



Northumberland County Council

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL
RIGHTS OF WAY SUB-COMMITTEE
30 October 2019

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

ALLEGED BYWAY OPEN TO ALL TRAFFIC No 66 PARISH OF ALWINTON

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 motor vehicular rights over part of the U4097 road, from the U4023 road at Alwinton, northwards to a point near the access to Creel Cottage.

Recommendation

It is recommended that the sub-committee agrees that:

- (i) there is insufficient evidence to indicate that public motor vehicular rights have been shown to exist over the route M-N;**
- (ii) under the Natural Environment and Rural Communities Act 2006, private motorized vehicular rights would appear to have been retained over the M-N route;**
- (iii) the width of the existing M-N section of restricted byway be amended in a future Definitive Map Modification Order.**

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 The relevant statutory provision which applies to amending the width of an existing public right of way on the Definitive Map and Statement is Section 53(3)(c)(iii) 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 there is no public right of way over 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 All the relevant statutory provisions and competing rights and interests have been considered in making this report. The recommendations are in accordance with the law and proportionate, having regard to individuals' rights and the public interest.

2.0 PUBLIC EVIDENCE

- 2.1 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 'U4097" 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 U4097 unclassified County road based upon more than simply its inclusion in the List of Streets.
- 2.5 The status of the M-N route was previously considered, as part of a much longer one, by the Rights of Way Committee, at its meeting in October 2007. This followed an application by Mr R Peters, in October 2005, to record Clennell Street (between Alwinton and the Scottish border) as a byway open to all traffic. The Committee resolved that public vehicular rights had been shown to exist, but that the public’s motor vehicular rights had been extinguished by the provisions contained within the Natural Environment and Rural Communities Act 2006. The existing public bridleway route between Alwinton and the Scottish border was upgraded to restricted byway by Definitive Map Modification Order (No 4) 2007, confirmed as unopposed, by the County Council on 5 August 2008.

3. LANDOWNER EVIDENCE

- 3.1 By letter, dated 19 February 2018, Mrs A Cummins of Morpeth responded to the consultation stating:

“As owner of land adjacent to the Creel, Alwinton, you have written to me regarding ‘Review of the Definitive Map and Statement of Public Rights of Way’.

“There is no public right of way on my land.

“The house known as The Creel is now in the ownership of Mr & Mrs S Taylor.

“My husband and I sold the house in 2000 and these are the 3rd owners since our move to Morpeth. My husband has since died so I am the sole owner of the 15 acres apart from a parcel of field next to The Creel belonging to Mr & Mrs Taylor.

“I can not give you details of usage on Clennell Street marked on Map 66(18) between M and N as I am no longer on hand in the area to observe.”

- 3.2 By email, on 28 June 2018, Mr T Kenny of Surrey responded to the consultation stating:

"I am responding very belatedly to your letter of the 27th February which got buried in a pile of papers.

"Together with my wife we are the owners of Alwinton Farm our tenant being Graham Dixon. I am sending you in the post a copy of your plan with the extent of our ownership marked in red with my name and address on the back.

"As to proposed BOAT 66 I have no objection to it being changed to a BOAT. As I live in Surrey, although we regularly visit the farm, I do not have day to day knowledge of use of this length of road. However the only vehicular traffic using it is servicing either Alwinton Farm, The Creel, a bungalow further north called Clennel Street and paddocks owned below The Creel. Otherwise it is cyclists and walkers.

"I hope my comments are of some help."

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 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".

Cycling UK did not make any comments in relation to this particular proposal.

4.3 By email, on 2 April 2018, Ms S Rogers responded to the consultation, on behalf of the British Horse Society, stating:

"Alleged Byway Open to all Traffic 66 (Clennell Street)
This is a short track leading from the public road through the village to the start of Clennell Street, a recorded restricted byway. It is well used by horse riders, walkers and cyclists and so should be recorded on 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 evidence of a road or track approximating to the route of alleged Byway No 66. Further to the north it is labelled "Road to Scotland".

1820 Fryer's County Map

There is clear evidence of a road or track approximating to the route of alleged Byway No 66.

1827 Cary's Map

There is clear evidence of a road or track approximating to the route of alleged Byway No 66.

1828 Greenwood's County Map

There is clear evidence of a road or track approximating to the route of alleged Byway No 66.

c.1860 Ordnance Survey Map: Scale 1:2500

There is clear evidence of a partly enclosed road / track over the route of alleged Byway No 66. The track is identified with the parcel number "16".

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

There is clear evidence of a partly enclosed road / track over the route of alleged Byway No 66.

1897 Ordnance Survey Map: Scale 1:2500

There is clear evidence of a partly enclosed road / track over the route of alleged Byway No 66.

1899 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an enclosed road / track over the route of alleged Byway No 66.

Finance Act 1910 plan

There is clear evidence of a partly enclosed road / track over the route of alleged Byway No 66. The route 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 a partly enclosed road / track over the route of alleged Byway No 66.

1925 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an enclosed road / track over the route of alleged Byway No 66.

1951 Highways Map

The route of alleged Byway Open to All Traffic No 66 is not coloured so as to identify it as a publicly maintainable road.

c.1952 Definitive Map – original Survey Schedules & Map

The route of alleged Byway Open to All Traffic No 66 exists on the base map. It is neither brown, nor is it identified for inclusion as a public right of way. 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 66 exists on the base map. It is identified for inclusion on the Definitive Map as a public bridleway (part of a bridleway No 1).

Provisional Map

As with the Draft Map, the route of alleged Byway Open to All Traffic No 66 exists on the base map. It is identified for inclusion on the Definitive Map as a public bridleway (part of a bridleway No 1).

1957 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a partly enclosed road / track over the route of alleged Byway No 66.

1962 Original Definitive Map

The route of alleged Byway No 66 exists on the base map. The northernmost two-thirds is identified as a public bridleway (part of Public Bridleway No 18). Surprisingly, the southernmost one-third is not identified as a public footpath, public bridleway or Road Used as a Public Path (RUPP). The route of the bridleway is shown connecting with the U4023 road at a near right-angled bend in that road, not the point 65 metres further to the south, as identified on the Draft and Provisional Maps.

1964 Highways Map

The route of alleged Byway Open to All Traffic No 66 is not coloured so as to identify it as a publicly maintainable road.

Undated internal 6" Highways Working Map

The route of alleged Byway Open to All Traffic No 66 (including a short extra section north of Point N) is coloured purple so as to identify it as a

publicly maintainable unclassified road. The colouring is lighter than surrounding unclassified roads, implying that this was a later addition.

Undated internal 25" Highways Working Map

The route of alleged Byway Open to All Traffic No 66 (including a short extra section north of Point N) is coloured purple so as to identify it as a publicly maintainable unclassified road.

1981 Ordnance Survey Map: Scale 1:10,000

There is clear evidence of an enclosed road / track over the route of alleged Byway No 66.

2005 Ordnance Survey Explorer OL 16 Map: Scale 1:25,000

There is clear evidence of a road / track over the route of alleged Byway No 66. The southern part of the route is a white road. The northern part of the route is identified as being part of a public bridleway.

Definitive Map Modification Order (No 4) 2008

In this Order, existing Bridleway No 18 was upgraded to restricted byway status. The M-N part of the route was identified as "A 5 metre wide restricted byway, incorporating a 3 metre wide metalled track in a northerly direction for a distance of 200 metres, thereafter as an 8 metre wide restricted byway"

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 There is no entry for a U4097 road, in either the 1958 County Road Schedule, or the 1964 County Road Schedule.

5.3 The entry for the U4097 road, in the 1974 County Road Schedule states:

"U4097 Alwinton Village Roads

From U4023 at Alwinton just south-east of the Hoseden Burn crossing (NT 923063) northwards for 266 yards to a point 16 yards north of the access to Creel Cottage and also from U4023 in Alwinton Village (NT 922064) northwards for 84 yards to a point some 30 yards north of the Red Lion Hotel."

The length of the U4097 road is identified as 0.20 miles.

6. SITE INVESTIGATION

6.1 At Point M on the U4023 road, 30 metres south-east of Bridge End Cottage, a 2.7 to 3 metre wide tarmac road in an 8 to 8.5 metre wide corridor proceeds in a northerly direction for a distance of 95 metres. Thereafter, the tarmac road continues within a 7 to 7.5 metre wide corridor, in a general northerly direction

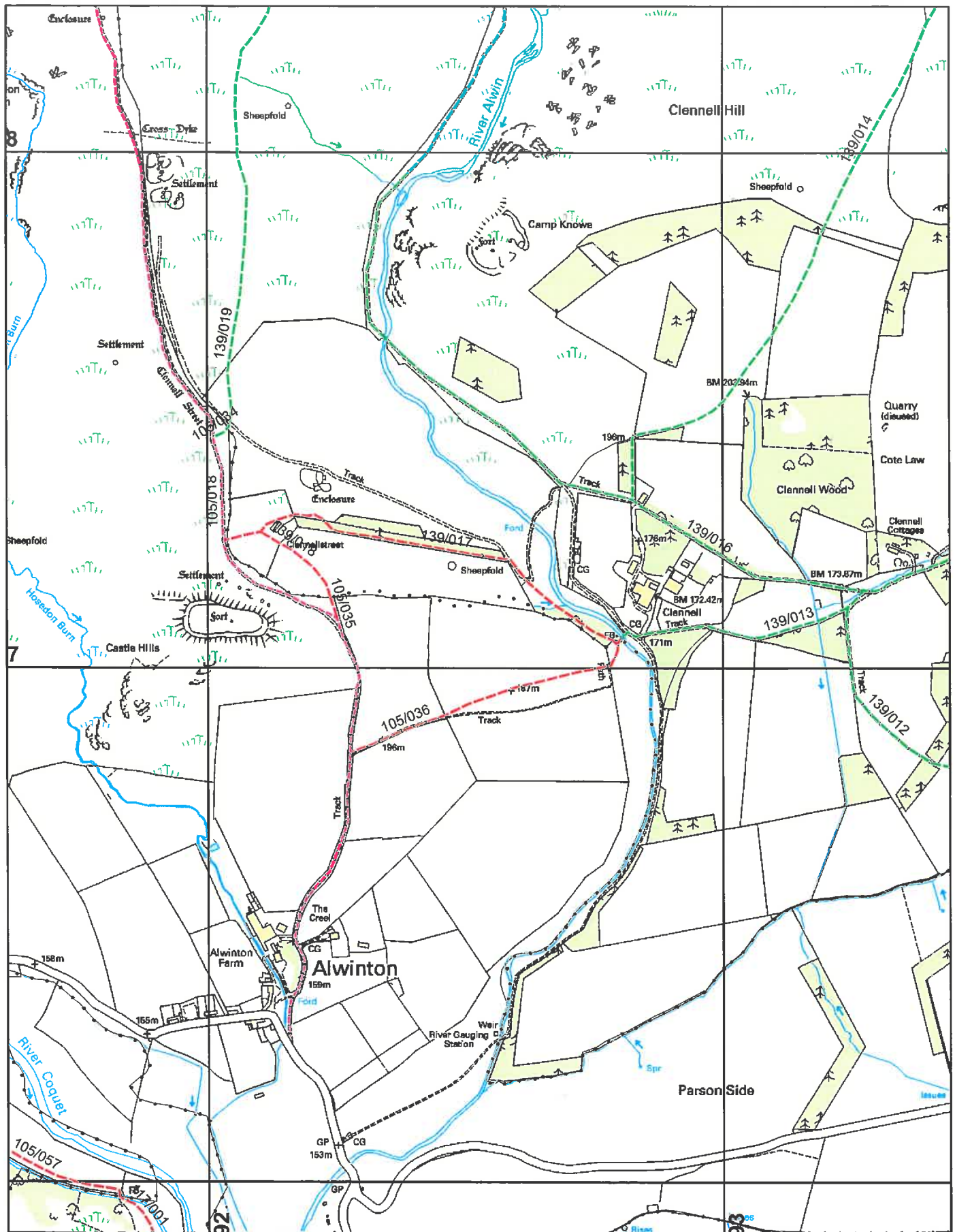
for a further 100 metres, to the access road leading to The Creel. Finally, a 2.7 metre wide tarmac road within a 5.2, widening to 8.5 metre wide corridor proceeds in a north-westerly direction for a distance of 15 metres to a point marked N, 40 metres north-east of Alwinton Farm.

7. DISCUSSION

- 7.1 Section 53 (3)(c)(ii) and (iii) of the Wildlife and Countryside Act 1981, require 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 [s.53(3)(c)(ii)];
- and
- that there is no public right of way over 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 [s.53(3)(c)(iii)]
- 7.2 When considering an application / proposal for a modification order Section 32 of the Highways Act 1980 provides for “any map, plan or history of the locality or other relevant document” to be tendered in evidence and such weight to be given to it as considered justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.
- 7.3 The representation of a path or track on an Ordnance Survey Map is not evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey.
- 7.4 The route of alleged Byway Open to All Traffic No 66 is identified on the County Council's current List of Streets as being part of the U4097 road. The route was not identified as publicly maintainable highway on either the Council's 1951 Highways Map or the later 1964 Highways Map. It was not included in the 1958 or 1964 County Road Schedules, but was included in the 1974 County Road Schedule. No 1932 Handover Maps or Maps / Schedules produced under the Restriction of Ribbon Development Act 1935 appear to have survived for the former Rothbury Rural District Council area.
- 7.5 The route has been consistently identified as a partly enclosed road / track on Ordnance Survey maps since 1865 / 6. The route is shown on Armstrong's, Fryer's and Greenwood's County Maps of 1769, 1820 and 1828 and on Cary's Map of 1827.
- 7.6 The route was included on the Draft, Provisional and original Definitive Maps as part of a longer public bridleway. The route was not identified on the Survey Map as either a recognized publicly maintainable road (which would have been coloured in brown) or as a public right of way.
- 7.7 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.

- 7.8 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.
- 7.9 The Natural Environment and Rural Communities Act 2006 (NERC Act 2006) had a major impact upon the recording of byways open to all traffic based upon historical documentary evidence. Under section 67 of the Act, any existing, but unrecorded, public rights of way for mechanically propelled vehicles were extinguished unless one of the 'saving' provisions applied. In brief, these saving provisions were: (a) if the main lawful public use between 2001 and 2006 was with motor vehicles; (b) if the route was on the List of Streets (on 2 May 2006) and not also on the Definitive Map as something less than a byway open to all traffic; (c) the route was legally created expressly for motor vehicular use; (d) the route was a road deliberately constructed for public motor vehicular use; or (e) the vehicular highway came about as a result of unchallenged motor vehicular use before December 1930.
- 7.10 Most of the saving provisions, above, were considered by the Rights of Way Committee at its meeting in October 2007, in response to Mr Peters' application (in October 2005) to record a byway open to all traffic between Alwinton and the Scottish border. Public motor vehicular rights might also have been 'saved' if this application had been received by the 20 January 2005 cut-off. In 2007, it was not appreciated by Rights of Way staff that the M-N section was, in fact, recorded on the Council's List of Streets. We had ready access to the 1964 County Road Schedule and Map (where it was not shown) and had not appreciated that it had been added to the List of Streets subsequently. Although this route was recorded on the Council's List of Streets on 2 May 2006, this saving provision would not have applied because the route was also recorded on the Definitive Map of Public Rights of Way (at that time) as part of Public Bridleway No 18.
- 7.11 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



Northumberland
County Council

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Legend

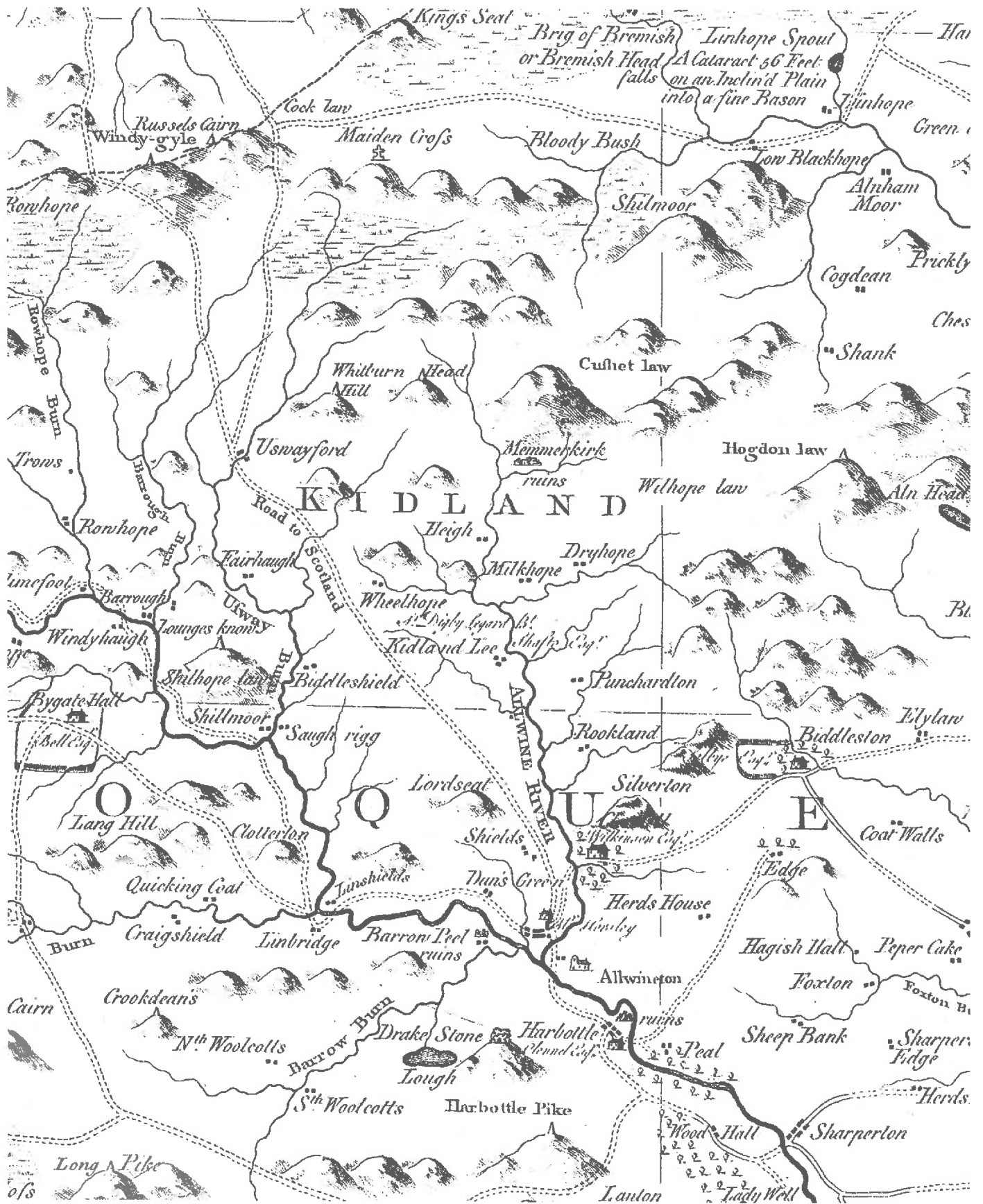
- Footpath
- Bridleway
- Restricted Byway
- Byway Open to All Traffic

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





Greenwood's County Map
1828





PARISH OF ALWINTON,
COUNTY OF NORTHUMBERLAND,
NORTHERN DIVISION.

COQUETDALE WARD.

No. on Plan.	Area in Acres.	Remarks.	No. on Plan.	Area in Acres.	Remarks.
TOWNSHIP OF ALWINTON.					
1	657.439	Rough pasture, &c.	39	911.899	Brought forward
2	33.048	Arable.	39a	119.689	Rough pasture, &c.
2a	.081	Rough pasture.	40	1.794	Public road.
3	6.865	Pasture, &c.	41	86.465	Garden, &c.
4	.182	Pond.	42	6.707	Pasture, &c.
5	12.079	Pasture.	43	16.411	Rough pasture, &c.
6	10.714	Arable.	44	1.183	Pasture.
7	3.782	Public road.	45	.069	House and garden (Don's Green)
8	4.463	Pasture.	46	3.349	Rough pasture, &c.
9	8.137	Pasture.	47	1.356	Houses, gardens, &c.
10	15.656	Arable.	48	.880	Houses, gardens, &c. (Low Alwinton).
11	6.295	Pasture.	49	.927	Houses, gardens, &c. (The Parsonage)
12	3.967	Pasture, &c.	50	.970	Saint Michael's Church (vicarage) and graveyard
13	1.745	Pasture, &c.	51	8.680	River Coquet
14	.283	Stackyard.	52	25.281	Pasture, &c.
15	11.721	Pasture.	53	3.915	Arable
16	1.869	Private road.	54	87.966	Wood (Wellington Howe Plantation).
17	15.012	Arable.			
18	11.210	Pasture.			
19	68.388	Pasture.			
20	6.034	River Alwin.			
21	4.037	Arable.			
22	.744	Houses, yards, &c.			
23	1.083	Houses, gardens, &c.			
24	.360	Houses, gardens, &c. (Alwinton).			
25	.782	Pasture.			
26	.019	House.			
27	.060	Gardens.			
28	.132	Houses, gardens, &c.			
29	.043	House, garden, &c.			
30	2.122	Arable, &c.			
31	4.095	Pasture, &c.			
32	.125	Houses, gardens, &c.			
33	.435	Houses, gardens, &c.			
34	2.641	Pasture.			
35	4.137	Arable, &c.			
36	3.866	Pasture.			
37	6.469	Pasture, &c.			
38	12.000	Pasture, &c.			
38a	.260	Public road.			
	911.399	Carried forward.			

RECAPITULATION

Land.	1165.237
Public roads.	8.686
Water.	6.186
Area of the Township of Alwinton, exclusive of the detached portion	1177.259

13591.

TABLE

FOR CONVERTING DECIMAL PARTS OF AN ACRE INTO RODS AND PERCHES.

Decimal of Acre.	1 Rod.	2 Rods.	3 Rods.	Perches.	0 Rod.	1 Rod.	2 Rods.	3 Rods.
4	.004	.250	.500	750	.21	.381	.631	.881
1	.006	.256	.506	756	.22	.387	.637	.887
2	.012	.262	.512	762	.23	.394	.644	.894
3	.019	.269	.519	769	.24	.400	.650	.900
4	.025	.275	.525	775	.25	.406	.656	.906
5	.031	.281	.531	781	.26	.412	.662	.912
6	.037	.287	.537	787	.27	.419	.669	.919
7	.044	.294	.544	794	.28	.425	.675	.925
8	.050	.300	.550	800	.29	.431	.681	.931
9	.056	.306	.556	806	.30	.437	.687	.937
10	.062	.312	.562	812	.31	.444	.694	.944
11	.069	.319	.569	819	.32	.450	.700	.950
12	.075	.325	.575	825	.33	.456	.706	.956
13	.081	.331	.581	831	.34	.463	.712	.962
14	.087	.337	.587	837	.35	.469	.719	.969
15	.094	.344	.594	844	.36	.475	.725	.975
16	.100	.350	.600	850	.37	.481	.731	.981
17	.106	.356	.606	856	.38	.487	.737	.987
18	.112	.362	.612	862	.39	.494	.744	.994
19	.119	.369	.619	869	.40	.500	.750	1.000
20	.125	.375	.625	875				

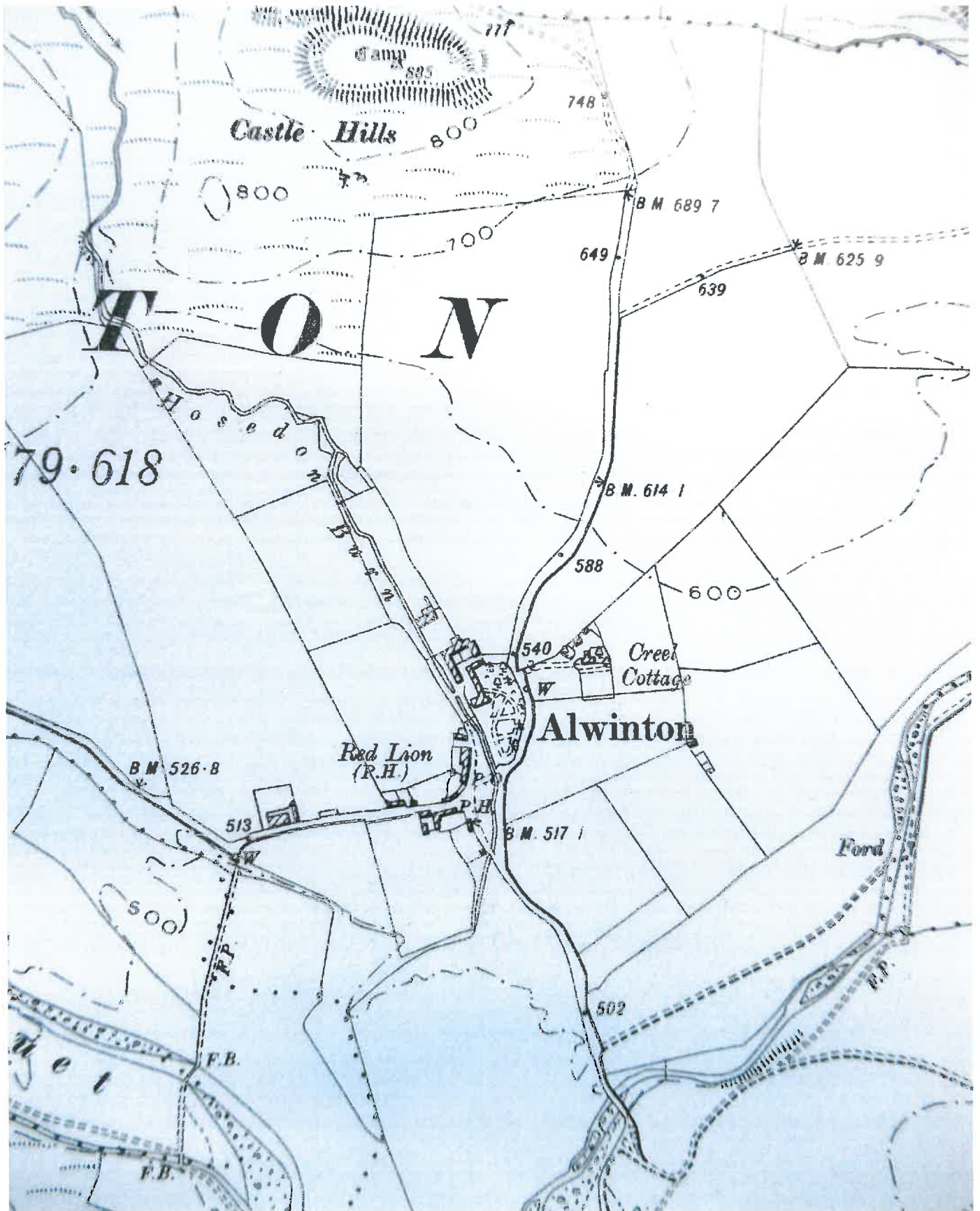
N.B.—To convert Decimal Fractions of an Acre into Rods and Perches, multiply the decimal first by 4 and then by 40, preserving the same number of decimals in the product.

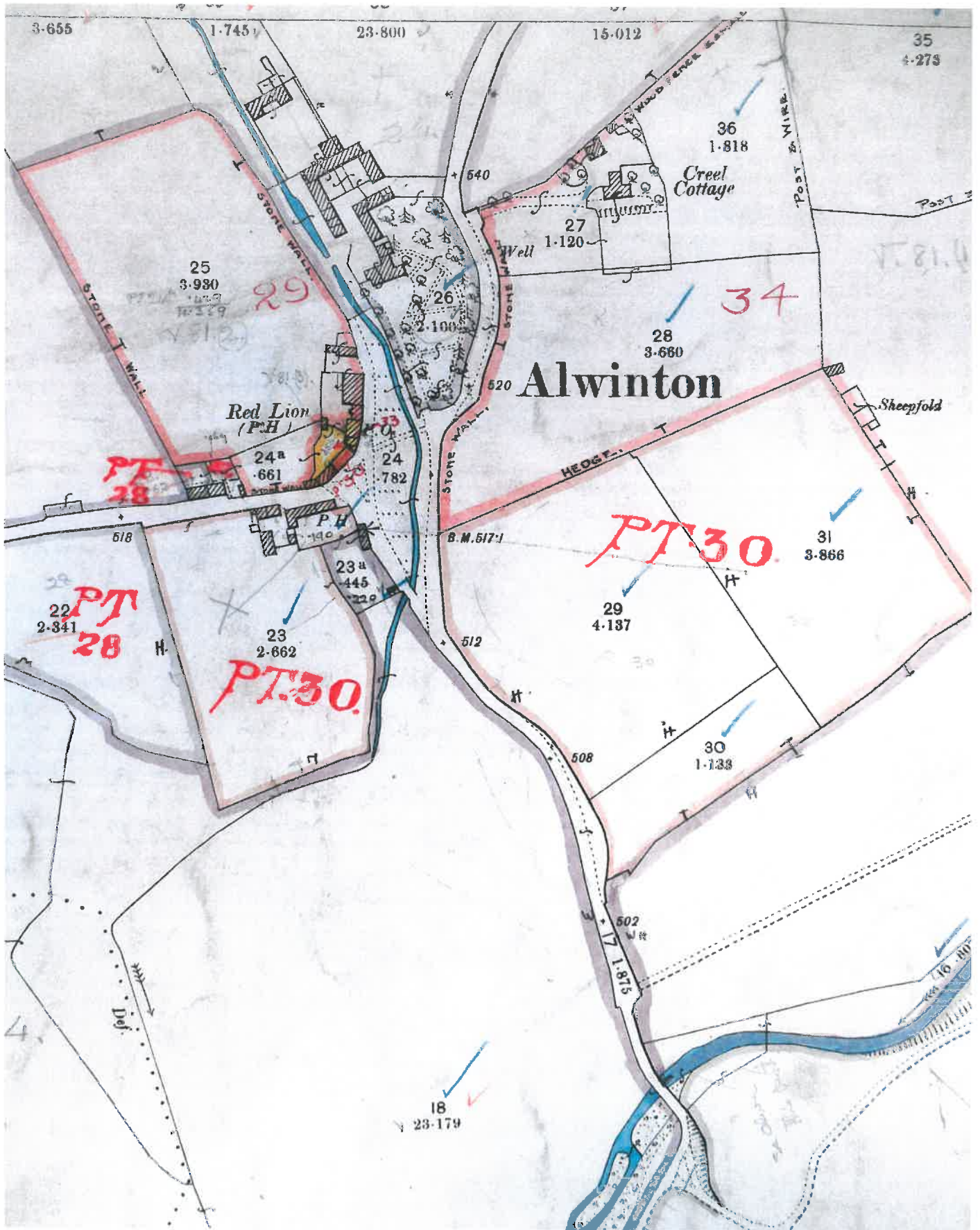
Example—

Acres	633.857
Acres	537.018
	1
	—
	.052
	40
	—
	2.080
	—
	17.120
	—
	1.428
	50
	—
	633.117
	—
	537.02

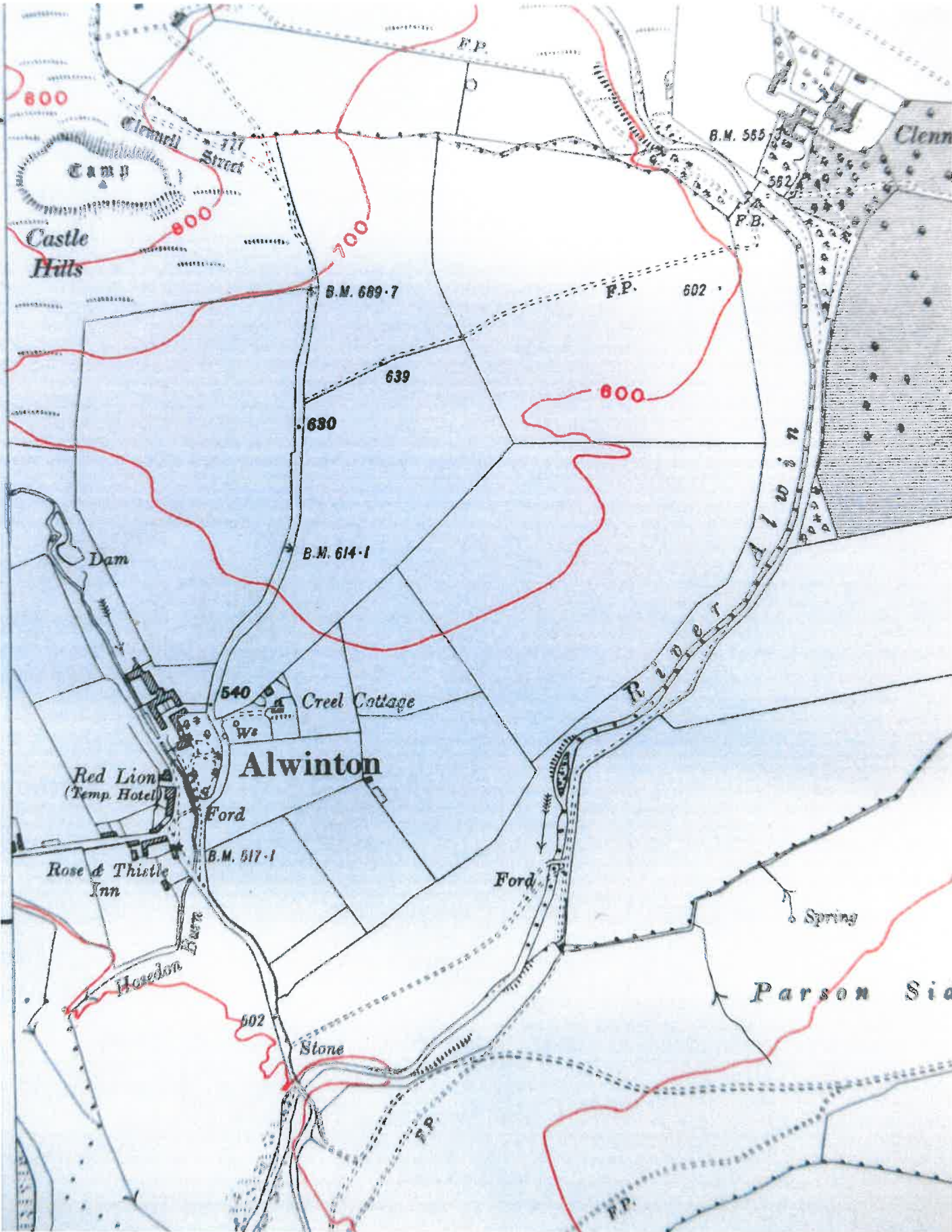




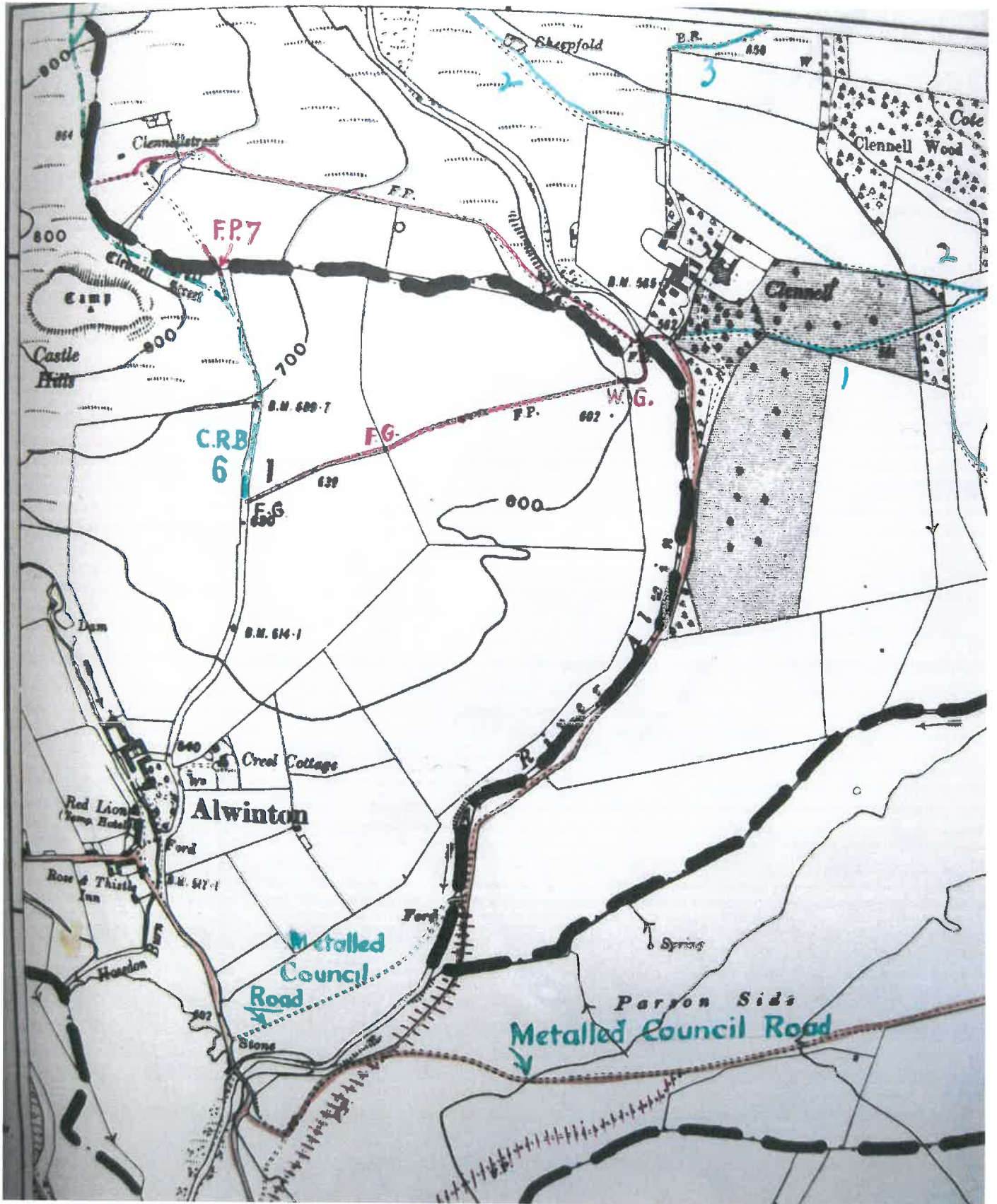


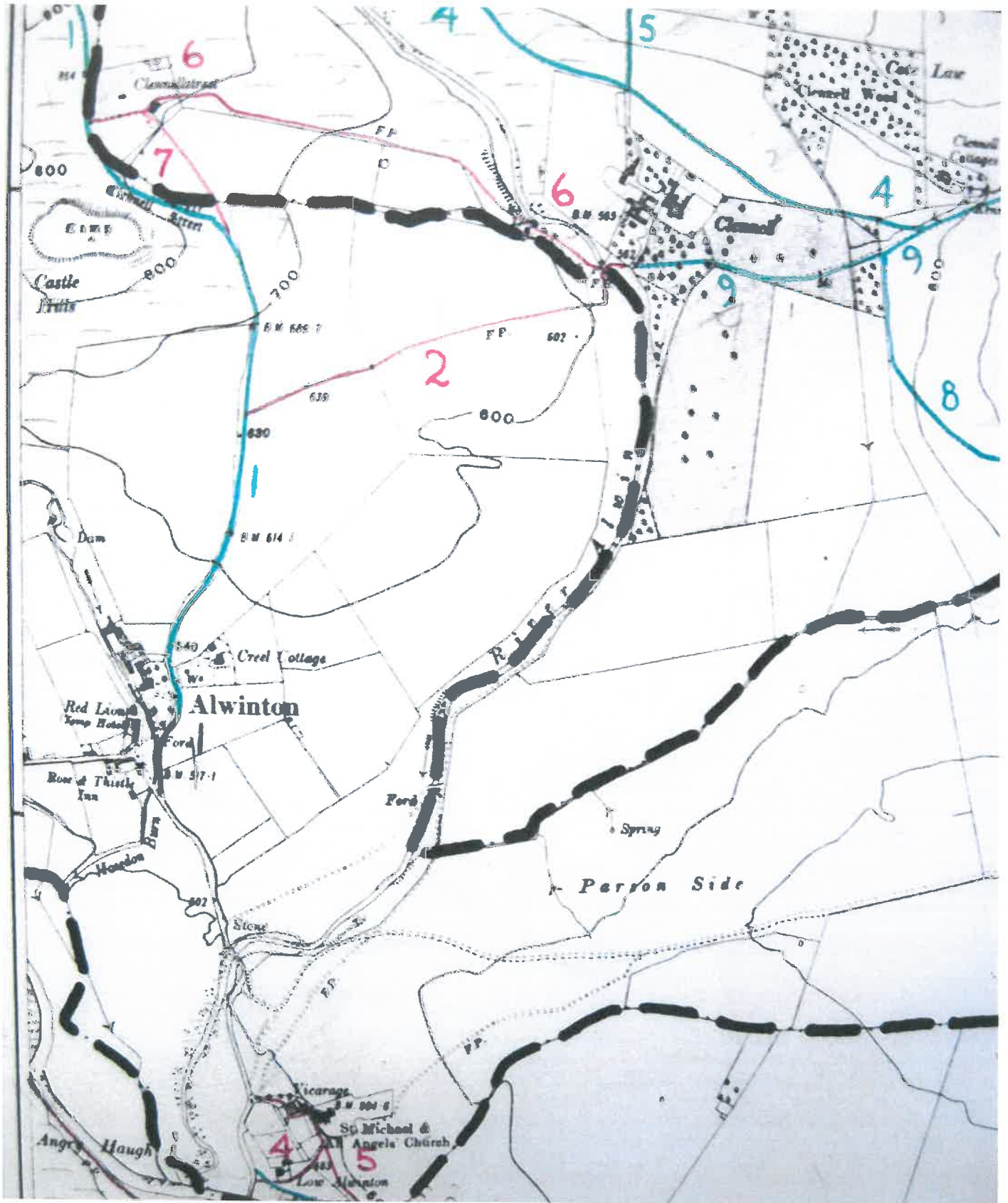




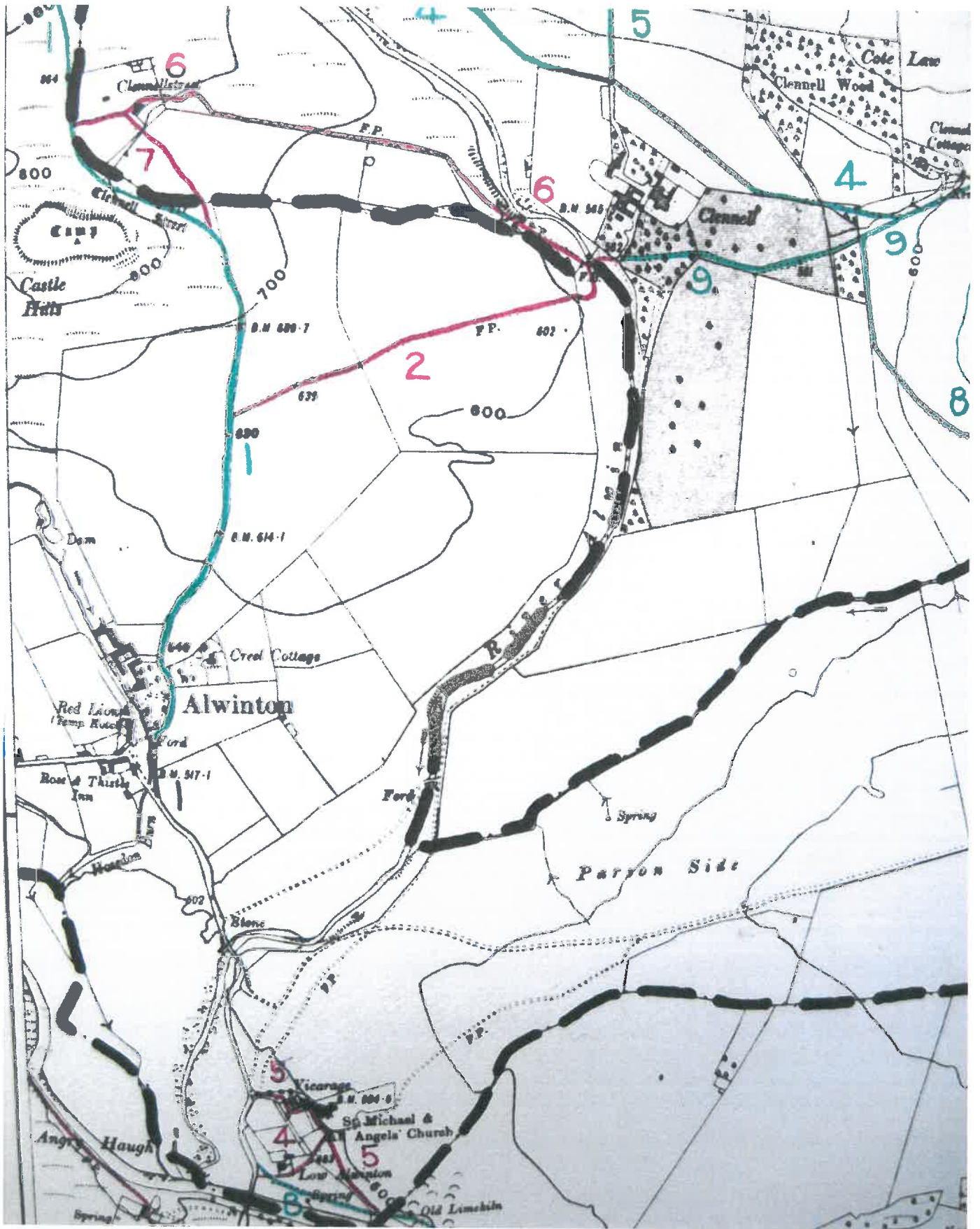


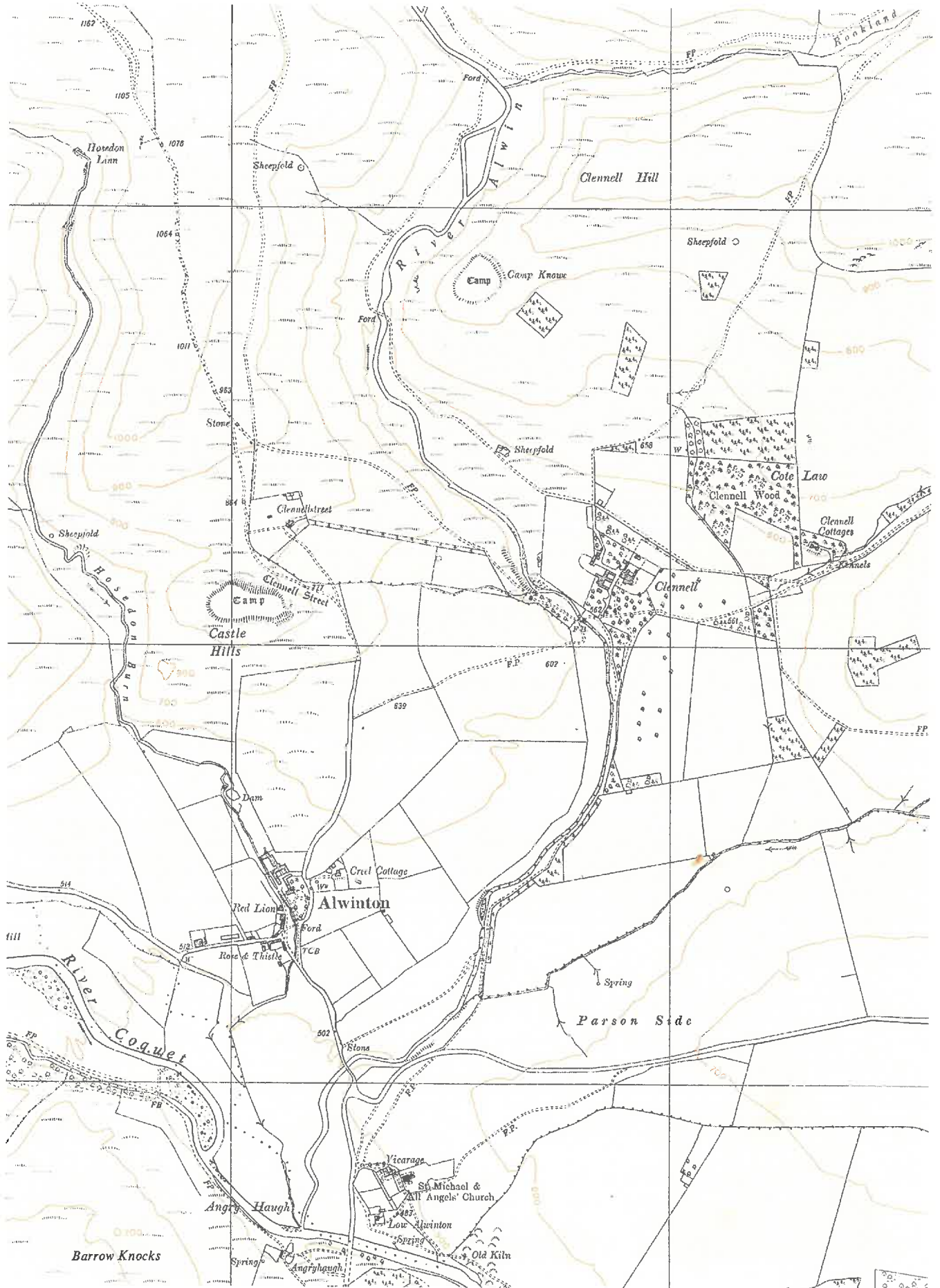
Survey Map



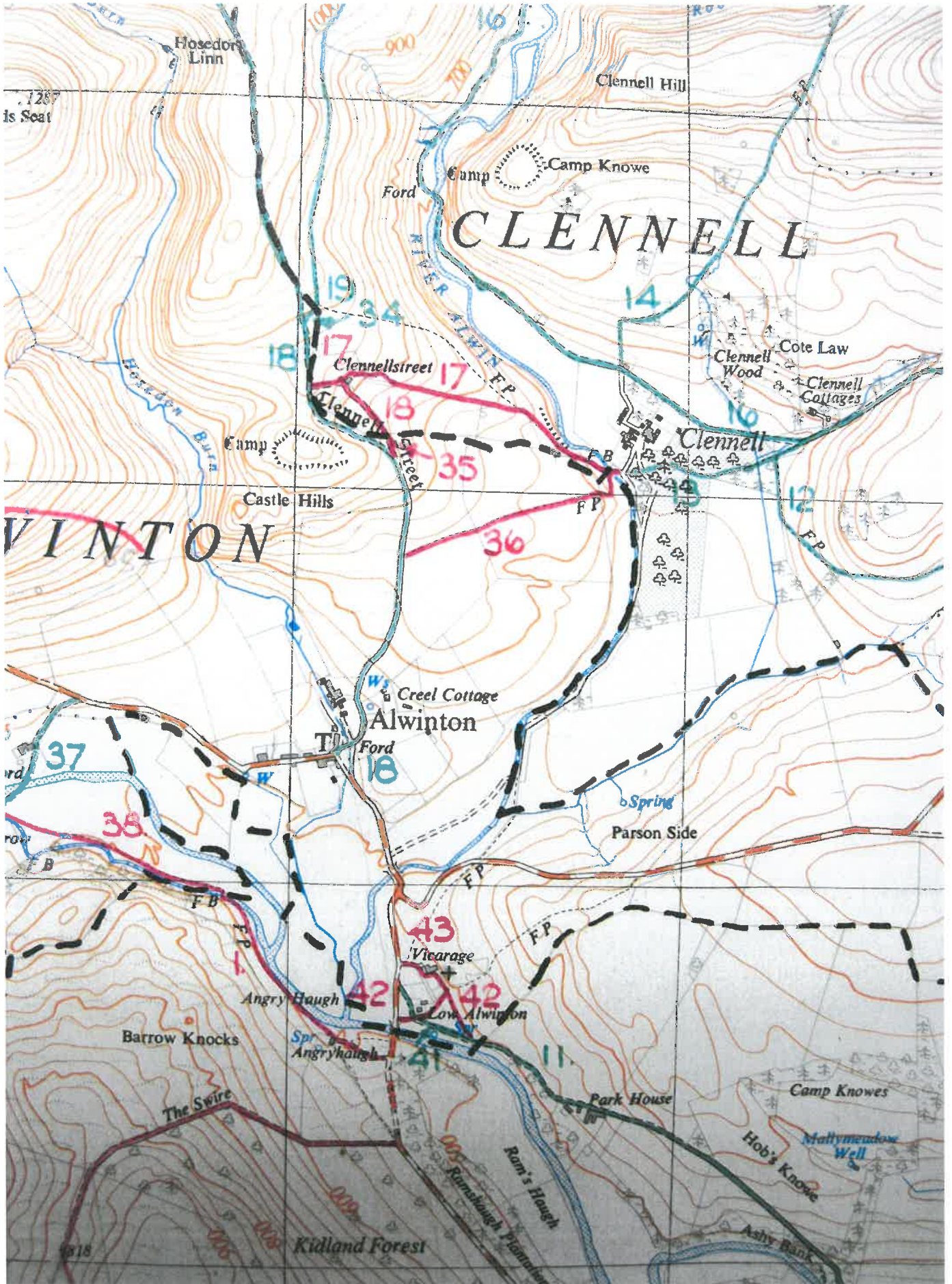


Provisional Map





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 **ROTHBURY**
2. Parish **ALWINTON**
3. Number of Footpath on Map **18**
4. Name of Path **Clemell Street (part)**
5. Kind of Path (i.e. FP/BR) **B.R.**

6. General Description of Path **From the Alwinton-Cogiet Valley Road at Alwinton**
in a northerly; north-easterly direction by Hoseden Linn to join BR 21 in the parish
of Biddlestone recommencing from BR 21 at that parish boundary in a northerly and
north-westerly direction by Drummer's Well and crossing the Usway Burn by the Ford
to join BR 14 north-east of the Middle.

7. Other relevant information

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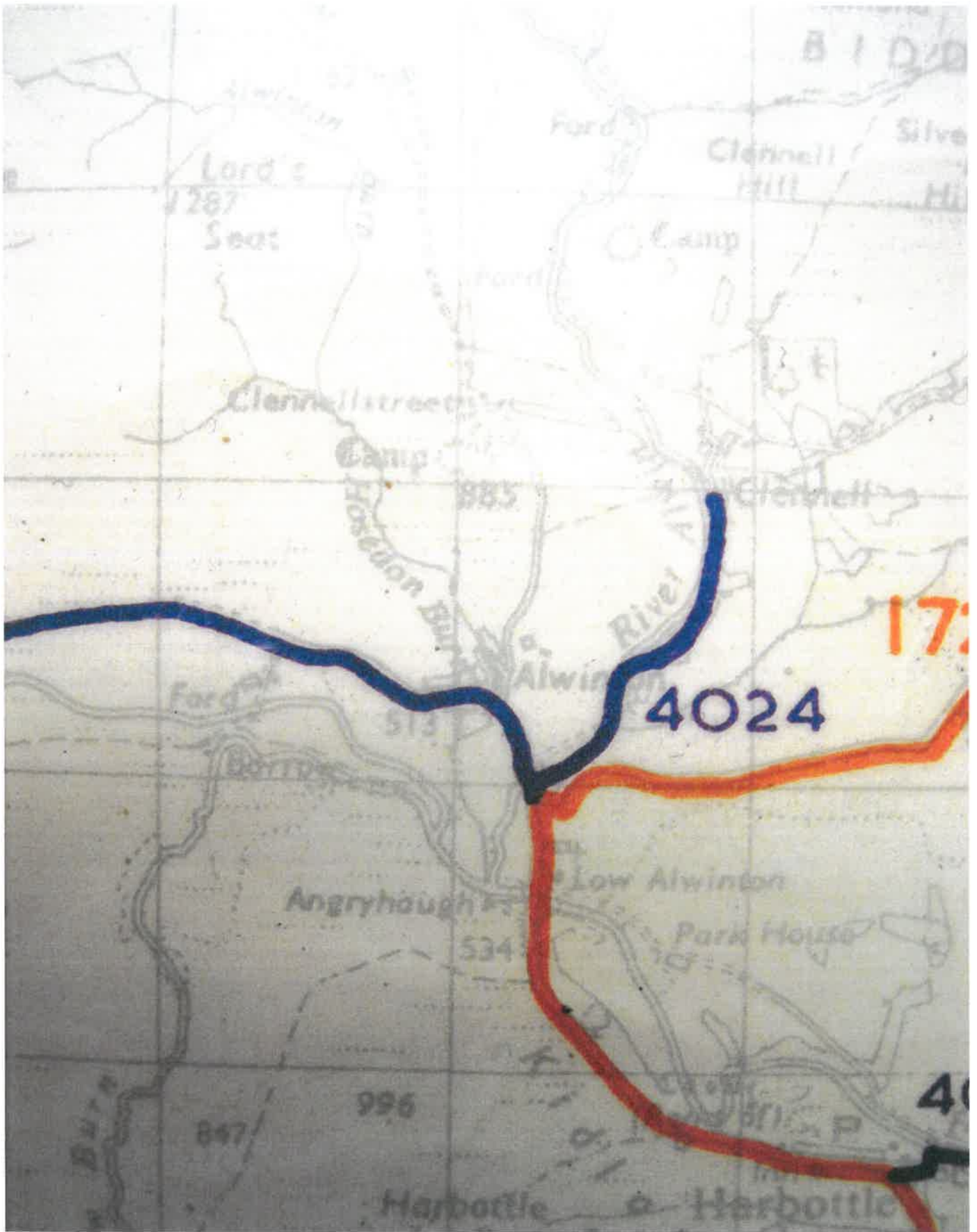
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Extract from the Council's 1964 Highways Map

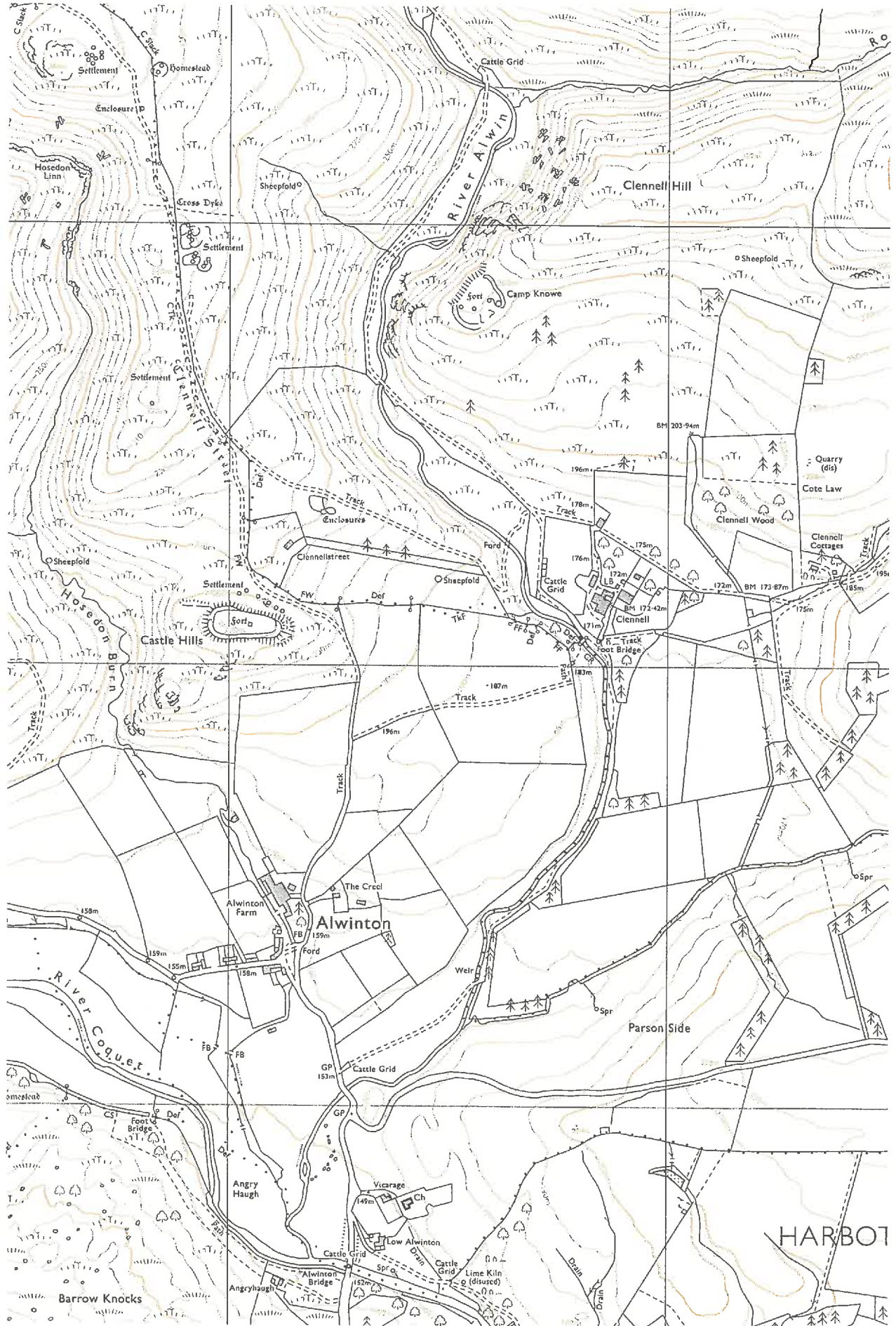


Extract from the Council's Internal 6" Highways Map



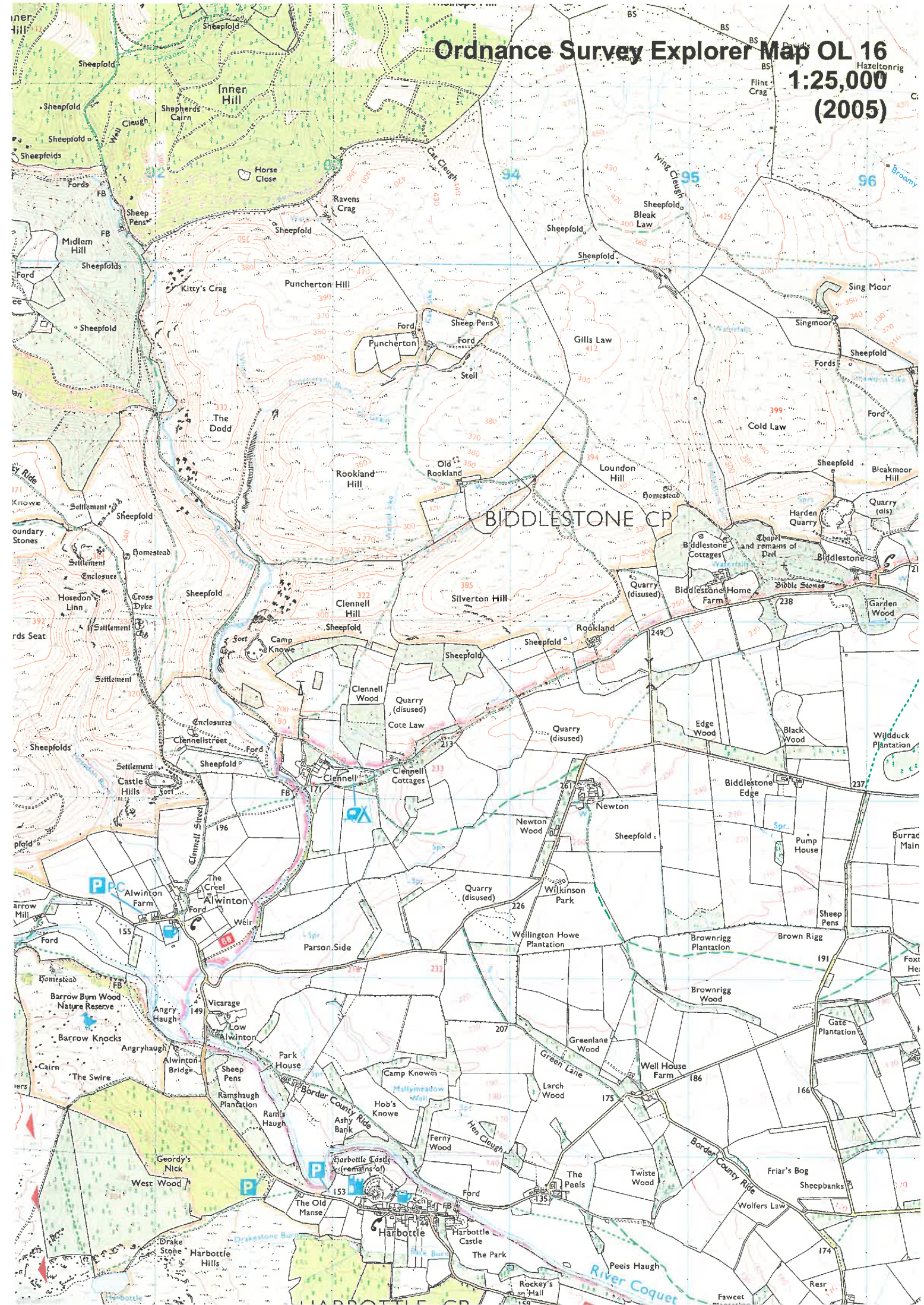
1974 County Road Schedule

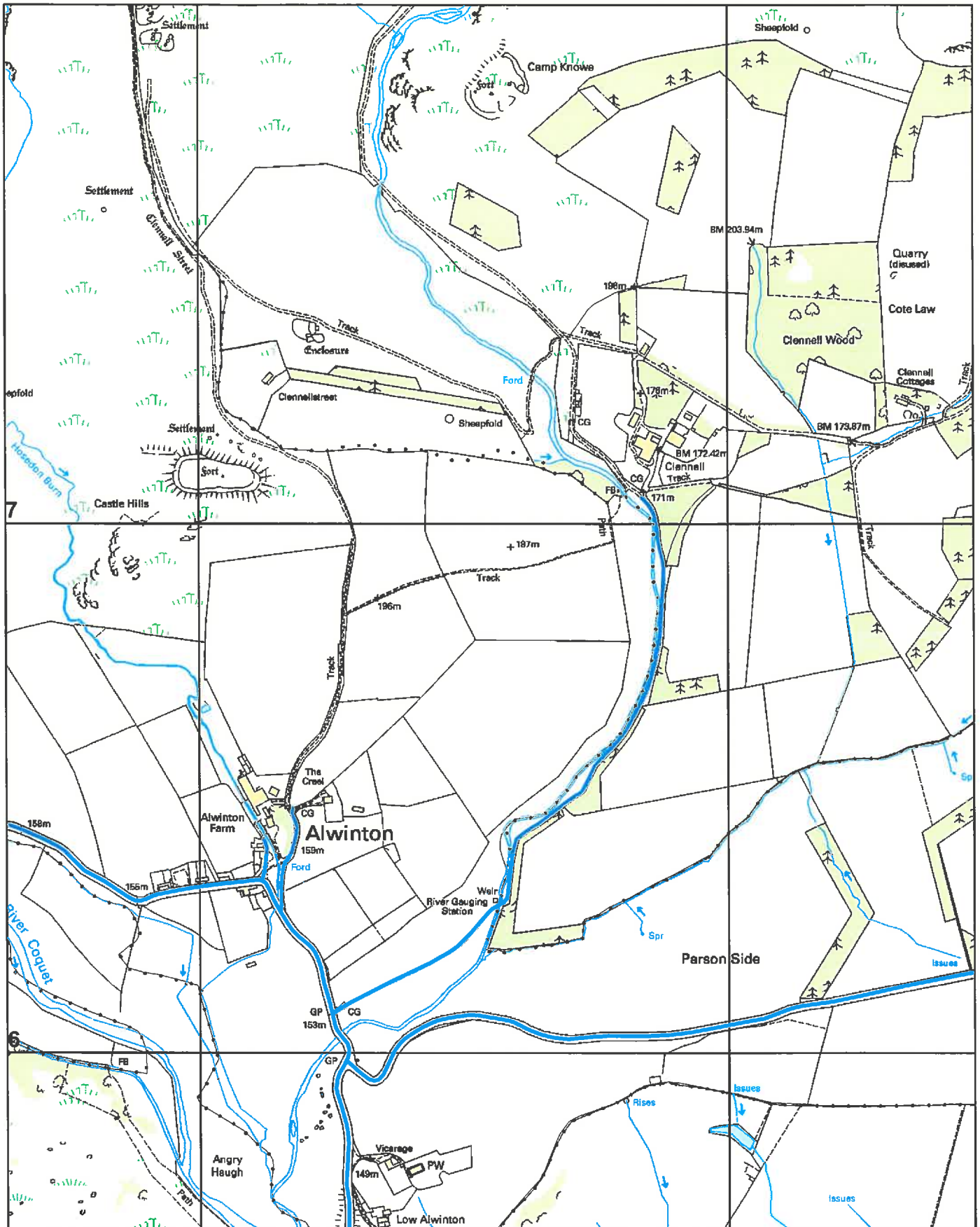
Route No.	Name of Road	Description	Responsible Division or Authority	Mileage	Total Mileage
U.4092	Thrunton Brickworks Road.	From A.697 north of the Coe Burn (NU 095097) south-west and north-west for 186 yards towards Thrunton Brickworks.	Alnwick Division.		0.11
U.4093	Harwood Village Road.	From C.187 approximately 1 mile west of junction with B.6342 (NZ 003898) north for 677 yards across the Harwood Burn to Harwood. (NZ 001904).	Morpeth Division.		0.38
U.4094	Tower Side Whittingham.	From C.178 some 200 yards west of junction with C.90 (NU 008117) north-westwards for a distance of 97 yards to form a cul-de-sac.	Alnwick Division.		0.05
U.4095	Thistleton Farm Road.	From C.175, approximately a half mile south of its junction with C.174 near Yetlington. (NU 018090) south-eastwards for a distance of 263 yards to the north-eastern boundary of Thistleton Farm Steading. (NU 019089).	Alnwick Division.		0.15
U.4096	Crook Farm Road.	From B.6342 some half mile north of Forestburn Gate (NZ 064970) north-eastwards and then southwards to The Crook (NZ 072973).	Morpeth Division.		0.66
U.4097	Alwinton Village Roads.	From U.4023 at Alwinton just south-east of the Hosedon Burn crossing (NI 923063) northwards for 266 yards to a point 16 yards north of the access to Creel Cottage and also from U.4023 in Alwinton Village (NI 922064) northwards for 84 yards to a point some 30 yards north of the Red Lion Hotel.	Alnwick Division.		0.20
U.4098	Old Weldon Bridge Road.	From A.697 at Low Hedley (NZ 140983) northwards via Old Weldon Bridge, dividing at Anglers Arms Inn northwards to join B.6244 opposite north-bound slip road onto A.697 (NZ 137986) and westwards for some 300 yards to join B.6344 at NZ 135986.	Morpeth Division		0.55



Ordnance Survey Explorer Map OL 16

Hazeltonrig
1:25,000
(2005)





Network Management
Information System

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

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

WILDLIFE AND COUNTRYSIDE ACT 1981

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

**THE NORTHUMBERLAND COUNTY COUNCIL
(PUBLIC RIGHTS OF WAY)**

MODIFICATION ORDER (No. 4) 2008

This Order is made by Northumberland County Council under Section 53(2)(b) of the Wildlife and Countryside Act 1981 ("the Act") because it appears to that authority that the Definitive Map and Statement of Public Rights of Way for the County of Northumberland requires modification in consequence of the occurrence of events specified in Section 53(3)(c) (ii) and (iii), namely, that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description; or that there is no public right of way over 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.

The authority has consulted every local authority whose area includes the land to which the order relates.

NOW THEREFORE the surveying authority, in exercise of the power conferred by Section 53(2)(a) and (b) of the Act hereby make the following Order:-

1. For the purposes of this Order the relevant date shall be 1 January 2008.
2. The Definitive Map and Statement of Public Rights of Way for the County of Northumberland shall be modified as described in the Schedule hereto and shown on the map annexed hereto.
3. This Order shall have effect the date it is confirmed.
4. This Order shall be cited as The Northumberland County Council (Public Rights of Way) Modification Order (No. 4) 2008.

MODIFICATION ORDER (No 4) 2008

PART A:

Index

ALNWICK DISTRICT

Parish	Path No.	Modification	OS Map Nos.	Def Map Nos.
Alwinton	BR 14	Deletion (part)	NT 81 NE / SE	52 / 63
Alwinton	BR 16	Amend Statement	NT 81 NE	52
Alwinton	FP 17	Amend Statement	NT 81 SE	63
Alwinton	Byway 18	Upgrade of BR	NT 90NW	77
Alwinton	FP 24	Amend Statement	NT 81 SE	63
Alwinton	FP 27	Amend Statement	NT 81 SE	63
Alwinton	FP 31	Amend Statement	NT 90 NW	77
Alwinton	BR 34	Amend Statement	NT 90 NW	77
Alwinton	FP 35	Amend Statement	NT 90 NW	77
Alwinton	FP 36	Amend Statement	NT 90 NW	77
Alwinton	FP 47	Amend Statement	NT 81 SE	63
Alwinton	FP 48	Amend Statement	NT 81 SE	63
Alwinton	BR 56	Deletion	NT 80NE/81SE/90NW	76 / 63 / 77
Alwinton	Byway 61	Addition	NT 80NE/81NE+SE/90NW	76 / 52 / 63/ 77
Biddlestone	FP 17	Amend Statement	NT 90 NW	77
Biddlestone	BR 20	Amend Statement	NT 90 NW	77
Biddlestone	Byway 21	Upgrade of BR	NT 90 NW	77

MODIFICATION ORDER (No 4) 2008

PART B: Description of Modification to Definitive Map and Statement

ALNWICK DISTRICT

Alwinton Bridleway No 14 (NT 81 NE / SE)

Part I Map: Deleting thereto the bridleway, from a point marked C, 820 metres south of the summit of Hazely Law, to a point marked B on the Scottish border, 1760 metres north-east of Windy Gyle, as a consequence of this section being upgraded to restricted byway (part of Restricted Byway No 61) status.

Part II Statement: To be amended as follows:
From the Alwinton-Coquet Valley Road north of Midge Holes in a north-westerly and northerly direction crossing the Passpeth Sike and crossing and recrossing the Usway Burn by Shillmoor, the Castles and Fairhaugh, recrossing the Usway Burn at Fairhaugh continuing by Middle Hill and The Middle to join Restricted Byway No 61, 820 metres south of the summit of Hazely Law.

Alwinton Bridleway No 16 (NT 81 NE)

Part I Map: The Map is unaffected.

Part II Statement: To be amended as follows:
From Bridleway No 19 in the Parish of Biddlestone, in a northerly direction to a point 480 metres north-west of The Dodd, thereafter continuing as a 3 metre wide path, in a general northerly direction for a distance of 300 metres, to a point 160 metres west of Kitty's Crag, thereafter continuing as a path, in a northerly direction to a point 410 metres east of Heigh, thereafter as a 3 metre wide path, in a north-westerly direction for a distance of 60 metres, bending round to a south-easterly direction for a distance of 80 metres, then bending round once more, to continue in a north-westerly direction, for a distance of 70 metres to a point 390 metres east of Heigh, thereafter continuing as a path, in a general northerly direction, via Peat Sike, to a point 490 metres west of the site of Memmer Kirk, thereafter as a 3 metre wide bridleway, in a westerly direction, for a distance of 150 metres, to a point 240 metres north-east of Heigh, thereafter continuing as a path, in a south-westerly direction, via Heigh, then in a northerly and westerly direction to a point 420 metres west of Lindhope Linn waterfall, thereafter continuing as a 3 metre wide path, in a westerly direction for a distance of 80 metres,

for a distance of 90 metres to an area of woodland, thereafter as a 12.19 metre wide restricted byway in a general westerly direction along the parish boundary, for a distance of 420 metres, to join Restricted Byway No 21 in the Parish of Biddlestone, on the south side of Uplaw Knowe.

Alwinton **Footpath No 24** **(NT 81 SE)**

Part I Map: The Map is unaffected.

Part II Statement: To be amended as follows:
From Restricted Byway No 61 (Clennell Street) south-west of Flesh Shank in a south-easterly direction by the west side of Peat Law to join Footpath No 31 south-west of Kidlandlee.

Alwinton **Footpath No 27** **(NT 81 SE)**

Part I Map: The Map is unaffected.

Part II Statement: To be amended as follows:
From Bridleway No 16, at Heigh, in a general north-westerly direction, crossing the Lindhope Burn, to a point 410 metres north-west of Whiteburnshank, thereafter as a 2 metre wide path, in a westerly then south-westerly then southerly direction, for a distance of 260 metres to a point where the footpath crosses the East Burn, 230 metres north-east of Whiteburnshank, thereafter as a path, in a general south-westerly direction, crossing the East Burn and the West Burn and by Whiteburnshank, to join Restricted Byway No 61, south of Drummond's Well.

Alwinton **Footpath No 31** **(NT 90 NW)**

Part I Map: The Map is unaffected.

Part II Statement: To be amended as follows:
From Bridleway No 16, south-west of Inner Hill, in a south-westerly direction, crossing Yoke Burn by the footbridge and continuing to a point 25 metres north of Midlem Sike, at Kidlandlee, thereafter as a 1.5 metre wide path, in a westerly direction for a distance of 90 metres, to a point 5 metres west of the stone wall, then in a south-westerly direction for a distance of 158 metres to a point 200 metres south-west of the ford at Kidlandlee, thereafter as a path in a south-westerly direction to join Restricted Byway No 61, at Wholehope.

Alwinton **Bridleway No 34** **(NT 90 NW)**

Part I Map: The Map is unaffected.

Part II Statement: To be amended as follows:
From Bridleway No 19 in the Parish of Biddlestone at that parish boundary in a south-westerly direction to join Restricted Byway No 18.

Alwinton **Footpath No 35** **(NT 90 NW)**

Part I Map: The Map is unaffected.

Part II Statement: To be amended as follows:
From Footpath No 18 in the Parish of Biddlestone at that Parish boundary in a southerly direction to join Restricted Byway No 18 north-east of Castle Hills.

Alwinton **Footpath No 36** **(NT 90 NW)**

Part I Map: The Map is unaffected.

Part II Statement: To be amended as follows:
From Footpath No 17 in the Parish of Biddlestone at that parish boundary in a southerly, south-westerly direction to join Restricted Byway No 18 north of Creel Cottage.

Alwinton **Footpath No 47** **(NT 81 SE)**

Part I Map: The Map is unaffected.

Part II Statement: To be amended as follows:
A 1.5 metre wide path, from Bridleway No 14, 110 metres south-east of Shillmoor, in an easterly, north-westerly, northerly then north-easterly direction for 3600 metres to join Restricted Byway No 61(Clennell Street), 1600 metres east of Batailshiel Haugh.

Alwinton **Footpath No 48** **(NT 81 SE)**

Part I Map: The Map is unaffected.

Part II Statement: To be amended as follows:
A 1.5 metre wide path, from Bridleway No 14, 120 metres north of Batailshiel Haugh, in a general north-westerly then north-easterly and easterly direction for a distance of 2000 metres to join Restricted Byway No 61 (Clennell Street), on the northern flank of Saughy Hill.

Alwinton **Bridleway No 56** **(NT 80 NE / 81 SE / 90 NW)**

Part I Map: Deleting thereto the bridleway, from a point marked marked D, on existing Bridleway No 21, in the Parish of Biddlestone, 220 metres south-east of Wholehope, northwards, to a point marked C, 820 metres south of the summit of Hazely Law, as a consequence of this route being upgraded to restricted byway (part of Restricted Byway No 61) status.

Part II Statement: To be deleted.

Alwinton **Restricted Byway No 61** **(NT 80 NE / 81 NE/SE / 90 NW)**

Part I Map: Adding thereto a restricted byway, from a point marked D, on existing Bridleway No 21, in the Parish of Biddlestone, 220 metres south-east of Wholehope, along the route of existing Bridleway No 56, to a point marked C, 820 metres south of the summit of Hazely Law, then along the route of existing Bridleway No 14, to a point marked B on the Scottish border, 1760 metres north-east of Windy Gyle.

Part II Statement: To be prepared as follows:
A 12.19 metre wide restricted byway, incorporating a 2.5 to 3 metre wide stone surfaced track, from Restricted Byway No 21 in the Parish of Biddlestone, 220 metres south-east of Wholehope, in a north-westerly direction for a distance of 420 metres, and passing immediately to the west of the ruin of Wholehope, then incorporating a 3 metre wide stone surfaced track, in a general northerly direction, through Kidland Forest, for a distance of 680 metres to the boundary of the forest, thereafter as a 5 metre wide restricted byway, incorporating a 3 metre wide stone surfaced track in a general north-westerly and northerly direction, around the perimeter of the forest, for a further 1450 metres, to a junction with Footpath No 27,

then descending and continuing in a northerly direction for a distance of 280 metres, then continuing in a general north-westerly direction through Kidland Forest for a distance of 1380 metres, then as a 5 metre wide grass / earth surfaced path, for a further 275 metres to a point where the track leaves the forest, then continuing as a 5 metre wide restricted byway, incorporating firstly a 3 metre wide grass track descending around the western side of Yarnspath Law, for a distance of 400 metres, then secondly a 2 metre wide stone surfaced track, cut into the slope of the hillside for a further 500 metres to a bridle bridge / ford across the Usway Burn. From the bridge / ford, the 5 metre wide restricted byway, incorporating a 2 metre wide grass / stone surfaced track, ascends for a distance of 200 metres in a northerly then westerly direction to the top of the ridge, and a junction with Bridleway No 14. From this point, the 5 metre wide restricted byway continues as a grass / stone surfaced track, in a northerly direction for a distance of 120 metres, then, for the next 750 metres, as it cuts into the sloping side of or ascends Hazely Law, the track, although stone surfaced, is no more than 2 metres wide, thereafter the 5 metre wide restricted byway continues as a part stone, part grass and part earth surfaced track in a general northerly direction for a distance of 1275 metres to a junction with Salters Road, then as a stone surfaced track in a north-westerly direction for a distance of 480 metres up to the Scottish border 1760 metres north-east of Windy Gyle.

Biddlestone

Footpath No 17

(NT 90 NW)

Part I Map: The Map is unaffected.

Part II Statement: To be amended as follows:
From the Public road to Clennell in a north-westerly, westerly and south-westerly direction crossing the River Alwin by the footbridge and by Clennell Street to join Restricted Byway No 18 in the Parish of Alwinton.

Biddlestone

Bridleway No 20

(NT 90 NW)

Part I Map: The Map is unaffected.

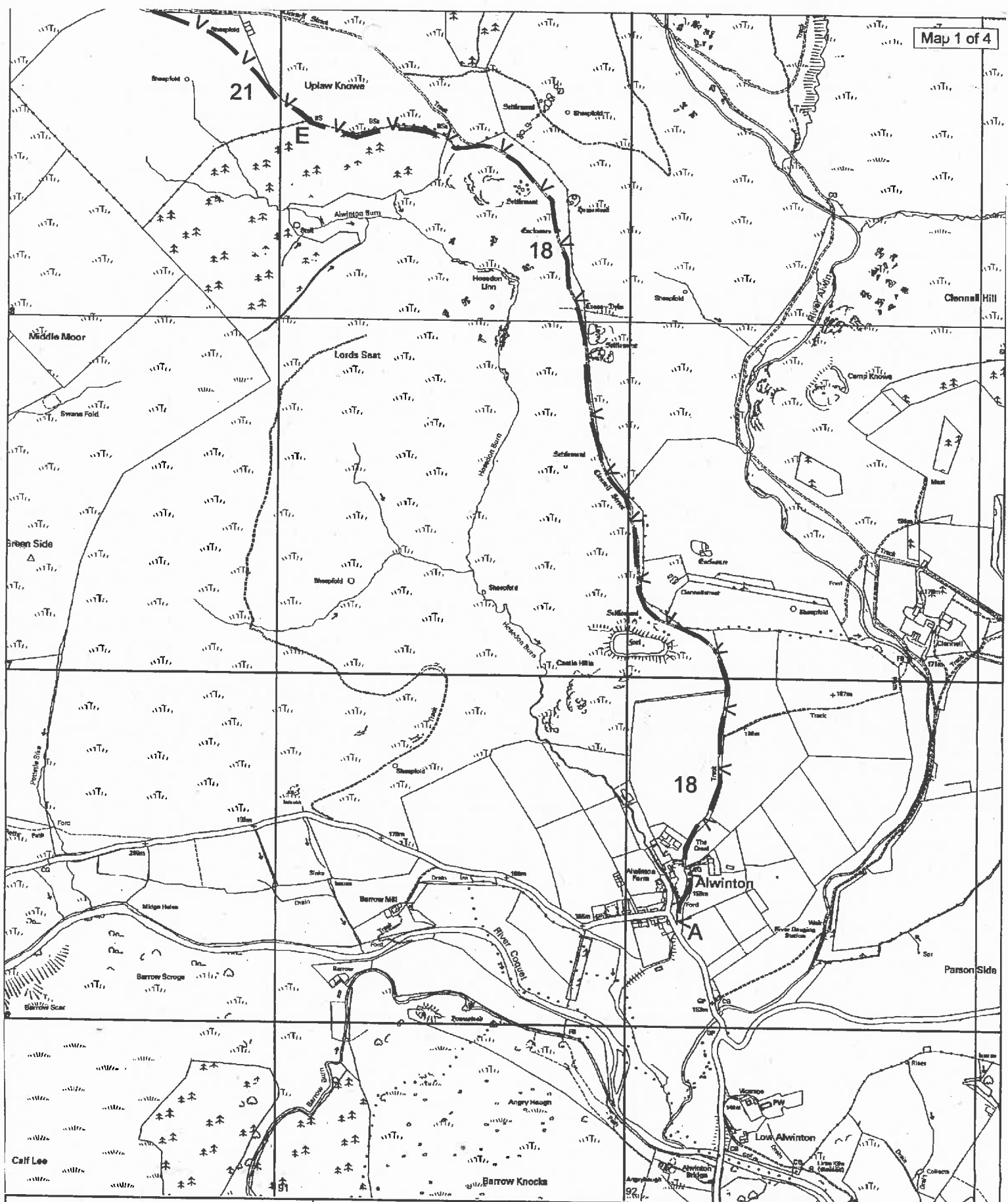
Part II Statement: To be amended as follows:
From Restricted Byway No 21 south-east of Hare Sheds in a south-easterly direction by Uplaw Knowe to join Restricted Byway No 18 in the Parish of Alwinton.

Biddlestone

Restricted Byway / Bridleway No 21

(NT 90 NW)

- Part I** **Map:** Upgrading, to restricted byway status, the public bridleway from a point marked E on existing Bridleway No 18 in the Parish of Alwinton, on the south side of Uplaw Knowe, to a point marked D on existing Bridleway No 56, in the Parish of Alwinton, 220 metres south-east of Wholehope.
- Part II** **Statement:** To be amended as follows:
A 12.19 metre wide restricted byway, from Restricted Byway No 18 in the Parish of Alwinton, on the south side of Uplaw Knowe, in a north-westerly direction for a distance of 1050 metres, by the east side of Hare Sheds, to join Restricted Byway No 61 in the Parish of Alwinton, 220 metres south-east of Wholehope.



NORTHUMBERLAND
COUNTY COUNCIL

Executive Director of Community and Environmental Services
Community & Environmental Services Directorate
County Hall Morpeth Northumberland
Telephone (01670) 533000 NE61 2EF

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)**

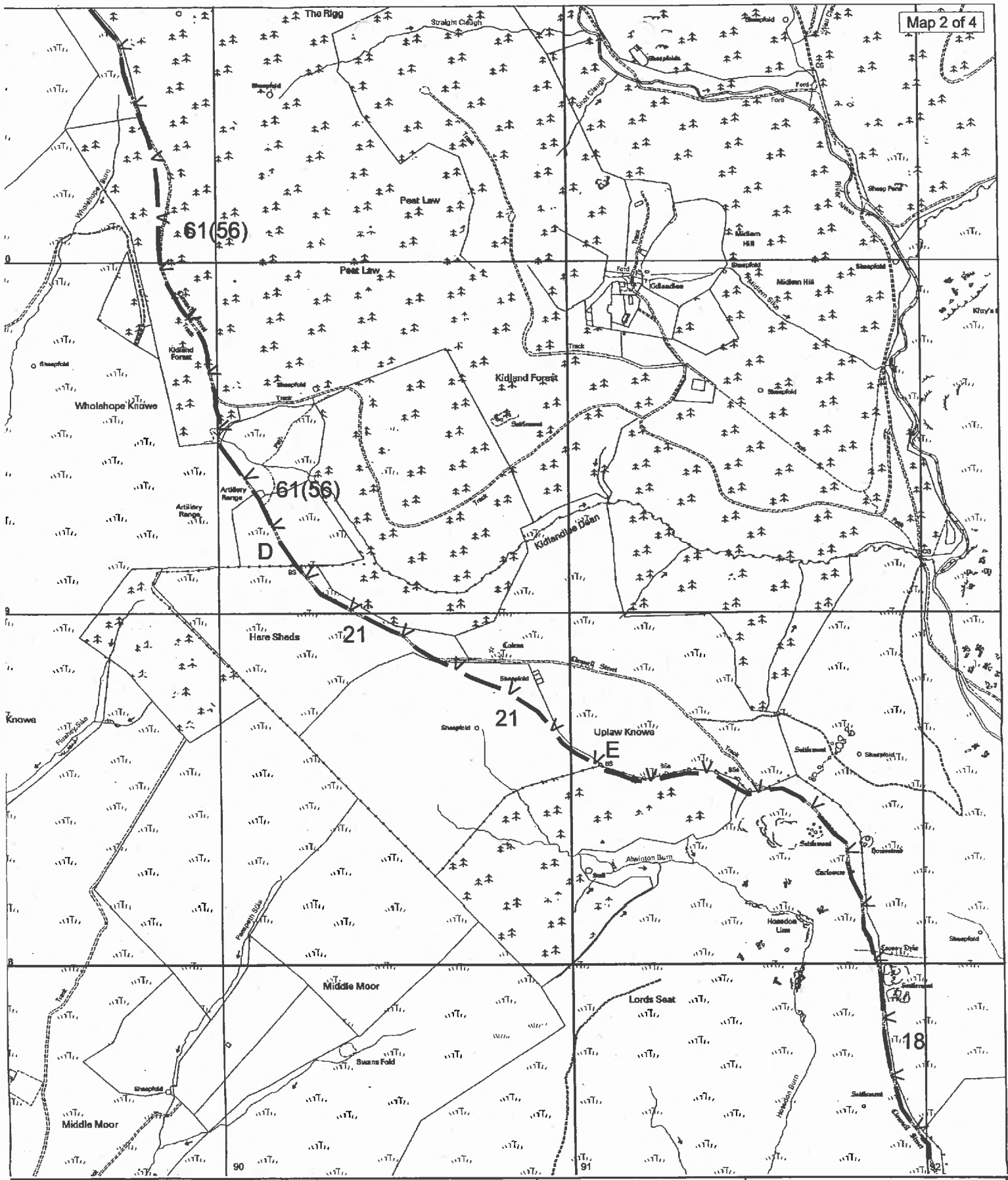
Modification Order

(No. 4) 2008

- Public Right of Way closed
- Public Footpath
- Public Bridleway
- Restricted Byway
- Byway Open to All Traffic

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O.S. Map NT 90 NW	Definitive Map No 77
District(s) Alwinton	Parish(es) Alwinton
Scale: 1/10,000	Date: March 2008



NORTHUMBERLAND
COUNTY COUNCIL






Executive Director of Community and Environmental Services
Community & Environmental Services Directorate
County Hall Morpeth Northumberland
Telephone (01670) 533000 NE61 2EF

Wildlife and Countryside Act, 1981

**Definitive Map of
Public Rights of Way
for the
County of Northumberland**

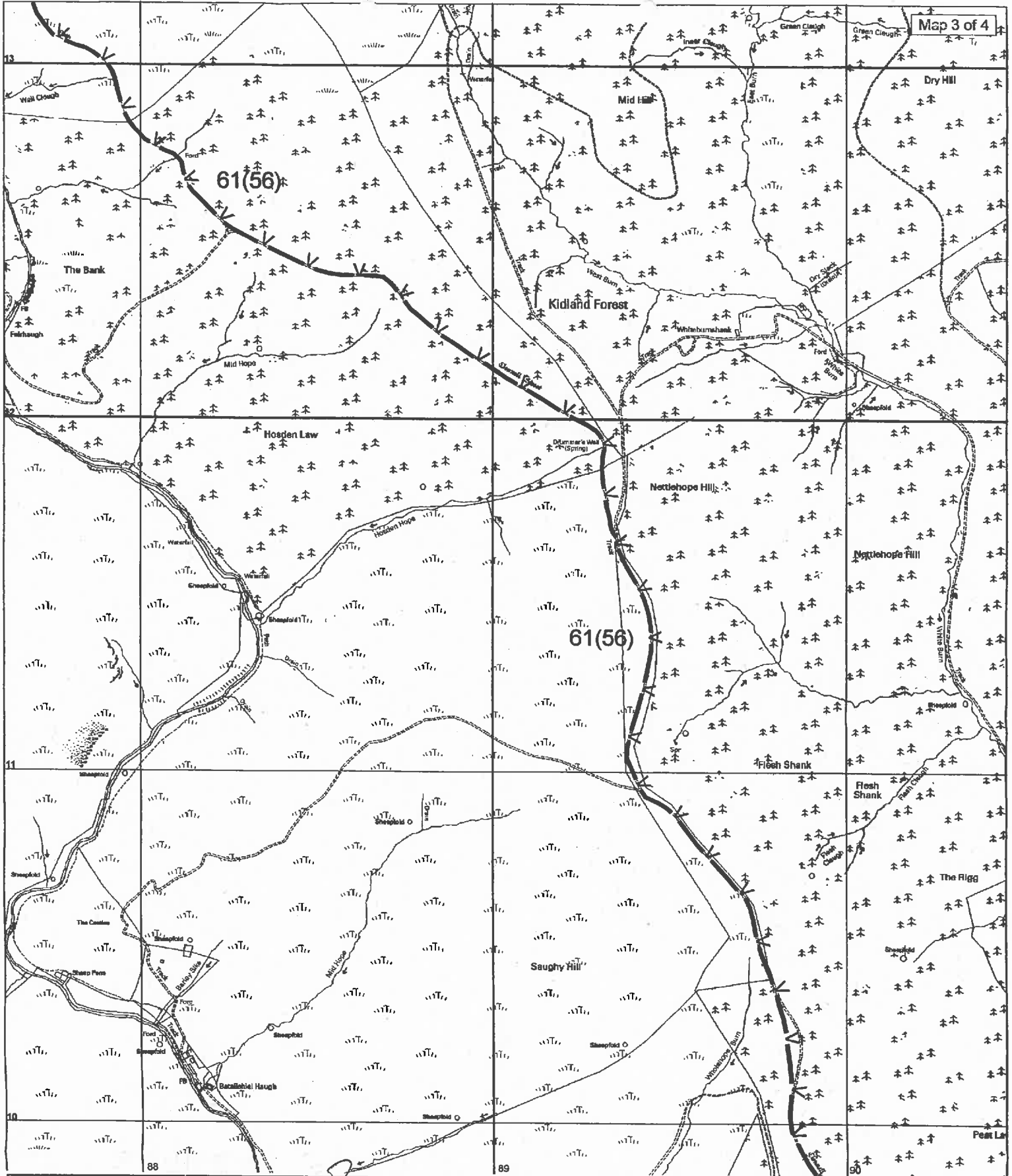
**The Northumberland
County Council
(Public Rights of Way)**

**Modification Order
(No. 4) 2008**

- Public Right of Way closed 
- Public Footpath 
- Public Bridleway 
- Restricted Byway 
- Byway Open to All Traffic 

O.S. Map NT 80 NE NT 81 SE/NT 90 NW	Definitive Map No 76/63/77
District(s) Alnwick	Parish(es) Alninton/ Biddlestone
Scale: 1/10,000	Date: March 2008

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RA
Wildlife and Countryside Act, 1981

Definitive Map of Public Rights of Way for the County of Northumberland

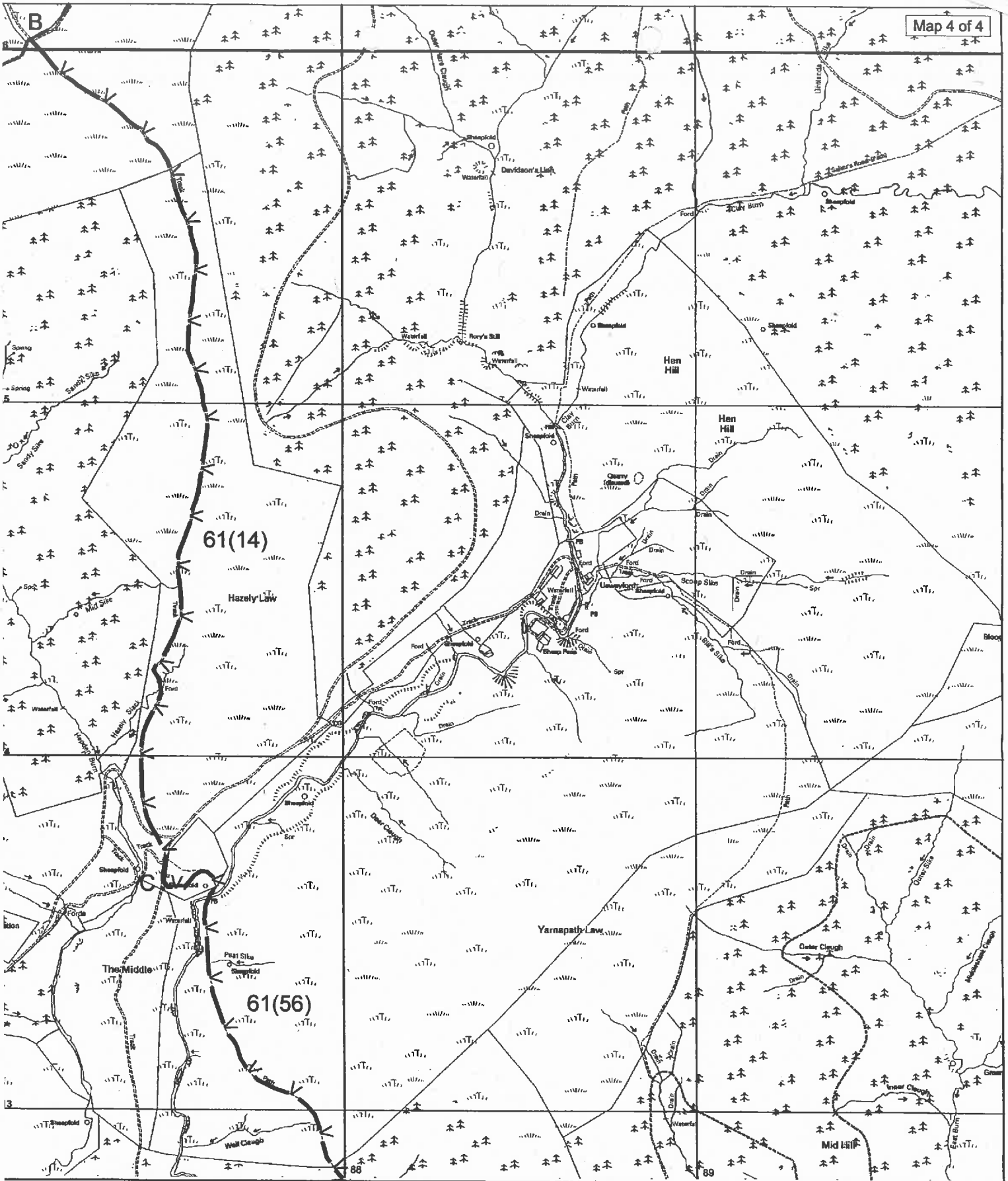
The Northumberland County Council (Public Rights of Way)

Modification Order

(No. 4) 2008

- Public Right of Way closed
- Public Footpath
- Public Bridleway
- Restricted Byway
- Byway Open to All Traffic

O.S. Map NT 81 SE	Definitive Map No 63
District(s) Alnwick	Parish(es) Alwinton
Scale: 1/10,000	Date: March 2008



Northumberland
COUNTY COUNCIL

Executive Director of Community and Environmental Services
Community & Environmental Services Directorate
County Hall Morpeth Northumberland
Telephone (01670) 533000 NE61 2EF

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)**

Modification Order

(No. 4) 2008

- Public Right of Way closed
- Public Footpath
- Public Brideway
- Restricted Byway
- Byway Open to All Traffic

O.S. Map NT 81 NE/SE	Definitive Map No 52/63
District(s) Alnwick	Parish(es) Alwinton
Scale: 1/10,000	Date: March 2008

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IN WITNESS whereof the Common Seal of the County Council of Northumberland was hereunto affixed on the 21st day of April 2008

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

Paul Annis

DULY AUTHORISED OFFICER



THE COUNTY COUNCIL OF NORTHUMBERLAND in exercise of their powers under section 53 of the 1981 Act, hereby confirm the foregoing Order:

(PUBLIC RIGHTS OF WAY) MODIFICATION ORDER (No. 4) 2008

IN WITNESS thereof, the Common Seal of the County Council of Northumberland was hereunto affixed this day the *5th* of *August* 2008

THE COMMON SEAL OF THE COUNTY

COUNCIL OF NORTHUMBERLAND was

hereunto affixed in the

presence of:-

Reve Amin

DULY AUTHORISED OFFICER



8490