



Northumberland County Council

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL
23 August 2018

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

ALLEGED BYWAY OPEN TO ALL TRAFFIC No 34 PARISH OF ADDERSTONE WITH LUCKER

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

Purpose of report

In this report, the Council is asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over the U2061 road, between the U2005 road, south-east of Adderstone Low Mill and existing Footpath No 23 at Adderstone Low Mill.

Recommendation

It is recommended that the Council agrees that:

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

1.0 BACKGROUND

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

“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.” [Section 53(3)(c)(ii)]

- 1.3 The Section 53(3)(c)(i) “reasonably alleged” test needs to be applied to the majority of the alleged Byway Open to All Traffic No 34 route. The ‘higher level’ Section 53(3)(c)(ii) “balance of probabilities” test needs to be applied to the short A-X section, because this section is already recorded on the Definitive Map as a public footpath.
- 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 'U2061' 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 U2061 unclassified County road based upon more than simply its inclusion in the List of Streets.

3. LANDOWNER EVIDENCE

- 3.1 In August 2014, Mr HT Harvey, owner of Adderstone Low Mill Farm, responded to the consultation, providing a plan which indicated that he had an interest in the whole of the Order route.

4. CONSULTATION

- 4.1 In July 2014, the Council carried out a consultation with the Parish Council, known owners and occupiers of the land, the local County Councillor and the local representatives of the "prescribed and local organisations" listed in the Council's "Code of Practice on Consultation for Public Path Orders". Three replies were received and are included below.
- 4.2 By letter, dated 17th October 2014, Ms E Bamford responded to the consultation, on behalf of the Ramblers' Association, stating:

"Parish of Adderstone Byway open to all traffic 34 No comment."

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

- 4.4 By email, on 4th November 2014, Ms S Rogers responded to the consultation, on behalf of the British Horse Society, stating:

"ADDERSTONE with LUCKER PARISH
Alleged Byway Open to All Traffic 34

This route on map 27 is also a tarmac access road to just one property, Adderstone Lowmill, but it does lead to a couple of public footpaths. For this reason it won't attract use by cyclists or horse riders as it forms

a cul de sac but walkers may use it as it is possible to continue along a footpath to a local road which may be considered suitable for walking along. However the BHS feels that it is another route with low priority.”

5. DOCUMENTARY EVIDENCE

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

1769 Armstrong's County Map

There is no evidence of a road or track approximating to the route of alleged Byway No 34.

1820 Fryer's County Map

There is no evidence of a road or track approximating to the route of alleged Byway No 34.

1820-32 Cary's Map

There is no evidence of a road or track approximating to the route of alleged Byway No 34.

1828 Greenwood's County Map

There is evidence evidence of a road or track approximating to the western end of the route of alleged Byway No 34, but not the north-south section which connects with the U2005 and U2007 roads..

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

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

1899 Ordnance Survey Map: Scale 1:10,560

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

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

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

1932 Belford RDC Handover Map

The route of alleged Byway Open to All Traffic No 34 is not coloured so as to identify it as a publicly maintainable road.

c.1938 Restriction of Ribbon Development Act 1935 Map

The route of alleged Byway Open to All Traffic No 34 is not coloured so as to identify it as a publicly maintainable road to be protected from ribbon development..

1951 Highways Map

The route of alleged Byway Open to All Traffic No 34 is not coloured so as to identify it as a publicly maintainable road.

c.1951 Definitive Map – original Survey Schedules & Map

The route of the U2061 road (i.e. alleged Byway Open to All Traffic No 34) exists on the base map. It is not identified as a public right of way; nor is it coloured brown. Known public roads were generally coloured brown to indicate what the extent of the road network was considered to be.

Draft Map

The route of the U2061 road exists on the base map. The most westerly 10 metres or so (only) is identified for inclusion on the Definitive Map as part of a public footpath numbered “2”. The remainder of the U2061 is not identified as being either a public footpath, public bridleway or Road Used as a Public Path (RUPP).

Provisional Map

The route of the U2061 road exists on the base map. The most westerly 10 metres or so (only) is identified for inclusion on the Definitive Map as part of a public footpath numbered “2”. The remainder of the U2061 is not identified as being either a public footpath, public bridleway or Road Used as a Public Path (RUPP).

1962 Original Definitive Map

The route of the U2061 road exists on the base map. The most westerly 10 metres or so (only) is identified as part of Public Footpath No 23. The remainder of the U2061 is not identified as being either a public footpath, public bridleway or Road Used as a Public Path (RUPP).

1964 Highways Map

The route of alleged Byway Open to All Traffic No 34 is not coloured so as to identify it as a publicly maintainable road.

1964 Highway Dedication Agreement

This document, dated 23rd October 1964, signed by Thomas Harvey of Adderstone Low Mill, indicates that the route B-X (and a slight westerly extension to point W, not quite as far west as point A) was “dedicated to the use of the public as a highway” from that date.

1970 Ordnance Survey Map: Scale 1:10,560

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

First Review Definitive Map

The route of the U2061 road exists on the base map. The most westerly 10 metres or so (only) is identified as part of Public Footpath No 23. The remainder of the U2061 is not identified as being either a public footpath, public bridleway or Road Used as a Public Path (RUPP)

1988 Ordnance Survey Map: Scale 1:10,000

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

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

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

- 5.2 The handwritten entry (suggesting it was a later addition) for the U2061 road, in the 1964 County Road Schedule is:

“U2061 Adderstone Low Mill Road
From U2005 at its junction with U2007 northwards and westwards for 1040 yards to Adderstone Low Mill Farm.”

The length of the U2061 road is identified as being 0.59 miles.

- 5.3 The entry for the U2061 road, in the 1974 County Road Schedule is:

“U2061 Adderstone Low Mill Road
From U2005 at its junction with U2007 (NU 147309) northwards and westwards for 1040 yards to Adderstone Low Mill Farm (NU142312).”

The length of the U2061 road is identified as being 0.59 miles.

- 5.4 The County Council's Bridges and Roads Committee minutes for the 22nd December 1952 contain the following entry:

“(5) Private Streets

...

Farm Roads

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

The minutes report that the decision of the Committee was:

“Referred to the Private Street Works Sub-Committee for Inspection and report.”

- 5.5 The County Council’s Bridges and Roads Committee minutes for the 16th December 1957 contain the following entry:

“(11) Private Streets

...

Belford Rural District - Adderstone with Lucker Parish
Road to Adderstone Low Mill

Messrs R Harvey and Sons have made application for approximately 0.593 of a mile of road, which serves the farm and nine cottages, to be adopted and, subject to any necessary repairs and improvements being completed in a satisfactory manner, I recommend that the road be taken over.

The minutes report that the decision of the Committee (in relation to this and other routes) was:

“Approved. That subject to the roads being completed to the satisfaction of the County Surveyor they be taken over as highways repairable by the inhabitants at large and the necessary notices be signed by the Clerk of the Council and fixed up therein pursuant to Section 19 of the Private Street Works Act, 1892.”

- 5.6 The original Definitive Statement for the public right of way that connects with this road states:

Public Footpath No 23 (Parish of Adderstone with Lucker)

“From the Lucker - Adderstone road near Lucker Cottage in a north-westerly and south-westerly direction by Adderstone Grange and Adderstone Lowmill to join FP 24.”

6. SITE INVESTIGATION

- 6.1 From a point marked B, on the U2005 road, at its junction with the U2007 road, 705 metres south-east of Adderstone Low Mill, a 2.7 to 3 metre wide tarmac road, in a 7.3 to 8.2 metre wide corridor proceeds in a north-westerly direction for a distance of 580 metres, then within a 7.6 to 8.2 metre wide corridor in a south-westerly direction for a distance of 365 metres to a point marked X at its junction with Public Footpath No 23. Thereafter, a 3 metre wide track in an 8 to 11.2 metre wide corridor continues in a south-westerly direction for a distance of 10 metres to a point marked Y (the western extent of Thomas Harvey’s 1964 highway dedication). A 3 metre wide tarmac track continues in a south-westerly direction for a further 25 metres to a point marked A, 40 metres south of Adderstone Low Mill.

7. COMMENTS RECEIVED ON THE DRAFT REPORT

- 7.1 In April 2018, a copy of the report was circulated to those landowners / occupiers who responded to the initial consultation for their comments. No additional comments have been 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 Section 53 (3)(c)(ii) of the Wildlife and Countryside Act 1981, requires the County Council to modify the Definitive Map when evidence is discovered which, when considered with all other relevant evidence available to them shows:

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

- 8.3 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.
- 8.4 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.
- 8.5 The route of alleged Byway Open to All Traffic No 34 is identified on the County Council’s current List of Streets as being the U2061 road. The route was not identified as being publicly maintainable on the 1932 Alnwick Rural District Council Handover Map, nor in the map or schedule of roads produced in relation to the Restriction of Ribbon Development Act 1935. It was not identified on the Council’s 1951 Highways Map nor its later 1964 Highways Map. It was added, in pen, to the 1964 County Road Schedule (indicating it was a later addition) and was recorded in the Council’s 1974 County Road Schedule.
- 8.6 The route has been consistently identified as an enclosed road / track on Ordnance Survey maps since circa 1865/6. The route is not shown on either Armstrong’s or Fryer’s County Maps of 1769 and 1820 nor on Cary’s Map of

1820-32. The northern (Adderstone Low Mill) part of the route is shown on Greenwood's County Map of 1828.

- 8.7 Although the short A-X part of the route has been recorded on the Definitive Map of Public Rights of Way, as part of public Footpath No 23, since the original map was drawn up in the 1950s the majority of the route does not appear to have been considered for inclusion (as footpath, bridleway or Road Used as Public Path).
- 8.8 The County Council accepts that, given the way the regulations were written with regard to the way highway authorities could include publicly maintainable highways in the List of Streets, there was no impediment to public bridleways and public footpaths also being included. That is not to say that any bridleways or footpaths were so shown – just that they could be. It must, therefore, be entirely proper to consider each UCR on a case by case basis, but that does not mean that we should begin with the assumption that each UCR is no more than a public footpath unless higher rights can be proven by other means. In Northumberland there is no evidence to suggest that public footpaths and public bridleways were deliberately shown on the 1958, 1964 or 1974 County Road Schedules (forerunners of the modern day List of Streets). The fact that a route is shown on these schedules must, therefore, be evidence of some weight that public vehicular rights exist.
- 8.9 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.
- 8.10 As indicated above, the alleged Byway No 34 route was not identified in the original 1964 County Road Schedule or the accompanying 1964 County Highways Map. It can be identified as a (presumably later) penned addition to the 1964 County Road Schedule and it is properly included within the 1974 County Road Schedule. It seems likely it was added as a result of the Bridges and Roads Committee resolution of 16th December 1957 and Thomas Harvey's highway dedication on 23rd October 1964.
- 8.11 Between 1954 and 1964, the accepted position appears to have been that the A-X section was a public footpath and that the X-B section had no public status.
- 8.12 On 23rd October 1964, the document / plan was signed by Thomas Harvey stated:

“I / we Thomas Harvey of Adderstone Low Mill, Belford, do hereby declare that I / we have dedicated to the use of the public as a highway that portion of land known as Adderstone Lowmill Farm Road, Belford in the County of Northumberland which is coloured red hereon as from to-day’s date.”

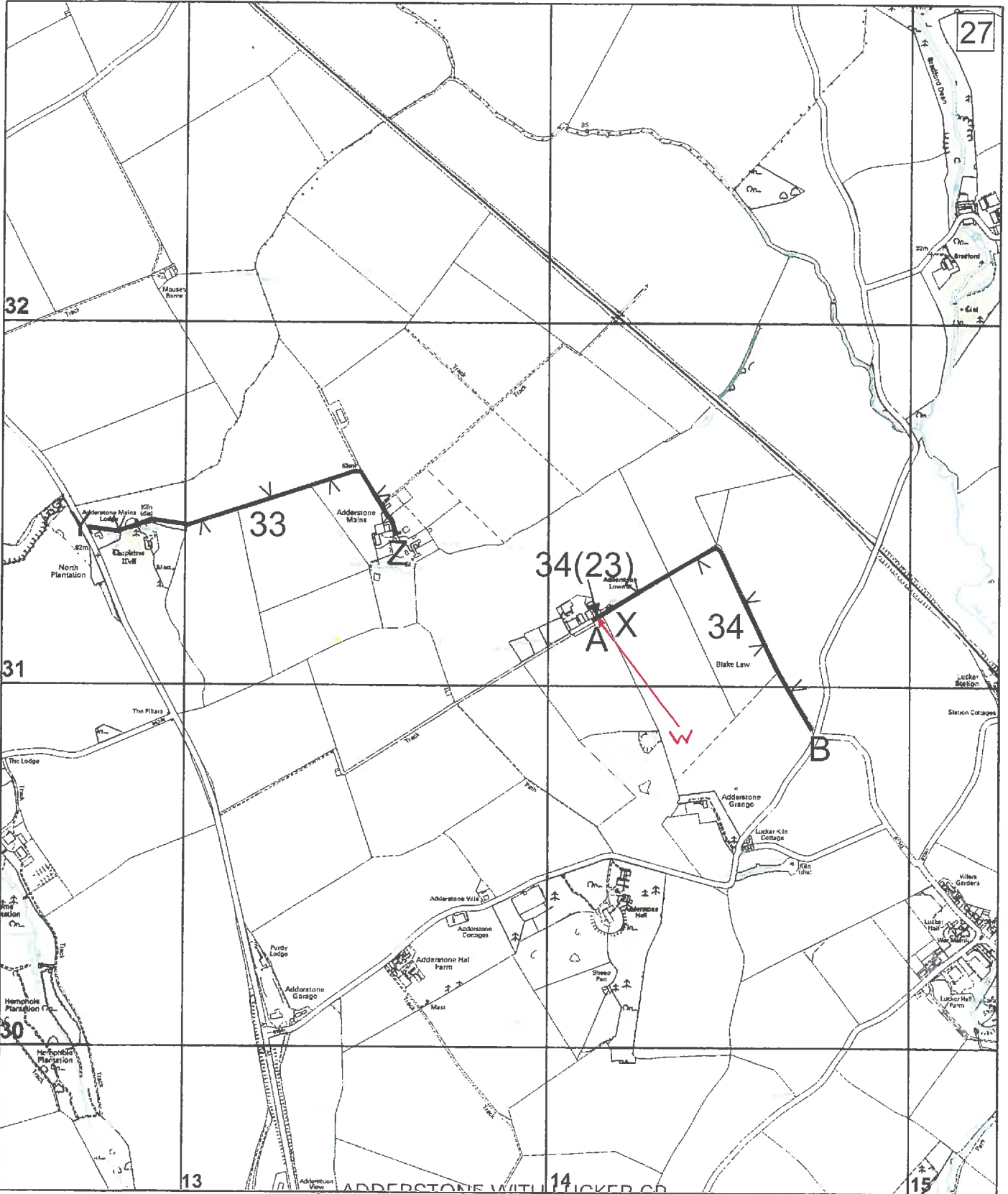
The B-X-W part of alleged Byway Open to All Traffic No 34 is highlighted in red on the plan. The width of the highway being dedicated is not given, but the highlighting extends across the full width of the corridor, between hedges and does not appear to be limited to just the width of the present day tarmac carriageway. The 25 metre long W-A section of alleged Byway No 34 does not form part of the highway dedication. It seems likely that this section was added in error - possibly the subsequent demolition of the cottage buildings confused the person who digitized the extent of highway.

8.13 Unfortunately, in the dedication document it does not specify precisely what public highway rights were being dedicated. Those highway rights need not, necessarily, be vehicular ones. Public footpaths and public bridleways are also “highways”. There are a number of reasons why it could reasonably be argued that the landowner’s’ actual intention was to dedicate a public vehicular highway:

- Firstly, persons unfamiliar with highway law are unlikely to be aware that public footpaths and bridleways are public highways; the term “highway” – in everyday usage – is generally used to refer to a vehicular route.
- Secondly, the dedication plan is entitled “Adderstone Lowmill Farm Road”.
- Thirdly, given the width of the highway being dedicated (7.3 to 8.2 metres between the boundaries), it seems unlikely that the landowners were dedicating something less than a public vehicular right of way.
- Fourthly, since part of the route was already recorded as being a publicly maintainable public footpath, there would be no need for the landowners to dedicate public footpath rights over this section.
- Fifthly, if the landowners had simply been intending to upgrade the existing public footpath to a public bridleway and dedicate public bridleway rights over the remainder of the route, this would almost certainly have been achieved through negotiations with the Council’s Countryside Service (not its ‘roads’ section), the dedication would have explicitly mentioned the creation of public bridleway rights, and the Definitive Map would then have been amended to reflect the route’s new status. Since the new ‘bridleway’ would be a cul-de-sac (linking only with an existing public footpath and not any other public bridleways) it is difficult to see why the Council would have pursued a bridleway dedication to Adderstone Low Mill.

- 8.14 The Natural Environment and Rural Communities Act 2006 (NERC Act 2006) had a major impact upon the recording of byways open to all traffic based upon historical documentary evidence. Under section 67 of the Act, any existing, but unrecorded, public rights of way for mechanically propelled vehicles were extinguished unless one of the 'saving' provisions applied. In brief, these saving provisions were: (a) if the main lawful public use between 2001 and 2006 was with motor vehicles; (b) if the route was on the List of Streets (on 2 May 2006) and not also on the Definitive Map as something less than a byway open to all traffic; (c) the route was legally created expressly for motor vehicular use; (d) the route was a road deliberately constructed for public motor vehicular use; or (e) the vehicular highway came about as a result of unchallenged motor vehicular use before December 1930.
- 8.15 Of the saving provisions above, (b) will apply to the B-X section (i.e. almost all) of the route of alleged Byway No 34. The public's motor vehicular rights would not have been extinguished by the NERC Act 2006. Where, however, a route is shown on the Definitive Map as a footpath or bridleway, then the fact that it is shown on the List of Streets will not be sufficient to prevent the public's motor vehicular rights from being extinguished. This applies to the X-W-A section of the route, so here it is necessary to see whether or not one of the other saving provisions might apply.
- 8.16 Under section 67(2)(c) of NERCA 2006, the public's motor vehicular rights would not be extinguished if those rights had been created on terms that expressly provided for a right of way for mechanically propelled vehicles. As discussed in paragraphs 8.12 and 8.13 above, although it is reasonably clear that the 1964 highway dedication intended to create a public right of way for mechanically propelled vehicles, it did not do so in express terms, so this saving provision would seem unlikely to apply. The Inspector who determined Definitive Map Modification Order (No 23) 2012 (Kilham) certainly took that view.
- 8.17 Under section 67(2)(a) of NERCA 2006, the public's motor vehicular rights would not be extinguished if they are over a way whose main lawful use by the public during the period of 5 years between 2nd May 2001 and 2nd May 2006 was with mechanically propelled vehicles. The difficulty here is that the Council has no evidence regarding the balance of public user during this 5 year period. The road is not a through route for vehicles, though there is a public footpath continuing in a southerly direction beyond New Heaton. What vehicular use it does get is likely to be the associated property holders themselves, their visitors and invitees; all people who it could be argued have a private right or permission to use the route (i.e. who might not qualify as being "the public"). For these reasons, it may be difficult to demonstrate that public motor vehicular use outweighed pedestrian (and equestrian and cycle use).

- 8.18 Under section 67(2)(e) of NERCA 2006, the public's motor vehicular rights would not be extinguished if they are over a way that had been in long use by mechanically propelled vehicles before 1930, when it first became an offence to drive 'off-road'. There is no evidence of long-standing public motor vehicular use before 1930 in this instance.
- 8.19 Finally, under section 67(2)(d) of NERCA 2006, the public's motor vehicular rights would not be extinguished if they are over a way that had been created by construction of a road intended to be used by MPVs. The Inspector who determined Definitive Map Modification Order (No 23) 2012 (Kilham) concluded that public motor vehicular rights had been 'saved' over that route (in part) by virtue of this exemption. At Kilham, there was the highway dedication by the landowner in 1968 (similar to the highway dedication of the B-X-W section by Thomas Harvey in 1964) supported by Council Bridges and Roads Committee minutes from 1957 stating that "subject to the road(s) being completed to the satisfaction of the County Surveyor, they be taken over as highways repairable by the inhabitants at large and that the necessary notices be signed by the Clerk of the Council and fixed up therein pursuant to Section 19 of the Private Street Works Act 1892." On that basis, the Inspector argued that because the Committee decision to accept dedication was contingent upon the road being "made up to a satisfactory standard" this meant the road (which must have been unsatisfactory at that time) was to be constructed to a standard suitable for motor vehicles and all other traffic. The minutes relating to the Adderstone Low Mill road are phrased in the same way as the Kilham route, suggesting that the saving provisions in section 67(2)(d) of NERCA 2006 can also be applied to the B-X-W part of alleged Byway No 34.
- 8.20 For a route to be a byway open to all traffic, it has to be (i) a public motor vehicular right of way and (ii) a route which is nevertheless used (or is likely to be used) by the public mainly for the reasons which footpaths and bridleways are used.
- 8.21 The majority of this route has a reasonable tarmac surface. Although drivable with a 'normal' family car, the route is a vehicular cul-de-sac, serving farmland and one residential property at its western end. From my site visit and the consultation responses, the route would appear to be only lightly used by members of the public; what use it does get being primarily pedestrian - from people using it to gain access to existing Public Footpath No 23. Given that the road is a vehicular cul-de-sac, but that public footpaths proceed southwards and north-westwards from its western end, it is considered likely that the alleged byway will be used by the general public mainly for the purposes for which footpaths and bridleways are so used; thereby satisfying the criteria for being recorded as a byway open to all traffic.
- 8.22 Advice from the Planning Inspectorate in their 'consistency guidelines' states that it is important to have the correct width, where known, recorded in the definitive statement. Usually there is a boundary to boundary presumption for



NORTHUMBERLAND

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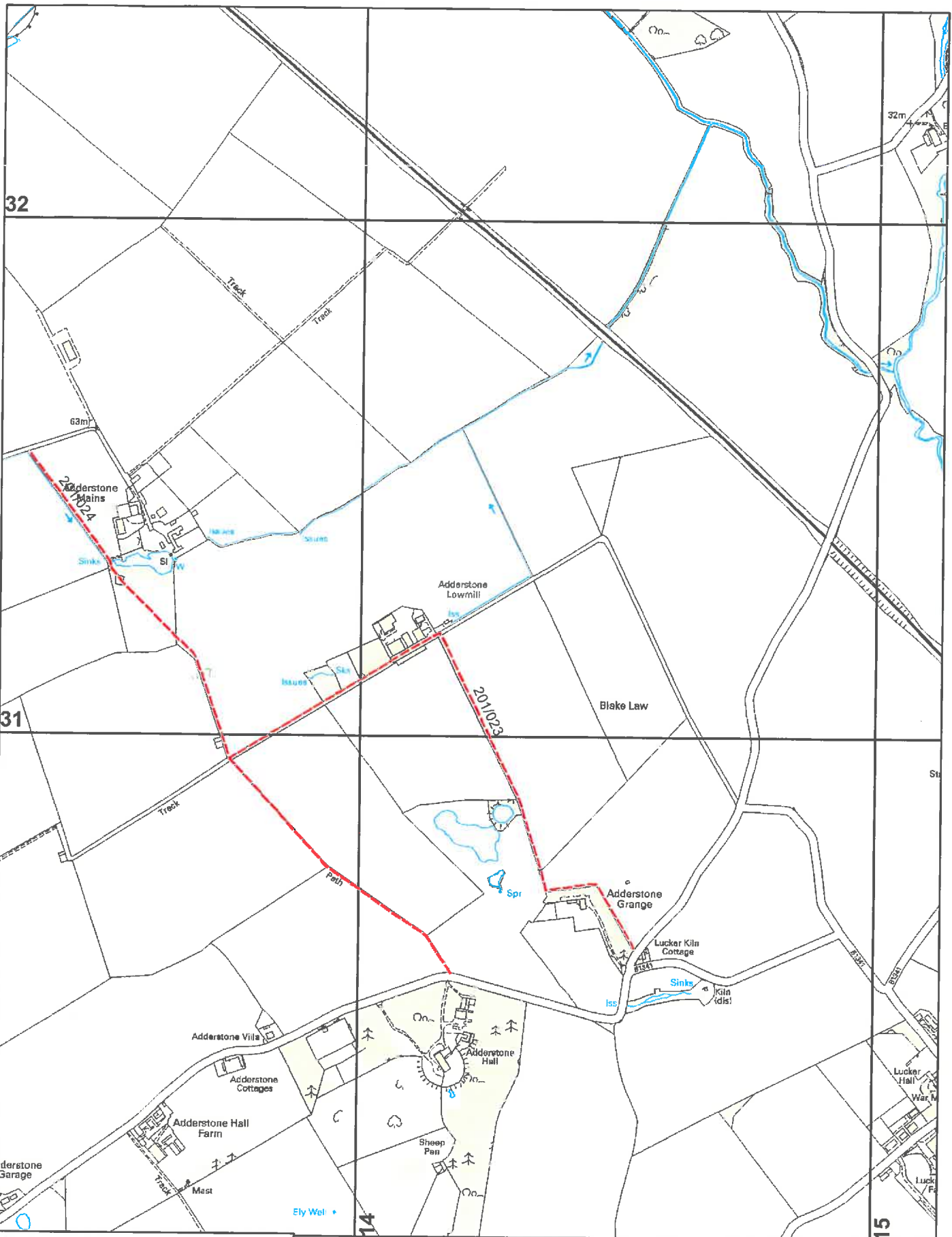
Wildlife and Countryside Act 1981
Public Rights of Way



Alleged Byway Open to All Traffic

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Former District(s) Berwick	Parish(es) Adderstone with Lucker	Scale 1:15,000
Def. Map No. 31	O.S. Map NU 13 SW	Date February 2014



NORTHUMBERLAND
 Northumberland County Council
 Infrastructure

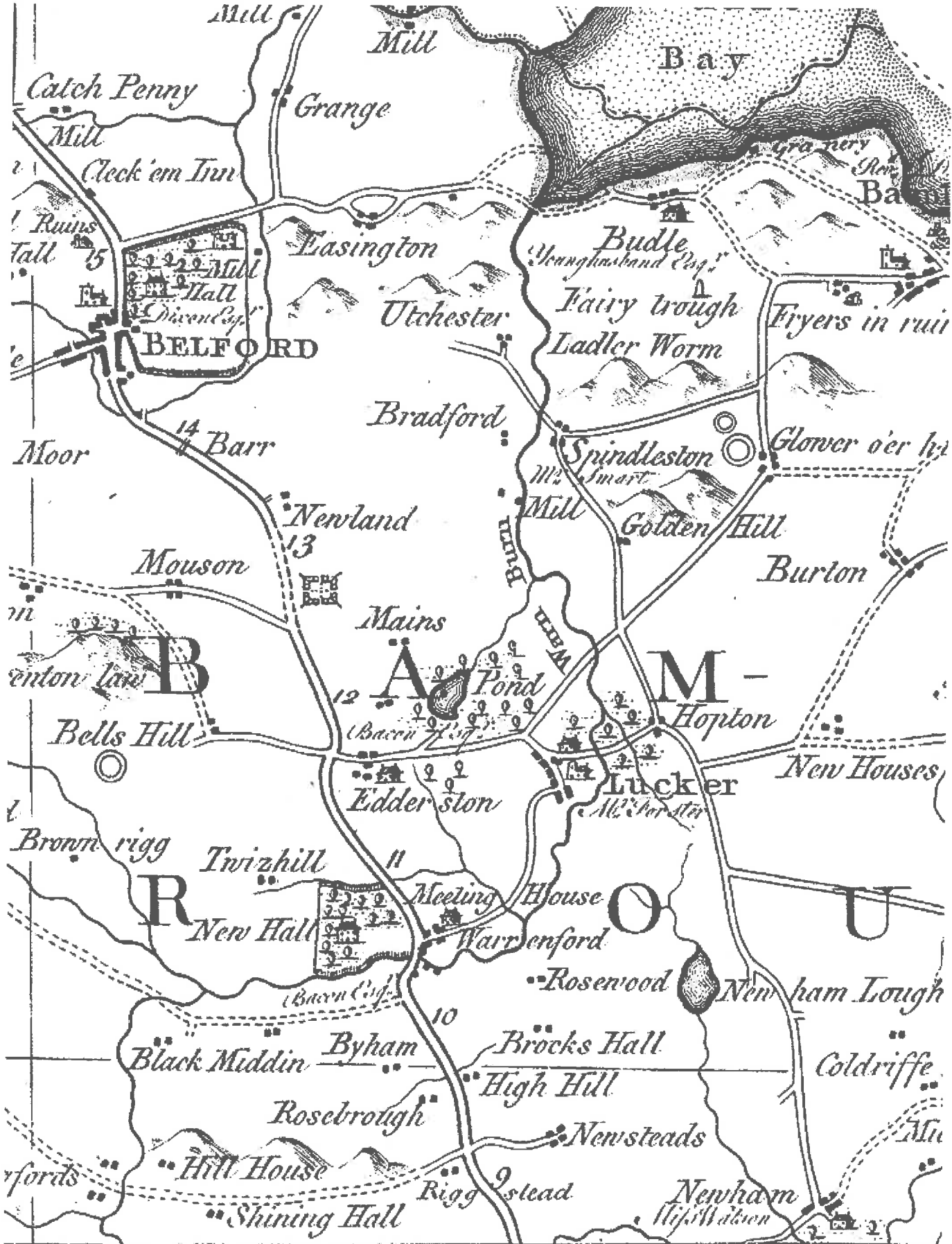
- Legend**
- Footpath
 - Bridleway
 - Restricted Byway
 - Byway Open to All Traffic

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

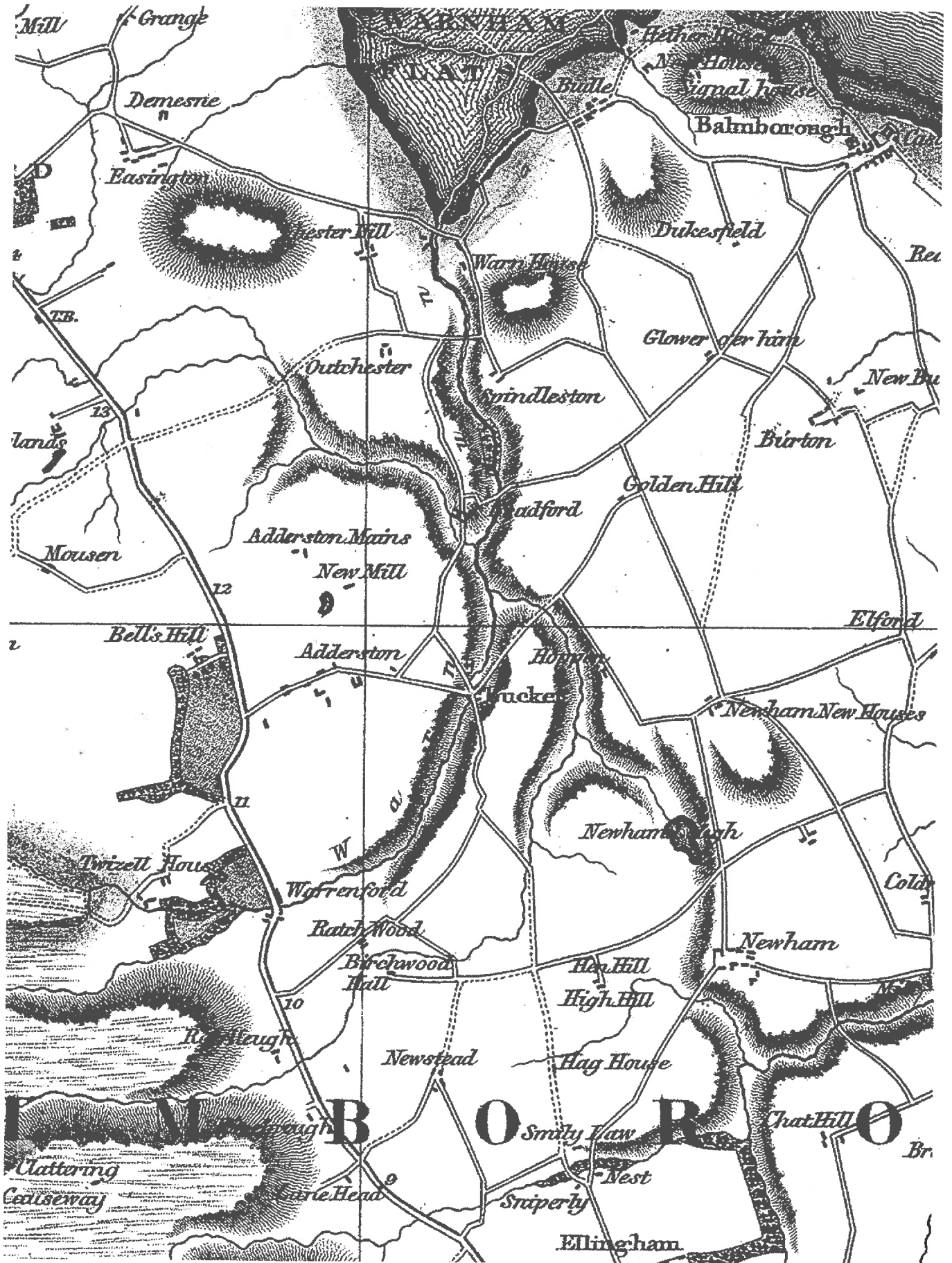
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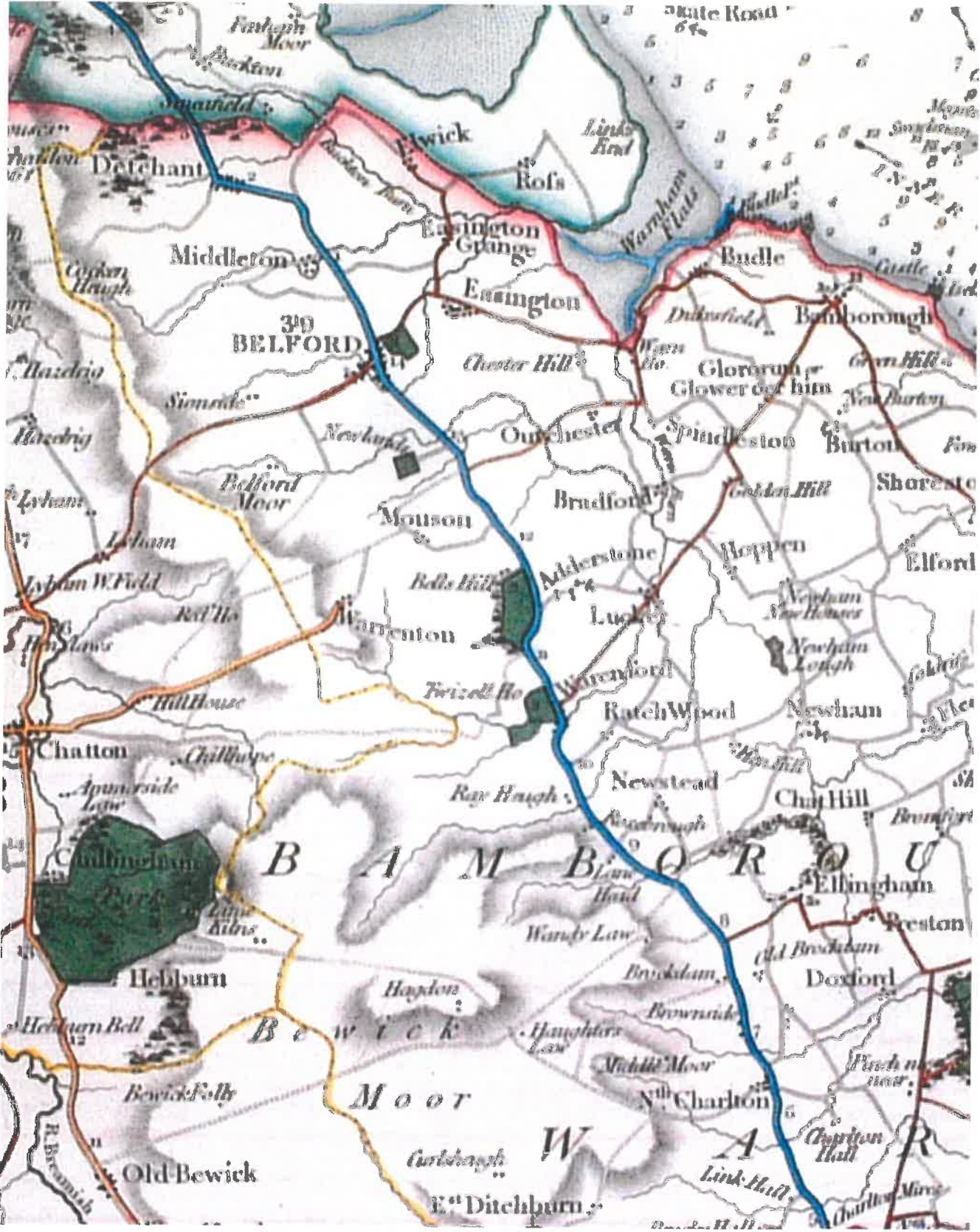
Contact: Alex Bell
 Telephone: 01670 624133
 Email: Alex.Bell@northumberland.gov.uk

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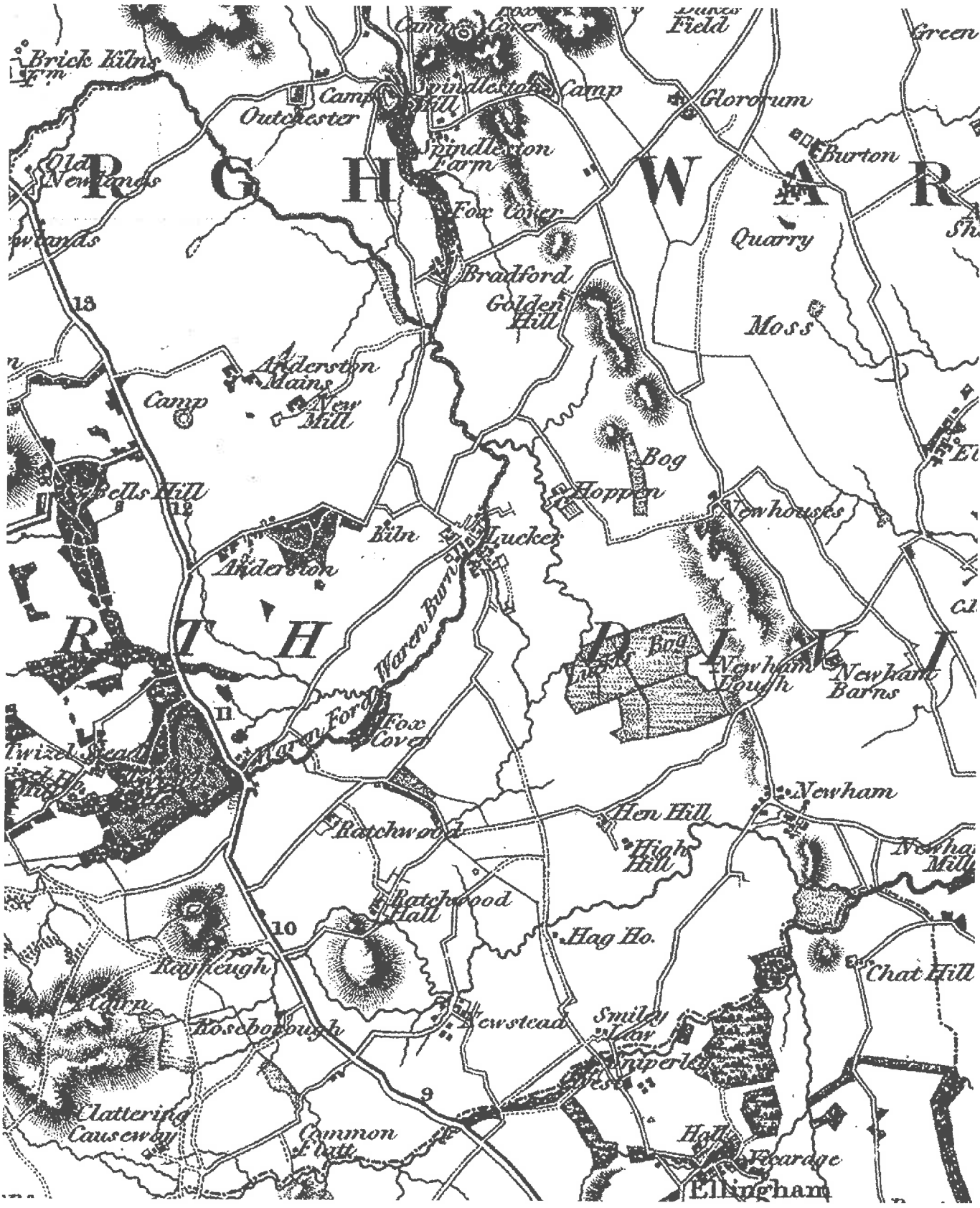


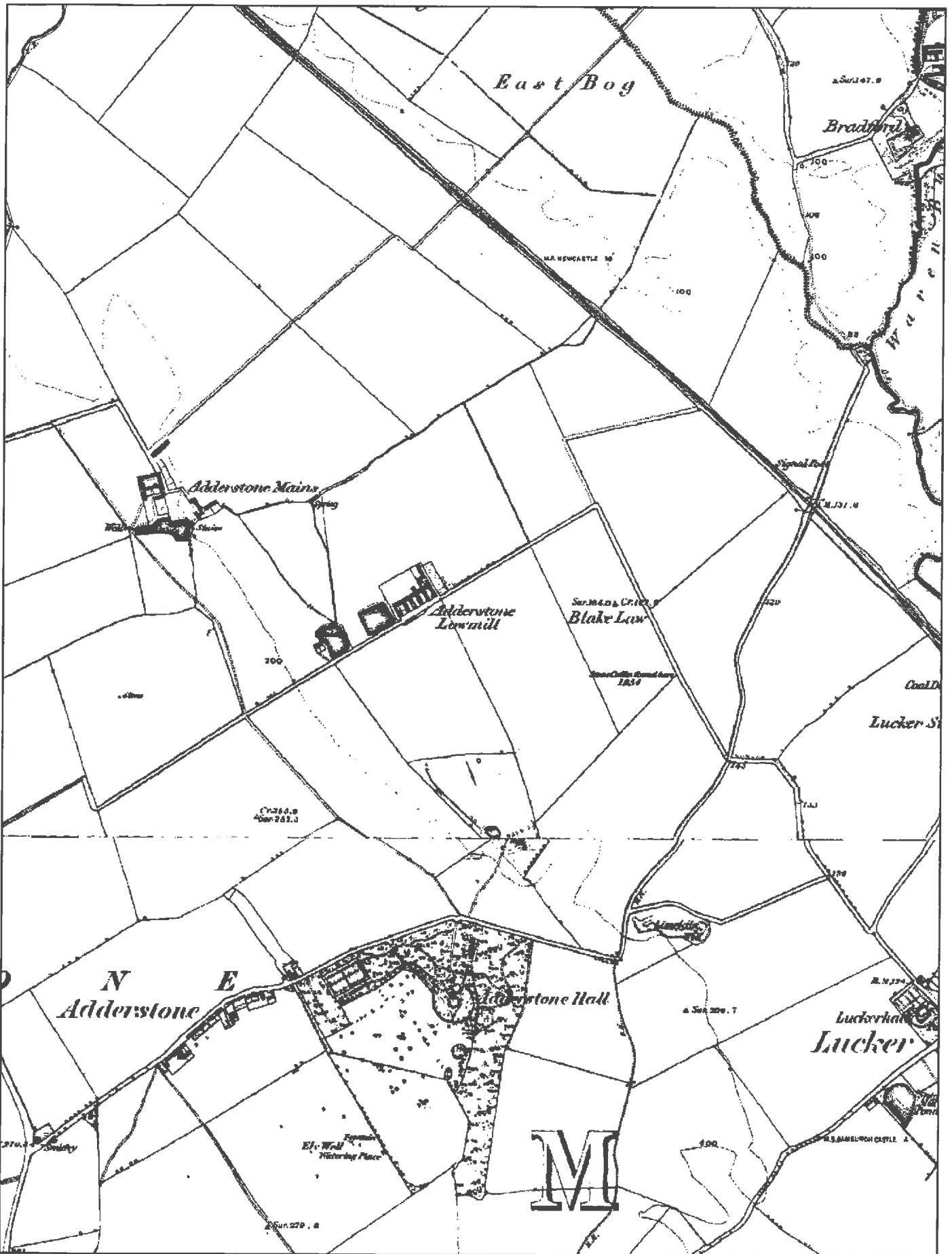
Fryer's County Map
1820

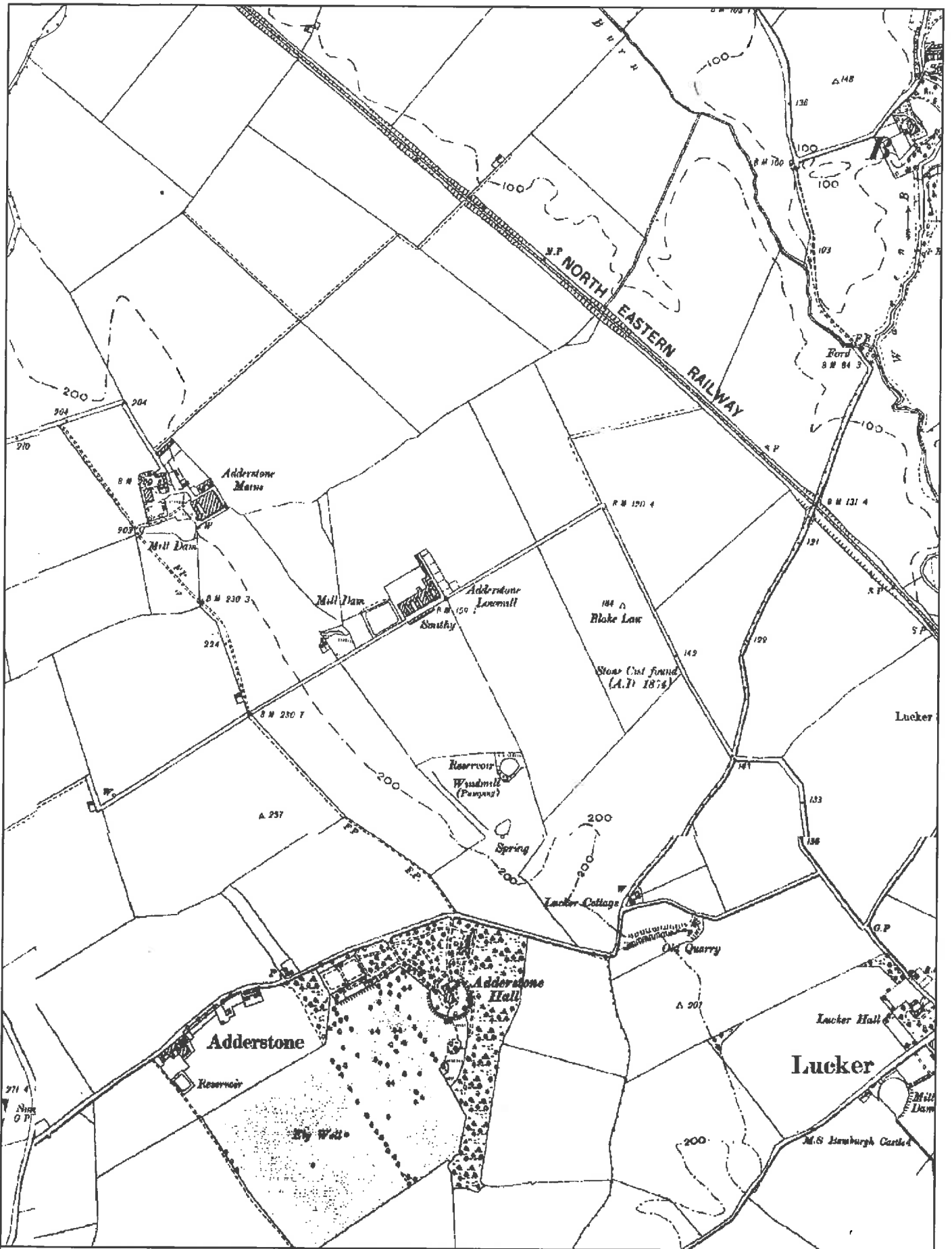




Greenwood's County Map
1828



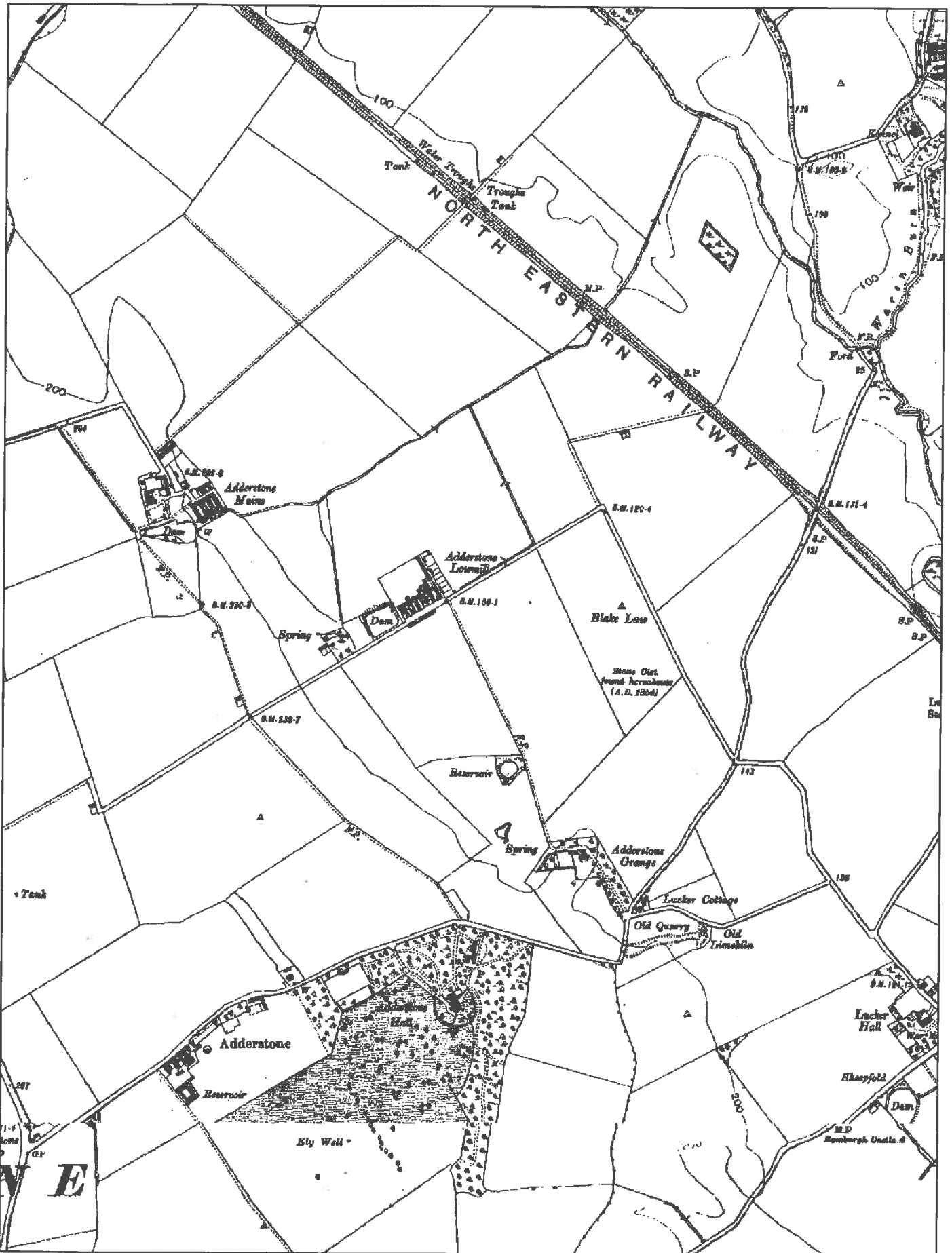




Northumberland
Northumberland County Council

SCALE 1:10,560

Ordnance Survey 2nd Edition 6" map (1899)



Northumberland
Northumberland County Council

SCALE 1:10,560

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

Belford RDC Handover Map 1932



Scale of the One Inch Map.

Extract from the Council's 1951 Highways Map



REPORTS OF COUNTY SURVEYOR—continued.

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

(5) Private Streets.

Alnwick Rural District.

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

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

Belford Rural District.

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

Bellingham Rural District.

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

Castle Ward Rural District.

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

Road from Ca Cauny Inn to Walker Street, Dinnington Colliery.

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

Decision of the Committee.

REPORTS OF COUNTY SURVEYOR—continued.

Stendale Rural District.

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

Morpeth Rural District.

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

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

Farm Roads.

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

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

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

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

(6) Private Street Works.

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

Alnwick Rural District :—

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

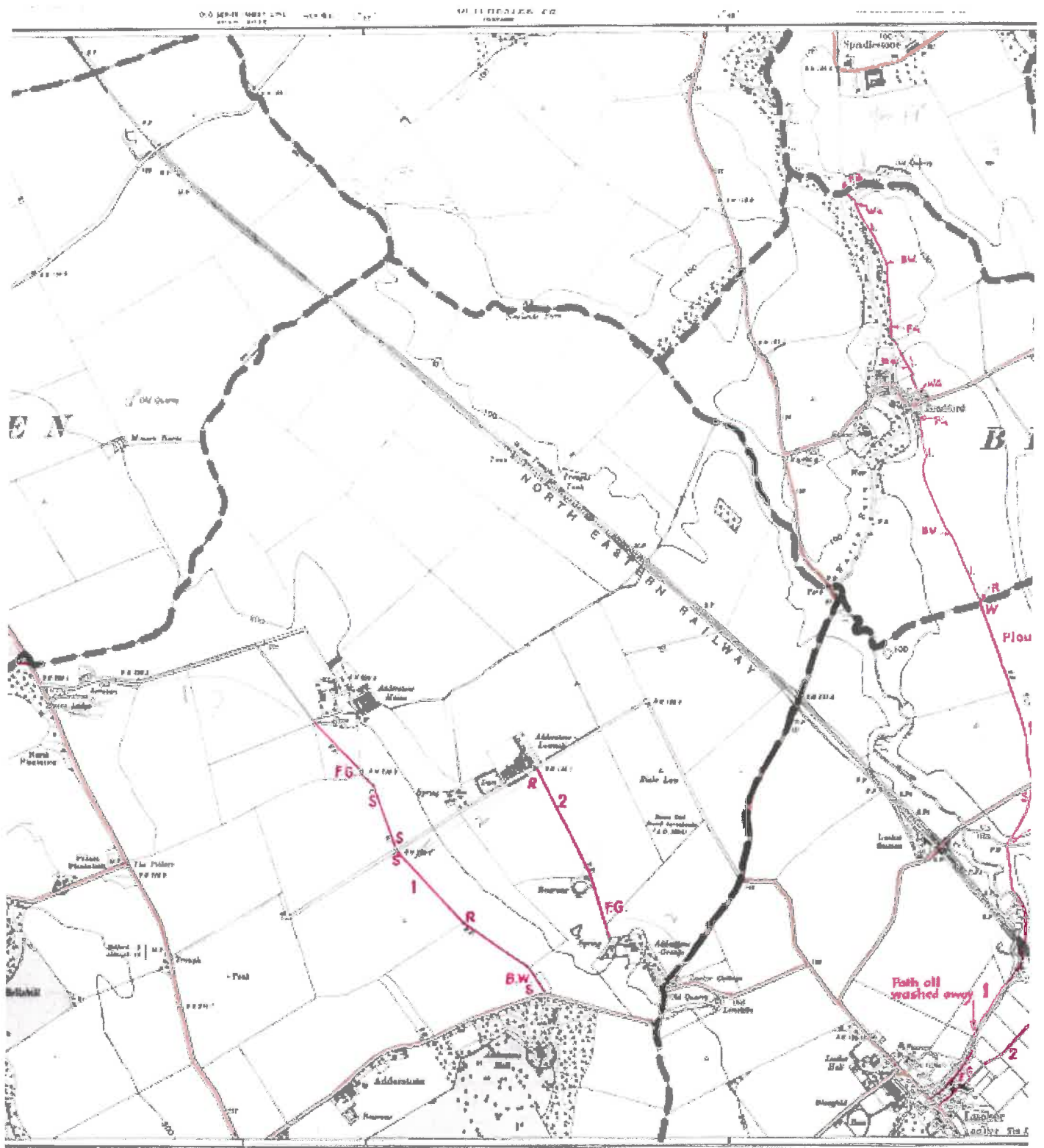
Decision of the Committee.

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

Referred to the Private Street Works Sub-Committee for inspection and report.

Received.

Survey Map



NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.
SCHEDULE ACCOMPANYING SURVEY MAPS.

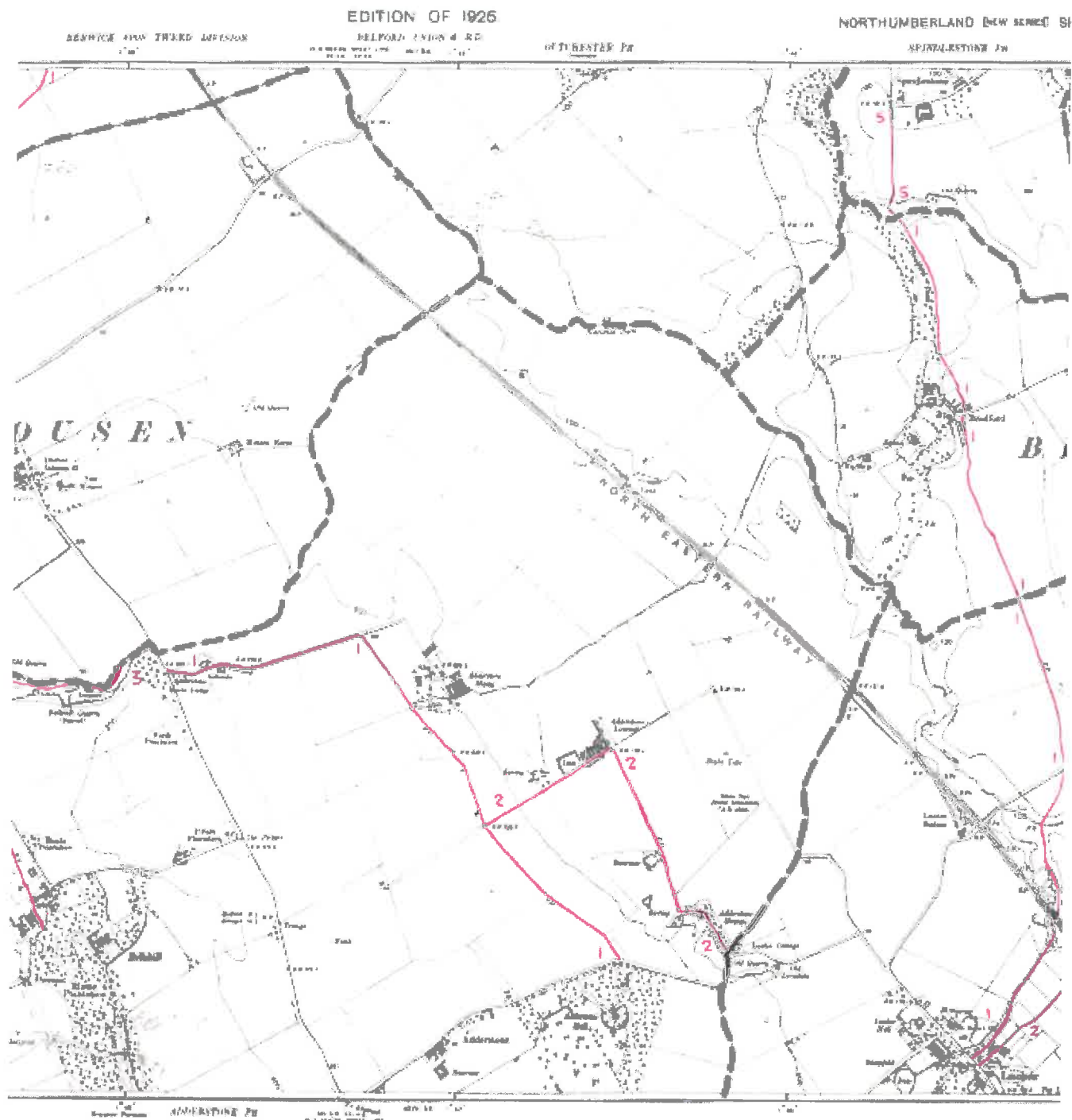
Parish of ADDERSTONE in the Rural District of BALFORD.

Borough }
Urban District } of _____
(Delete whichever is inapplicable).

1. Number of highway on Map 2 2. Kind of Path (i.e., F.P., B.R.) F.P.
3. Starts at Adderstone Lane Mill to Adderstone Grange.
4. Name of Path (if any) _____
5. Is the Path well defined? Yes
6. Is the Path metalled? If so, define length _____
7. If its width can be stated, insert here _____
8. What is the present condition of the path, stiles, etc.? Path open
gate closed.
9. Is it subject to being ploughed out? Yes
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known _____
11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant
It is an ancient way and this is a public path as it has been used for many years from Adderstone Lane Mill and Adderstone Grange to the farm Adderstone Lane Mill and
12. Have persons been prevented using the highway? No
13. Give particulars of any obstructions None
14. Names of owners of freehold and previous owners, if known, for past 30 years
Q. J. Hinchey Esq. Q. Robinson Esq.
R. Hinchey Esq.
15. What maps have been consulted, and where are they deposited? _____
16. What records have been consulted, and where are they deposited? _____
17. Any other relevant information _____

Surveyed by	Address	Dates of Survey
<u>A. P. Raven</u>	<u>Adderstone Lane Mill</u> <u>Adderstone Grange</u>	<u>11/1/54</u>

Important:—Sheet No. of Map on which
O.S. Highway is shown
N. 1111 / N.E.



ONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949. PART IV.—PUBLIC RIGHTS OF WAY.

Ordinary subject that

KIND OF PATH

riding driveway (see title)

Carriageway (1) Footpath

Carriageway (2) Bridleway

MEANS OF PASSAGE

Mark
 RR
 BR
 CRP
 CRB
 C.L.
 T.P.

SYMBOLS TO BE USED IN MARKING MAPS. (MARK SYMBOLS IN CAPITALS.)

EXAMPLE



OBSTRUCTIONS, NOTICE BOARDS, DIVERSIONS

Obstruction O
 Notice Board N
 Barbed Wire & W.
 Former course of path diverted or closed

REPORTS OF COUNTY SURVEYOR—continued.

both sides of the road. For classified and trunk roads the highway authority must be prepared to supply certificates to a Court that a road not restricted by Order was, in fact, restricted at the 1st July, 1957. The size of the standard restriction and de-restriction signs is to be increased and signs must be illuminated either by lamps fitted to them or by the use of reflectors or reflective material.

The Traffic Signs Regulations and General Directions, 1957, came into force on the 1st March, 1957. 'Halt' and 'Slow, Major Road Ahead' signs cease to be legal unless they are surmounted by an inverted triangle and, by the 1st March, 1958, 'Halt' signs must be illuminated or be reflective. Within two years, signs giving warning of 'Bend,' 'School,' 'Children,' and 'Traffic Signals Ahead' must be replaced by signs of the new type. Signs giving notice of 'No Waiting' must have black letters on a yellow background and limited waiting signs will continue to have white letters on a blue background.

The necessary action is being, or has been, taken to give effect to the above.

The Minister has also issued a 'Traffic Safety Code for Road Works' applicable to all works within the highway, although this Code has not statutory force. Every effort will be made to ensure that the requirements of the Code are observed on County Council works.

(9) Road Traffic Act, 1934.—Speed Limits. Trunk Road A.68—Rochester Village.

A request for a speed restriction in Rochester Village was considered by the Committee in 1954 but this was not supported by the Chief Constable and the Committee decided to take no action. The Rochester Parish Council are still pressing for a speed restriction, but the Chief Constable is still of the same opinion and he considers that there has been no material change in traffic conditions and that these do not warrant the imposition of a restriction.

A possible reason for the request is that ten houses on the north side of the road have the coal-houses and closets on the opposite side.

I have arranged for the erection of 'Narrow Bridge' signs at the approaches to the Bridge and for 'Slow' to be painted on the road at suitable points at each end of the village and I recommend that no further action be taken for the present.

(10) Road Traffic Act, 1930.—'Halt' Signs. Apperley Dene Crossroads, Stocksfield. Junction of Routes B.6309; C.253; C.270.

The Broomley and Stocksfield Parish Council ask that 'Halt' signs be substituted for the existing 'Slow' signs at this crossroads where between March, 1954 and August, 1957 there have been ten accidents involving four casualties.

In 1952 a request for the authorisation of 'Halt' signs was turned down by the Ministry of Transport and 'Slow' signs were erected. The sight lines at this junction are bad

REPORTS OF COUNTY SURVEYOR—continued.

and the Chief Constable and I consider that either an improvement should be made or 'Halt' signs be erected. The Divisional Road Engineer considers that an improvement is desirable and it is hoped to carry this out in the coming financial year.

Meanwhile, I have arranged for improved white line marking of the approaches and I recommend that the provision of 'Halt' signs should not be pursued.

(11) Private Streets.

Castle Ward Rural District—Hazlerigg and North Gosforth Parishes.

Brunton Park Estate.

Greenfield Road (part Nos. 17—57 and 30—78)	305 yards.
South Bend	330 "
Mitford Gardens	256 "
Princes Road (part Nos. 33—63 and 18—48)	209 "
Kirkwood Place	134 "
Davenport Drive	269 "
Waterbury Road	198 "
Polworth Drive (part Nos. 31—51 and 18—24)	212 "

Messrs. J. T. Bell & Sons Ltd., have now completed the construction of the above lengths of streets and, subject to any necessary repairs being completed in a satisfactory manner at the termination of the period of maintenance, I recommend that the streets be adopted.

Glendale Rural District.
Phillips Place, Lowick.

This street was constructed by the Glendale Rural District Council some years ago but it was not adopted because the width at the junction with the main road in the village was restricted. The Rural District Council subsequently acquired the land necessary to conform to the approved layout, but unfortunately the new boundary wall was built on the wrong line. The Rural District Council asked that the road should be adopted with the layout as constructed. An adequate footpath width can be obtained with a 20 feet kerb radius at the junction and, in view of the short length of the street and the small volume of traffic, the Accounts Sub-Committee, to whom I referred this matter, agreed that this should not prejudice the adoption.

I, therefore, recommend that, subject to the satisfactory completion of the roadworks at the junction, the street be adopted.

Belford Rural District—Alderstone with Lucker Parish.
Road to Alderstone Low Mill.

Messrs. R. Harvey and Sons have made application for approximately 0.593 of a mile of road, which serves the farm and nine cottages, to be adopted and, subject to any necessary repairs and improvements being completed in a satisfactory manner, I recommend that the road be taken over.

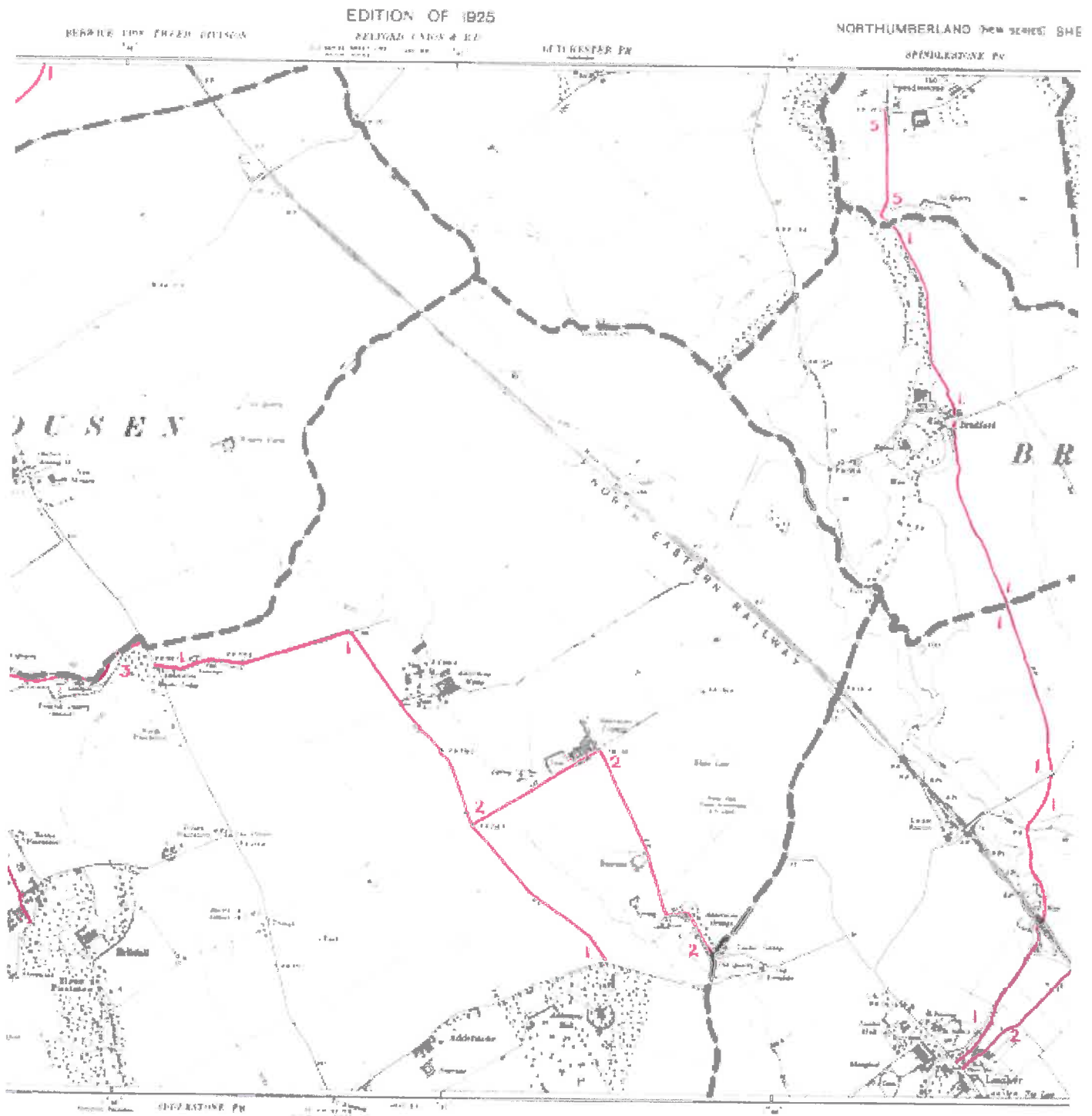
Decision of the Committee.

Approved. That subject to the roads being completed to the satisfaction of the County Surveyor they be taken over as highways repairable by the inhabitants at large and the necessary notices be signed by the Clerk of the Council and fixed up therein pursuant to Section 19 of the Private Street Works Act, 1892.

That no action be taken.

That the improvement of the junction be carried out in preference to the erection of 'Halt' signs.

Provisional Map



NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949. PART IV. PUBLIC RIGHTS OF WAY.

It is shown that

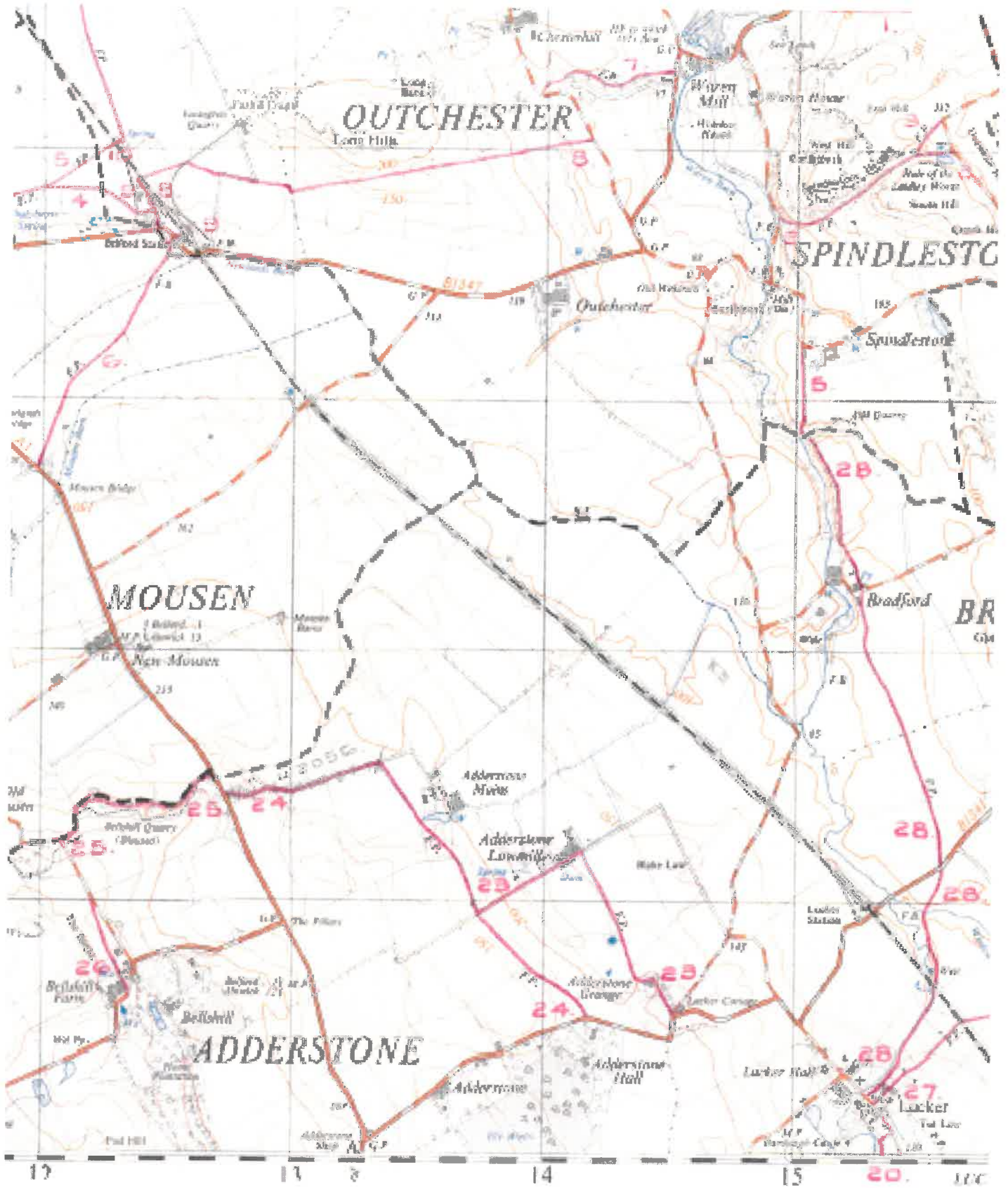
KIND OF PATH	Mark
Footpath	F.P.
Byway	B.W.
Track	T.C.R.
Other	O.C.R.

SYMBOLS TO BE USED IN MARKING MAPS (MARK SYMBOLS IN CAPITALS)



OBSTRUCTIONS, NOTICE BOARDS, DIVERSIONS	Mark
Obstruction	O
Notice Board	N
Diversion	D

Original Definitive Map



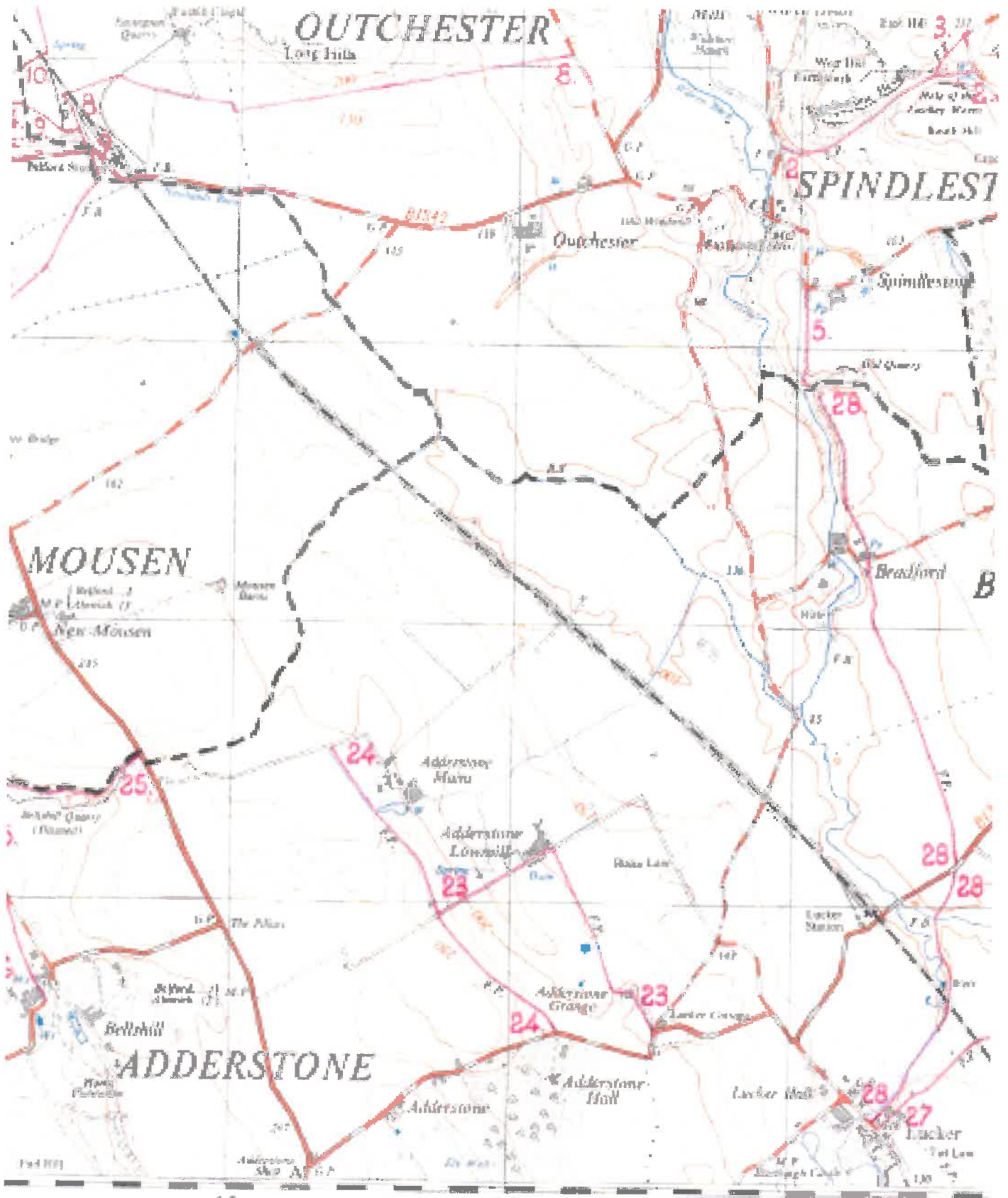
NORTHUMBERLAND COUNTY COUNCIL.

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

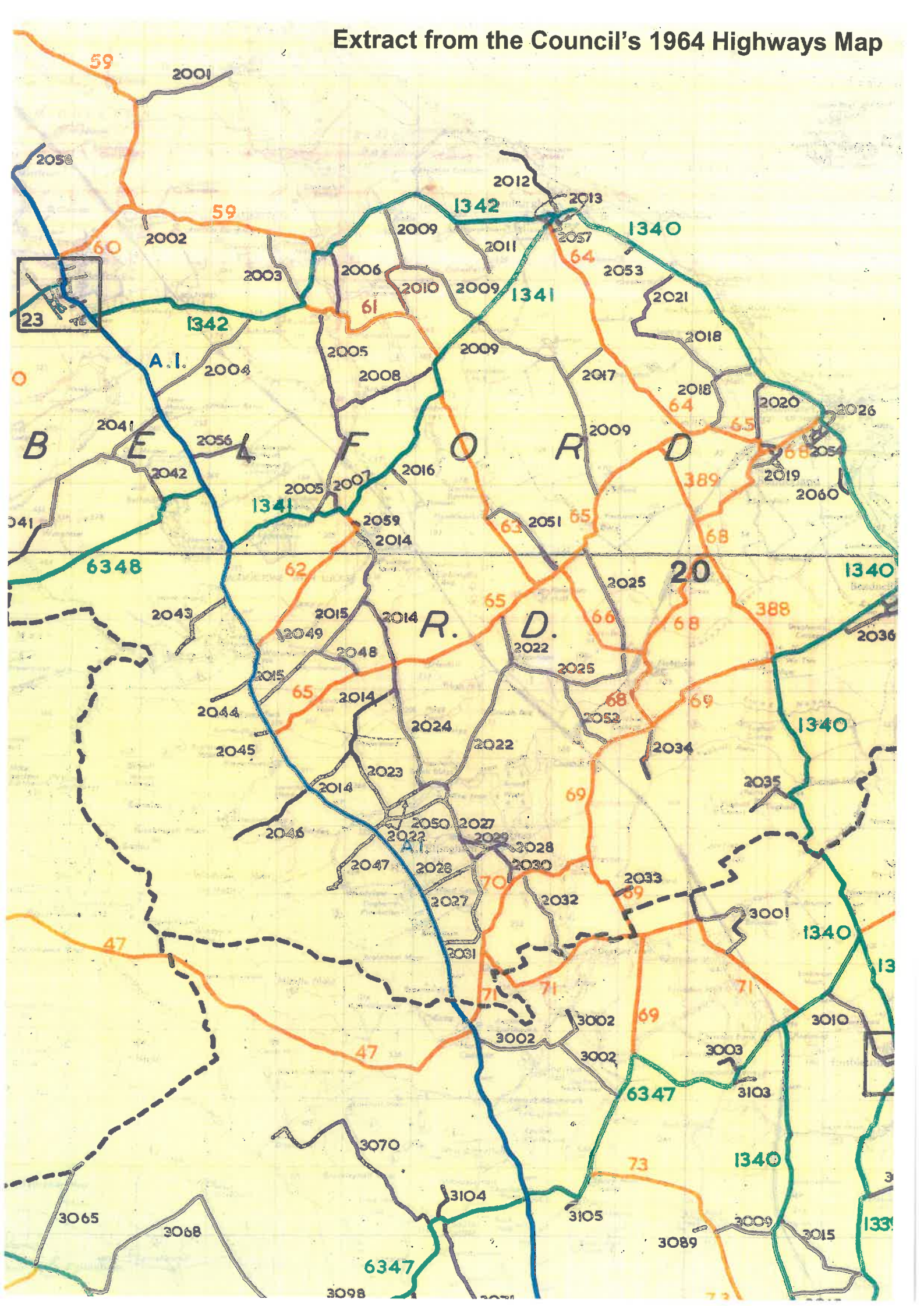
PUBLIC RIGHTS OF WAY - STATEMENT.

1. ~~Parish~~
~~Urban District~~
Rural District BELFORD
2. Parish ADDERSTONE WITH LUCKER
3. Number of Footpath on Map 23
4. Name of Path
5. Kind of Path (i.e. FP/BR) F.P.
6. General Description of Path From the Lucker - Adderstone road near
Lucker Cottage in a north-westerly and south-westerly direction
by Adderstone Grange and Adderstone Lowmill to join F.P.24.
.....
.....
.....
7. Other relevant information
.....
.....
.....
.....
.....

First Review Definitive Map



Extract from the Council's 1964 Highways Map



1964 County Road Schedule

- 75A -

<u>Route No.</u>	<u>Name of Road.</u>	<u>Description.</u>	<u>Responsible Division or Authority.</u>	<u>Mileage.</u>	<u>Total Mileage.</u>
U.2056	Adderstone Mains Road, Belford.	From A.1 at Adderstone Mains Lodge eastwards and southwards to entrance to Adderstone Mains Farm House, (1,090 yds).	Wooler.	0.62	0.62
U.2057	Lindisfarne Avenue, Bamburgh.	From G.64 at Bamburgh eastwards towards Lepers Wall for 117 yards.	Wooler.	0.07	0.07
U.2058	Low Middleton Farm Road.	From A.1 at Middleton Cottages north-eastwards to western boundary of British Railways, (788 yards).	Wooler.	0.45	0.45
U.2059	Villiers Gardens, Lucker.	Off north side of Station Road, Lucker, C.62, for 39 yards.	Wooler.	0.02	0.02
U.2060	Annstead Bridge Old Road.	From B.1340 southwards over old Annstead Bridge returning back to B.1340, (303 yards).	Wooler.	0.17	0.17
U.2061	Adderstone Low Mill Road.	From U.2005 at its junction with U.2007 northwards and westwards for 1040 yards to Cuddestone Low Mill Farm.	Wooler	0.59	0.59
U.2062	Newlands Farm Road Belford.	From A.1. at Newlands East Lodge, in a South-westerly direction to Newlands Farm. (540 yds.)	Wooler	0.31	0.31

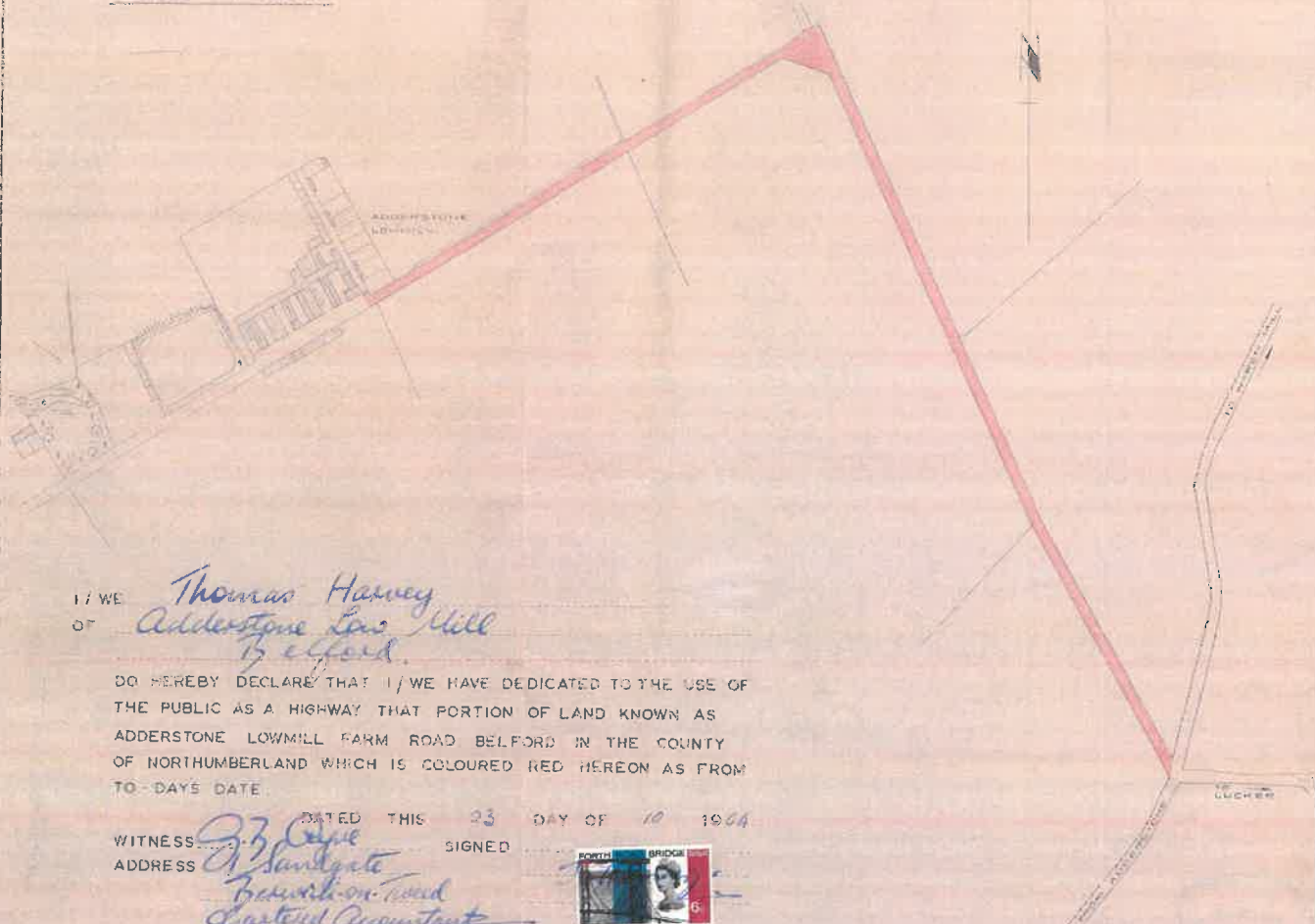
1964 Highway Dedication

1129

COUNTY OF NORTHUMBERLAND.

ADDERSTONE LOWMILL FARM ROAD, BELFORD.

SCALE - 1/2500.



I/WE *Thomas Harvey*
OF *Adderstone Low Mill*
Belford

DO HEREBY DECLARE THAT I/WE HAVE DEDICATED TO THE USE OF THE PUBLIC AS A HIGHWAY THAT PORTION OF LAND KNOWN AS ADDERSTONE LOWMILL FARM ROAD BELFORD IN THE COUNTY OF NORTHUMBERLAND WHICH IS COLOURED RED HEREON AS FROM TO-DAYS DATE.

DATED THIS *23* DAY OF *10* 1964

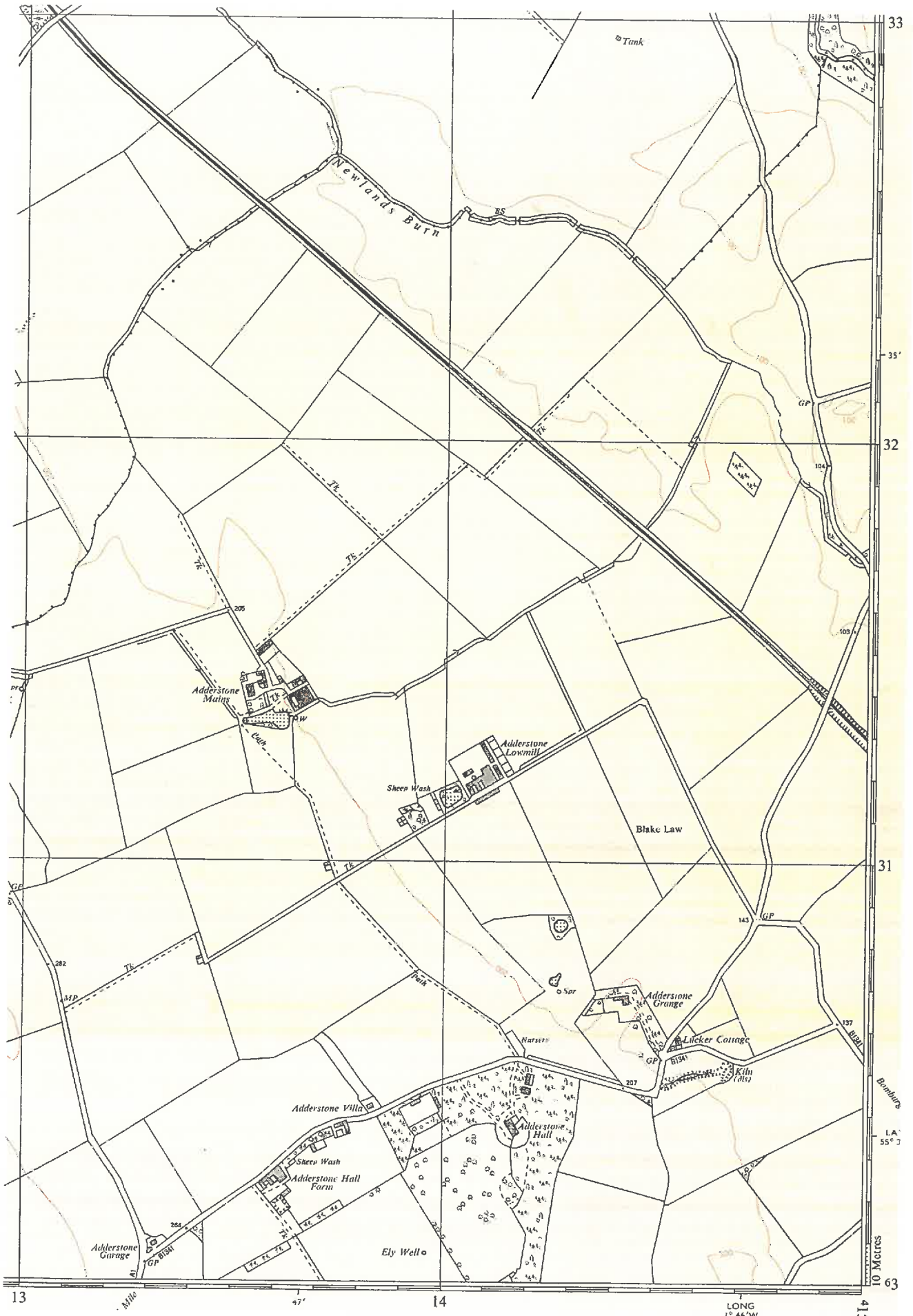
WITNESS *A. J. Sandgate* SIGNED

ADDRESS *Bewick-on-tyne*
Chartered Accountant



PLAN No U. 2/103/107.

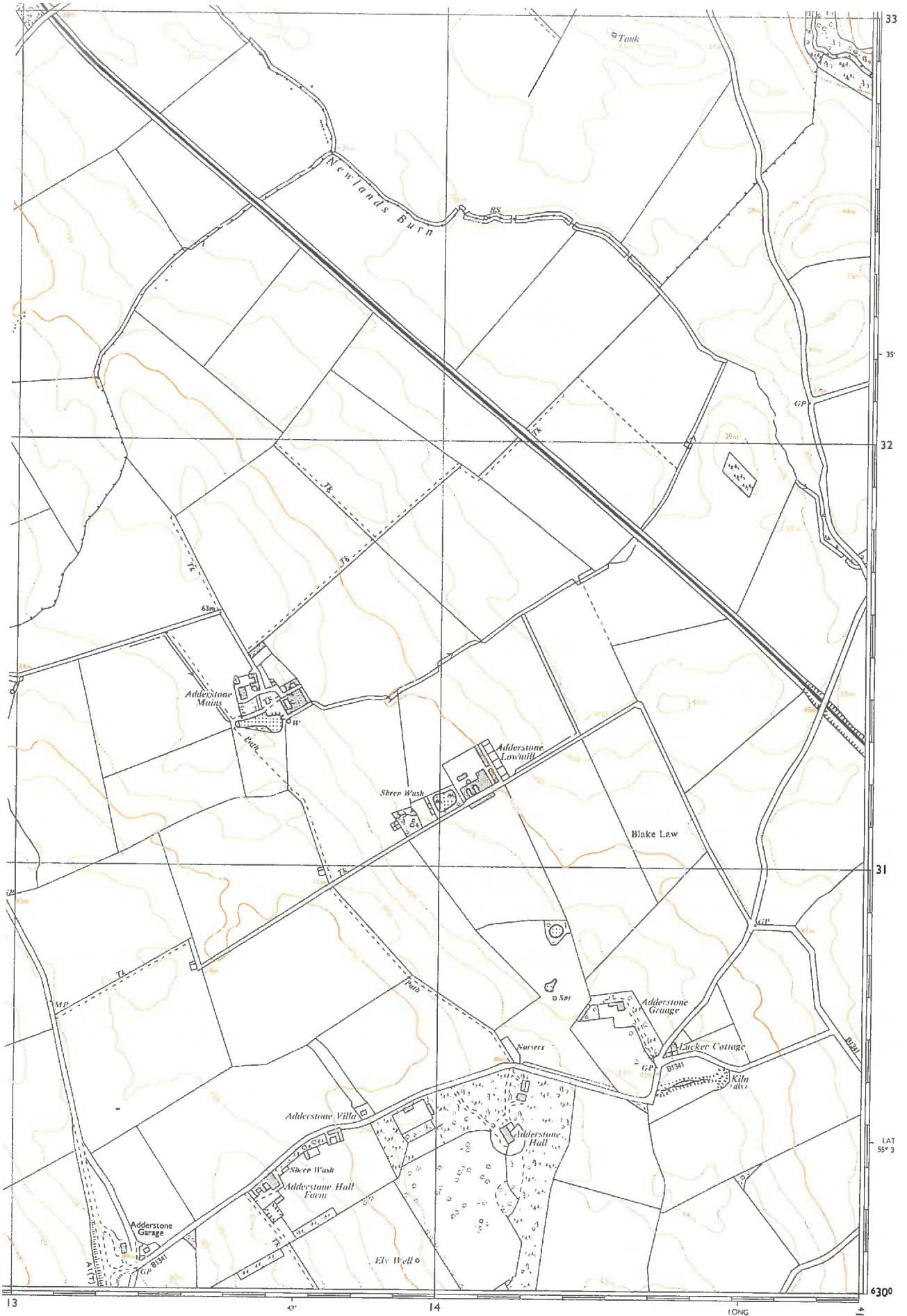
1:10,560 O.S. Map
1970



1974 County Road Schedule

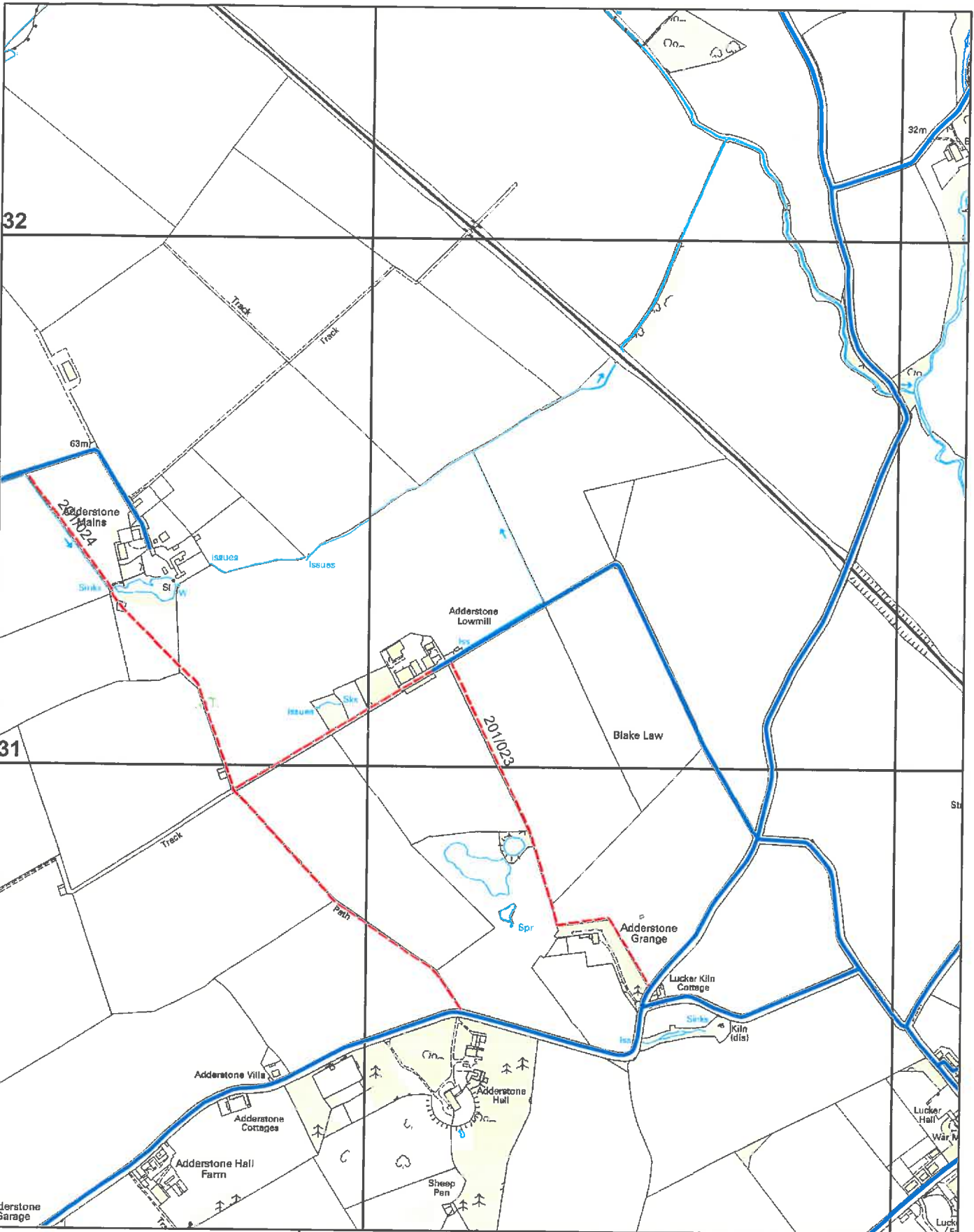
Route No.	Name of Road	Description	Responsible Division or Authority	Mileage	Total Mileage
U.2055.	Burnside Estate, Belford. (See also U.2039).	The following streets at Belford (NU.107336) - William's Way, from B.6349, (including Workhouse Lane, 70 Yards), southwards to estate boundary. 345 yards. Burnside from B.6349 south-eastwards to estate boundary. 228 yards. Bell Road. 119 yards. Cragview Road. 126 yards. Coronation Crescent. 75 yards.	Wooler Division.		0.51
U.2056	Adderstone Mains Road, Belford.	From A.1 at Adderstone Mains Lodge (NU.127314) eastwards and southwards to entrance to Adderstone Mains Farm House, (1,090 yards).	Wooler Division.		0.62
U.2057	Lindisfarne Avenue, Bamburgh.	From C.64 at Bamburgh(NU.17934) eastwards towards Lepers Wall for 117 yards.	Wooler Division.		0.07
U.2058	Low Middleton Farm Road.	From A.1 at Middleton Cottages (NU.101356) north-eastwards to western boundary of British Railways. (788 yards).	Wooler Division.		0.45
U.2059	Villiers Gardens, Lucker.	Off north side of Station Road, Lucker, C.62 (NU.151305) for 39 yards.	Wooler Division.		0.02
U.2060	Annstead Bridge Old Road.	From B.1340 southwards over old Annstead Bridge returning back to B.1340, (303 yards). (NU.222310).	Wooler Division.		0.17
U.2061	Adderstone Low Mill Road.	From U.2005 at its junction with U.2007 (NU.147309) northwards and westwards for 1040 yards to Adderstone Low Mill Farm (NU.142312).	Wooler Division.		0.59
U.2062	Newlands Farm Road, Belford.	From A.1 at Newlands East Lodge (NU.119327). south-westwards for 540 yards to Newlands Farm (NU.117326)	Wooler Division.		0.31

1:10,000 O.S. Map
1988



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
U2053		
	B1340 JCT TO RED BARNS CRESCENT	160
	<i>Total length for U2053</i>	<i>457</i>
U2056		
	A1(T) JCT TO ADDERSTONE MAINS FARM	1,002
	<i>Total length for U2056</i>	<i>1,002</i>
U2057		
	C64 JCT TO LINDISFARNE CUL-D-SAC BAM	115
	U2057 TO ST CUTHBERTS GARTH BAMBU	17
	<i>Total length for U2057</i>	<i>132</i>
U2058		
	C58 JCT TO A1(T) JCT	486
	A1(T) JCT TO RAILWAY BRIDGE JCT	244
	<i>Total length for U2058</i>	<i>731</i>
U2059		
	C62 JCT TO VILLIERS GARDENS CUL-DE-S	55
	<i>Total length for U2059</i>	<i>55</i>
U2060		
	B1340 (S) TO B1340 (N)	285
	<i>Total length for U2060</i>	<i>285</i>
U2061		
	U2005 JCT TP ADDERSTONE LOW MILL FA	985
	<i>Total length for U2061</i>	<i>985</i>
U2062		
	B6349/B1342 JCT TO GATEWAY ACROSS R	991
	U2062 TO NEWLANDS FARM (SURFACE C	502
	<i>Total length for U2062</i>	<i>1,492</i>



NORTHUMBERLAND
Northumberland County Council

**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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Drm:	Date:	Scale:
AB	April 2018	1:10,000