



Northumberland County Council

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL
RIGHTS OF WAY SUB-COMMITTEE
17 December 2019

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

ALLEGED BYWAY OPEN TO ALL TRAFFIC No 34 & EXTENSION TO PUBLIC BRIDLEWAY No 20 PARISH OF HARBOTTLE

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 U4018 road, from a point south of Garden Cottage, in Harbottle, eastwards to The Peels, and of public bridleway rights over a short extension to existing Public Bridleway No 20 at The Peels.

Recommendation

It is recommended that the sub-committee agrees that:

- (i) there is sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the route D-E;**
- (ii) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the D-E route;**
- (iii) there is sufficient evidence to indicate that public bridleway rights have been reasonably alleged to exist over the route F-G;**
- (iv) the routes be included in a future Definitive Map Modification Order as a byway open to all traffic and public bridleway, respectively.**

1.0 BACKGROUND

- 1.1 By virtue of section 53 of the Wildlife and Countryside Act, 1981 the County Council is required to keep the Definitive Map and Statement under continuous review and make modification orders upon the discovery of evidence, which shows that the map and statement need to be modified.
- 1.2 The relevant statutory provision which applies to adding a public right of way to the Definitive Map and Statement, based on historical documentary evidence, is Section 53(3)(c)(i) of the Wildlife and Countryside Act, 1981. This requires the County Council (as Surveying Authority) to modify the Definitive Map and Statement following:

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

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

- 1.3 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 ‘U4018” 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 U4018 unclassified County road based upon more than simply its inclusion in the List of Streets.
- 2.5 When the Definitive Map was first drawn up in the 1950s, Public Bridleway No 20 was shown terminating at point G, despite the fact that the Definitive Statement says that the bridleway starts on the Harbottle - Peels road. This may suggest that the E-F-G-E 'triangle' was considered to be part of the road. This seems to be what was shown on the Ordnance Survey base map that was used for the original Definitive Map, but does not appear to be supported by any of the Council's highways plans. If the public road does extend to point G, then the Definitive Map and Statement are correct, and don't need to be amended, but if the F-G-E triangle is not part of the public road, then it would seem appropriate to modify how Bridleway No 20 is recorded on the Definitive Map so that it does indeed meet the road.

3. LANDOWNER EVIDENCE

- 3.1 By email, on 19 February 2018, J & K Storey of Middle Wing, Harbottle Castle responded to the consultation stating:

"In response to your letter (9th February 2018 ref ADB).

- "1. The Middle Wing has formally replaced Flat 2 as the title of this house.
- "2. We have lived in the Middle Wing for 41 years
- "3. Part of the Public Byway indicated D to E on your map passes adjacent to our property.
- "4. In the past 41 years the number of pedestrians / ramblers using the whole route (via the footbridge) has vastly increased. Motor vehicle traffic has decreased.
- "5. During the last 6 months I have not observed any vehicles using that part of the Byway which crosses the River Coquet. The hazardous crossing can be safely used only by tractors.
- "6. Horse riders are able to use the ford only when the river is at a safe level.

"Notes

Because of the Right of Way's current status "Byway Open to All Traffic" Satnav maps direct drivers to the ford. Most turn back having wasted time and fuel. Others attempt the crossing, become stranded and are forced to be rescued. Declassifying the Byway would remove it from Satnav maps thus reducing danger and inconvenience to drivers.

The footbridge is used by cyclists and motorcyclists. A sign which encourages them to dismount would reduce the potential danger to pedestrians.”

- 3.2 By undated note and plan, received 9 March 2018, Mr G O’Kane of The Orchards, Harbottle, responded to the consultation stating:

“Red line land in ownership of Mr G O’Kane, The Orchards, Harbottle, Morpeth.

“Green line SSSI Riverside Area under management of Natural England (they must be consulted).

“Pink dot showing dead end sign and written not suitable for motor vehicles. This has been here since 1972 when I moved to the castle Harbottle.

“As far as I am aware the Council adopted the lane to the end of the tarmac. I have always maintained and cut trees back from the tarmac to the ford. The ford is only passable with tractors which has been the case since 1972”.

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”. Three 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 2nd April 2018, Ms S Rogers responded to the consultation, on behalf of the British Horse Society, stating:

“Harbottle parish

Alleged public bridleway 20 (The Peels)

This provides an essential link from the tarmac road to the public bridleway across the haugh to Sharperton bridge. It is used by horse riders and others who use this bridleway. The BHS supports its addition to the definitive map.

“Alleged byway open to all traffic 34 (The Peels)

This provides a short link between the village of Harbottle and the bridleway network beyond The Peels. It crosses a ford and so is not

used by motor vehicles. This ford is crossed by horse riders when water levels are not high. Walkers and cyclists can use the footbridge. This is an important link to the wider ROW network so the BHS supports its addition to the definitive map.”

- 4.4 By letter, dated 2nd May 2018, Harbottle Parish Council responded to the consultation stating:

“Proposed Bridleway No 20
The Parish Council support this proposal.

“Byway Open to All Traffic No 34
The Parish Council can confirm that this route has, until recently when the ford became impassable, been used regularly by vehicular traffic.”

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 clear evidence of roads / tracks approximating to the routes of both alleged Byway No 34 and the proposed extension to Public Bridleway No 20.

1820 Fryer's County Map

There is clear evidence of a road or track over the route of alleged Byway No 34 and the proposed extension to and existing Public Bridleway No 20.

1827 Cary's Map

There is clear evidence of a road or track over the route of alleged Byway No 34. There is no evidence of a track over existing Public Bridleway No 20 or its proposed extension.

1828 Greenwood's County Map

There is clear evidence of a road or track over the route of alleged Byway No 34. There is no evidence of a track over existing Public Bridleway No 20 or its proposed extension.

c.1865 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an enclosed road / track over the route of alleged Byway No 34 and of a track over existing Public Bridleway No 20 and its proposed extension (see enlarged copy of map showing the Peels section).

1897 Ordnance Survey Map: Scale 1:2500 (in 2 sections)

There is clear evidence of an enclosed road / track over the route of alleged Byway No 34 and of a track over existing Public Bridleway No 20 and its proposed extension.

Finance Act 1910 plan

There is clear evidence of an enclosed road / track over the route of alleged Byway No 34. 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.

1925 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an enclosed road / track over the route of alleged Byway No 34 and of a track over existing Public Bridleway No 20 and its proposed extension.

1951 Highways Map

The route of alleged Byway Open to All Traffic No 34 is coloured so as to identify it as a publicly maintainable road. It is labelled as being part of the "U4018".

c.1952 Definitive Map – original Survey Schedules & Map

The route of alleged Byway Open to All Traffic No 34 exists on the base map, and is coloured brown. Known public roads were generally coloured brown to indicate what the extent of the road network was considered to be. The route which is now Public Bridleway No 20 is actually shown terminating at the end of the lane, some 300 metres south-east of The Peels.

Draft Map

The route of alleged Byway Open to All Traffic No 34 exists on the base map. It is not identified for inclusion on the Definitive Map as either a public footpath, public bridleway or Road Used as a Public Path (RUPP). The route which is now Public Bridleway No 20 (then identified as No 9) is now shown terminating at point G.

Provisional Map

The route of alleged Byway Open to All Traffic No 34 exists on the base map. It is not identified for inclusion on the Definitive Map as either a public footpath, public bridleway or Road Used as a Public Path (RUPP). The route which is now Public Bridleway No 20 (then identified as No 9) is shown terminating at point G.

1957 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an enclosed road / track over the route of alleged Byway No 34. There is clear evidence of a road / track over the route of existing Public Bridleway No 20 and its proposed extension.

1962 Original Definitive Map

The route of alleged Byway No 34 exists on the base map, but is not identified as a public footpath, public bridleway or Road Used as a Public Path (RUPP), despite one public footpath and one public bridleway beginning or terminating on it. Public Bridleway No 20 is shown terminating at point G. The OS base map appears to show the U4018 road being very wide at this point (so that Public Bridleway No 20 does make a connection with it).

1964 Highways Map

The route of alleged Byway Open to All Traffic No 34 is coloured so as to identify it as a publicly maintainable road. It is labelled as being part of the "U4018".

1979 Ordnance Survey Map: Scale 1:10,000

There is clear evidence of an enclosed road / track over the route of alleged Byway No 34. There is clear evidence of a road / track over the route of existing Public Bridleway No 20 and its proposed extension.

c.1980s Council's 6" Highways Map

The route of alleged Byway Open to All Traffic No 34 is coloured purple so as to identify it as a publicly maintainable road. It is labelled as being part of the "U4018". The footbridge crossing of the River Coquet, west of the ford is also coloured. There is no suggestion that the E-F-G-E triangle is part of the U4018 road.

c.1980s Council's 25" Highways Map

The route of alleged Byway Open to All Traffic No 34 is shown on the base map and is labelled as being part of the "U4018". The footbridge crossing of the River Coquet, west of the ford is labelled as a County Footbridge. There is no suggestion that the E-F-G-E triangle is part of the U4018 road - indeed in the past, a "width of adoption" has been marked which specifically excludes this triangle.

2005 Ordnance Survey Explorer OL16 Map: Scale 1:25,000

There is clear evidence of an enclosed road over the route of alleged Byway No 34. The route is identified as a yellow road. There is clear evidence of a track over the route of existing Public Bridleway No 20 and its proposed extension.

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

- 5.2 The entry for the U4018 road, in the 1958 County Road Schedule, states:

“U4018 Biddleston Edge - Harbottle Road
From C172 east of Biddleston Edge via Well House to C172 at Harbottle (includes de-classified length of road).”

The length of the U4018 road is identified as 2.46 miles.

- 5.3 The entry for the U4018 road, in the 1964 County Road Schedule, states:

“U4018 Biddlestone Edge - Harbottle Road
From C172 east of Biddlestone Edge southwards and south-westwards via Well House to C172 at Harbottle (Includes declassified length of road as link to C172 at Harbottle End).”

The length of the U4018 road is identified as 2.56 miles.

- 5.4 The entry for the U4018 road, in the 1974 County Road Schedule states:

“U4018 Biddlestone Edge - Harbottle Road
From C172 east of Biddlestone Edge (NT 960070) southwards and south-westwards via Well House to C172 at Harbottle (NT 935046).”

The length of the U4018 road is identified as 2.56 miles.

- 5.5 The Council's Highways Committee considered the river crossing on this route in 1968. The minutes of the 16 September 1968 Highways Committee state:

“(11) Harbottle Peels Footbridge, U4018 - Rothbury Rural District
The 80 feet span suspension type footbridge which spans the River Coquet at Harbottle Peels was taken over from Rothbury Rural District Council in 1932 and is now in need of complete replacement as repairs to the existing structure are no longer economic. Consideration has been given to a scheme to provide a road bridge in replacement as the adjoining unpaved ford is also in need of repairs, but this would cost about £12,000 and I do not think that expenditure on this scale could be justified on traffic grounds.

“Accordingly tenders for the supply of a 6 feet wide, 80 feet long single span steel footbridge have been obtained, the lowest being that of Finch Engineering Ltd, in the sum of £1820. The total cost of the scheme, including foundation works and the provision of a concrete base to the ford is estimated to cost about £3500, and in view of the condition of the existing footbridge, it is recommended that the tender of Finch Engineering Ltd be accepted and the work put in hand as soon as possible.

“The cost of these works can be accommodated within the approved estimate.”

The decision of the Committee is stated as “Approved”.

- 5.6 The original Definitive Statements for the public rights of way intersecting with the alleged byway open to all traffic state:

Public Bridleway No 11

“From BR 41 in the Parish of Alwinton at that Parish Boundary in a south-easterly direction by Park House and Peels Cottage to join the Harbottle - Peels Road north of the bridge over the River Coquet.”

Public Footpath No 19

“From the Harbottle - Peels Road east of Harbottle in a south-easterly direction to join BR 20 south-east of Peels.”

Public Bridleway No 20

“From the Harbottle - Peels Road at Peels in a south-easterly direction crossing Peels Haugh and the River Coquet to join the Harbottle - Sharperton Road east of Wood Hall.”

6. SITE INVESTIGATION

- 6.1 From a point marked D, 15 metres south of Garden Cottage, Harbottle, a 2.5 to 2.7 metre wide tarmac road, within a 6.5 to 7 metre wide corridor proceeds in an easterly direction for a distance of 125 metres to the entrance to Harbottle Castle. There a 2.5 metre wide stone / rough tarmac track, within a 7 metre wide corridor proceeds in a northerly direction for a distance of 20 metres, to a point where a walkway leading to a footbridge over the River Coquet branches off to the west. A 2.5 metre wide stone surfaced track within a 5.5 to 6 metre wide continues in a northerly direction for a further 30 metres to the ford through the River Coquet. The route proceeds in a northerly direction through the River Coquet for a distance of 30 metres. Most vehicles would struggle to successfully negotiate this ford. The alleged byway then heads in a north-easterly direction up a 3 metre wide stone surfaced track, within a 4.5 metre wide corridor, for a distance of 20 metres. Thereafter, a 2.1 metre wide tarmac road, within a 7 to 8.5 metre wide corridor proceeds in an easterly direction for a distance of 275 metres, then in a north-easterly direction for a distance of 130 metres. A 2.7 metre wide tarmac road within a 6.5 to 7 metre wide corridor continues in an easterly direction for a distance of 90 metres. Then a 2.7 to 3 metre wide unenclosed tarmac road proceeds in a north-easterly direction for a distance of 30 metres to a point marked E, where there is a back lane access to several properties at The Peels.

7. COMMENTS RECEIVED ON THE DRAFT REPORT

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

8. DISCUSSION

- 8.1 Section 53 (3)(c)(i) of the Wildlife and Countryside Act 1981, requires the County Council to modify the Definitive Map when evidence is discovered which, when considered with all other relevant evidence available to them shows:
- that a right of way, which is not shown in the Map and Statement, subsists or is reasonably alleged to subsist over land in the area to which the Map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or; subject to section 54A, a byway open to all traffic.
- 8.2 When considering an application / 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 34 is identified on the County Council’s current List of Streets as being part of the U4018 road. The whole route appears to have been identified on both the Council’s 1951 Highways Map and the later 1964 Highways Map. It was also included in the 1958, 1964 and 1974 County Road Schedules. The proposed Bridleway No 20 extension (F-G) does not appear to be identified as part of the U4018 road. 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.
- 8.5 The route of alleged Byway No 34 has been consistently identified as a mainly enclosed road / track on Ordnance Survey maps since c.1865. The route of the alleged extension to Bridleway No 20 is also depicted on these maps. The byway route is also clearly shown on Armstrong’s, Fryer’s and Greenwood’s County Maps of 1769, 1820 and 1828 and on Cary’s Map of 1827. The route of alleged Bridleway No 20 is depicted on Armstrong’s and Fryer’s County Maps, though not on Greenwood’s or Cary’s maps.
- 8.6 Although other public rights of way were identified nearby, and one public Bridleway and one public footpath actually begin / terminate on the alleged byway route itself, that route was not included on the Draft, Provisional or original Definitive Maps as a footpath, bridleway or Road Used as Public Path (RUPP). On the Survey Map the route is coloured brown in the same way that other public roads were identified.
- 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 bridlevays 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.

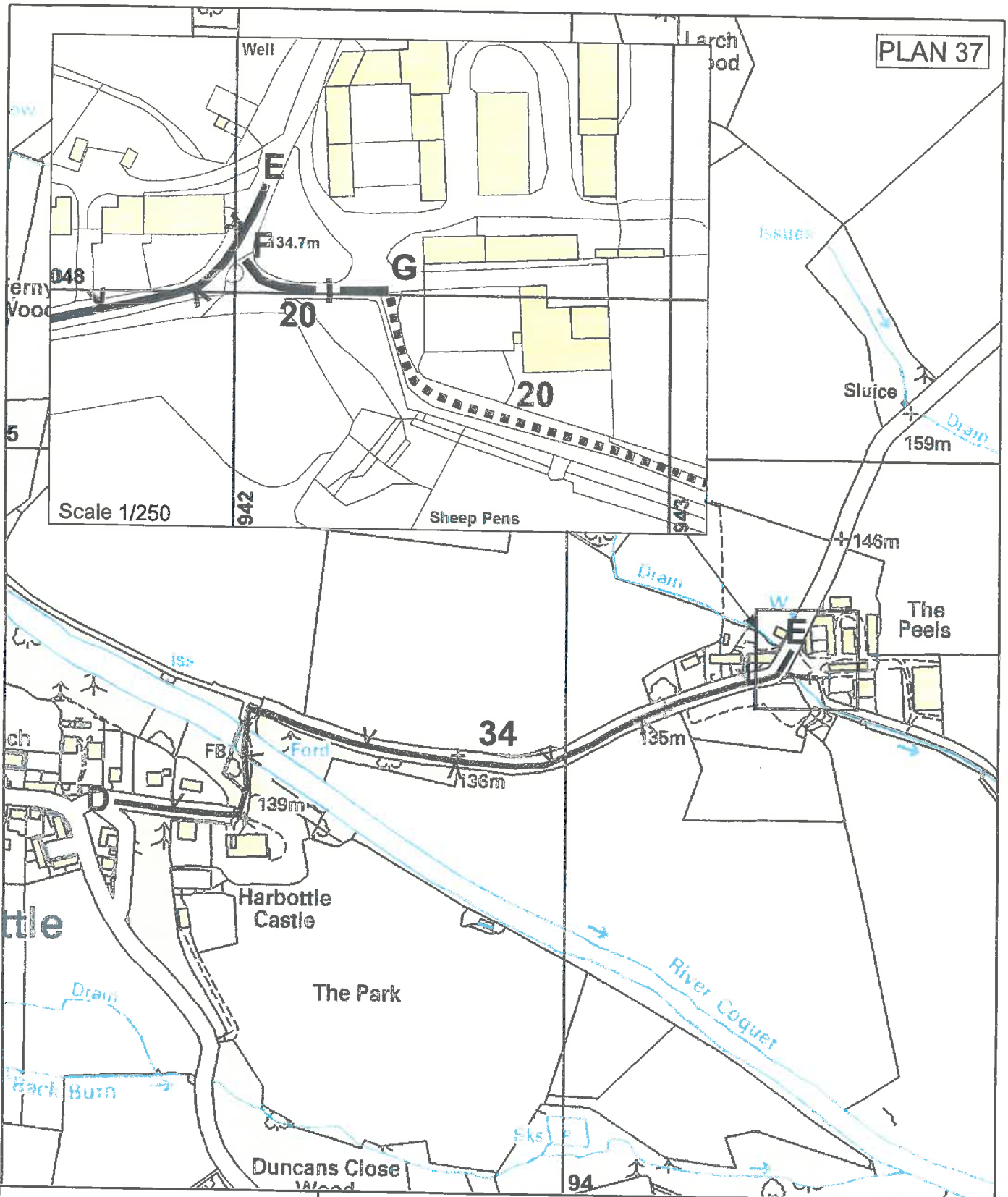
- 8.8 Letters from DEFRA, dated 2003 and November 2006, and Rights of Way Circular 1/09 set out the approach Inspectors and order making authorities should take in determining the status of routes included on the List of Streets. In summary, the guidance states that the inclusion of a route on the List 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 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.
- 8.10 Of the saving provisions above, (b) will apply to the route of alleged Byway No 34. The public's motor vehicular rights would not have been extinguished by the NERC Act 2006.
- 8.11 J & K Storey of Harbottle Castle have suggested that, because of its byway open to all traffic status, satnav systems are misdirecting 'ordinary' traffic through the ford. Although the route is on the Council's List of Streets (and this is the information which satellite navigation systems appear to draw upon) the route is not currently identified as a byway open to all traffic. Officers don't believe that satnav systems use byway open to all traffic status, on the Definitive Map, to advise motorists, so recording the route as a byway open to all traffic is not anticipated to increase the amount of people who (relying too heavily on their satnavs and disregarding road traffic signs) get stuck.
- 8.12 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.
- 8.13 Although most of the route of Byway Open to All Traffic No 34 has a drivable

surface, the ford and its approaches could not be negotiated by 'ordinary' vehicles. It is not known precisely how much equestrian, pedestrian or bicycle use the route gets, but the Storeys have indicated that over the years pedestrian use of the route has increased significantly, whilst vehicular use has decreased. They had not seen any vehicles using the route in the 6 months prior to February 2018. Harbottle Parish Council indicated that the route was used by vehicles until recently, but the ford was now impassable. Mr O'Kane of The Orchards, however, suggested that the ford had only really been passable by tractors since he moved to Harbottle in 1972. The Storeys and the BHS consultation response suggest the ford end of the route (at least) is used by horse riders when water levels permit. The understandable concern expressed by the Storeys in relation to bicycle and motorcycle use of the footbridge does also indicate at least some use by these types of user too. Given that this route is not a through route for ordinary motor vehicles, and is now a very popular route for pedestrians, this vehicular highway is considered to satisfy the criteria for being recorded on the Definitive Map as a byway open to all traffic.

- 8.14 Advice from the Planning Inspectorate in their 'consistency guidelines' states that it is important to have the correct width, where known, recorded in the definitive statement. Where no width can be determined by documentary means (such as an Inclosure Award, Highway Order or dedication document), there is usually a boundary to boundary presumption for public highways. On this basis it is proposed to record the majority of Byway Open to All Traffic No 34 with a width varying from 4.5 to 8.5 metres, as identified in paragraph 6.1, above. Where, at its eastern end and at the river crossing, the route is not enclosed by boundaries, it is proposed to adopt the Council's standard default width of 5 metres (i.e. wide enough for two vehicles travelling in opposite directions to pass each other). Alternatively, at the river crossing it might be more appropriate to identify a greater width, to take in the footbridge and its approaches. With regard to the unenclosed alleged extension to Bridleway No 20, it is proposed to adopt the Council's default bridleway width of 3 metres (i.e. wide enough for two horses travelling in opposite directions to pass each other).

9. CONCLUSION

- 9.1 In light of the documentary evidence submitted, it appears that public vehicular rights have been reasonably alleged to exist over the route of alleged Byway Open to All Traffic No 34.
- 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 of alleged Byway No 34. It would be appropriate to recognize the public's rights over the route by recording it on the Definitive Map as a byway open to all traffic.
- 9.3 In light of the documentary evidence submitted, it appears that public bridleway rights have been reasonably alleged to exist over the route of the alleged extension to existing Bridleway No 20.



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

- Alleged Byway Open to All Traffic
- Alleged Public Bridleway
- Existing Public Bridleway

Former District(s) Alnwick	Parish(es) Harbottle	Scale 1:5,000
Def. Map No. 91	O.S. Map NT 90 SW	Date October 2016




Northumberland
 County Council

Contact: Alex Bell
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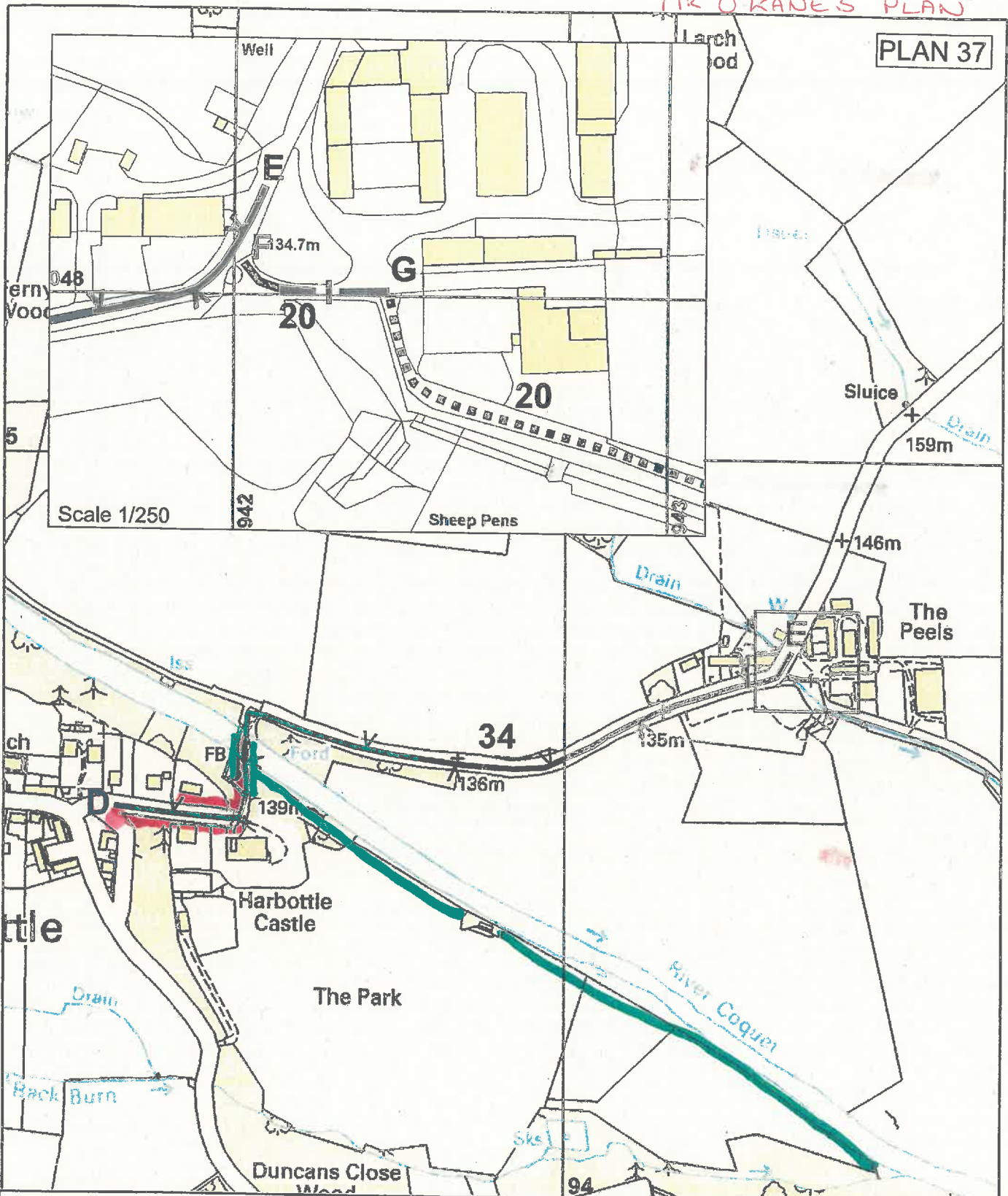
Legend

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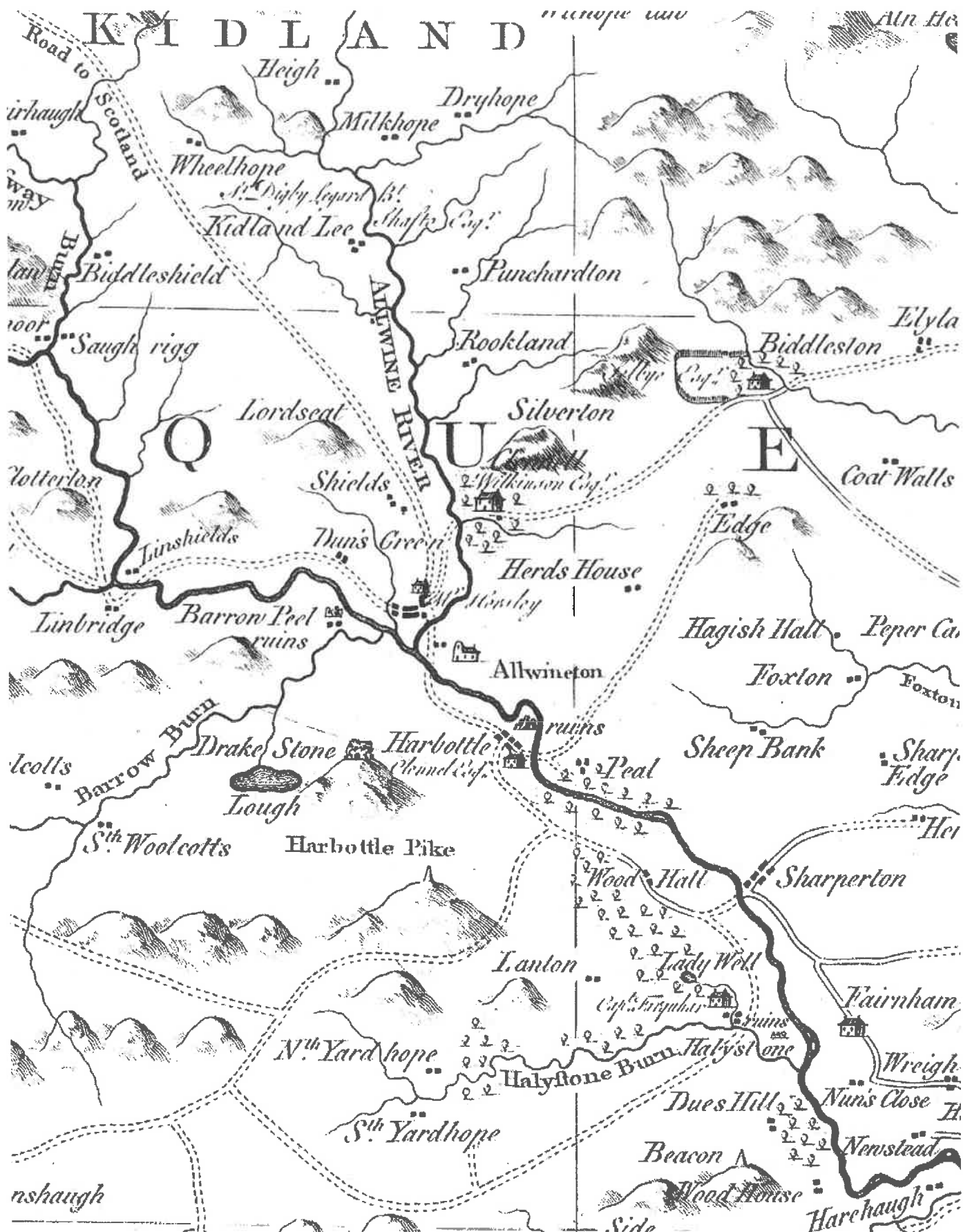
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**Wildlife and Countryside Act 1981
 Public Rights of Way**

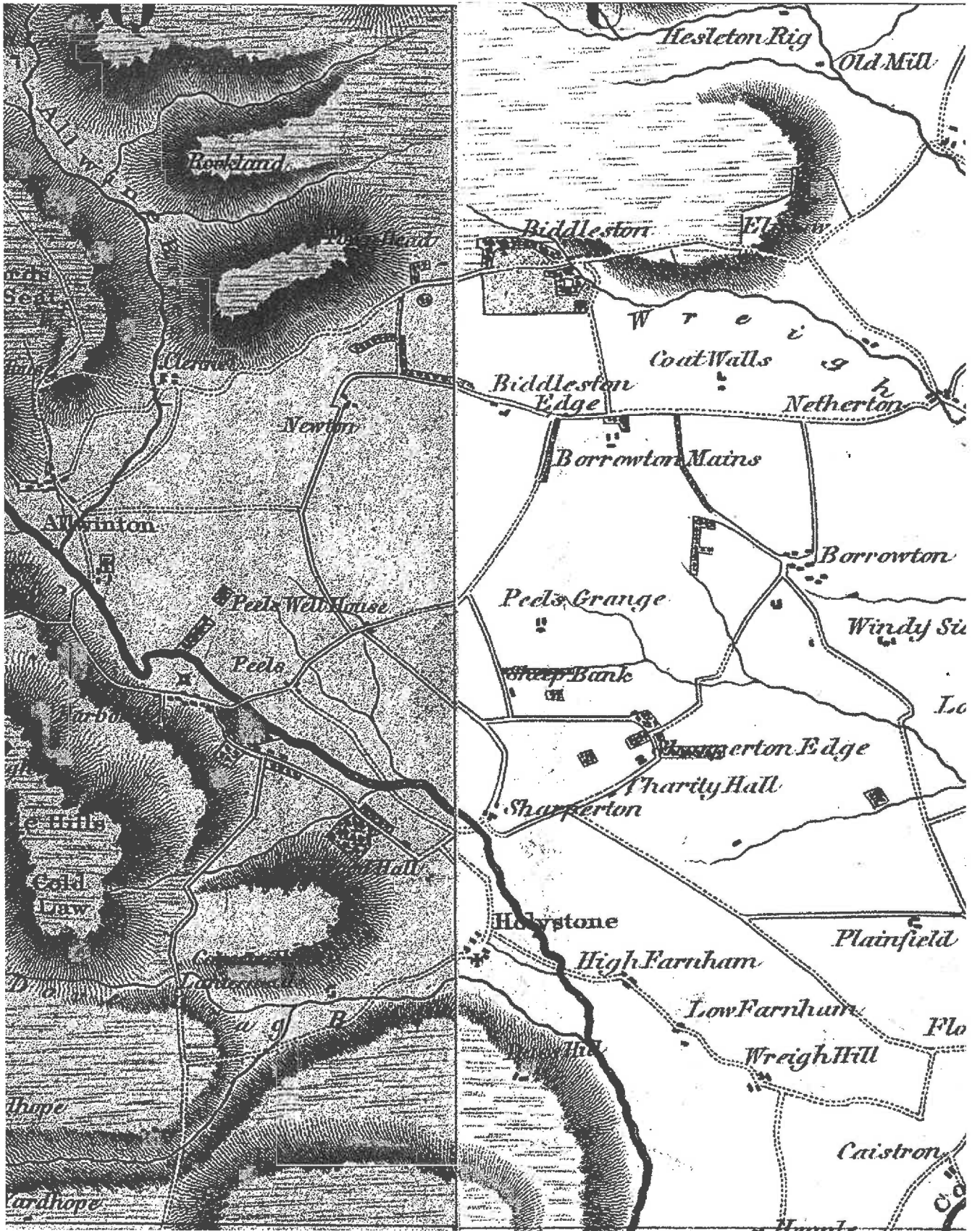
- Alleged Byway Open to All Traffic
- Alleged Public Bridleway
- Existing Public Bridleway

Former District(s) Alnwick	Parish(es) Harbottle	Scale 1:5,000
Def. Map No. 91	O.S. Map NT 90 SW	Date October 2016

P.T.O.



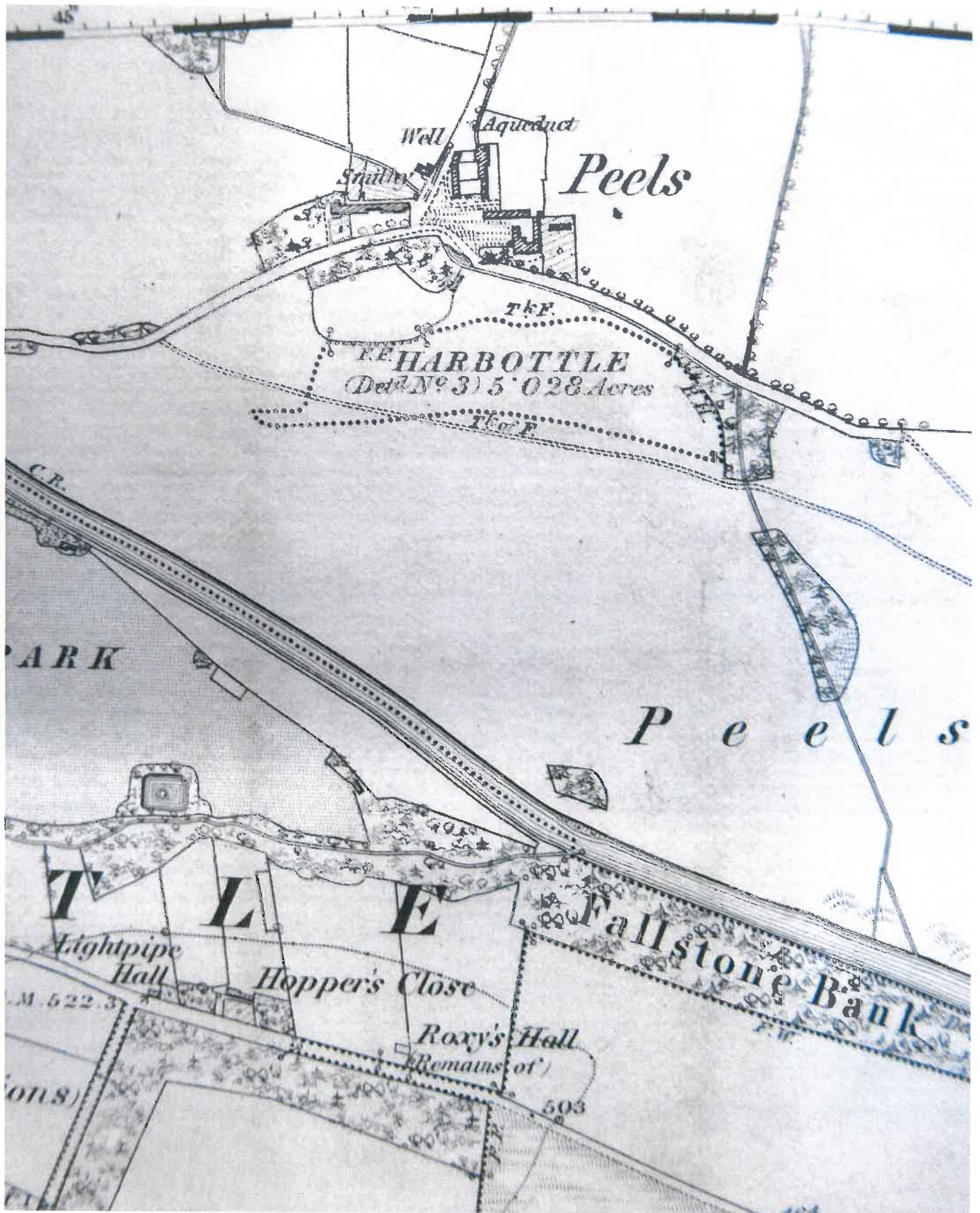
Fryer's County Map
1820



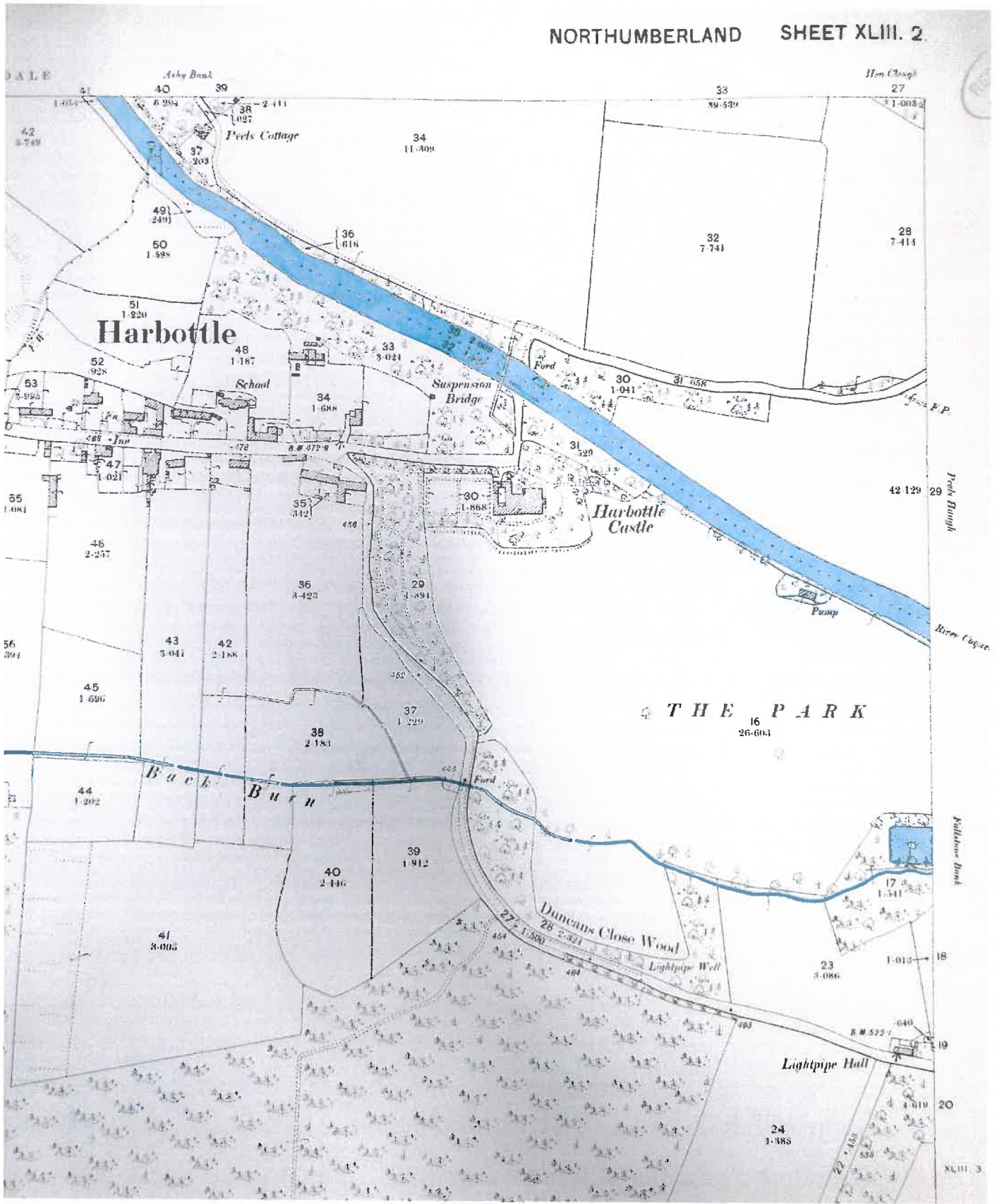


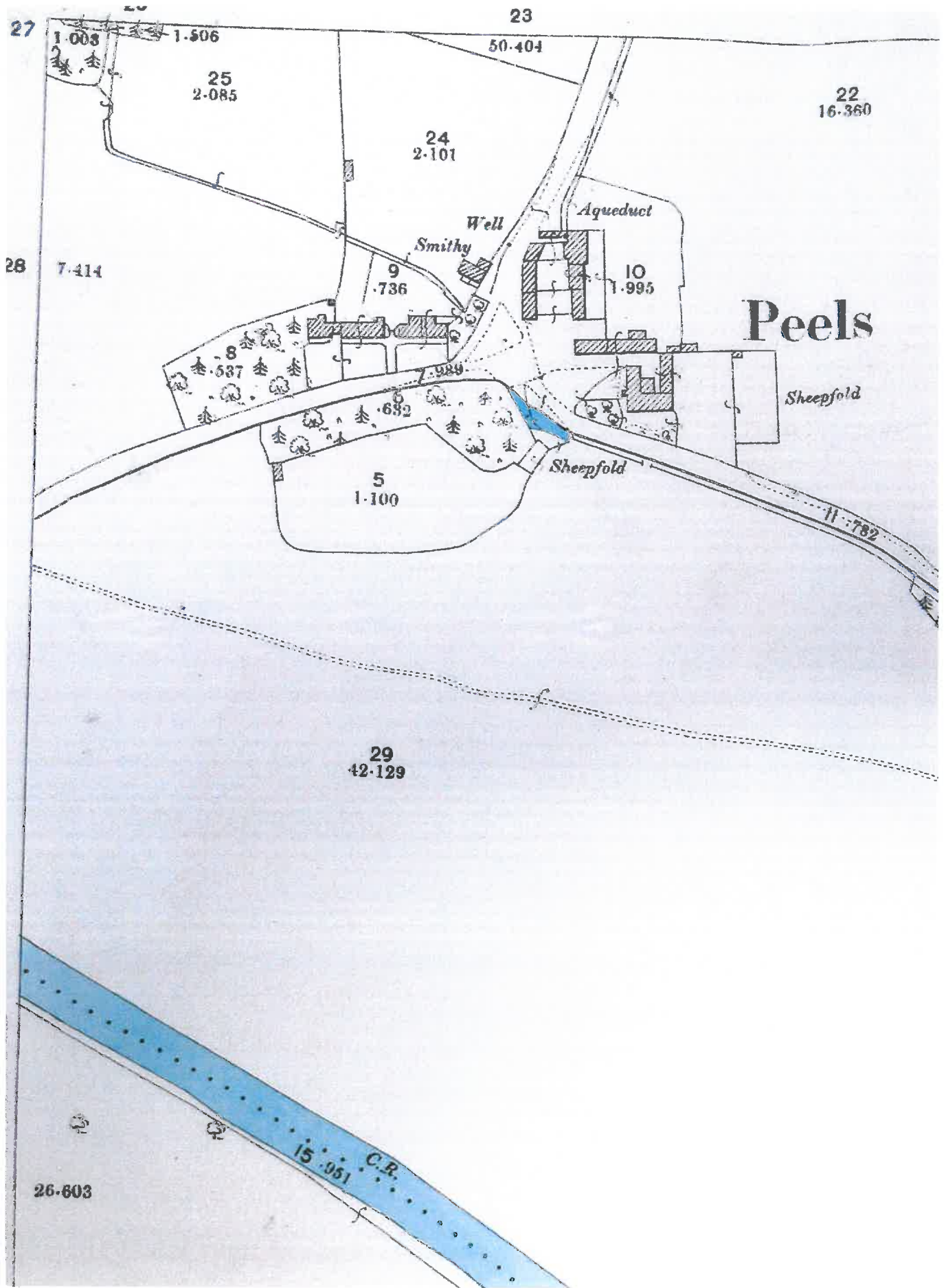




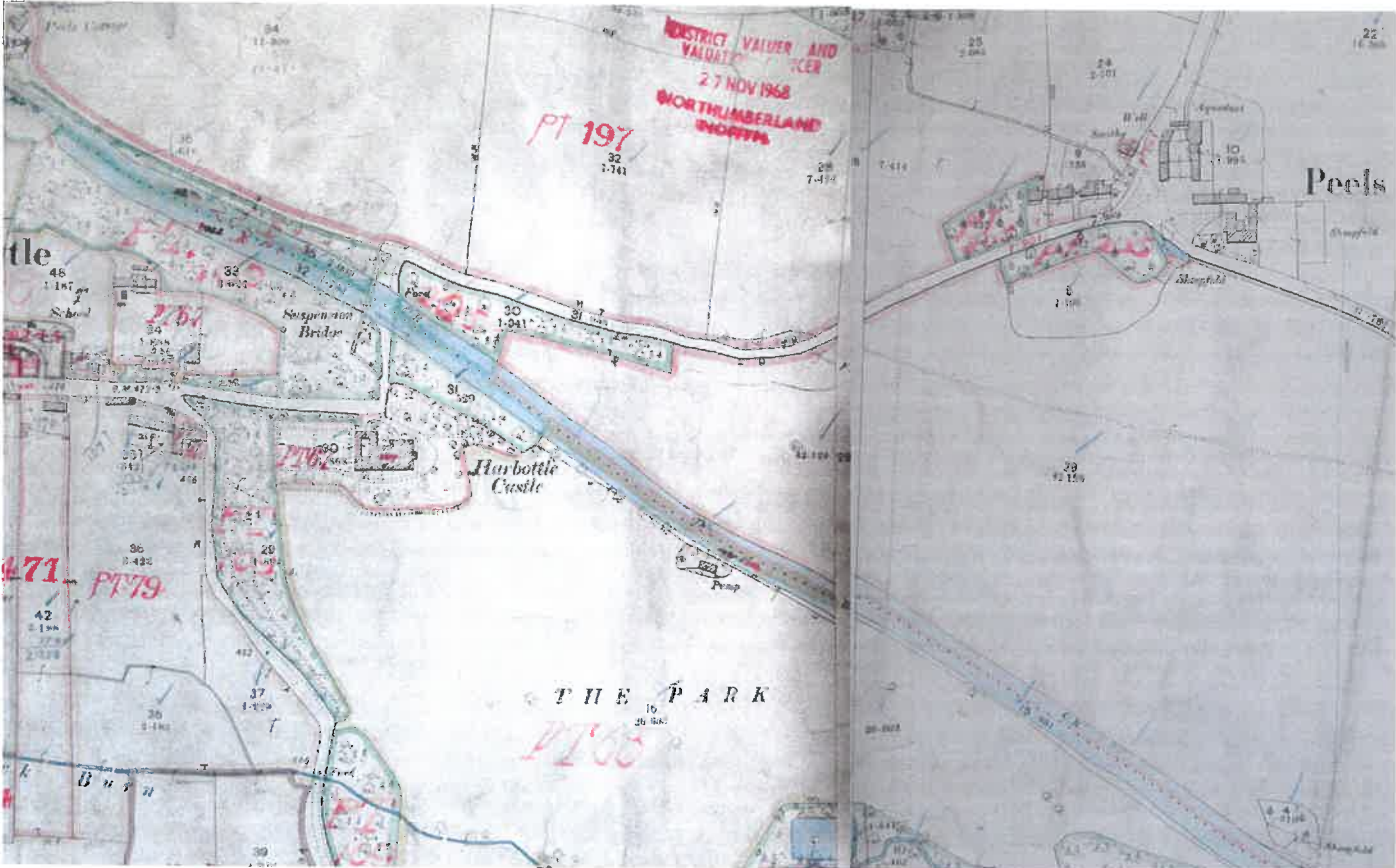


NORTHUMBERLAND SHEET XLIII. 2.

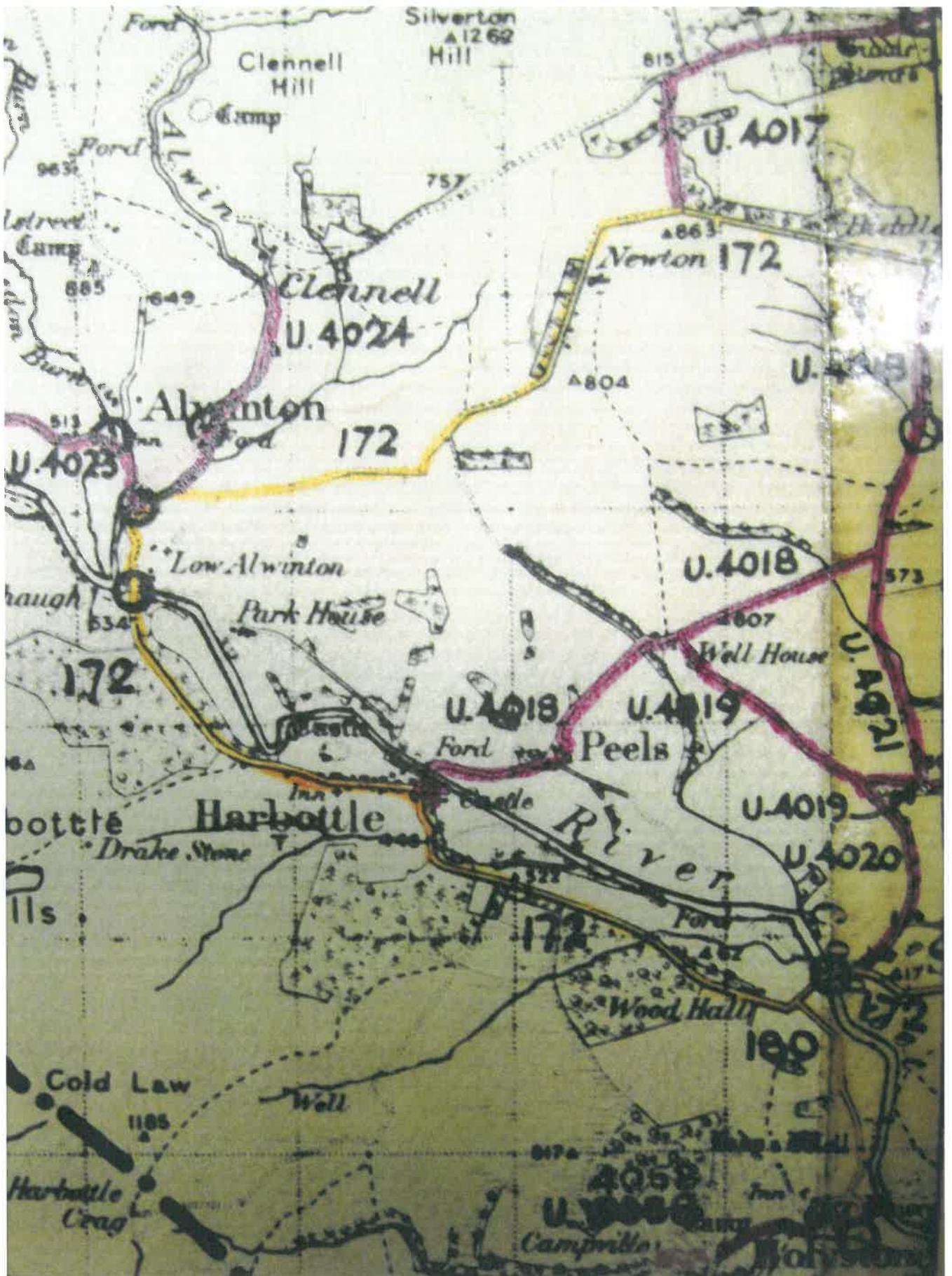




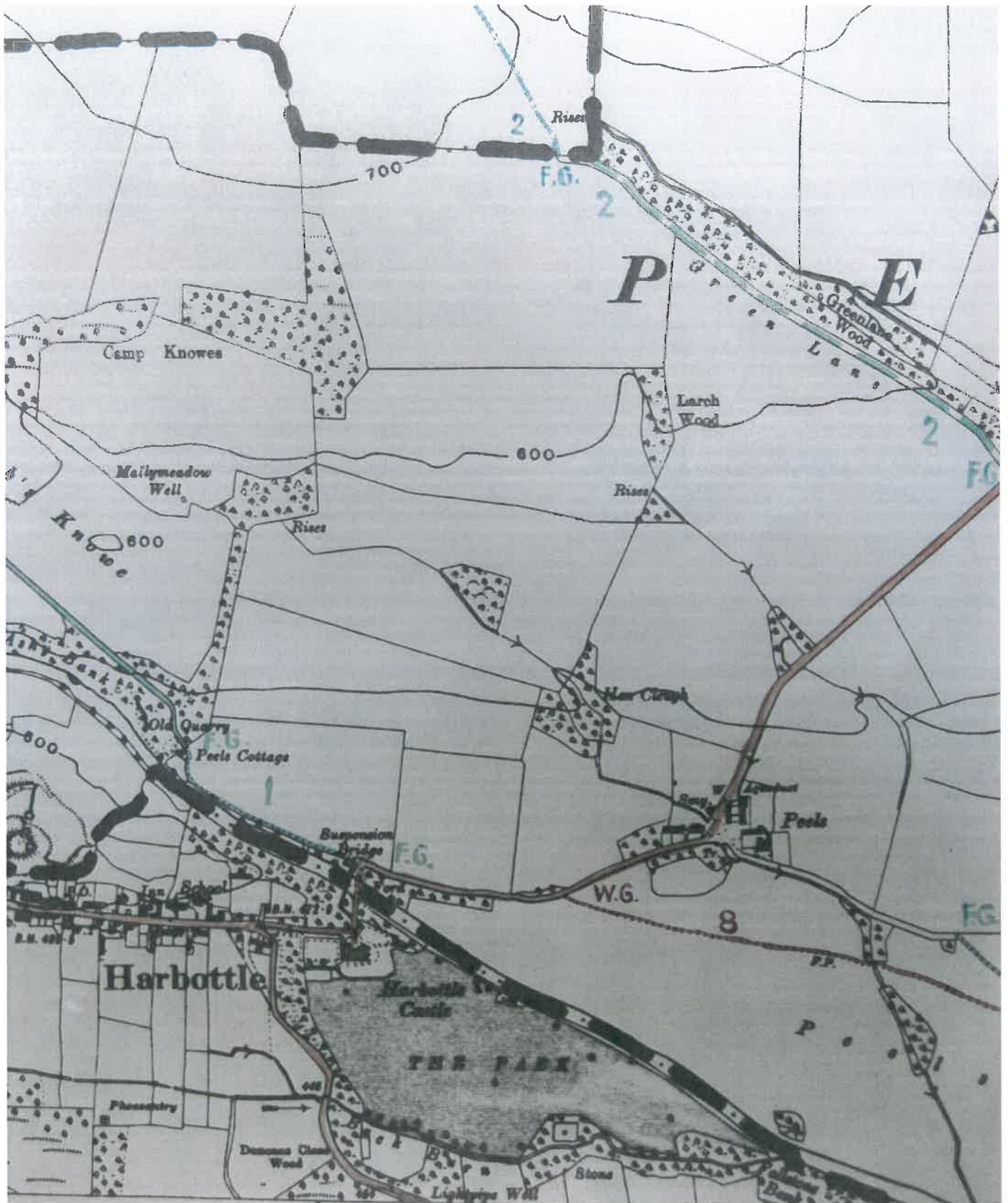
Finance Act 1910 Plan

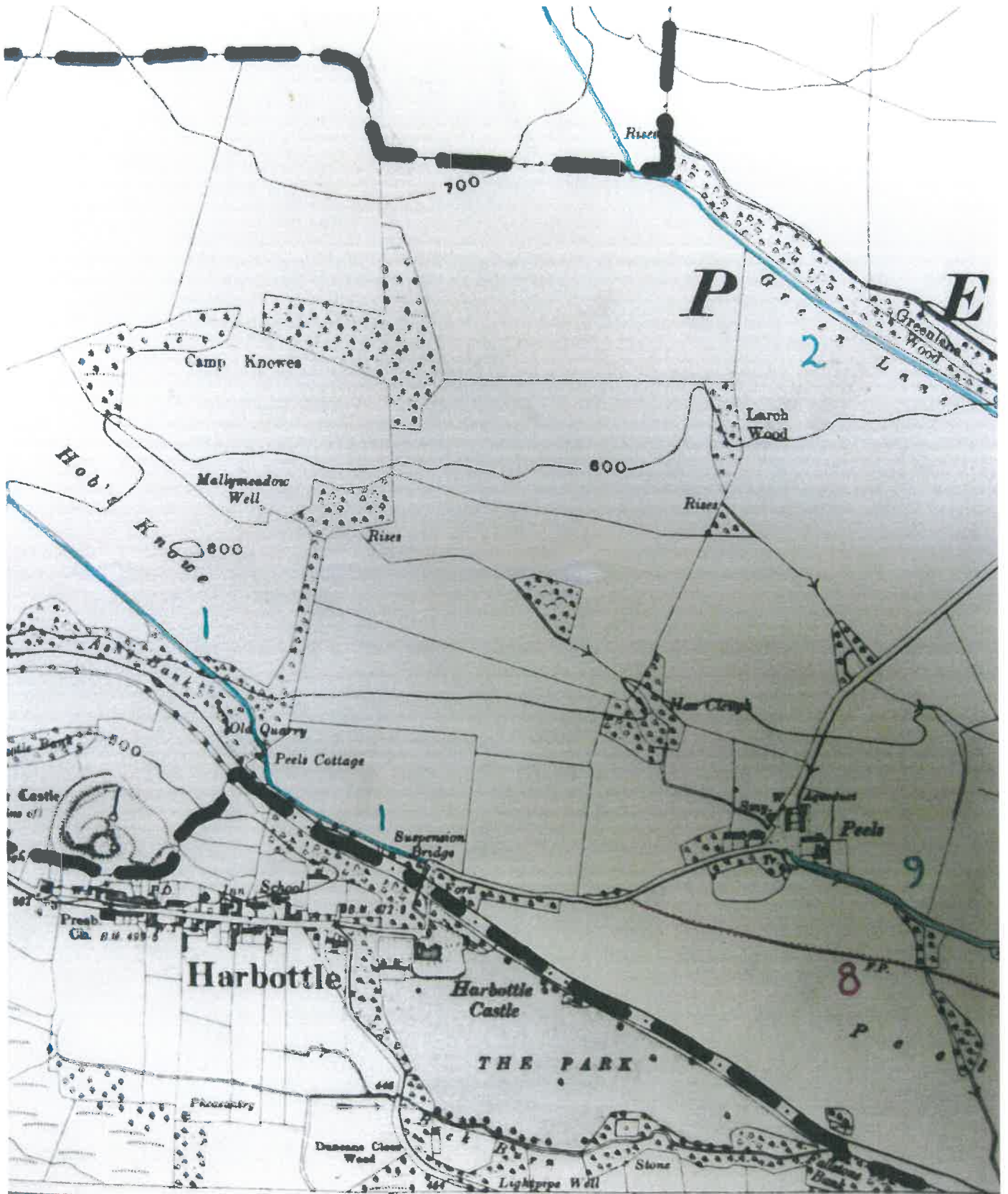


Extract from the Council's 1951 Highways Map

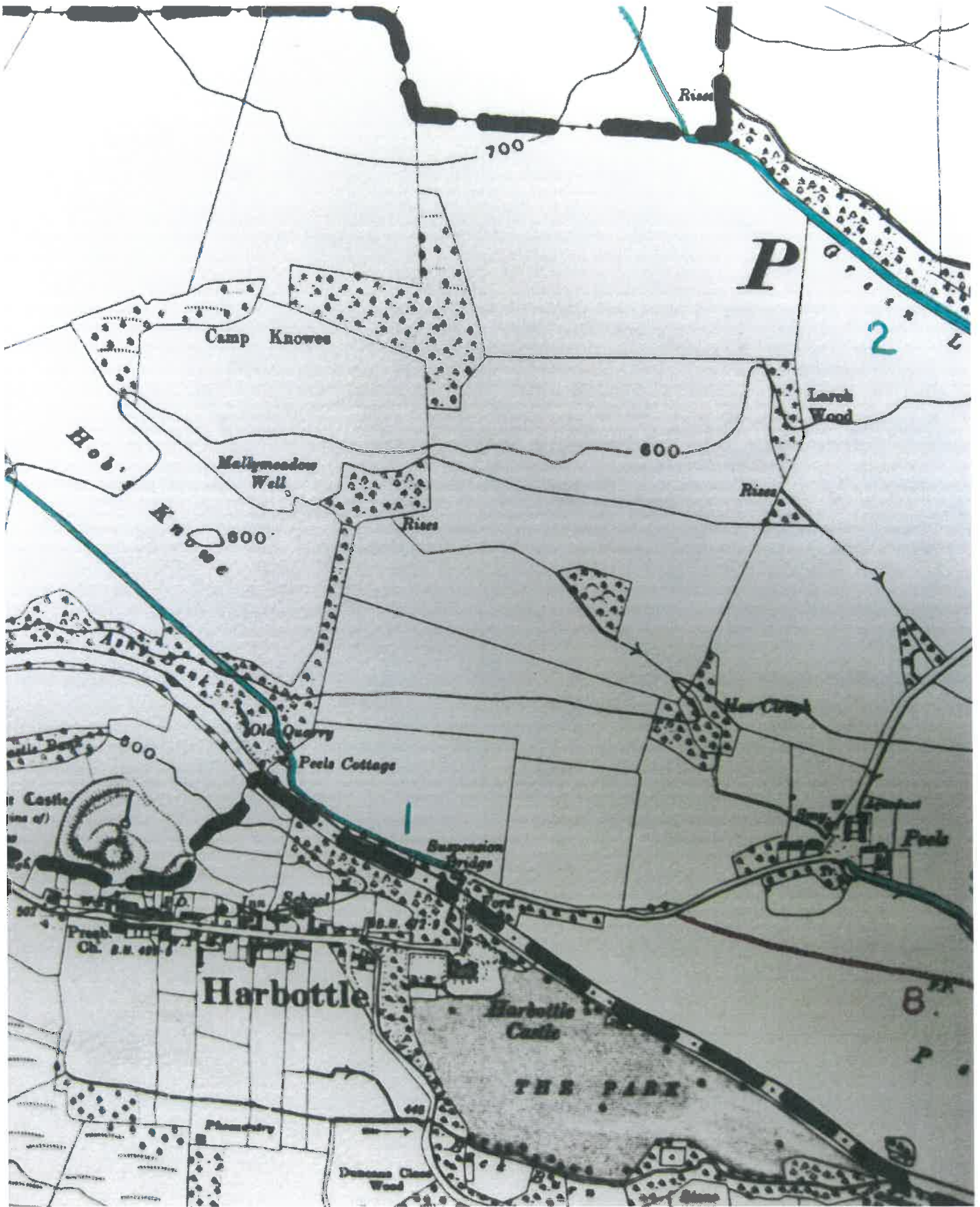


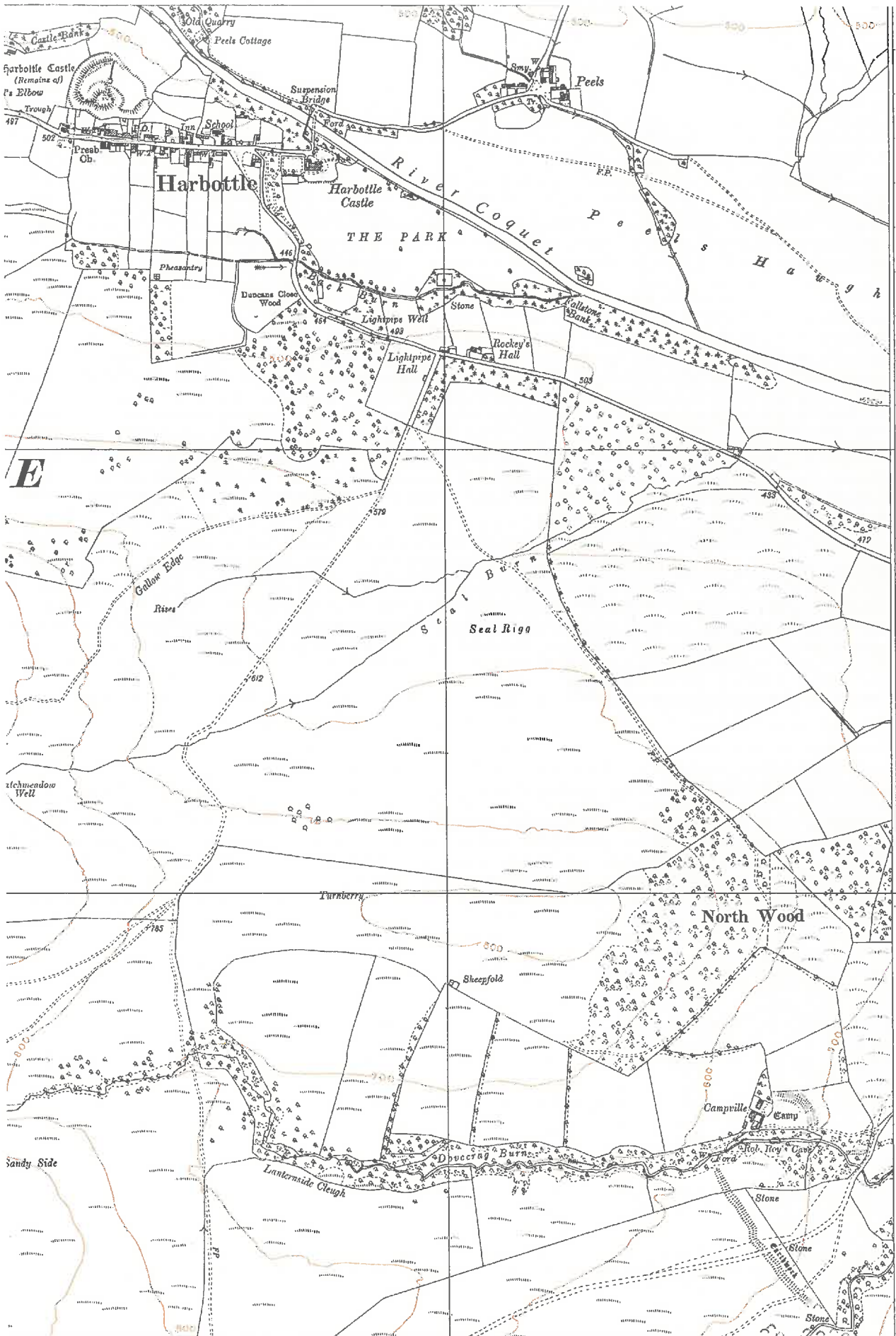
Survey Map





Provisional Map





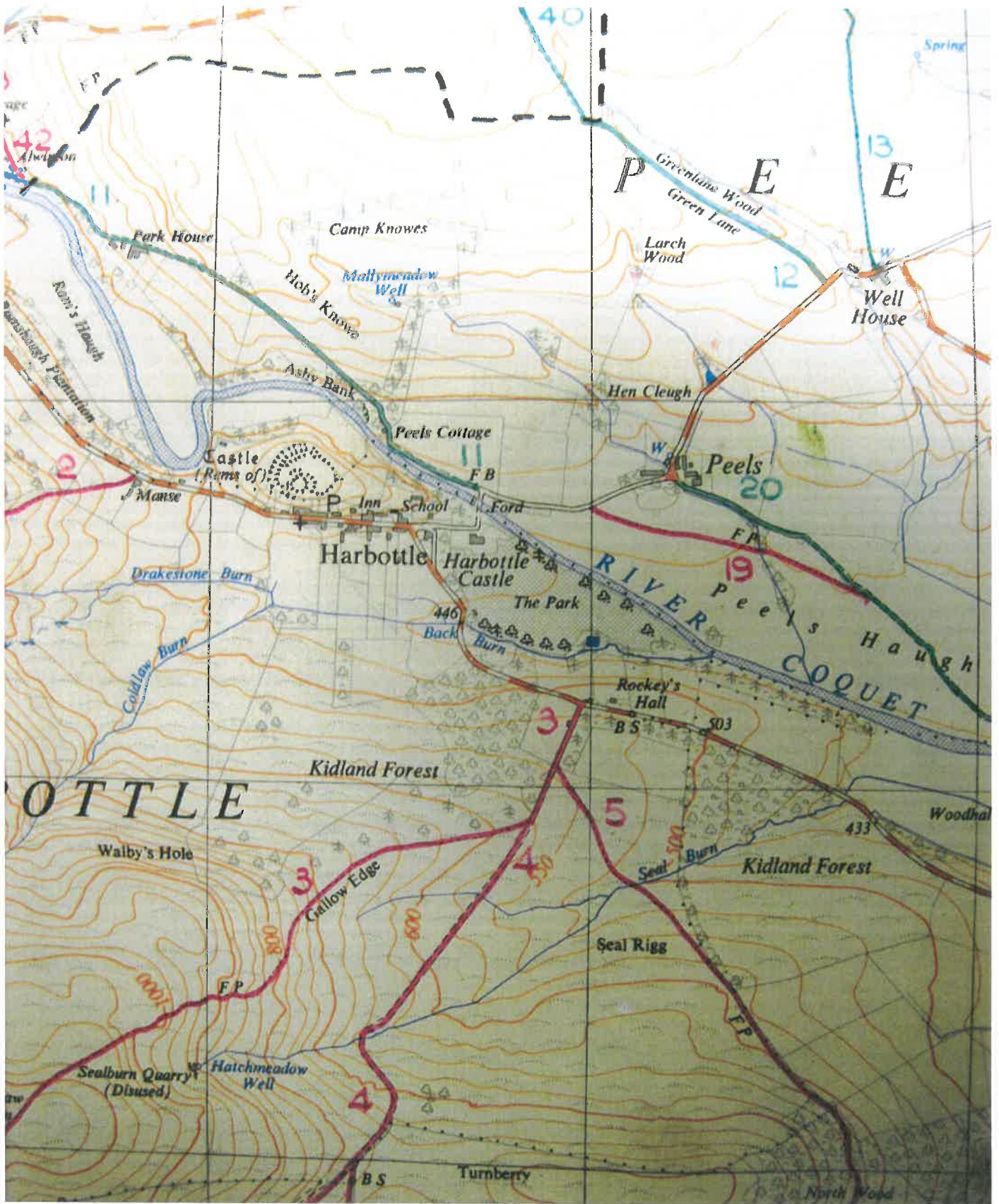
1958 County Road Schedule

ALWICK DIVISION

Unclassified Roads in the Rothbury Rural District

		Brought Forward	19.410 miles
U.4015	Scrainwood - Metherton Buildings Road	From C.169 at Scrainwood to C.172 east of Metherton Buildings.	1.04
U.4016	Scrainwood - Union Gate Road	From U.4015 south-east of Scrainwood to C.172 at Union Gate	0.97
U.4017	Ellilaw - Biddlestone Road	From C.169 east of Ellilaw via Biddlestone Park to C.172 west of Biddlestone Edge.	2.72
U.4018	Biddlestone Edge - Harbottle Road	From C.172 east of Biddlestone Edge via Well House to C.172 at Harbottle (Includes de-classified length of road)	2.46
U.4019	Well House - Sharperton Edge Road	From U.4018 at Well House to U.4029 at North west of Sharperton Edge.	1.60
U.4020	Sharperton - Ridges Plantation Road	From C.172 at Sharperton to U.4019 at Ridges Plantation.	0.61
U.4021	Sheepbanks Road	From U.4019 at Ridges Plantation to U.4018 north-east of Well House	0.67
U.4022	Burradon - Biddlestone Hall	From C.172 at Burradon Mains to U.4017 at Biddlestone Hall.	0.08
U.4023	Alwinton - Coquet Valley Road	From C.172 at Alwinton via Shillmoor, Barrowburn to Makendon	11.70
U.4024	Alwinton - Clennell Road	From C.172 east of Alwinton to Clennell.	0.63
U.4025	Farnham Tile Works - Low Farnham - Plainfield	From C.172 at Farnham Tile Works via Low Farnham to C.179 east of Plainfield	2.76
U.4026	Snitter Burns Road	From C.179 south of its crossing with the Foxton Burns, via Snitter Burns to C.176 south of the entrance to Silverside.	1.76
		Forward	<u>46.430</u> miles

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
HARBOTTLE
2. Parish
3. Number of Footpath on Map 11
4. Name of Path
5. Kind of Path (i.e. FP/BR) BR

6. General Description of Path From BR 41 in the parish of Alwinton at that
Parish Boundary in a south-easterly direction by Park House and Peels Cottage to
join the Harbottle - Peels Road north of the bridge over the River Coquet.

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

ROTHBURY
HARBOTTLE
2. Parish
3. Number of Footpath on Map 19
4. Name of Path
5. Kind of Path (i.e. FP/BR) FP
6. General Description of Path

From the Harbottle-Peals Road east of Harbottle
in a south-easterly direction to join BR 20 south-east of Peals.

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7. Other relevant information
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NORTHUMBERLAND COUNTY COUNCIL.

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

PUBLIC RIGHTS OF WAY - STATEMENT.

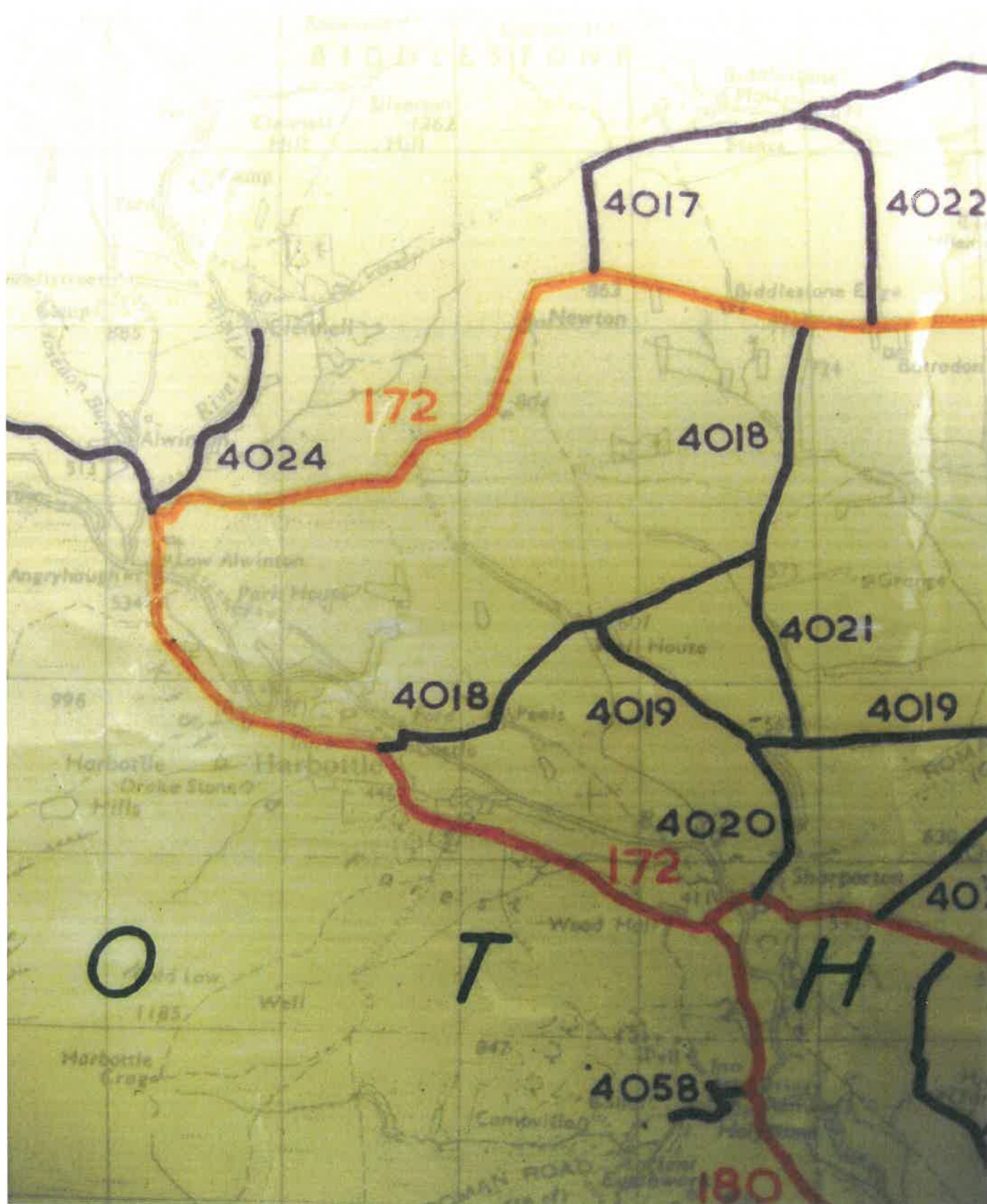
1. Borough
Urban district
Rural district ROTHBURY
2. Parish HARBOTTLE
..... 20
3. Number of Footpath on Map 20
4. Name of Path
5. Kind of Path (i.e. (FP/BR) BR
6. General Description of Path From the Harbottle-Peels Road at Peels in a south-
easterly direction crossing Peels Haugh and the River Coquet to join the Harbottle-
.....
Sharperton Road east of Wood Hall.
.....
.....
.....
7. Other relevant information
.....
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.....
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1964 County Road Schedule

- 89 -

Route No.	Name of Road.	Description.	Responsible Division or Authority.	Mileage.	Total Mileage.
U.4013	Whittingham-Mountain Road.	From C.90 north-west of Whittingham north-westwards to U.4014 at The Mountain.	Alnwick.	1.20	1.20
U.4014	Eslington Lowhill-Mile End Road.	From C.172 at Eslington Lowhill northwards to C.169 south-west of Mile End.	Alnwick.	1.14	1.14
U.4015	Scrainwood-Netherton Buildings Road.	From C.169 at Scrainwood southwards to C.172 east of Netherton Buildings.	Alnwick.	1.04	1.04
U.4016	Scrainwood-Union Gate Road.	From U.4015 south-east of Scrainwood eastwards to C.172 at Union Gate.	Alnwick.	0.97	0.97
U.4017	Ellilaw-Biddlestone Road.	From C.169 east of Ellilaw via Biddlestone Park to C.172 west of Biddlestone Edge.	Alnwick.	2.72	2.72
U.4018	Biddlestone Edge-Harbottle Road.	From C.172 east of Biddlestone/southwards and south-westwards via Well House to C.172 at Harbottle. (Includes declassified length of road as link to C.172 at Harbottle End).	Alnwick.	2.56	2.56
U.4019	Well House-Sharperton Edge Road.	From U.4018 at Well House eastwards to U.4029 north of Sharperton Edge.	Alnwick.	1.60	1.60
U.4020	Sharperton-Ridges Plantation.	From C.172 at Sharperton northwards to U.4019 at Ridges Plantation.	Alnwick.	0.61	0.61
U.4021	Sheepbanks Road.	From U.4019 at Ridges Plantation northwards to U.4018 north-east of Well House.	Alnwick.	0.67	0.67
U.4022	Burradon-Biddlestone Hall.	From C.172 at Burradon Mains northwards to U.4017 at Biddlestone Hall.	Alnwick.	0.80	0.80
U.4023	Alwinton-Coquet Valley Road.	From C.172 at Alwinton via Shillmoor, Barrowburn to Makendon, including 133 yd. long spur from just north of Barrowburn Bridge north-eastwards to Barrowburn Farm.	Alnwick.	11.78	11.78
U.4024	Alwinton-Clennell Road.	From U.4023 south-east of Alwinton, north-eastwards to Clennell	Alnwick.	0.79	0.79

Extract from the Council's 1964 Highways Map



REPORTS OF COUNTY SURVEYOR— <i>continued</i> .	Decision of the Committee.
<p>To prevent vehicles entering the Trunk Road from these streets and to allow them to avoid the difficult junction between the Trunk Road and Park Road at its eastern end, it is desirable to restrict the movement of vehicles to prevent them travelling from south to north only. This proposal has the support of both the Divisional Road Engineer and the Chief Constable and would be acceptable to the Rural District Council.</p> <p>I recommend that approval be given for the necessary Orders to be made.</p> <p>(8) South-East Northumberland Spine Road, Stage II— West Moor to Annitsford.</p> <p>Following the recent investigation into the ultimate proposals for the duplication of Salters Lane, A.189, south of the Spine Road junction at West Moor, it has been found necessary to acquire a narrow strip of land 0.54 acres in area, on the east side of the road, to allow for a reasonable run-in to the Spine Road junction. This will minimise the abortive expenditure when the duplication is eventually carried out. It has also been found that the only reasonable outfall for the highway drainage here involves the laying of a 15in. diameter drain across agricultural land to an existing watercourse. A permanent easement 350 yards long by 10 yards wide will be required for the laying and maintenance of the drain.</p> <p>The District Valuer has attempted to conduct negotiations in both cases with the owners of the land, Messrs. Cussins (Contractors) Ltd., but is unable to reach agreement.</p> <p>In order, therefore, to avoid the possibility of claims for undue delay in obtaining entry by the Contractors on the site, I ask the Committee to recommend the Council to make a Compulsory Purchase Order in respect of both plots of land.</p> <p>(9) Hexham Bridge End to Corbridge Road, C.242— Improvements at (1) Anick Bank Foot, and (2) East of Hexham Bridge End—Acquisition of Land.</p> <p>At their meeting on the 11th December, 1967, the Committee authorised the District Valuer to conduct negotiations for the acquisition in advance of land required</p>	<p>Decision of the Committee.</p>
<p>* That the Council be recommended to make and seal Orders under the Highways Act, 1959, the Acquisition of Land (Authorisation Procedure) Act, 1946, and the Compulsory Purchase Act, 1965, or other appropriate statutes authorising the compulsory purchase of:—</p> <p>(1) 0.54 acres of land at West Moor and a permanent easement for the laying and maintenance of a drain, and</p> <p>(2) 0.28 acres at Anick Bank Foot and 0.42 acres near Hexham Bridge End, as shown on the plans now produced to the Committee, and to instruct the Clerk to take all necessary steps for obtaining confirmation of the Orders by the Minister of Transport and for the acquisition of the land and the settlement of compensation if and when the Orders are confirmed.</p>	<p>Approved.</p>

REPORTS OF COUNTY SURVEYOR— <i>continued</i> .	Decision of the Committee.
<p>for several improvements to be carried out as funds permit. Included were two schemes on the Hexham Bridge End to Corbridge Road.</p> <p>Mr. J. A. Cuthbert owns land required for both schemes, comprising 0.28 acres at Anick Bank Foot at the junction of U.8182 with C.242 and 0.42 acres near Hexham Bridge End also on C.242. Mr. Cuthbert's agents have informed me that their client is not prepared to sell the land and the Committee are requested to recommend the Council to make a Compulsory Purchase Order in respect of the land required.</p>	<p>Decision of the Committee.</p>
<p>(10) Heddon-Greenhead Road, B.6318—Bradley Toll Cottage.</p> <p>This property lies on the north side of the Military Road immediately to the east of Bradley Burn. It is an unoccupied derelict cottage, projecting about 10 feet into the verge, which is 14 feet wide on this section of the road. The owner wishes to sell the property and has offered it to the Council.</p> <p>The carriageway width is only 18 feet and any future widening will take place on the north side and it is considered therefore that the extensive alterations necessary to make the property habitable would not be justified as they would prejudice future widening proposals. If the building is demolished, however, there will be a considerable advantage from the safety aspect, as a serious obstruction will be removed from the highway verge.</p> <p>I therefore recommend the Committee to approve the purchase of the cottage and for the District Valuer to be asked to conduct negotiations.</p>	<p>Approved.</p>
<p>(11) Harbottle Peels Footbridge, U.4018—Rothbury Rural District.</p> <p>The 80 feet span suspension type footbridge which spans the River Coquet at Harbottle Peels was taken over from Rothbury Rural District Council in 1932 and is now in need of complete replacement as repairs to the existing structure are no longer economic. Consideration has been given to a scheme to provide a road bridge in replacement as the adjoining unpaved ford is also in need of repairs, but this would cost about £12,000 and I do not think that expenditure on this scale could be justified upon traffic grounds.</p> <p>Accordingly tenders for the supply of a 6 feet wide, 80 feet long single span steel footbridge have been obtained, the lowest being that of Finch Engineering Ltd., in the sum of £1,820. The total cost of the scheme, including foundation works and the provision of a concrete base</p>	<p>Approved.</p>

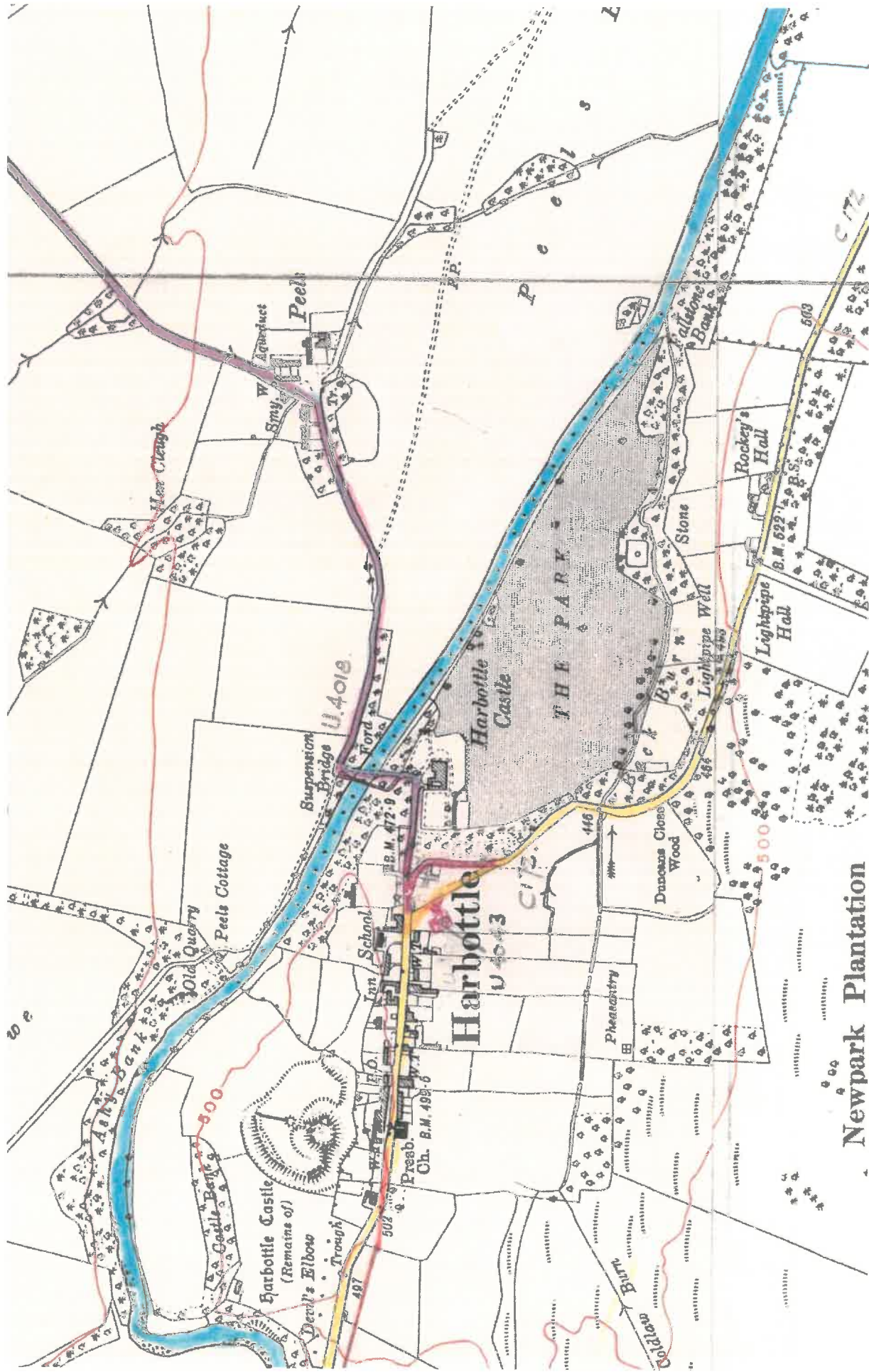
REPORTS OF COUNTY SURVEYOR— <i>continued.</i>	Decision of the Committee.
<p>(14) Dower House Estate, Riding Mill—Request for Removal of Street Lighting Columns.</p> <p>A request has been received from a Mr. Armstrong, of 31 Station Close, Riding Mill, accompanied by a petition from the residents of Station Close, a cul-de-sac on the Dower House Estate, for consideration to be given to the removal of the street light from outside his house as it is alleged that the seasonal switch on of the light has attracted a plague of flies and moths.</p> <p>The Public Health Inspector who has investigated the situation does not agree that the lights were the cause of the appearance of insects and points out that the relevant period coincided with a spell of hot, sultry weather which produced a greater number of insects than normal.</p> <p>The positions of the lamp columns on this estate are sited to provide an acceptable standard of illumination in the interests of public safety and it is a condition of adoption of the roads, that this lighting be provided.</p> <p>The removal of this street lamp would conflict with this requirement and result in a very low standard of illumination in the vicinity, which might conceivably be the cause for a further complaint during the winter nights.</p> <p>I recommend that no action be taken in this matter.</p>	<p>That no action be taken.</p>
<p>(15) Akeld-Kilham Road, B.6351—Dangerous Hedgerow Trees.</p> <p>Some 26 ash and 6 elm trees are growing in the hedgerow and boundaries of this road, the landowner on both sides being Mr. Harry Wardale, of Akeld Manor, who is currently having extensive forestry work carried out on his land.</p> <p>He has been advised by his foresters that all 32 of these trees are potentially dangerous and he has, therefore, obtained a quotation of £10 per tree for felling and removal and has requested a 50 per cent contribution from the County Council of £5 per tree.</p> <p>The County Planning Officer has been consulted and his landscape staff are of the opinion that whilst 18 of the ash trees are obviously dangerous and should be felled, the remainder have a limited useful life remaining. Mr. Wardale is quite prepared to remove only the 18 ash trees but he stresses that he cannot accept responsibility for claims arising as a result of any of the 14 remaining trees falling on the highway.</p> <p>It is recommended that a contribution of £90 be made to Mr. Wardale in respect of felling and removal of the 18 ash trees and the Committee may wish to consider whether the remaining 14 trees should also be dealt with on this basis.</p>	<p>That all 32 trees be removed.</p>

REPORTS OF COUNTY SURVEYOR— <i>continued.</i>	Decision of the Committee.
<p>to the ford, is estimated to cost about £3,500, and in view of the condition of the existing footbridge, it is recommended that the tender of Finch Engineering Ltd. be accepted and the work put in hand as soon as possible.</p> <p>The cost of these works can be accommodated within the approved estimate.</p> <p>(12) Footbridge at Lynemouth.</p> <p>Shortly after the opening of this footbridge to the public the cab window of a National Coal Board locomotive was broken by a missile thrown from the structure and consequently the National Coal Board have requested, as a matter of urgency, that some form of protection should be provided to prevent a repetition of such incidents.</p> <p>It has been agreed that wire mesh panels completely enclosing that part of the footbridge over the railway tracks would be effective and the National Coal Board have offered to contribute £80 towards the estimated cost of £250.</p> <p>I recommend that this contribution be accepted and that the work be put in hand forthwith.</p>	<p>Approved.</p>
<p>(13) Front Street Service Road, B.1323, Whitley Bay.</p> <p>In the estimates for 1965-66 the Committee approved a minor improvement scheme submitted by the Borough of Whitley Bay for the provision of a service road in Front Street at an estimated cost of £1,950, to ease the obstruction caused by waiting vehicles outside the adjoining shops, and to reduce the traffic hazard on the approach to Monkseaton Railway Bridge. After protracted negotiations, the Ministry of Transport have refused to accept this scheme as eligible for grant on the grounds that the service road is used strictly by customers using the adjoining shops.</p> <p>The scheme would have attracted a 60 per cent grant under the old grant structure, and payment has been withheld from the Borough Council pending the Ministry's decision.</p> <p>The scheme is a worthwhile improvement in that traffic congestion on the classified road has been reduced, but at the same time the service road does contain a town improvement element, and in view of this I recommend that the Council reimburse the Borough Council at the old rate of 60 per cent as an acknowledgement of the improvement to the classified road.</p>	<p>Approved.</p>

1974 County Road Schedule

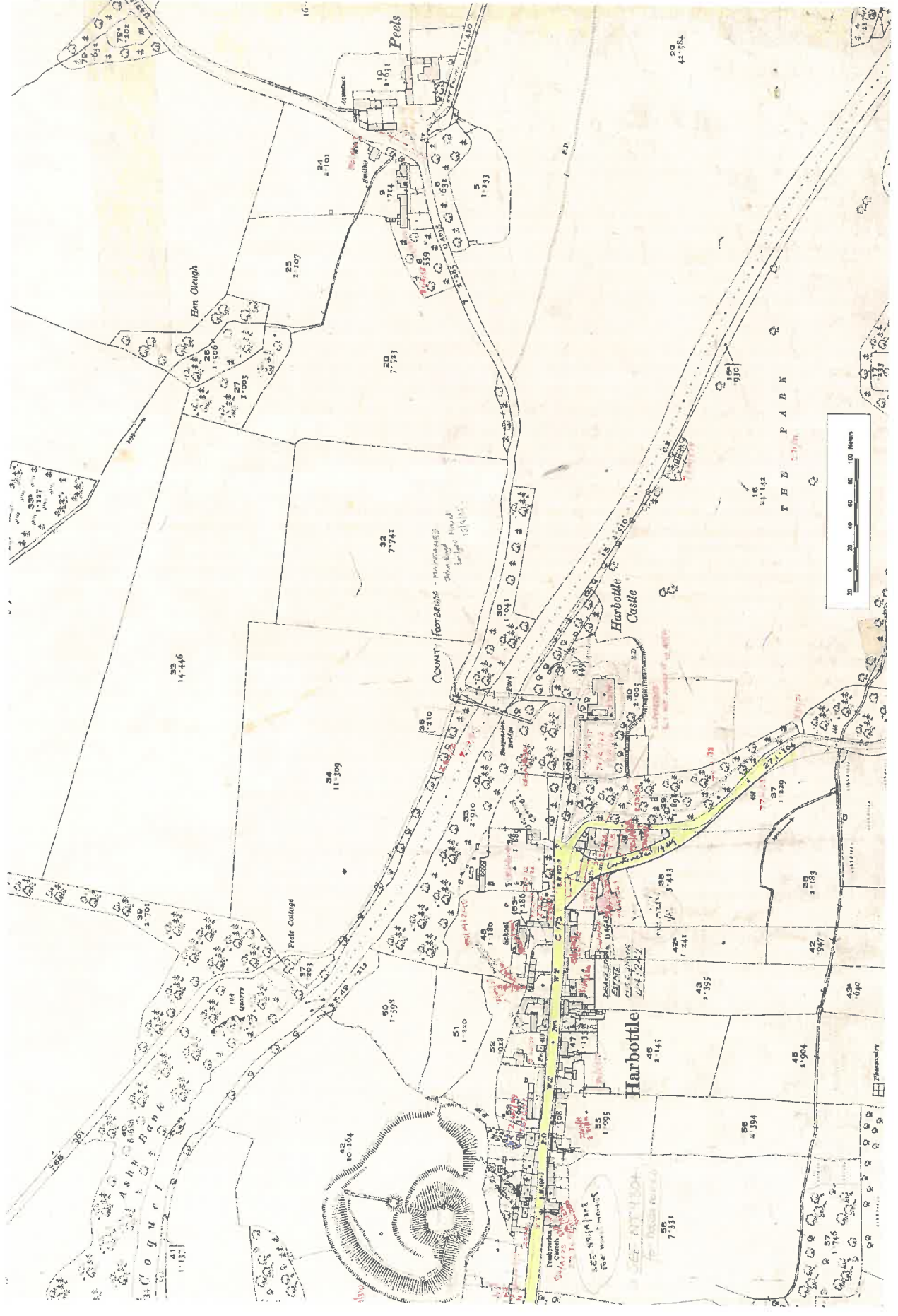
Route No.	Name of Road	Description	Responsible Division or Authority	Mileage	Total Miles
U.4013	Whittingham-Mountain Road.	From C.90 north-west of Whittingham (NU. 068123) north-westwards to U.4014 at The Mountain (NU. 051130).	Alnwick Division.		1.20
U.4014	Eslington Lowhill-Mile' End Road.	From C.172 at Eslington Lowhill (NU. 049118) northwards to C.169 south-west of Mile End (NU. 051137).	Alnwick Division.		1.14
U.4015	Scrainwood-Netherton Buildings Road.	From C.169 at Scrainwood (NT. 990095) southwards to C.172 east of Netherton Buildings (NT. 994080).	Alnwick Division.		1.04
U.4016	Scrainwood-Union Gate Road.	From U.4015 south-east of Scrainwood (NT.993093) eastwards to C.172 at Union Gate (NU.007094).	Alnwick Division.		0.97
U.4017	Elilaw-Biddlestone Road.	From C.169 east of Elilaw (NT.983087) westwards and southwards via Biddlestone Park to C.172 west of Biddlestone Edge (NT. 948073).	Alnwick Division.		2.72
U.4018	Biddlestone Edge-Harbottle Road.	From C.172 east of Biddlestone Edge (NT. 960070) southwards and south-westwards via Well House to C.172 at Harbottle (NT. 935046).	Alnwick Division.		2.56
U.4019	Well House-Sharperton Edge Road.	From U.4018 at Well House (NT. 948054) eastwards to U.4029 north of Sharperton Edge (NT. 970047).	Alnwick Division.		1.60
U.4020	Sharperton-Ridges Plantation.	From C.172 at Sharperton (NT. 957038) northwards to U.4019 at Ridges Plantation (NT. 957047).	Alnwick Division.		0.61
U.4021	Sheepbanks Road.	From U.4019 at Ridges Plantation (NT. 959047) northwards to U.4018 northeast of Well House (NT. 957057).	Alnwick Division.		0.67

6" Highways Map

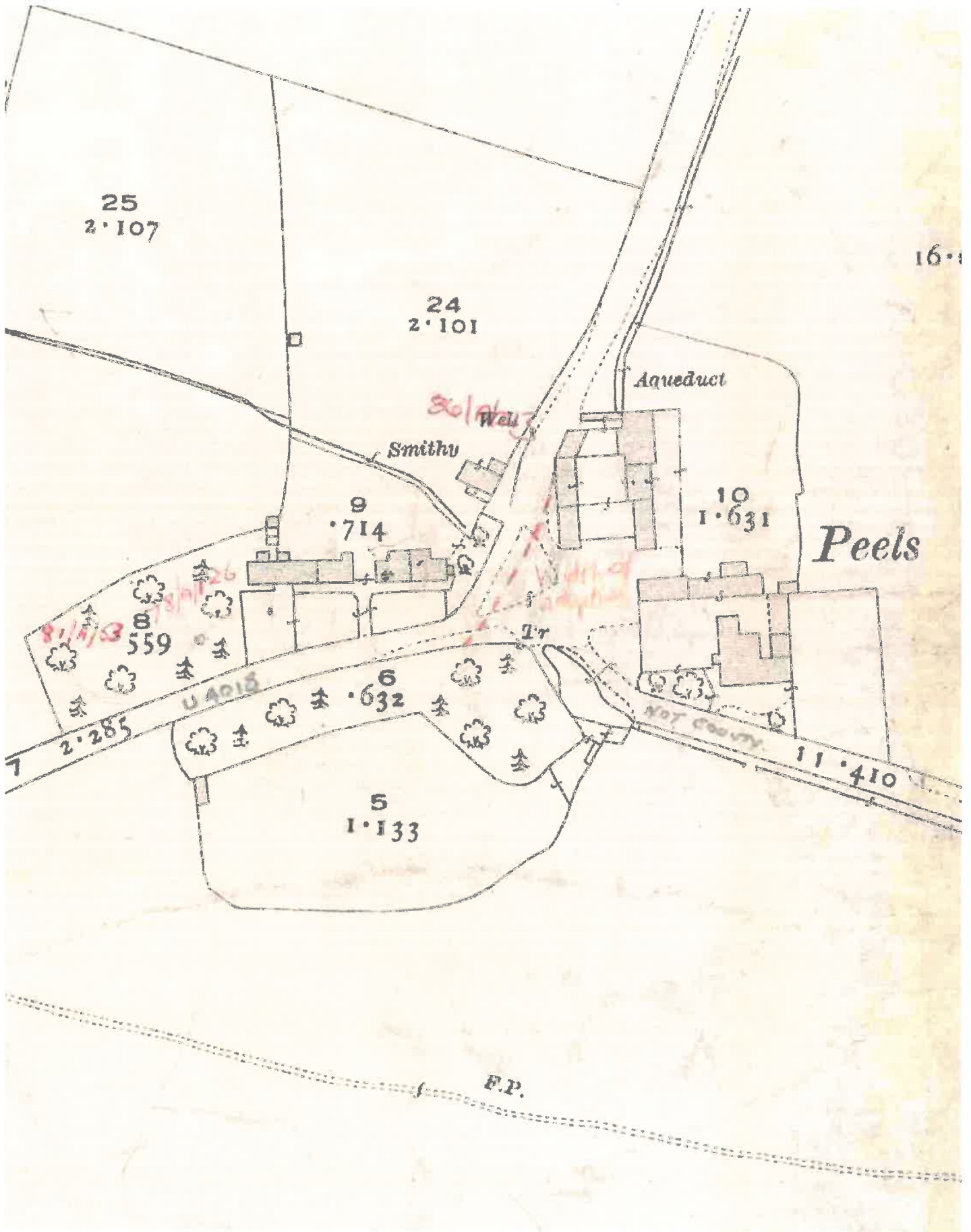


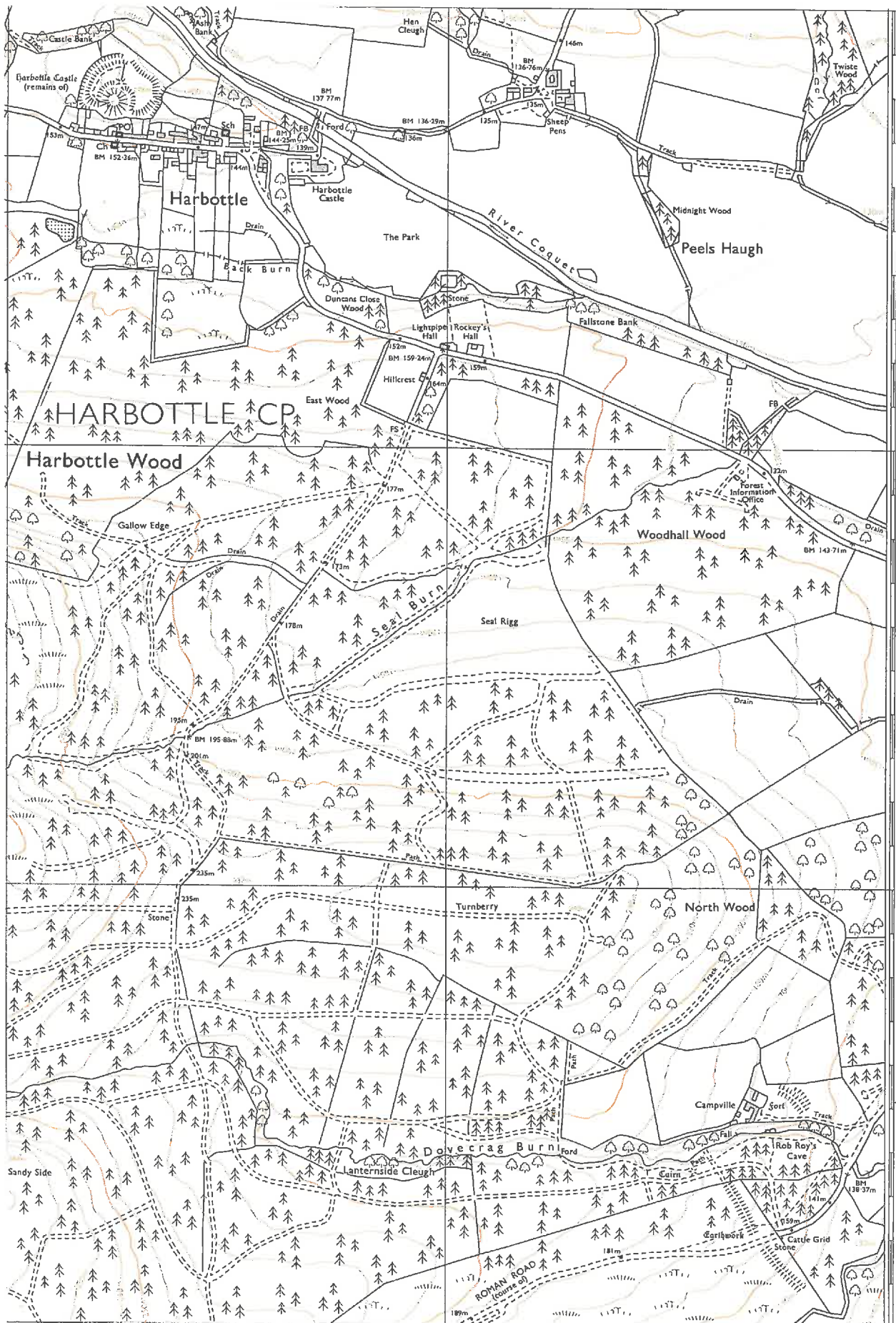
Newpark Plantation

25" Highways Map



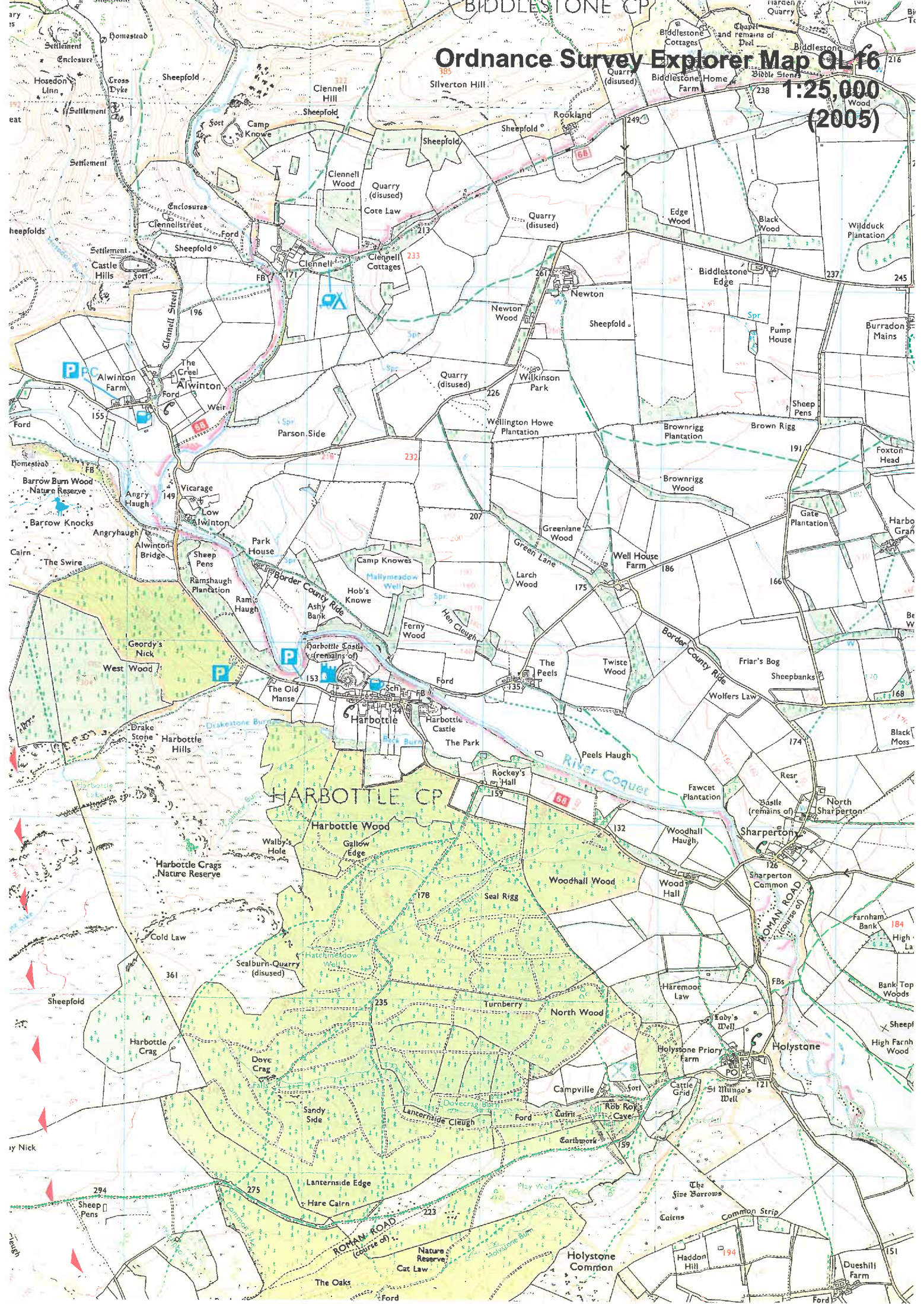
Extract from Council's 25" Highways Map





Ordnance Survey Explorer Map OL f6

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
U4013		
	U4014 JCT TO C90 JCT	1,959
	<i>Total length for U4013</i>	1,995
U4014		
	C172 JCT TO U4009 CROSSROADS	228
	U4009 JCT TO U4013 JCT	1,005
	U4009/U4014 LINK ROAD	38
	U4013 JCT TO C169 JCT	696
	<i>Total length for U4014</i>	1,967
U4015		
	U4016 JCT TO C169 JCT	419
	C172 JCT TO U4016 JCT	1,277
	<i>Total length for U4015</i>	1,696
U4016		
	U4015 JCT TO C172 JCT	1,580
	<i>Total length for U4016</i>	1,580
U4017		
	C172 TO U4022	1,967
	U4017 TO C169	2,413
	U4022 TO U4017	65
	<i>Total length for U4017</i>	4,445
U4018		
	RICHARDSON LANE	125
	U4021 TO C172	1,363
	C172 HARBOTTLE TO FORD	222
	FORD TO U4019	1,432
	U4019 TO U4021	971
	<i>Total length for U4018</i>	4,113



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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Date:

Scale:

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Nov 2019

1:10,000