track approximating to the route of alleged Byway No 19, although the eastern part of the route appears to follow a more southerly alignment - see the parallel enclosed track clearly depicted on the 1899 Ordnance Survey map.

1827 Cary's Map

As with Fryer's Map, there is evidence of a road or track approximating to the route of alleged Byway No 19, although the eastern part of the route appears to follow a more southerly alignment - see the parallel enclosed track clearly depicted on the 1899 Ordnance Survey map.

1828 Greenwood's County Map

There is some evidence of a road or track approximating to the eastern part of the route of alleged Byway No 19, but this might actually represent the enclosed lane running parallel and slightly further to the south (see 1899 OS map).

1865-6 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a mostly unenclosed road / track over the route of alleged Byway No 19.

1899 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a mostly unenclosed road / track over the route of alleged Byway No 19.

Finance Act 1910 plan

There is clear evidence of a mainly unenclosed road / track over the western part of the route of alleged Byway No 19 (the eastern part hasn't been examined as yet). The route is not identified as being separate from the adjacent land by coloured boundaries. If the road had been separated with coloured boundaries this would have been a good indication that the road was considered to be public at that time. However, since only the very short section of road at Greymare Farm itself appears to have been enclosed, at that time, the lack of coloured boundaries around the road is unsurprising. The map isn't annotated

with any labels identifying the route as being a "Public Road or "Public Cartway" however.

1925-6 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a mostly unenclosed road / track over the route of alleged Byway No 19.

1932 Belford RDC Handover Map

Only the very eastern end (i.e. 45 - 50 metres) of the route of alleged Byway Open to All Traffic No 19 is coloured so as to identify it as a publicly maintainable road.

c.1938 Restriction of Ribbon Development Act 1935 Map

Only the very eastern end (i.e. 45 - 50 metres) of the route of alleged Byway Open to All Traffic No 19 is 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 19 is not coloured so as to identify it as a publicly maintainable road, and nor is the short south-westerly spur from Detchant village.

c.1952 Definitive Map – original Survey Schedules & Map

The route of alleged Byway Open to All Traffic No 19 exists on the base map. The most easterly 45 - 50 metres is identified as being the northern end of Bridleway No 4 (labelled as "Old Coach Road"). The remainder of the route is neither identified as a public right of way, nor is it coloured brown. Known public roads were generally coloured brown to indicate what the extent of the road network was considered to be.

Draft Map

The route of alleged Byway Open to All Traffic No 19 exists on the base map. The most easterly 45 - 50 metres is now identified as being the northern end of Road Used as a Public Path No 7. The remainder of the route is identified as being part of Public Bridleway No 1.

Provisional Map

The route of alleged Byway Open to All Traffic No 19 exists on the base map. The most easterly 45 - 50 metres is identified as being the northern end of Road Used as a Public Path No 7. The remainder of the route is identified as being part of Public Bridleway No 1.

1962 Original Definitive Map

The route of alleged Byway Open to All Traffic No 19 exists on the base map. The most easterly 45 - 50 metres is identified as being the northern end of Road Used as a Public Path No 7. The remainder of

the route is identified as being part of Public Bridleway No 1. A pencilled annotation of the map shows the route of alleged Byway No 19 crossed out and labelled as being the U2037.

1964 Highways Map

Only the very eastern end (i.e. 45 - 50 metres) of the route of alleged Byway Open to All Traffic No 19 is coloured so as to identify it as a publicly maintainable road.

1965 Highway Dedication by Greenwich Hospital (dated 18 May 1965)

The route of alleged Byway Open to All Traffic No 19 is coloured in red so as to identify it as a highway being dedicated to the public by the land owner. The width of the highway being dedicated is not stipulated, but is clearly greater than simply the metalled carriageway. From the shading on the dedication plan, it would appear to extend across the full width between the boundaries north and south of the carriageway.

1970 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an enclosed road / track over the route of alleged Byway No 19.

1987 Ordnance Survey Map: Scale 1:10,000

There is clear evidence of an enclosed road / track over the route of alleged Byway No 19.

2000 Definitive Map (RUPP) Reclassification Order (No 10) 2000

The status of the K-X section of alleged Byway No 19 was reclassified from a Road Used as a Public Path (RUPP) to a public bridleway. It was ascribed a width of 8 metres.

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

There is clear evidence of an enclosed road over the route of alleged Byway No 19. The route is coloured yellow, signifying that it is a "road generally less than 4 metres wide".

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

The route of the alleged byway is clearly identified as publicly maintainable highway.

- 5.2 The entry for the U2037 road, in the 1958 County Road Schedule covers a number of village roads. The entry relevant to the alleged byway is:

"U2037 Detchant Village Roads

From A1 at Detchant Lodge via Detchant including Village road to Rural District Boundary at Detchant Park."

The length of the U2037 road is identified as 1.28 miles.

- 5.3 The Council's Highways Committee considered this route in 1961. The minutes of the 18 December 1961 Highways Committee state:

“(15) Private Streets

Belford Rural District

Greymares Farm Road, Detchant

Mr MA Lyndon-Skeggs has made application for the above road, owned by the Greenwich Hospital Estates, to be adopted. The road serves three cottages, farm house and farm steading and is 1,250 yards long. Subject to the necessary improvements and repairs being carried out in a satisfactory manner, I recommend that the road be adopted.”

- 5.4 The original entry for the U2037 road, in the 1964 County Road Schedule states:

“U2037 Detchant Village Roads

From the A1 at Detchant Lodge via Detchant, including Village Road (115 yards long), to Rural District boundary at Detchant Park. (Road continues in Norham and Islandshires Rural District as U34).

The length of the U2037 road is identified as 1.28 miles.

- 5.5 A subsequently amended entry for the U2037 road, in the ‘1964’ County Road Schedule states:

“U2037 Detchant Village Roads

From the A1 at Detchant Lodge via Detchant, including Village Road and Greymare Farm Road (1435 yards long), to Rural District boundary at Detchant Park. (Road continues in Norham and Islandshires Rural District as U34).

The amended length of the U2037 road is identified as 2.03 miles.

- 5.6 The entry for the U34 road, in the 1974 County Road Schedule states:

“U34 Fenwick Wood Road and Blawearie Road and Detchant Village Roads

From B6353 at Fenwick (NU066401) south-westwards and south-eastwards via Fenwick Wood and including access road to Blawearie to Detchant Village thence eastwards to join A1 at Detchant Lodge (NU097365) - including Detchant Village Road and Graymare Farm Road 1435 yds long.”

The length of the U34 road is identified as 4.43 miles.

- 5.7 The very eastern end of the route of the alleged byway is identified in the Schedule of unclassified roads identified under the provisions contained within the Restriction of Ribbon Development Act 1935:

“58. Road from the Detchant Lodge - Detchantpark road at Detchant Village south-westwards for a distance of 140 yards towards Greymare Farm.”

A distance of 140 yards covers the section of road / bridleway up to the junction of existing Public Bridleway No 1 with existing Public Bridleway No 7.

- 5.8 The original Definitive Statements for the public rights of way that form / connect with this road state:

Public Bridleway No 1 (Parish of Middleton)

"From CRB 7 at Detchant in a South-westerly and north-westerly direction by the Greymare Farm to the Glendale Rural District boundary joining BR 32 in the Parish of Lowick."

Carriage Road Bridleway No 7 (Parish of Middleton)

"From the west end of the Detchant Village road in a southerly direction by Henshope Law to join the Swinhoe Farm road north-east of Swinhoe Farm."

6. SITE INVESTIGATION

- 6.1 From a point marked K, at the north end of existing Public Bridleway No 7, 30 metres south-west of Ivy Cottage, at the west end of Detchant, a 3 to 3.2 metre wide tarmac road in a 6 to 8 metre wide corridor proceeds in a south-westerly direction along Bridleway No 7 / U34 road for a distance of 45 metres to its junction with existing Public Bridleway No 1 (Point X). At this point, Public Bridleway No 7 proceeds in a southerly direction, but alleged Byway No 19 continues in a general westerly direction along Bridleway No 1 / U34 road, as a mostly 3 metre wide tarmac road in a 5.5 to 6.5 metre wide corridor, for a distance of 795 metres. Thereafter it continues as a 3 to 3.5 metre wide tarmac road in a 6 to 7 metre wide corridor, in a south-westerly direction for 65 metres. Then, finally, as a 3 to 3.5 metre wide tarmac road within a 5.7 to 6.5 metre wide corridor in a westerly direction for a distance of 280 metres to a point marked J, at the western end of the U34 road, 60 metres west of Greymare Farm. Public Bridleway No 1 continues in a general westerly direction beyond this point.

7. COMMENTS RECEIVED ON THE DRAFT REPORT

- 7.1 In July 2019, a copy of the report was circulated to those landowners / occupiers who responded to the initial consultation for their comments. No further written comments have been received.

8. DISCUSSION

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

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

- 8.2 When considering an application / 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 19 is currently identified on the County Council’s current List of Streets as being part of the U34 road. Only the very easternmost 45 to 50 metres of it was identified as being publicly maintainable on the 1932 Belford Rural District Council Handover Map, and on the map and schedule of roads produced in relation to the Restriction of Ribbon Development Act 1935. The route was not identified on the Council’s 1951 Highways Map and only the easternmost 45 to 50 metres was shown on the later 1964 Highways Map. Unsurprisingly, since it was not dedicated as a public road until 1965, it was not included in the 1958 or 1964 County Road Schedules. It does, however, feature in an amendment to the 1964 County Road Schedule (reference the 1435 yards long Greymare Farm road) and this detail is carried through to the 1974 County Road Schedule.
- 8.5 The route has been consistently identified as a mainly unenclosed road / track on Ordnance Survey maps since 1865/6. Although the route is not shown on Armstrong’s County Map of 1769, at least part of the route appears to be depicted on Fryer’s and Greenwood’s County Maps of 1820 and 1828 and on Cary’s Map of 1820-32.
- 8.6 The alleged Byway No 19 route was recorded on the original Draft, Provisional and Definitive Maps as a Road Used as a Public Path (RUPP) in the case of the K-X eastern end, and as a public bridleway for the remaining X-J (i.e. majority) of the route. The RUPP section was reclassified as a public bridleway, by Definitive Map (Reclassification) Order (No 10) 2000, made under Section 54 of the Wildlife and Countryside Act 1981. In hindsight, this short K-X section ought to have been reclassified as a byway open to all traffic at that time, but Definitive Map staff were not made aware of the Greymare Farm road dedication.
- 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 As indicated above, although the alleged Byway No 19 route was not identified as a publicly maintainable highway in the Belford Rural District Handover Map of 1932, or in the Restriction of Ribbon Development Act 1935 Map and Schedule produced in 1938, or in the early County Highway maps and schedules. It is only after the 1965 highway dedication that the route is identified as a highway maintainable at public expense (and the 1964 County Road Schedule amended to take account of this). It is reasonably clear that it was this dedication which prompted that change.

8.10 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 several 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, given the width of the highway being dedicated (between 5.5 and 8 metres), it seems unlikely that the landowner was dedicating something less than a public vehicular right of way.

- Thirdly, since most of the route was already a recognized, publicly maintainable public bridleway, and the very eastern end was already a recognized road used as a public path, there would be no need for the landowners to dedicate public bridleway rights over this section.

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.

- 8.12 Of the saving provisions above, the most common one (b) will not apply. Where a route is shown on the Definitive Map as a footpath or bridleway, then the fact that it is shown on the List of Streets will not be sufficient to prevent the public's motor vehicular rights from being extinguished. The route of alleged Byway No 19 is (and was on 2 May 2006) shown on the Definitive Map as public bridleway. It is therefore necessary to see whether or not one of the other saving provisions might apply.
- 8.13 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 8.9 to 8.10 above, although it is reasonably clear that the 1965 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.
- 8.14 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 westerly direction beyond Greymare Farm and another public bridleway proceeding southwards from Point X. 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, equestrian and cycle use.
- 8.15 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.
- 8.16 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 K-X-J route by the Greenwich Hospital Department in 1965) 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 Greymare Farm road are phrased in a broadly similar way as the Kilham route, suggesting that the saving provisions in section 67(2)(d) of NERCA 2006 can also be applied to alleged Byway No 19.

- 8.17 In his 2014 consultation response, Mr Leyland of Greymare Farm observed that the existing Bridleway No 1 route to the farm is a road, and had been so for 60 years. The Council apparently grits the road, occasionally, and it is used by timber trucks and Bedmax articulated lorries. Mr Hutchinson’s consultation response also identified this route as an adopted Council road. Although public vehicular rights would appear to have been dedicated in 1965, this route has been recorded on the Definitive Map of Public Rights of Way as a public bridleway since 1952. It is still recorded on the Definitive Map as being part of Public Bridleway No1 and part of Public Bridleway No 7, there being very limited opportunities to change this. The purpose of the 2014 consultation was to help determine the most appropriate way of moving forward.
- 8.18 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.
- 8.19 The majority of this route has a good driveable tarmac surface. From the consultation responses, the route would appear to be well used by members of the public travelling on foot, horseback and bicycle. It is part of the promoted Sandstone Way (Berwick - Hexham) Cycle Route which is believed to be completed by over 1000 mountain bikers each year. This route seems likely to minimally driven by the general public, as it is a cul-de-sac for vehicles, with only public bridleway rights being recognized beyond Greymare Farm. Vehicular use of the route will primarily be limited to farm traffic, occupiers of the farm cottages, and traffic associated with the Bedmax business.
- 8.20 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 a highway exists between boundaries, there is a rebuttable presumption that the highway extends over the full width between those boundaries. In this particular case, the 1965 dedication document signed by the Greenwich Hospital would tend to support this presumption. On this basis it is proposed to record Byway Open to All Traffic No 19 with a width varying from 5.5 to 8 metres, as identified in paragraph 6.1, above.

9. CONCLUSION

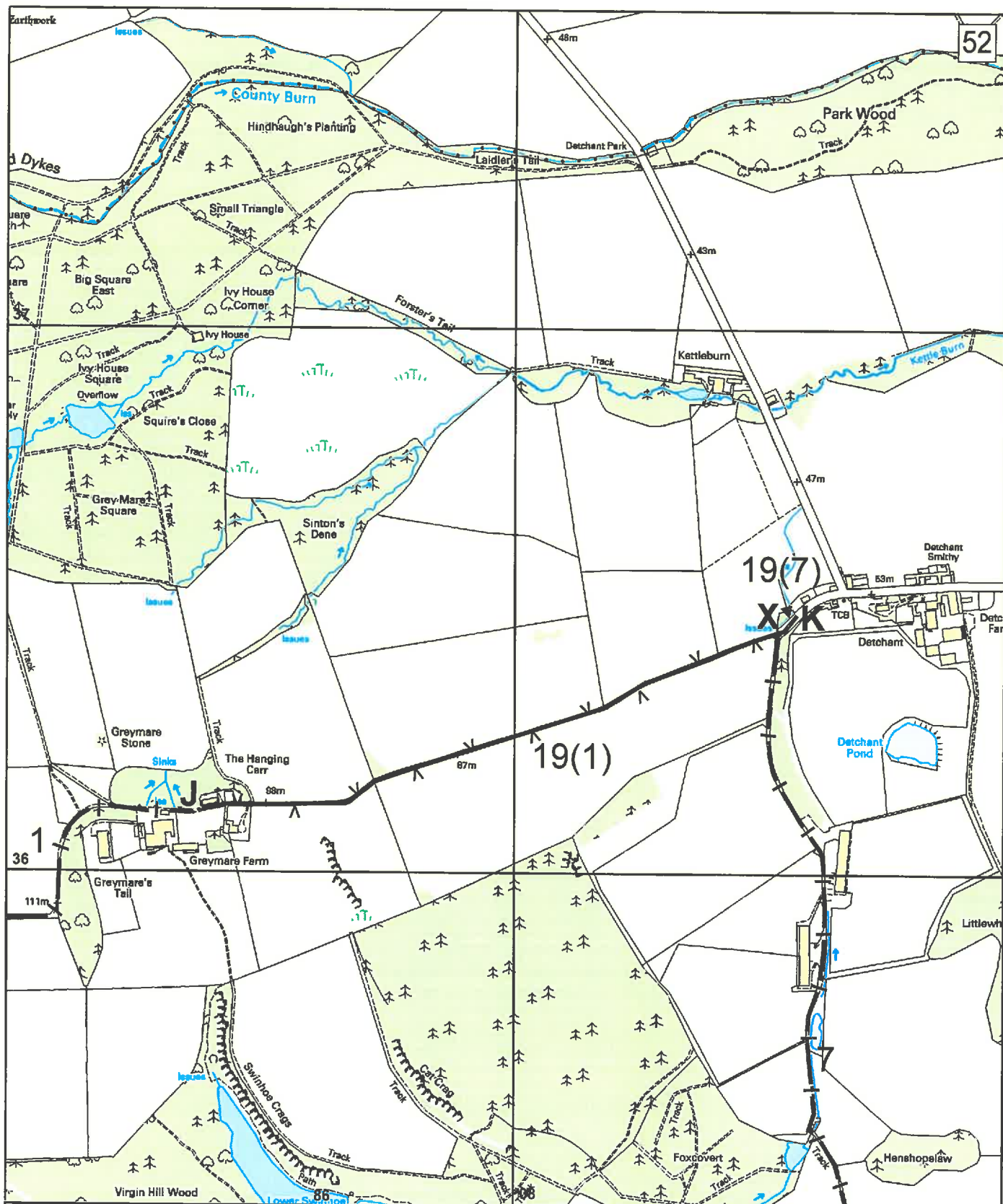
- 9.1 In light of the documentary evidence submitted, it appears that, on a balance of probabilities, public vehicular rights have been shown to exist over the route of alleged Byway Open to All Traffic No 19.
- 9.2 The Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public’s motor vehicular rights over the route.

- 9.3 It is, perhaps, a marginal decision as to whether or not this route satisfies the balance of user test identified in paragraph 8.17 above, in order to qualify as a byway open to all traffic. However, since the only two alternatives currently available to the Council appear to be (i) upgrading the existing bridleway to a byway open to all traffic or (ii) leaving the route, misleadingly, recorded as a public bridleway, officers recommendation is to recognize the existence of the public vehicular rights and record the route as a byway open to all traffic.

BACKGROUND PAPERS

Local Services Group File: B/38/19z

Report Author Alex Bell – Definitive Map Officer
(01670) 624133
Alex.Bell@Northumberland.gov.uk

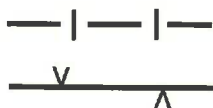


Northumberland
County Council

Sustainable Transport
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



Selected existing Public Bridleway

Alleged Byway Open to All Traffic

Former District(s)

Berwick

Parish(es)

Middleton

Scale

1:10,000

Def. Map No.

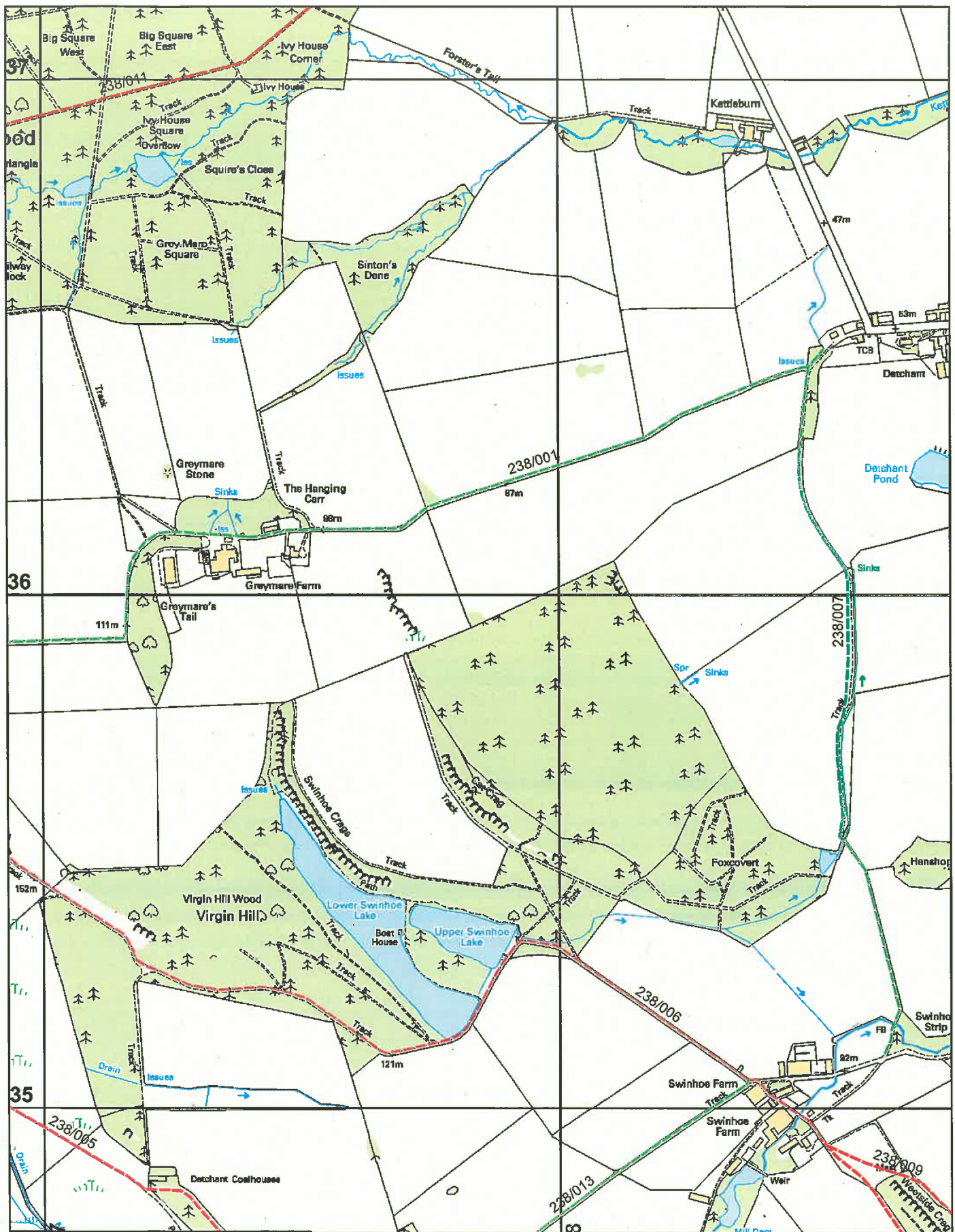
22

O.S. Map

NU 03 NE

Date

July 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

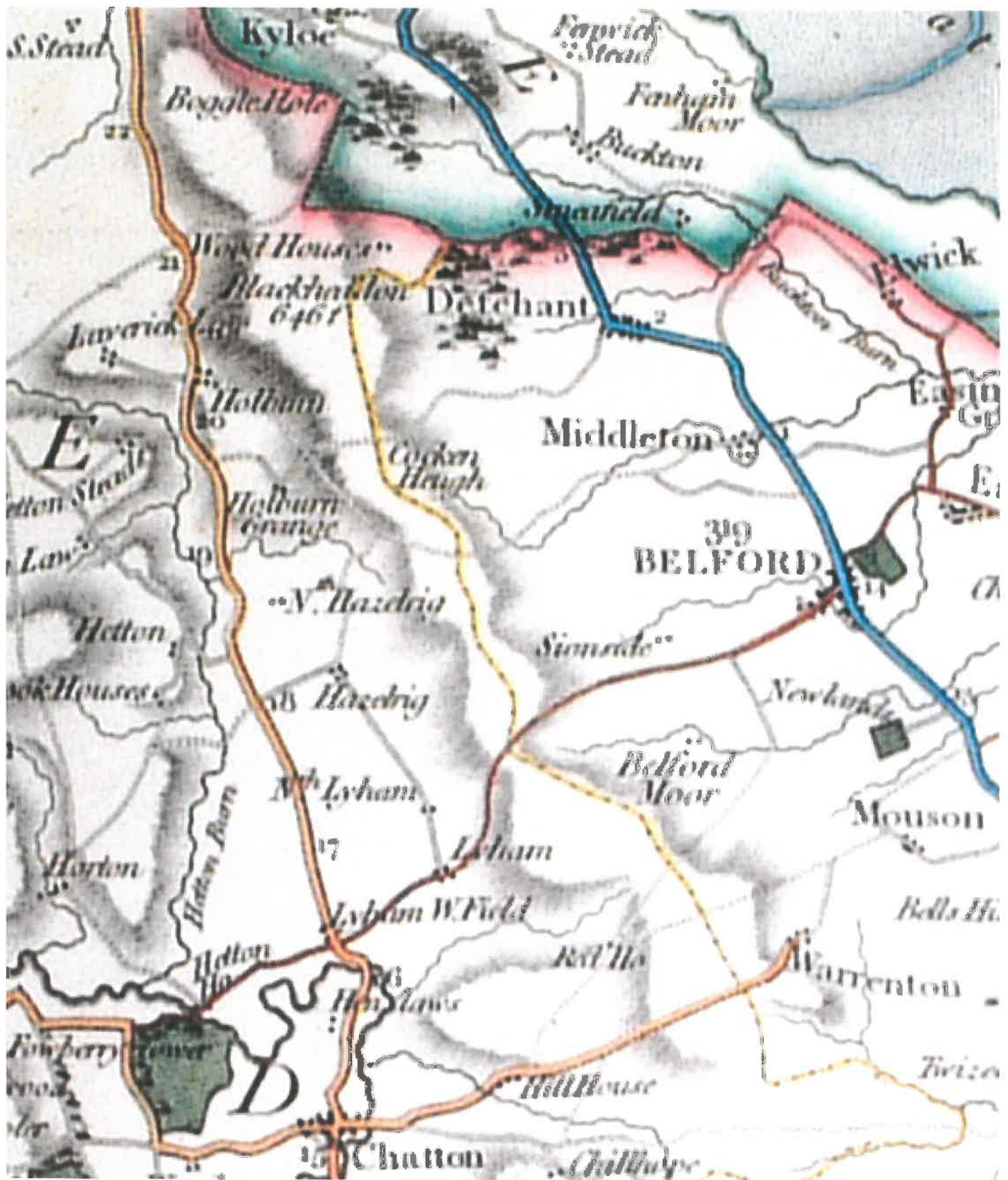
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Armstrong's County Map 1769



Fryer's County Map 1820

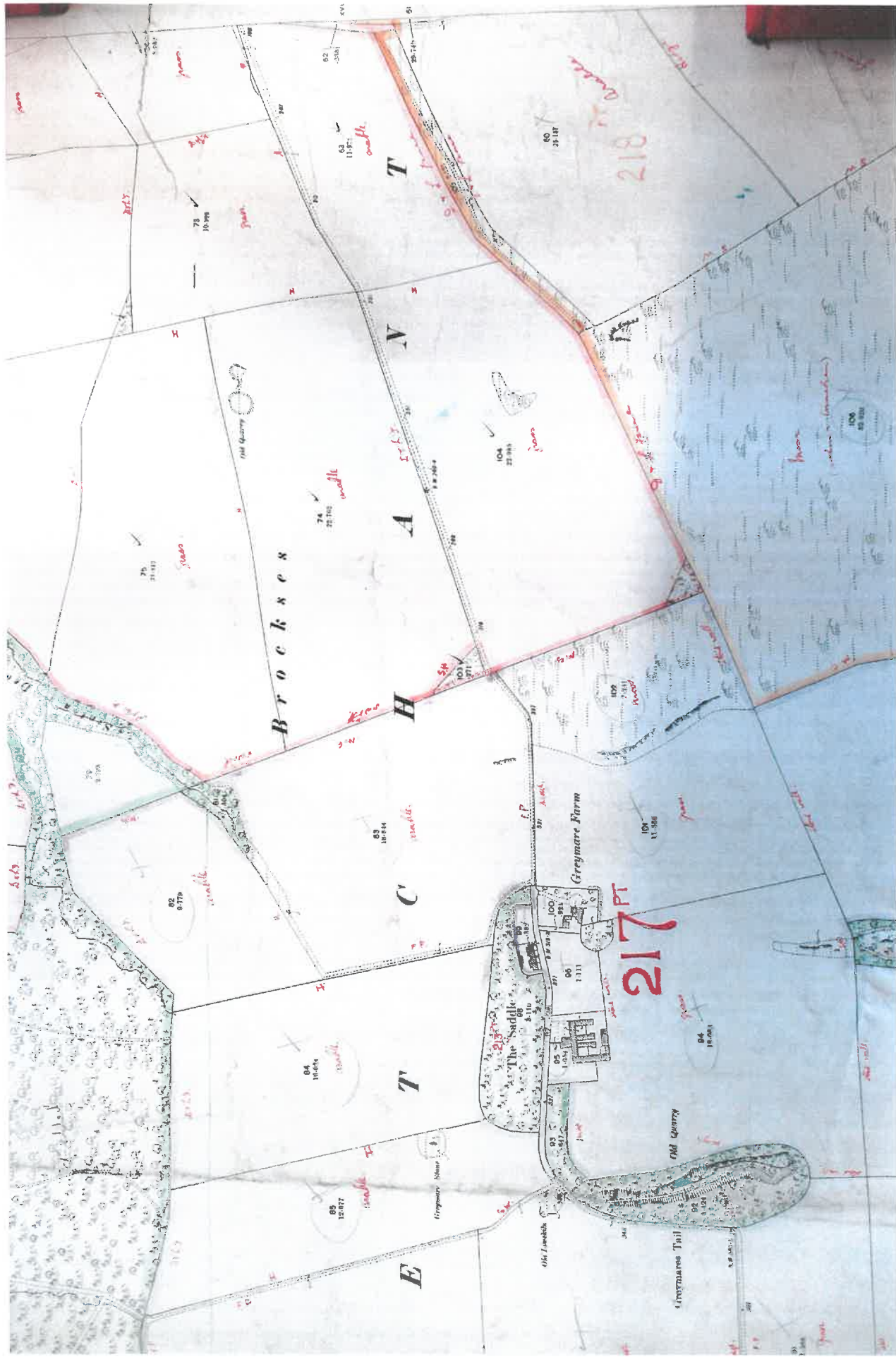




Greenwood's County Map 1828



Finance Act 1910 plan



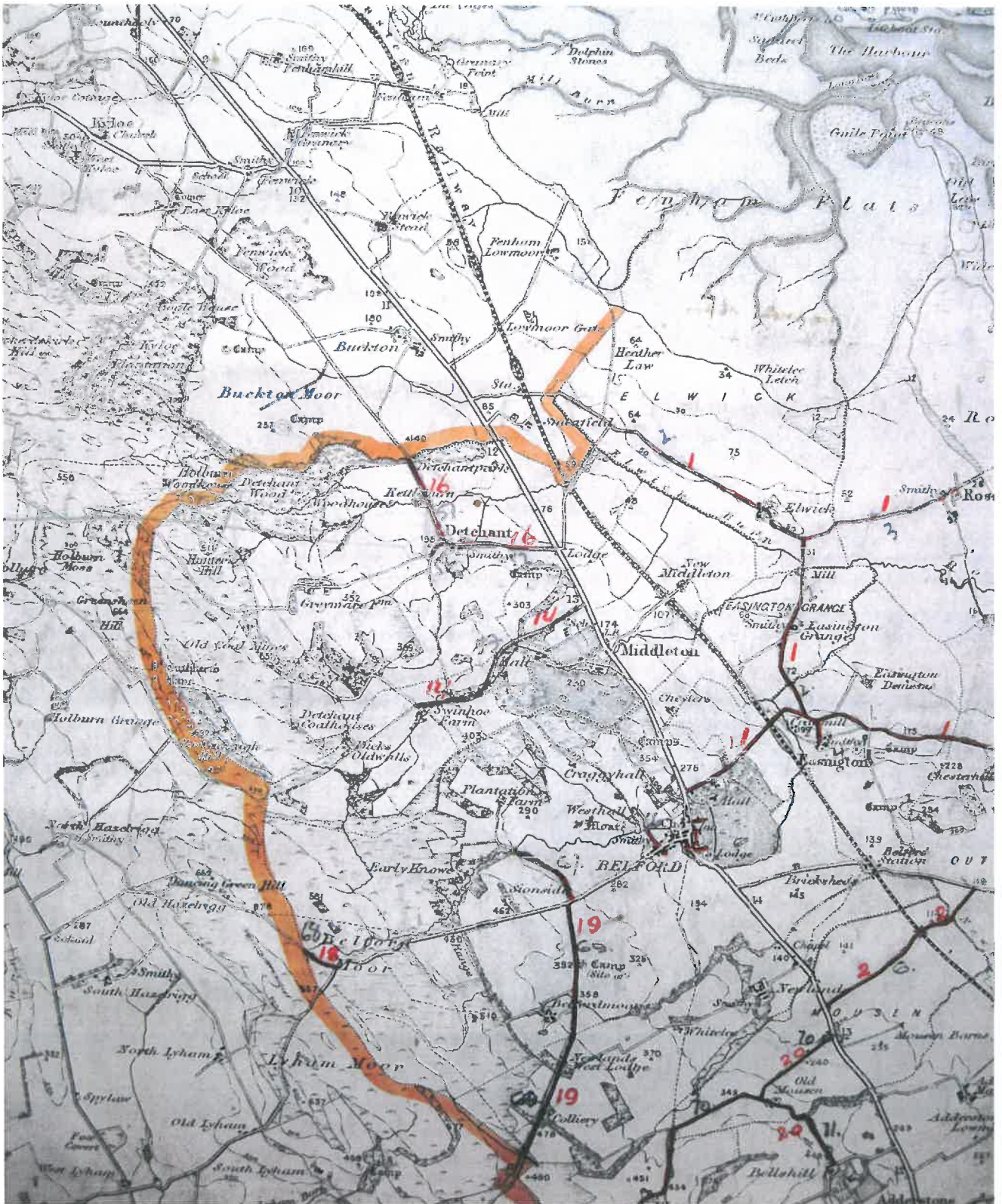
(West section)



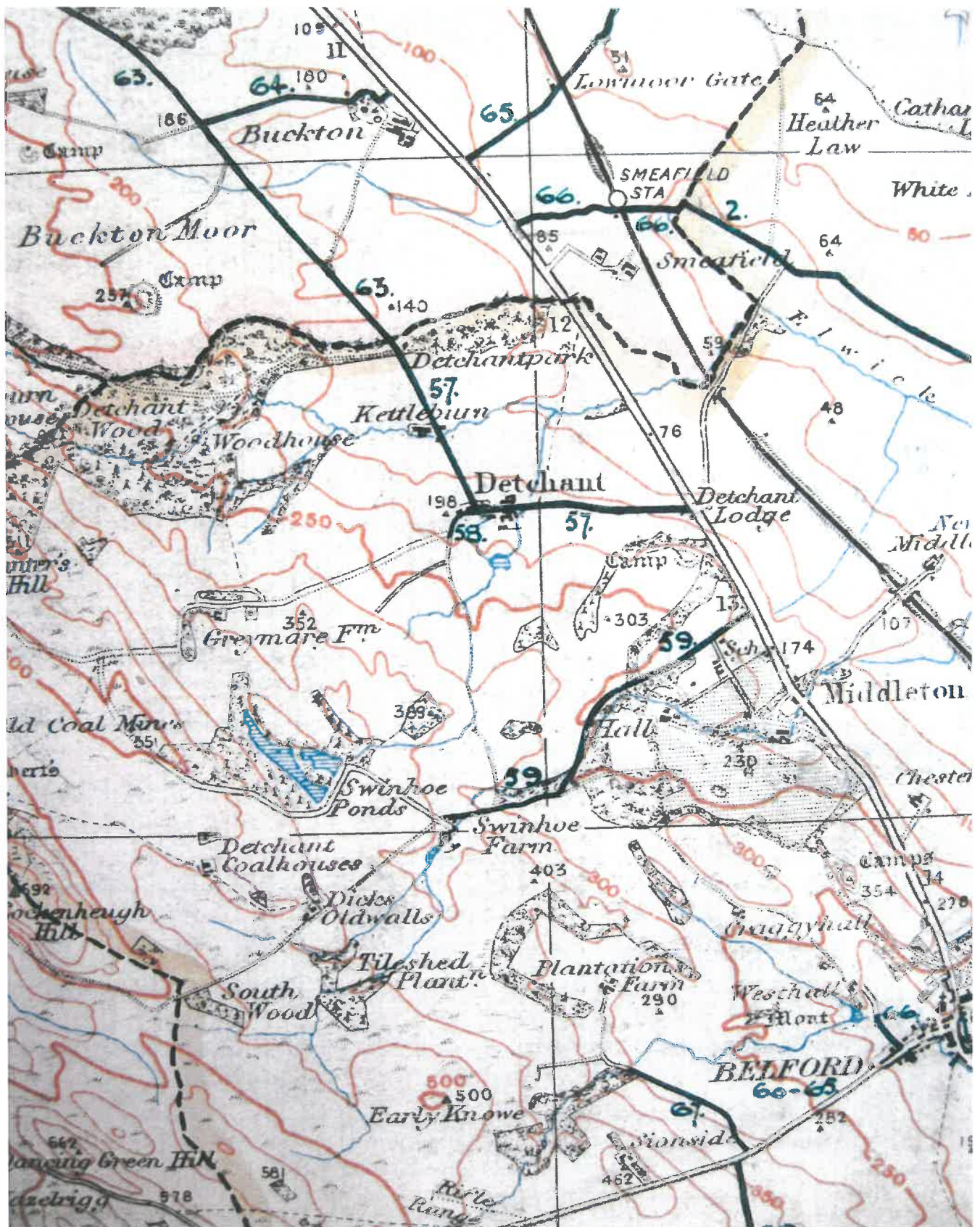
Northumberland
County Council

Ordnance Survey 3rd Edition 6" map (1925-26)

Belford RDC Handover Map 1932



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



Reproduced plan is not to scale

COUNTY OF NORTHUMBERLAND.

Restriction of Ribbon Development Act, 1935.

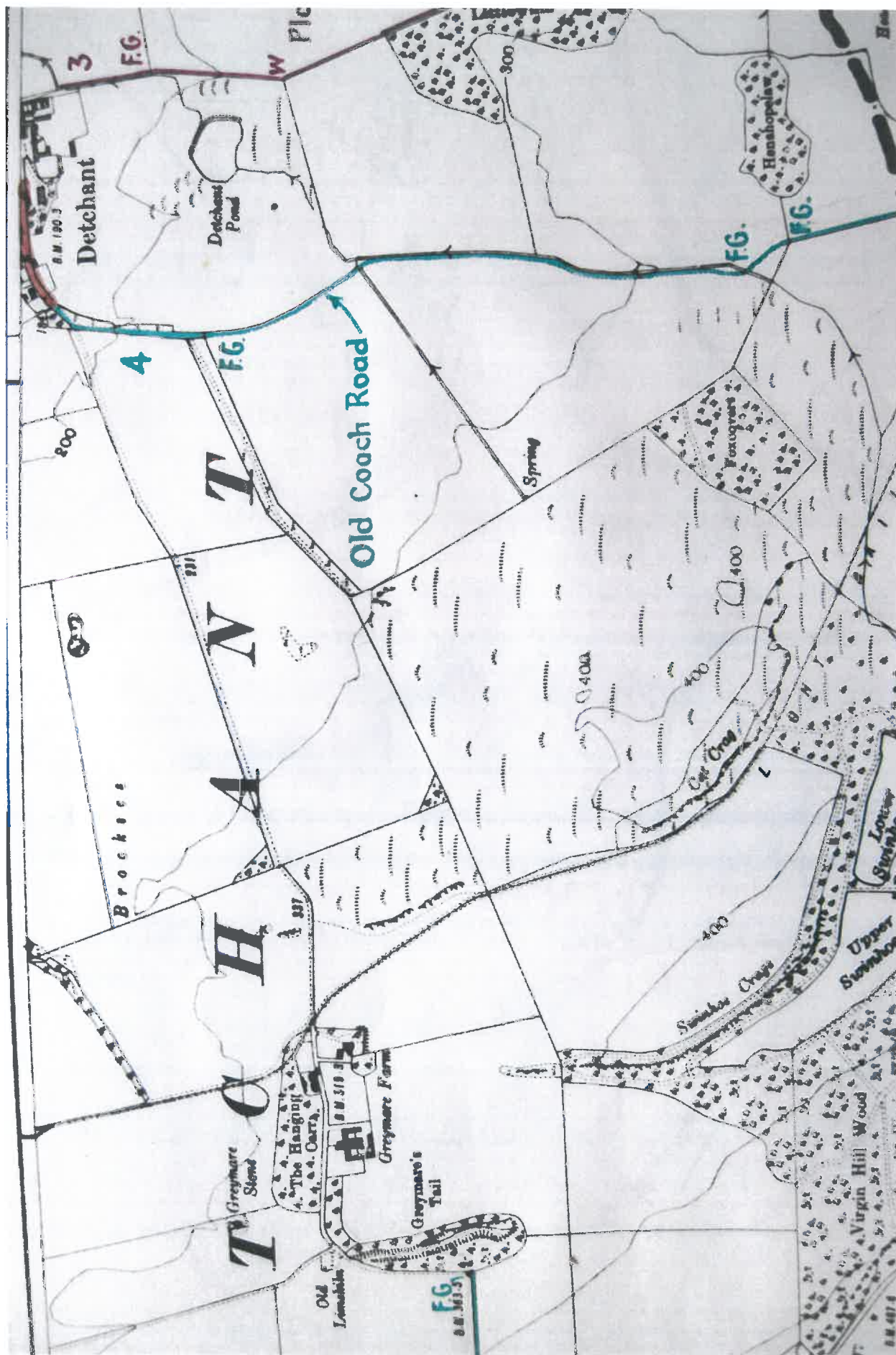
LIST OF UNCLASSIFIED ROADS IN AND ADJACENT
TO THE RURAL DISTRICT OF BELFORD IN RESPECT
OF WHICH THE PROVISIONS OF SECTION 2 OF THE
RESTRICTION OF RIBBON DEVELOPMENT ACT 1935
WERE ADOPTED ON 20TH DECEMBER 1937 BY
RESOLUTION OF THE BRIDGES AND ROADS
COMMITTEE ACTING UNDER DELEGATED POWERS.

34. Road from the Long Bank Plantation-Lucker road at Newstead southwards to a point on the Priestsdean Bridge-Newham Howeways road, 460 yards north east of its junction with the Alnwick-Berwick road A.1.
35. Road from a point on the Long Bank Plantation-Lucker road 360 yards south of Henhill Cross Roads via Newhamagg to a point on the Priestsdean Bridge-Newham Howeways road, 690 yards south west of Newham Buildings.
36. Road from a point on the Chathill-Seahouses road, 340 yards north west of Fleetham Bridge via Coldrife Cottage to a point on the Birchwood Hall-North Sunderland road, 500 yards north east of Newham Hall.
37. Road from the Priestsdean Bridge-Newham Howeways Road at Newham Village via Coldrife to a point on the Birchwood Hall-North Sunderland road 1,060 yards north east of Newham Hall.
38. Road from a point on the Birchwood Hall-North Sunderland road, 1,110 yards north east of Elford, south eastwards via the east entrance to Pasturehill, across the North Sunderland Railway to a point on the Chathill-Seahouses road, 1,000 yards south west of the entrance to Southfield.
39. North Street, Seahouses.
40. Harbour Road, Seahouses.
41. Road from the Alnwick-Bamburgh road B.1340 at Seahouses via North Sunderland, Fleetham, Chathill, Preston and Ellingham School to a point thereon 540 yards south west of the west entrance to Tinely.
42. Road from a point on Tinely-Seahouses road, 600 yards north of Tinely via Brockdam Plantation and The Nest to a point on the Priestsdean Bridge-Newham Howeways Road, 330 yards south west of Newham Buildings.
43. Road from the Alnwick-Berwick road A.1 at Ellingham Lodge via Wood Cottage and Ellingham Village to St. Maurice's Church.
44. Road from the Tinely-Newham Buildings road at the Packhorse Inn eastwards via the Reading Room to the Ellingham Lodge-St. Maurice's Church road in Ellingham Village.
45. Road from a point on the Ellingham Lodge-St. Maurice's Church road, 70 yards west of Ellingham Vicarage south-eastwards to a point on the Tinely-Seahouses road, 220 yards south west of Ellingham School.
46. Road from a point on the Alnwick-Berwick road A.1, 370 yards south of Brockdam eastwards to the junction of the Tinely-Newham Buildings road with the Tinely-Seahouses road 600 yards north of Tinely.
47. Road from a point on the Tinely-Seahouses road 290 yards north of the west entrance to Tinely to a point 200 yards south east of the east entrance to Tinely.
48. Road from the Tinely-Seahouses Road at Ellingham School via Longlands Wood and Swineclose Wood to the Tinely-Fallodon Station Road at Doxford Hall West Lodge.
49. Road from the Tinely-Seahouses road at Preston via Long Plantation to a point on the Tinely-Fallodon Station road, 120 yards west of Burnhouses.

50. Road from a point on the Preston-Burnhouses road, 760 yards north west of its junction with the Tinely-Fallodon Station road eastwards for a distance of 273 yards towards South Broomford Farm.
51. Road from a point on the Chathill-Seahouses road, 1,130 yards north east of Chathill Station via Swinhoe and East Fleetham to a point on the Chathill-Seahouses road, 1,210 yards north east of the entrance to Herd's House.
52. Road from a point on the Chathill-Seahouses road, 1,130 yards north east of Chathill Station southwards to Swinhoe-Broomford.
53. Road from the Alnwick-Bamburgh road B.1340 at Tughall Cottage westwards to Tughall Farm.
54. Road from the Alnwick-Bamburgh road B.1340 at the Craster Arms, Beadnell, north-westwards via the Cemetery to the entrance to Beadnell Vicarage.
55. Road from the Alnwick-Bamburgh road B.1340, 140 yards south east of the Craster Arms via Beadnell School to a point on the Alnwick-Bamburgh road B.1340, 160 yards north east of the entrance to Beadnell Hall.
56. Road from a point on the Alnwick-Bamburgh road B.1340, 350 yards north east of the entrance to Beadnell Hall via Beadnell Square, Windmill Stead and Benthall Farm to Beadnell Harbour.
57. Road from the Alnwick-Berwick road A.1 at Detchant Lodge via Detchant Village and Kettleburn to the northern boundary of Park Wood at Detchantpark.
58. Road from the Detchant Lodge-Detchantpark road at Detchant Village south-westwards for a distance of 140 yards towards Greymare Farm.
59. Road from a point on the Alnwick-Berwick road A.1, 200 yards north of Middleton School south-westwards via Swinhoe Strip to Swinhoe Farm.
60. Workhouse Lane, Belford.
61. Back Lane, Belford on west side of High Street, A.1.
62. Back Lane, Belford on east side of High Street, A.1.
63. Nursery Lane, Belford.
64. Smithy Lane, Belford.
65. Clark Place, Belford.
66. Road from a point on West Street, Belford B.6349 opposite to its junction with Workhouse Lane, north-westwards to the ford on the road to West Hall.
67. Road from a point on the Wooler-Belford road B.6349, 1,320 yards south west of Belford north-westwards to the ford on the road to Plantation Farm.
68. Road from a point on the Wooler-Belford road, B.6349, 2,000 yards west of the entrance to Sionside, north-westwards towards North Hazelrigg for a distance of 360 yards.
69. Road from a point on the Wooler-Belford road, B.6349, 1,400 yards south west of Belford via Newlands West Lodge and Newmoor Plantation to a point thereon 185 yards north of the entrance to Chatton Colliery Farm.
70. Road from the Alnwick-Berwick road A.1 at Mousen via Warenton to a point thereon 160 yards south west of the western boundary of Shielsteads Plantation.

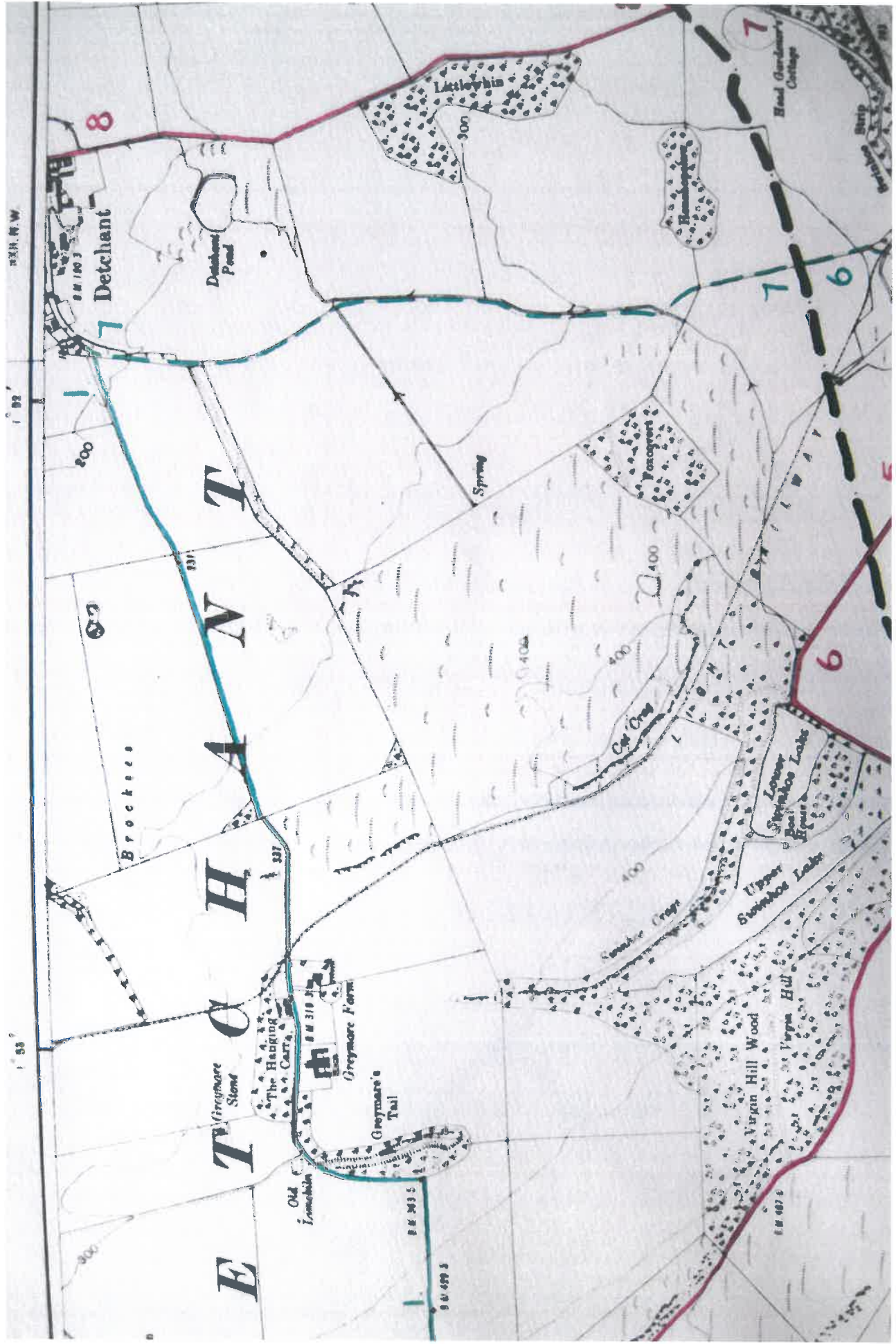
This is a detailed topographical map of the Buckton Moor area in North Yorkshire, showing the U.S. Army's 1944 positions. The map features a grid system with labels like U.34, U.2037, U.2038, and U.2040. Key locations include Buckton, Detchant, and Detchant Lodge. The map also shows the River Ure, various farms, and the surrounding moorland terrain.

Survey Map



This is a detailed topographical map of the Ecton area. The River Great Ouse is the central feature, flowing from the top left towards the bottom right. The map includes several labels: 'Ecton' in large letters across the center, 'Detchant' at the top left, 'Detchant Pond' below it, 'Spring' to the right of the river, 'Brook' further right, 'The Hanging Tree' near the center, 'Greyware Farm' below it, 'Greyware's Tail' to the right of the farm, 'Old Limekiln' below the farm, 'Virgin Hill Wood' at the bottom right, 'Upper Snettisham' and 'Lower Snettisham' at the bottom. The map also shows contour lines, a railway line, and various landmarks like 'The Hanging Tree' and 'Greyware's Tail'. The map is oriented with North at the top.

Provisional Map



1958 County Road Schedule

DIVISION - BELFORD

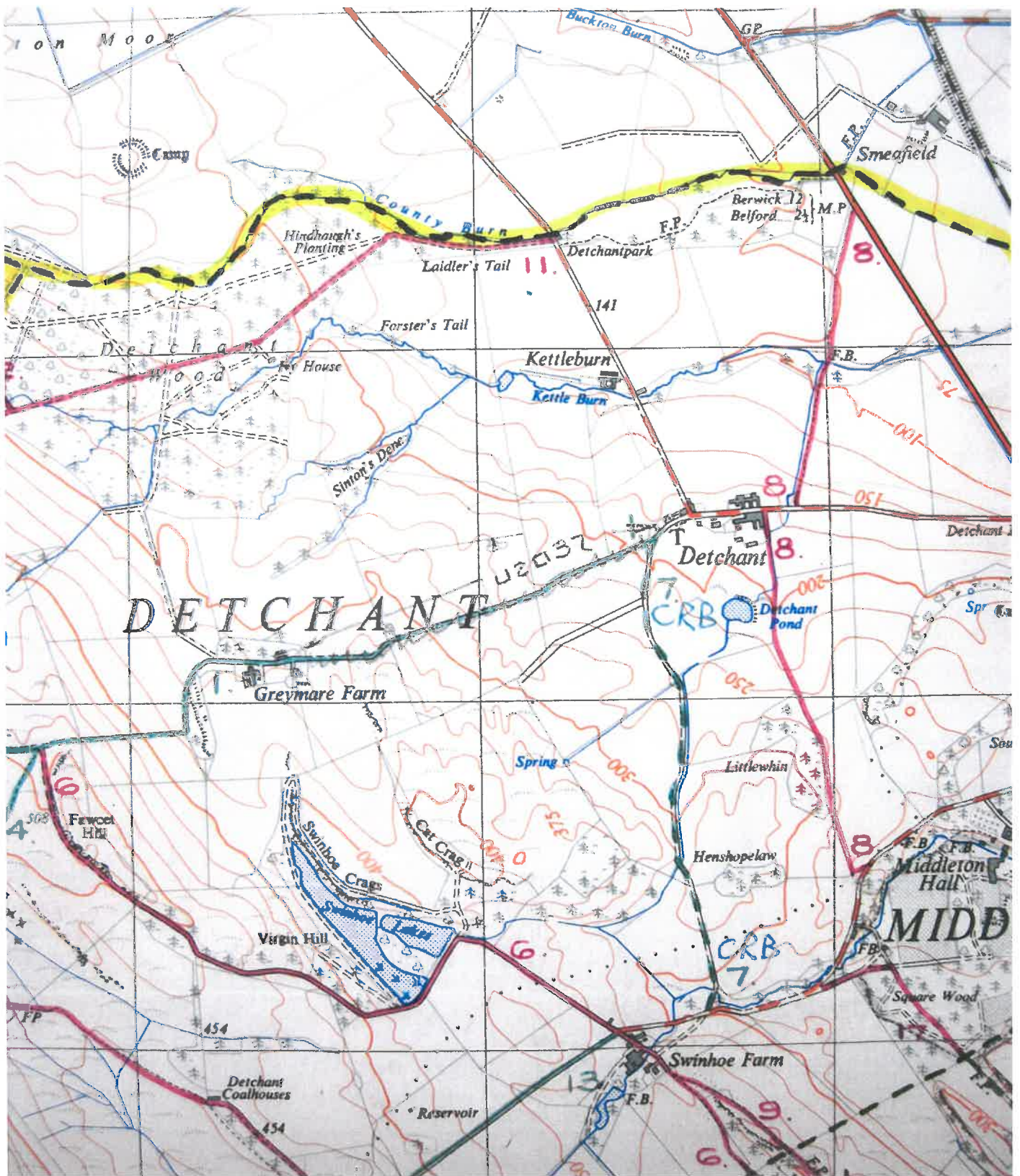
Unclassified Roads in Belford Rural District

Brought forward 31.239

U.2031		From A.L. near Brockdam to U.2027 at junction with C.70	0.40
U.2032	Doxford Hall West Lodge Road	From C.70 near Ellingham School to Rural District boundary near Doxford Hall West Lodge.	0.87
U.2033	South Broomford Road	From C.69 to South Broomford Farm.	0.15
U.2034	Swinhoe Broomford Road	From C.69 at Swinhoe Cottage to Swinhoe, Broomford.	0.52
U.2035	Tughall Farm Road	From B.1340 to Tughall Farm.	0.40
U.2036	Beadnell Roads	From B.1340 near Annstead Cottage eastwards through village to B.1340 near Harbour Road (Old Main Road). Vicarage Road. School - Beadnell Hall Road Harbour Road and side road between plots 41 and 42 (Dunshelm and Hawkslaw.) from Harbour Crescent. South Drive (132 yards)	1.994
U.2037	Detchant Village Roads	From A.L. at Detchant Lodge via Detchant including Village road to Rural District Boundary at Detchant Park.	1.28
U.2038	Swinhoe Farm Road	From A.L. near Middleton School via Swinhoe Strip to Swinhoe Farm.	1.20
U.2039	Roads in Belford	Old School Lane, 33½ Back Lane, east and west of High Street A.L. 350½ Nursery Lane 94½ Smithy Lane. 49 Clark Place 60 West Hall Road. 210 The Meadows 318½ TOTAL 1119 yards	0.632
U.2040	Plantation Farm Road	From B.6349 near Sionside towards Plantation Farm.	0.47
U.2041	Mousen - Wrenton Road	From A.L. at Mousen via Old Mousen and Wrenton to Rural District boundary at Shielsteads Plantation.	2.23
		Carr ied forward	41.385

REPORTS OF COUNTY SURVEYOR—continued.	Decision of the Committee.
<p>(14) Haydon Bridge Bridge.</p> <p>At their meeting on the 18th September, 1961, the Committee approved amended proposals for a new bridge at Haydon Bridge, which would be located a short distance downstream of the present bridge and would leave the latter for use as a footbridge.</p> <p>The Ministry of Transport have now accepted these proposals, in principle, and have authorised the sinking of boreholes. The northern end of the proposed bridge adjoins the present bridge, but at the south bank it will be about 190 feet further downstream. As this alignment constitutes a diversion of the Trunk Road, it will be necessary to make an Order under Section 7 of the Highways Act and the Ministry of Transport have asked the County Council to proceed with the pre-Order work.</p>	<p>Approved.</p>
<p>(15) Private Streets.</p> <p><i>Belford Rural District.</i></p> <p><i>Greymares Farm Road, Detchant.</i></p> <p>Mr. M. A. Lyndon-Sleggs has made application for the above road, owned by the Greenwich Hospital Estates, to be adopted. The road serves three cottages, farm house and farm steading and is 1,250 yards long. Subject to the necessary improvements and repairs being carried out in a satisfactory manner, I recommend that the road be adopted.</p> <p><i>Castle Ward Rural District.</i></p> <p><i>Melton Park Estate.</i></p> <p>Messrs. Cussins (Contractors) Ltd., have made application for the adoption of the following streets:—</p> <p>Glamis Avenue—461 yards; Easedale Avenue—351 yards; Sherwood Place—42 yards; Linwood Place—60 yards; Inglewood Place—41 yards; Bowfield Avenue—60 yards.</p> <p>Subject to the completion of all work and necessary repairs in a satisfactory manner, I recommend that the streets be taken over and maintained at public expense.</p> <p><i>Castle Ward Rural District.</i></p> <p><i>Proposed Shopping Area and Rear Service Road, off Broadway, Darras Hall.</i></p> <p>Messrs. Greensitt Bros. are carrying out the above development and wish to know the areas of carriageway, footpaths and open spaces which will be considered for adoption on completion of the estate in order that conveyances of the individual properties can be prepared.</p>	<p>That subject to the lengths of road being constructed or repaired to the satisfaction of the County Surveyor they be taken over as highways repairable at the public expense.</p>
<p>The development has two service roads and parking areas adjacent to Broadway and a service road to the rear of the shops. A 12 feet wide foot-path is to be provided along the frontage of the shops, with a 6 feet wide canopy. In four places the shops are set back with an open court behind the line of the canopy which may be supported with two pillars. Although the open courts do not form part of the normal pattern for a street, I consider that they will be primarily for public use and recommend that, subject to satisfactory construction, the open court areas, together with footpaths, carriageway and parking areas be adopted after the completion of the development and termination of 12 months maintenance period.</p> <p><i>Haltwhistle Rural District.</i></p> <p><i>High Midgeholme Road, Halton-Lea-Gate.</i></p> <p>The Haltwhistle Rural District have requested that this road, which serves 4 cottages, be taken over by the County Council and, subject to the necessary repairs and improvements being completed in a satisfactory manner, I recommend that 177 yards of road be adopted.</p> <p><i>Hexham Rural District.</i></p> <p><i>Road to Low Houses and The Kennels, Stagshaw.</i></p> <p>Mr. J. V. Welsh, on behalf of the owners, has made application for 740 yards of the above road, which serves nine cottages, house, flat, pig farm and The Kennels, to be adopted and, subject to the necessary improvements and repairs being completed in a satisfactory manner, I recommend that the road be adopted.</p> <p><i>Norham and Islandshires Rural District.</i></p> <p><i>Kyloe Wood Road.</i></p> <p>An application for the adoption of 317 yards of the above road has been received from the Kyloe Wood Estate and I recommend that, subject to the necessary repairs and improvements being completed in a satisfactory manner, the road be taken over and maintained at public expense.</p> <p><i>West Newbiggin Farm Road.</i></p> <p>Mr. Curry has made application for the above road, which serves several dwellings, to be considered for adoption and, subject to the boundary fences being not less than 10 feet from the centre line of the road, all buildings, gates and other structures being removed, the road being improved and repaired to a satisfactory standard, I recommend that 810 yards of the road to the south side of the level crossing of the Kelso Branch Lane be adopted.</p> <p><i>Norham and Islandshires Rural District</i></p> <p><i>Road to East Kyloe.</i></p> <p>Mr. R. F. Thompson has made application for 743 yards of the above road, which serves five dwellings, farm house and farm, to be adopted and, subject to the necessary improvements and repairs being completed in a satisfactory manner, I recommend that the road be taken over.</p>	<p>That subject to the lengths of road being constructed or repaired to the satisfaction of the County Surveyor they be taken over as highways repairable at the public expense.</p>

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 BELFORD

2. Parish MIDDLETON

3. Number of Footpath on Map 1

4. Name of Path

5. Kind of Path (i.e. FP/BR) B.R. width 10 feet. Part Metalled.

6. General Description of Path From the County Road 4.2037 ^{east of} Greymare Farm in a westerly & south-
~~From C.R.B.7 at Detchant in a South-~~

...westerly and north-westerly direction by the Greymare Farm to the Glendale ..

...Rural District boundary joining B.R.32 in the Parish of Lowick.

7. Other relevant information

NORTHUMBERLAND COUNTY COUNCIL.

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

PART IV.

PUBLIC RIGHTS OF WAY - STATEMENT.

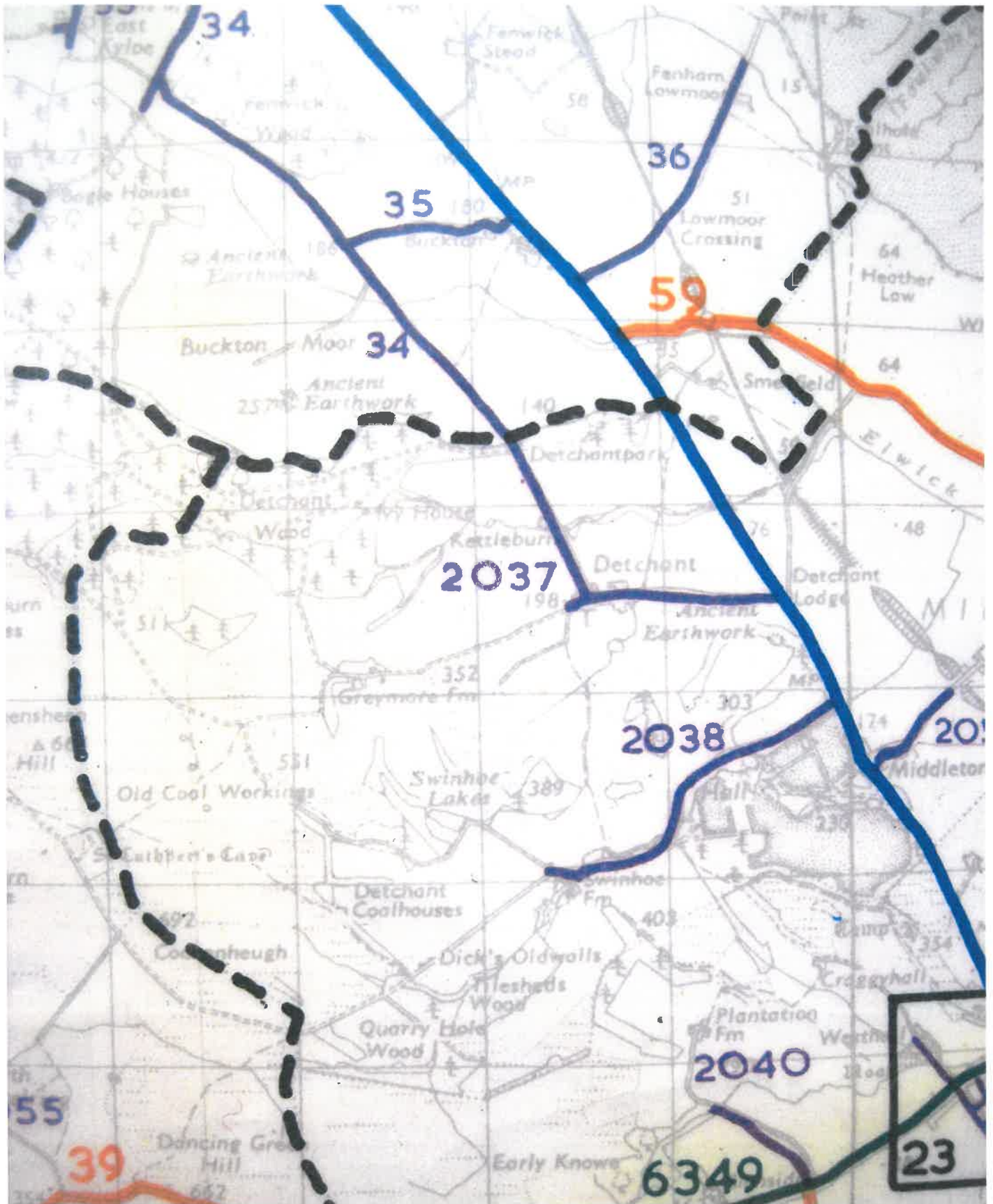
1. ~~Borough~~
~~Urban District~~
Rural District BELFORD
..... MIDDLETON
2. Parish ✓
3. Number of Footpath on Map 7
4. Name of Path COACH ROAD
5. Kind of Path (i.e. FP/BR) G.R.B. width 10 feet. Part Metalled.
6. General Description of Path
..... From the County Road A2057 at the west end
..... ~~From the west end of the~~ Detchant Village
..... road in a southerly direction by Henshopelaw to join the Swinhoe Farm
..... road north-east of Swinhoe Farm.
.....
.....
.....
7. Other relevant information
.....
.....
.....
.....
.....

1964 County Road Schedule

- 74 -

Route No.	Name of Road.	Description.	Responsible Division or Authority.	Mileage.	Total Mileage.
U. 2037	Detchant Village Roads.	From A.1 at Detchant Lodge via Detchant, including Village Road, (115 yards long), to Rural District boundary at Detchant Park. (Road continues in Wetherham and Islandshire Rural District as U. 24).	Wooler.	1.28	
U. 2038	Swinhoe Farm Road.	From A.1 near Middleton School via Swinhoe Strip to Swinhoe Farm.	Wooler.	1.20	
U. 2039	Roads in Belford.	Old School Lane. 33 yards. Back Lane east and west of High Street, A.1 323 yards. Nursery Lane. 110 yards. Smithy Lane. 38 yards. Clark Place. 57 yards. West Hall Road. 203 yards. The Meadows. 318 yards. Market Place. 57 yards.	Wooler.	0.65	
U. 2040	Plantation Farm Road.	From B.6349 near Sionside north-westwards towards Plantation Farm.	Wooler.	0.47	
U. 2041	Mousen-Warenton Road.	From A.1 at Mousen via Old Mousen and Warenton to the Rural District boundary at Shielsteads Plantation. (Road continues in Glendale Rural District as U.1057).	Wooler.	2.23	
U. 2042	Old Mousen-Bellshill Road.	From U.2041 at Old Mousen south-eastwards to B.6348 at Bellshill.	Wooler.	0.70	
U. 2043	Twizel Mill Road.	From A.1 at Church Bridge via Twizel House to Ford at Twizel Mill.	Wooler.	0.85	
U. 2044	Warenton Shop Road.	From A.1 near Warenton Bridge south-westwards towards Luckermoorhouse.	Wooler.	0.35	
U. 2045	Rayheugh Farm Road.	From A.1 north of Lonning Head westwards towards Rayheugh Farm.	Wooler.	0.10	
U. 2046	Commonflat Road.	From A.1 at Lonning Head south-westwards via Common Flat to gateway 86 yards north-east of Slate Ford.	Wooler.	0.82	

Extract from the Council's 1964 Highways Map



1964 County Road Schedule (Modified)

- 74 -

Route No.	Name of Road.	Description.	Responsible Division or Authority.	Total Mileage.
U.2037	Detchant Village Roads.	From A.1 at Detchant Lodge via Detchant Village, including Village Road and Greymare Farm Road, (1,435 yards long), to Rural District boundary at Detchant Park. (Road continues in Norham and Islandshires Rural District as U.34).	Wooler.	2.03
U.2038	Swinhoe Farm Road.	From A.1 near Middleton School via Swinhoe Strip to Swinhoe Farm.	Wooler.	1.20
U.2039	Roads in Belford.	Old School Lane. Back Lane east and west of High Street, A.1 Nursery Lane. Smithy Lane. Clark Place. West Hall Road. The Meadows. Market Place.	Wooler.	0.65
U.2040	Plantation Farm Road.	From B.6349 near Sionside north-westwards towards Plantation Farm.	Wooler.	0.47
U.2041	Mousen-Warenton Road.	From A.1 at Mousen via Old Mousen and Warenton to the Rural District boundary at Shielsteads Plantation. (Road continues in Glendale Rural District as U.1057).	Wooler.	2.23
U.2042	Old Mousen-Bellshill Road.	From U.2041 at Old Mousen south-eastwards to B.6348 at Bellshill.	Wooler.	0.70
U.2043	Twizel Mill Road.	From A.1 at Church Bridge via Twizel House to Ford at Twizel Mill.	Wooler.	0.85
U.2044	Warenton Shop Road.	From A.1 near Warenton Bridge south-westwards towards Luckermoorhouse.	Wooler.	0.35
U.2045	Rayheugh Farm Road.	From A.1 north of Lonning Head westwards towards Rayheugh Farm.	Wooler.	0.10
U.2046	Commonflat Road.	From A.1 at Lonning Head south-westwards via Common Flat to gateway 86 yards north-east of Slate Ford.	Wooler.	0.82

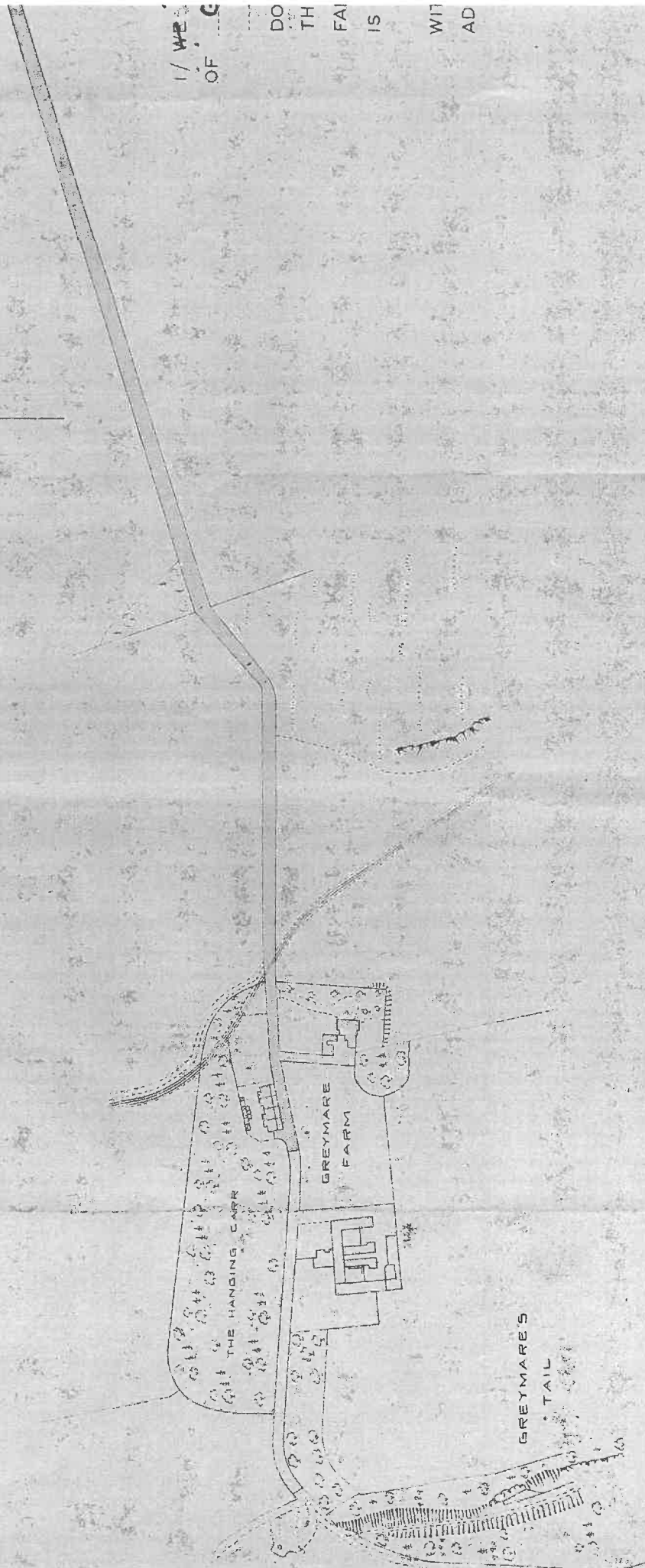
Highway Dedication
1965

COUNTY OF NORTHUMBERLAND.

GREYMARE FARM ROAD.

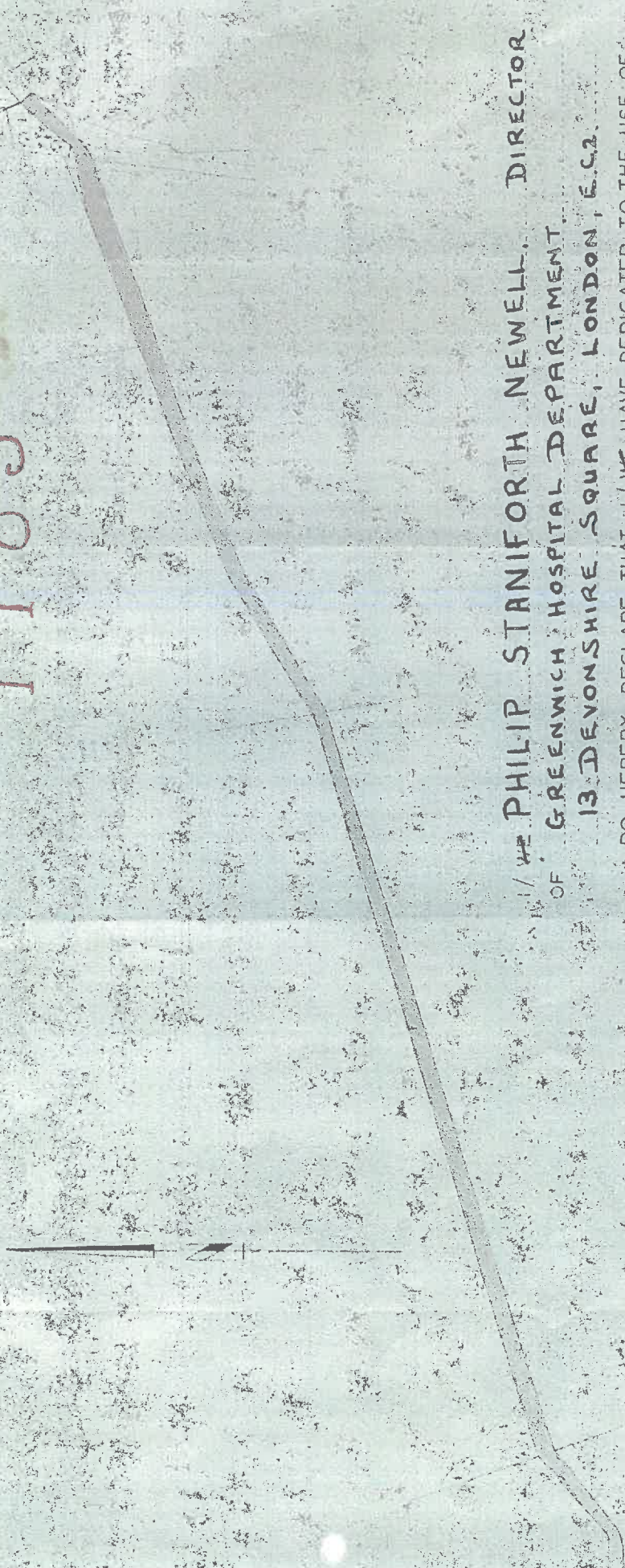
BELFORD.

SCALE :- 1 / 2500.



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1183



PHILIP STANFORTH NEWELL, DIRECTOR
OF GREENWICH HOSPITAL DEPARTMENT
13 DEVONSHIRE SQUARE, LONDON, E.C.2.

DO HEREBY DECLARE THAT I / WE HAVE DEDICATED TO THE USE OF
THE PUBLIC AS A HIGHWAY THAT PORTION OF LAND AT GREYMAR
FARM ROAD BELFORD IN THE COUNTY OF NORTHUMBERLAND WHICH
IS COLOURED RED HEREON AS FROM TO - DAY'S DATE

DATED THIS EIGHTEENTH DAY OF MAY 1965

WITNESS P. J. A. ROSE, SIGNED

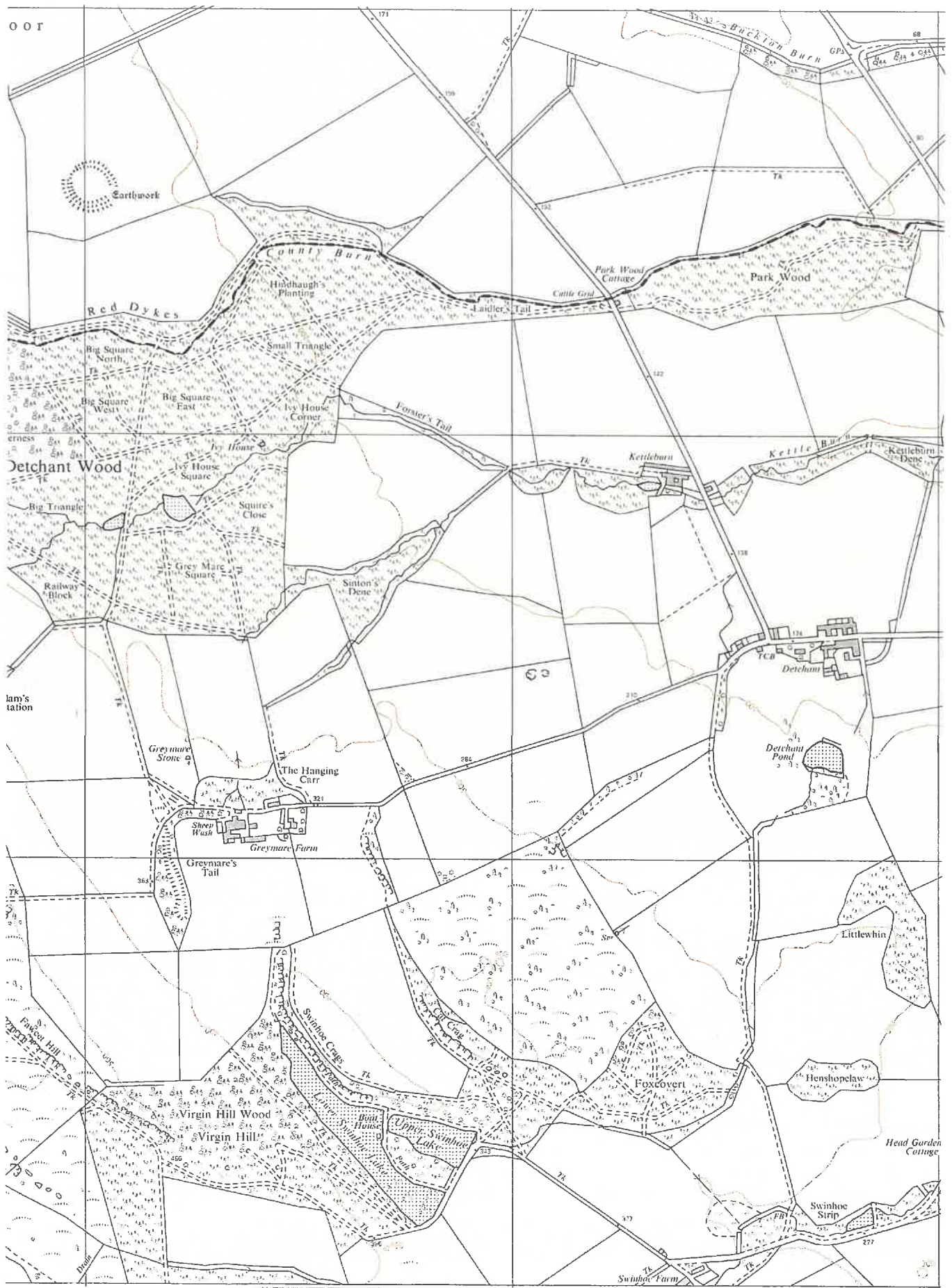
ADDRESS 13 Devonshire Square.

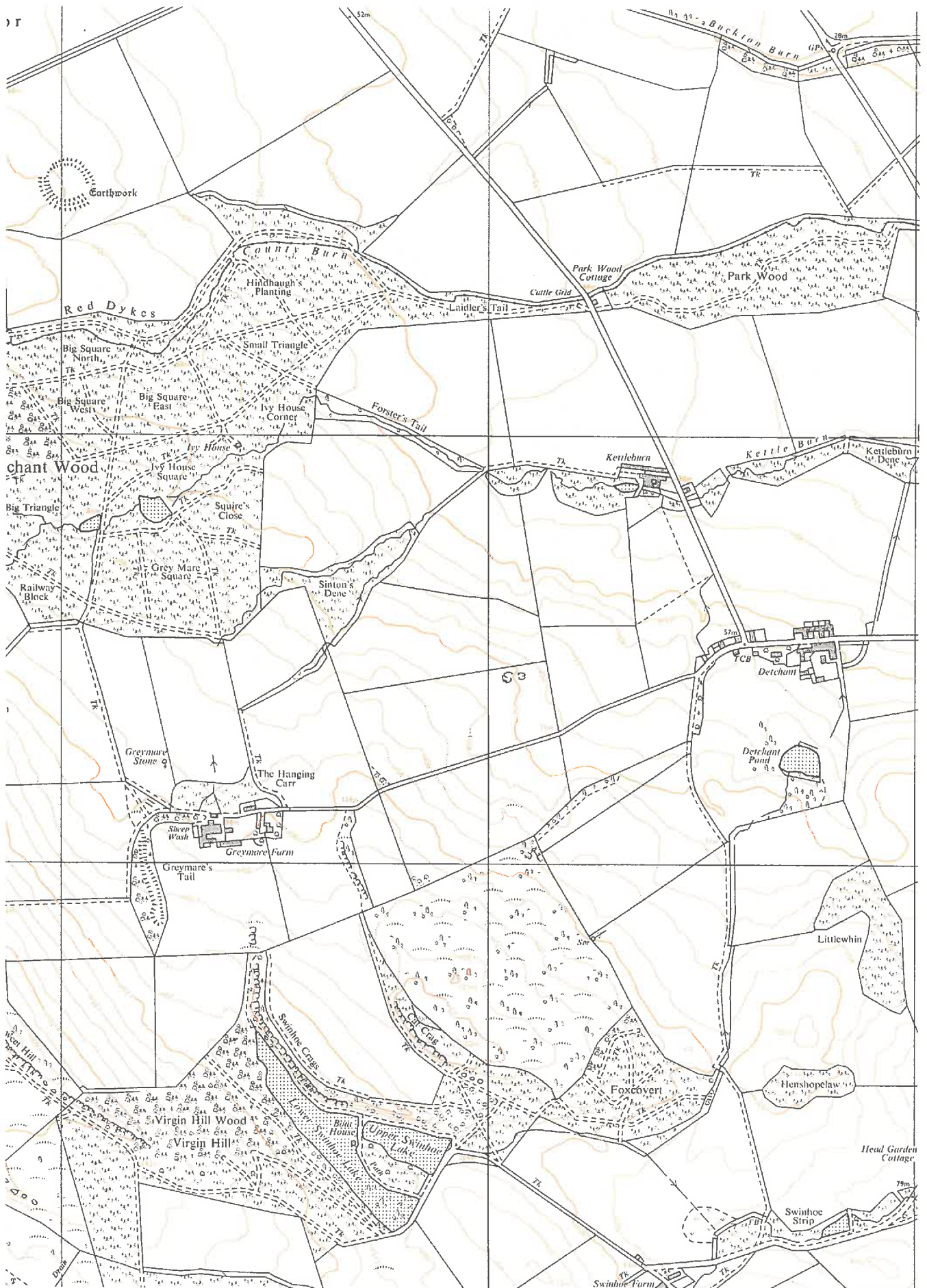
London, E.C.2.


Philip Stanforth Newell

1974 County Road Schedule

Route No.	Name of Road	Description	Responsible Division or Authority	Mileage	Total Mileage
.28	Kentstone-Kyloe Quarry.	From C.16 at Kentstone (NU.037413) southwards to join B.6353 near Kyloe Quarry. (NU.039407).	Wooler Division		0.43
.29	West Mains-Fenwick School.	From A.1 near West Mains (NU.054419) southwards to join B.6353 near Fenwick School. (NU.062402).	Wooler Division		1.28
.30	Islayhill-Mounthooly.	From A.1 at Islayhill (NU.060413) southwards then north-westwards to join U.29 near Mounthooly. (NU.054414).	Wooler Division		0.44
.31	Fenwick School-Islayhill.	From U.29 (NU.058408) north-eastwards to U.30 near Islayhill. (NU.060412).	Wooler Division		0.20
.32	Islayhill-Fenham Mill.	From A.1 near Islayhill (NU.062411) eastwards via Fenhamhill to Fenham Mill. (NU.088407).	Wooler Division		1.87
.33	Fenwick-Fenham.	From A.1 at junction B.6353 (NU.070402) north-eastwards via Fenwick Granary to join U.32 west of railway bridge. (NU.078409).	Wooler Division		0.89
.34	Fenwick Wood Road and Blawerie Road and Detchant Village Roads.	From B.6353 at Fenwick (NU.066401) south-westwards and south-eastwards via Fenwick Wood and including access road to Blawerie to Detchant Village thence eastwards to join A.1 at Detchant Lodge (NU.097365) - including Detchant Village Road and Greymare Farm Road 1,435 yds. long.	Wooler Division		4.43
.35	Buckton Road.	From U.34 north of Detchant Park (NU.073384) eastwards to A.1 east of Buckton. (NU.082385).	Wooler Division		0.61
.36	Fenham Lowmoor Road.	From A.1 south of Buckton (NU.085383) north-eastwards up to and including Fenham Lowmoor Bridge (NU.096396)	Wooler Division		1.07





WILDLIFE AND COUNTRYSIDE ACT 1981

**DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY FOR THE
COUNTY OF NORTHUMBERLAND**

NORTHUMBERLAND COUNTY COUNCIL

DEFINITIVE MAP (RECLASSIFICATION) ORDER NO. 10 2000

This Order is made by the Northumberland County Council under Section 54(1) of the Wildlife and Countryside Act 1981 ("the Act"), the Authority having carried out, under section 54(1)(a) of the Act, a review of such particulars contained in the Definitive Map and Statement for their area which relate to roads used as public paths and being required by Section 54(1)(b) of the Act by order to make such modifications to the definitive map and statement as appear to them to be requisite to provide for the reclassification of such roads.

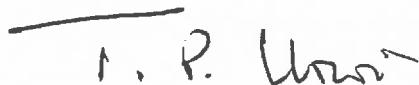
The Authority have consulted with every local authority whose area includes the land to which the Order relates.

The Northumberland County Council hereby order that:

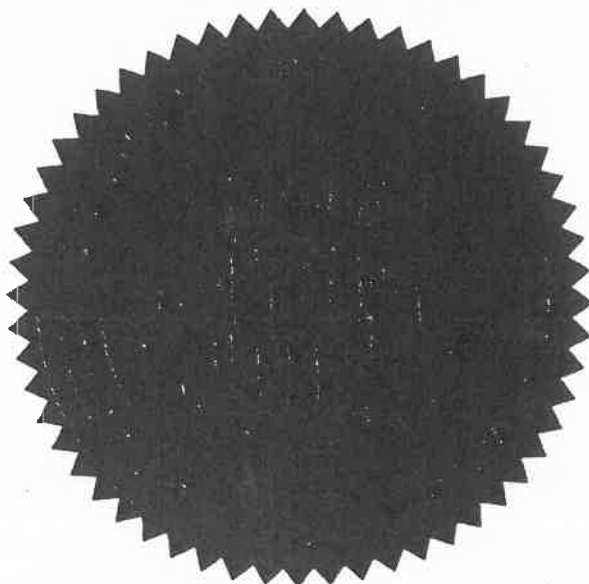
1. For the purposes of this Order, the relevant date is 1 July 2000.
2. The Definitive Map and Statement of Public Rights of Way for the County of Northumberland shall be modified by showing as a bridleway the roads used as public paths described in the Schedule and shown on the map attached to the Order.
3. This Order shall take effect on the day it is confirmed and may be cited as The County of Northumberland Definitive Map (Reclassification) Order No.10 2000.

IN WITNESS whereof the Common Seal of the County Council of Northumberland was hereunto affixed on the Eleventh day of August 2000.

**THE COMMON SEAL OF THE COUNTY
COUNCIL OF NORTHUMBERLAND** was
hereunto affixed in the presence of:-



Duly Authorised Officer



RECLASSIFICATION ORDER (No 10) 2000

INDEX TO RECLASSIFICATION ORDER

<u>Path Ref.</u>	<u>Type of Reclassification</u>	<u>Def. Map No.</u>	<u>O.S. Map No.</u>
<u>Parish of Middleton</u>			
Carriage Road Bridleway No 7	Reclassify as Bridleway No 7	22/30	NU 03 NE / SE
Bridleway No 7	Reclassification of CRB No 7	22/30	NU 03 NE / SE

RECLASSIFICATION ORDER (No 10) 2000

SCHEDULE

DESCRIPTION OF RECLASSIFICATION TO DEFINITIVE MAP AND STATEMENT

BERWICK-UPON-TWEED BOROUGH

Parish of Middleton CRB No 7

O.S. Maps NU 03 NE / SE

Part I: Map: Reclassification of the path between the points marked A and B.

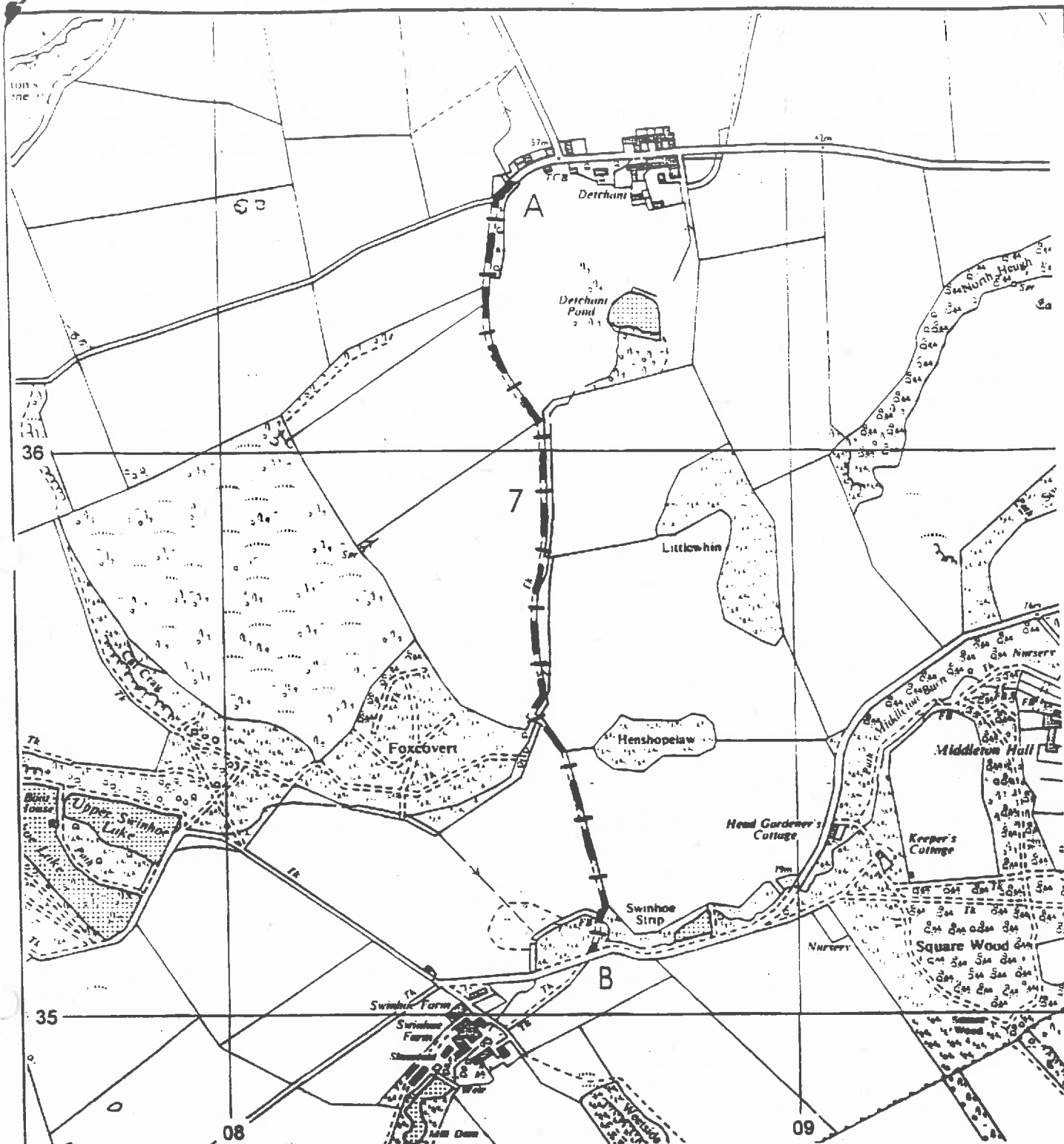
Part II: Statement: To be amended.

Parish of Middleton Bridleway No 7

O.S. Maps NU 03 NE / SE

Part I: Map: Reclassify as a bridleway, CRB No 7, from a point marked A, on the U2037 road, at the west end of Detchant village, to a point marked B, on the U2038 road, 230 metres north-east of Swinhoe Farm.

Part II: Statement: To be amended as follows:
A 3 metre wide metalled track, within an 8 metre wide corridor, from the U2037 road, at the west end of Detchant village, in a general southerly direction for a distance of 180 metres to a field gate, thereafter as a 3 metre wide grass / earth surfaced headland track in a general southerly direction for a distance of 1250 metres, via Foxcovert Wood, and a bridge over a stream to join the U2038 road, 230 metres north-east of Swinhoe Farm.



Northumberland COUNTY COUNCIL

Director of Environment
Environment Directorate
County Hall Morpeth Northumberland
Telephone (01670) 533000 NE61 2EF

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Wildlife and Countryside Act, 1981 **Definitive Map of Public Rights of Way for the County of Northumberland**

The Northumberland County Council (Public Rights of Way) **Reclassification Order (No 10) 2000**

- — Public Footpath
- | — Public Bridleway
- Y — Byway Open to All Traffic

S06

PPV

District(s)	Berwick	Parish(es)	Middleton	Scale	1:10,000
Def. Map No.	22 / 30	O.S. Map	NU 03 NE / SE	Date	July 2000

THE COUNTY COUNCIL OF NORTHUMBERLAND in exercise of their powers under Section 54(1) of the Wildlife and Countryside Act 1981, hereby confirm the foregoing Order:

The County of Northumberland Definitive Map (Reclassification Order No. 10) 2000

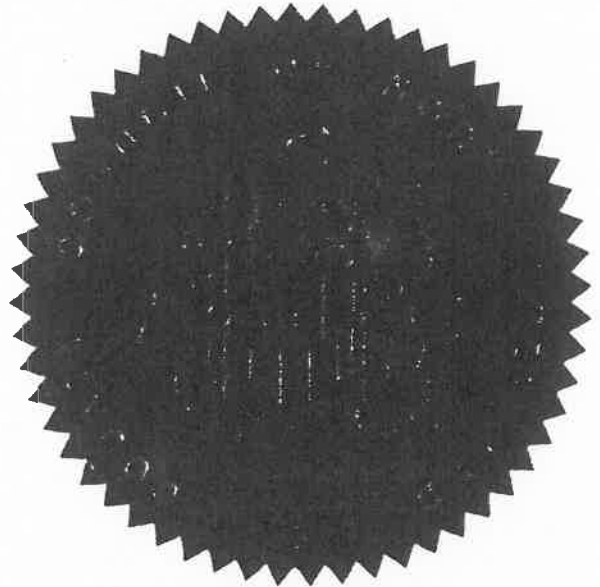
IN WITNESS whereof the Common Seal of the County Council of Northumberland was hereunto affixed this ~~Fifteenth~~ day of ~~November~~ 2000

THE COMMON SEAL OF THE COUNTY COUNCIL OF NORTHUMBERLAND was hereunto affixed in the presence of:



Duly Authorised Officer

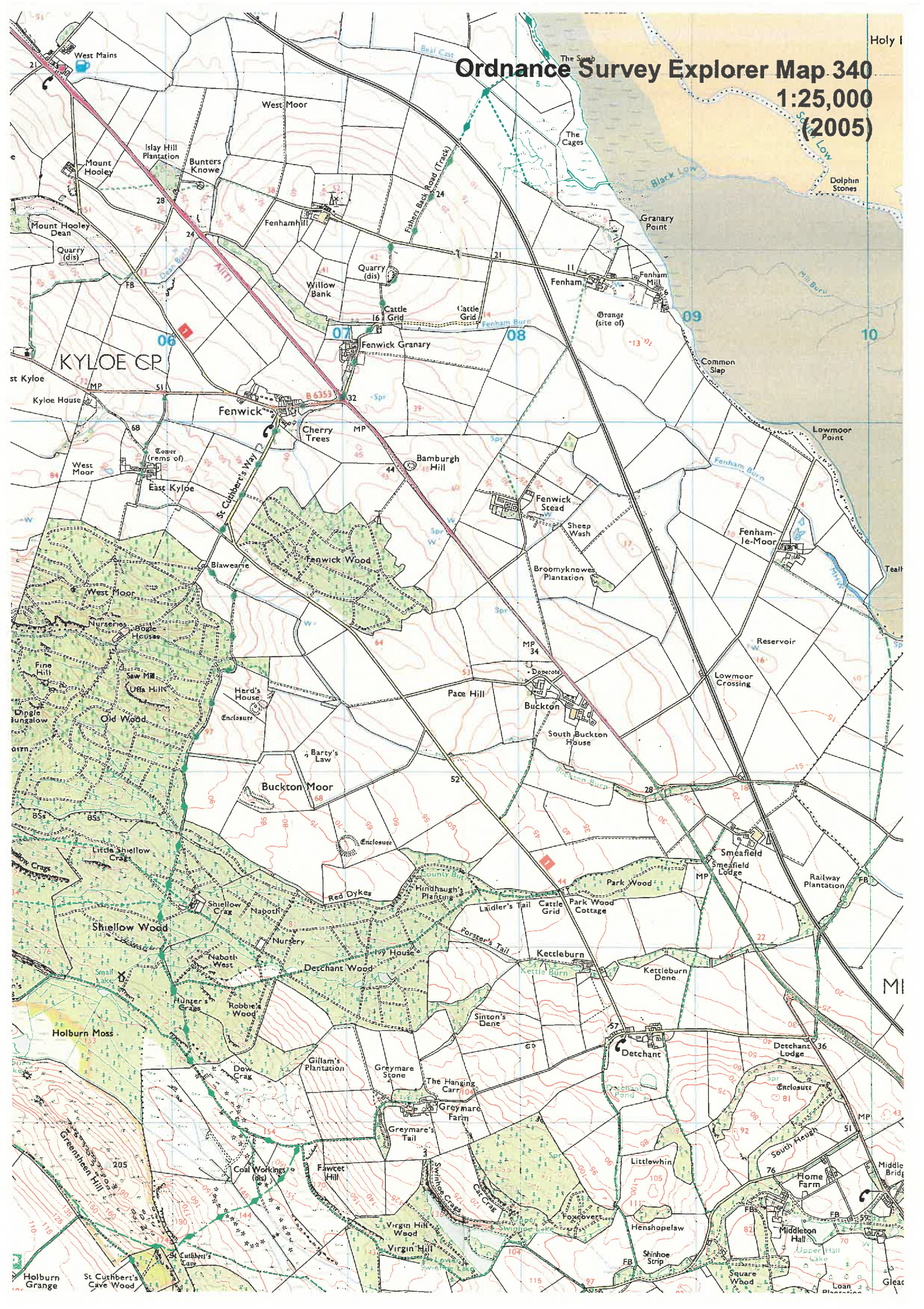
)
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6016

Ordnance Survey Explorer Map 340

1:25,000
(2005)



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
U3154		
	THE SIDINGS - CHRISTON BANK	89
	<i>Total length for U3154</i>	<i>111</i>
U32		
	A1(T) JCT TO U33 JCT	1,902
	U33 JCT TO GATEWAY AT OLD FENHAM MI	986
	<i>Total length for U32</i>	<i>2,889</i>
U33		
	A1(T) JCT TO U32 JCT	1,460
	<i>Total length for U33</i>	<i>1,460</i>
U34		
	U34 GREYMARE TO U35 JCT	2,318
	U34 JCT TO ROAD END AT GREYMARE	1,286
	U34 JCT TO B6353 JCT FENWICK	713
	U35 JCT TO U34 BLAMEARIE	1,454
	U34 JCT TO ROAD END AT BLAMEARIE	332
	C58 JCT TO U34 GREYMARE FARM	1,042
	<i>Total length for U34</i>	<i>7,145</i>
U35		
	U34 JCT TO A1(T) JCT	997
	<i>Total length for U35</i>	<i>997</i>
U36		
	A1(T) S OF BUCKTON TO ROAD END FORE	2,018
	<i>Total length for U36</i>	<i>2,018</i>
U37		
	U37 SCHOOL TO ROAD END AT FENCE LIN	171
	U37 MANOR HOUSE TO U37 MARYGATE	154
	U37 CHURCH LANE TO U37HOLY ISLAND	34

