



Northumberland County Council

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL
22 November 2018

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

ALLEGED BYWAY OPEN TO ALL TRAFFIC No 13 PARISH OF HOLY ISLAND

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 part of the U37 road, between St Cuthbert's Square and a point just west of Lindisfarne Castle.

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;**
- (ii) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the route;**
- (iii) the route be included in a future Definitive Map Modification Order as a byway open to all traffic.**

1.0 BACKGROUND

- 1.1** By virtue of section 53 of the Wildlife and Countryside Act, 1981 the County Council is required to keep the Definitive Map and Statement under continuous review and make modification orders upon the discovery of evidence, which shows that the map and statement need to be modified.
- 1.2** The relevant statutory provision which applies 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 'U37' 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 U37 unclassified County road based upon more than simply its inclusion in the List of Streets.

3. LANDOWNER EVIDENCE

- 3.1 In early August 2014, Holy Island of Lindisfarne Community Development Trust returned a copy of the consultation plan indicating that all but the most westerly 75 metres of the alleged byway crossed land owned by them.

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 Holy Byway open to all traffic 13 Would creation of a BOAT create a major traffic problem? At present there is only access for disabled badge holders and the shuttle bus and only very limited parking. Frequent traffic would cause a safety issue and indiscriminate parking would be very undesirable. Would a Restricted Byway be a better option?"
- 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 2nd October 2014, Ms S Rogers responded to the consultation, on behalf of the British Horse Society, stating:

"HOLY ISLAND PARISH

Alleged Byway Open to All Traffic

This route, shown on map 35, is a tarmac road heavily used by pedestrians going to see Lindisfarne Castle and to continue their walk along public footpath 221/005.

"As far as I know it is not used by horse riders because the bridleway 221/006 and BOAT 221/007 are both dead ends where they join the public footpath and so cannot be linked on a horse or a bicycle.

"It would improve the network greatly if the footpaths (FPs 5, 10 & 8) that link these two routes could be upgraded to bridleway as it would then mean that horse riders and cyclists, as well as walkers, could enjoy a circular route in this very special area.

"The BHS has no objection to the alleged byway being recorded on the definitive map, although without the upgrade suggested, it would be of no value to horse riders."

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 13.

1820 Fryer's County Map

There is clear evidence of a road or track approximating to the route of alleged Byway No 13.

1820-32 Cary's Map

There is clear evidence of a road or track approximating to the route of alleged Byway No 13.

1828 Greenwood's County Map

There is clear evidence of a road or track approximating to the route of alleged Byway No 13.

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

There is clear evidence of a mostly unenclosed road / track over the route of alleged Byway No 13.

1899 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a mostly unenclosed road / track over the route of alleged Byway No 13.

1924 Ordnance Survey Map: Scale 1:2500

There is clear evidence of a mostly unenclosed road / track over the route of alleged Byway No 13.

1925 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a mostly unenclosed road / track over the route of alleged Byway No 13.

1932 Norham & Islandshires RDC Handover Map

Only the western end of the route of alleged Byway Open to All Traffic No 13 is coloured so as to identify it as a publicly maintainable road.

c.1938 Restriction of Ribbon Development Act 1935 Map

Only the western end of the route of alleged Byway Open to All Traffic No 13 is coloured so as to identify it as a publicly maintainable road to be protected from ribbon development..

1951 Highways Map

The route of alleged Byway Open to All Traffic No 13 is coloured so as to identify it as a publicly maintainable road.

c.1952 Definitive Map – original Survey Schedules & Map

The route of alleged Byway Open to All Traffic No 13 exists on the base map. It was identified for inclusion as Road Used as a Public Path (CRF); and it is also coloured brown. Known public roads were generally coloured brown to indicate what the extent of the road network was considered to be.

Draft Map

The route of alleged Byway Open to All Traffic No 13 exists on the base map, but is no longer identified for inclusion on the Definitive Map as a public right of way. One Road Used as a Public Path (No 3) and one public footpath (No 5) terminate on the alleged byway.

Provisional Map

The route of alleged Byway Open to All Traffic No 13 exists on the base map, but is not identified for inclusion on the Definitive Map as a public right of way. One Road Used as a Public Path (No 3) and one public footpath (No 5) terminate on the alleged byway.

1957 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a mostly unenclosed road / track over the route of alleged Byway No 13.

1962 Original Definitive Map

The route of alleged Byway No 13 exists on the base map, but is not identified as a public footpath, public bridleway or Road Used as a Public Path (RUPP). One Road Used as a Public Path (No 3) and one public footpath (No 5) terminate on the alleged byway.

1964 Highways Map

The route of alleged Byway Open to All Traffic No 13 is coloured so as to identify it as a publicly maintainable road.

1981 Ordnance Survey Map: Scale 1:10,000

There is clear evidence of a mostly unenclosed road / track over the route of alleged Byway No 13.

1996 County of Northumberland (U37 Holy Island) (Prohibition of Driving) Order 1996
Subject to certain exceptions (for residents, emergency vehicles, statutory undertakers and disabled persons badges etc) this order directed that “No person shall cause any vehicle any vehicle to proceed in that length of the U37 between the Marygate / Sandham Lane corner and the Castle on Holy Island, a distance of approximately 814 metres.”

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 Holy Island Inclosure Award of 1793 is kept at Durham Record Office and has not been inspected. The relevant extract from the Award states:

“And we do hereby assign set out and appoint several Highways and roads in through and over the said tract of land as are hereinafter respectively mentioned assigned set out and appointed (that is to say)

.....

“And we do hereby also assign set out and appoint one other public carriage road of various breadths as the same is now marked and staked out by stakes and land marks and which for the sake of distinction we shall hereinafter refer to and call by the name of Castle Road beginning at the east end of the Town of Holy Island aforesaid and leading from thence in an easterly direction along the shore to a place called the Hare Cragg where it enters the land hereinafter set out and allotted to his Majesty.”

.....

“And we do hereby order and direct that all and every the said public roads so set out and appointed by us respectively as aforesaid shall be formed and put into good and sufficient repair by the person to be appointed Surveyor by us and we direct and award that the salary or award to be allowed to such Surveyor and also the Expenses over and above the Statute Duty of forming the said roads and putting the same into good and sufficient repair shall be borne and paid by all of the proprietors of the said allotments (Except the Curate of Holy Island aforesaid) and shall be raised by a rate to be laid on such proprietors according to the value of their respective allotments as directed by the said act and that all and every such public roads shall at all times from and after the making and finishing thereof be continued of the same breadth and dimensions and shall be considered deemed and taken as part of the ancient highways of and belonging to the Township of Holy Island aforesaid and shall be severally maintained and kept in repair as such.”

5.3 The entry for the U37 road, in the 1958 County Road Schedule covers a number of village roads. The entry relevant to the alleged byway is:

“U37 Roads on Holy Island
From the Green via Marygate and Popple Well to the Castle.”

The length of that particular section of the U37 road is identified as 1153 yards.

- 5.4 The entry for the U37 road, in the 1964 County Road Schedule covers a number of village roads. The entry relevant to the alleged byway is:

“U37 Holy Island Roads
From the Green via Marygate and Popple Well to the Castle.”

The length of that particular section of the U37 road is identified as 1153 yards.

- 5.5 The entry for the U37 road, in the 1974 County Road Schedule covers a number of village roads. The entry relevant to the alleged byway is:

“U37 Holy Island Roads
From the Green via Marygate and Popple Well to the Castle.”

The length of that particular section of the U37 road is identified as 1153 yards.

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

“69. Marygate, Holy Island, including its continuation eastwards to Popple Well.”

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

Carriage Road Footpath No 3 (Parish of Holy Island)

“From the Public road at Popple Well in a south westerly direction by Herring House to join path No 2 at the beach.”

Public Footpath No 5 (Parish of Holy Island)

“From the east end of the Public road at Castle Field in an easterly and northerly direction by the Castle and Lough Head along the Old Wagonway to the Links.”

6. SITE INVESTIGATION

- 6.1 From a point marked F, at the junction of St Cuthbert’s Square with Marygate, a 6 to 7.6 metre wide tarmac road, in a 9.5 to 12 metre wide corridor proceeds in an easterly direction for a distance of 75 metres, to a point where a stream passes under the road. Thereafter a 7.6 metre, reducing to 4.2 metre, wide tarmac / concrete road continues within a 27 to 29 metre wide ‘corridor’ for a distance of 90 metres. After that, a 3 to 3.4 metre wide unenclosed tarmac road proceeds in an easterly direction for a distance of 190 metres, then south-easterly direction for a distance of 345 metres (to a point where there is a 4.6 metre wide passing place) then in an easterly direction for a distance of 50 metres to a point marked G, at a field gate, at the western end of existing Footpath No 5.

7. COMMENTS RECEIVED ON THE DRAFT REPORT

- 7.1 In September 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

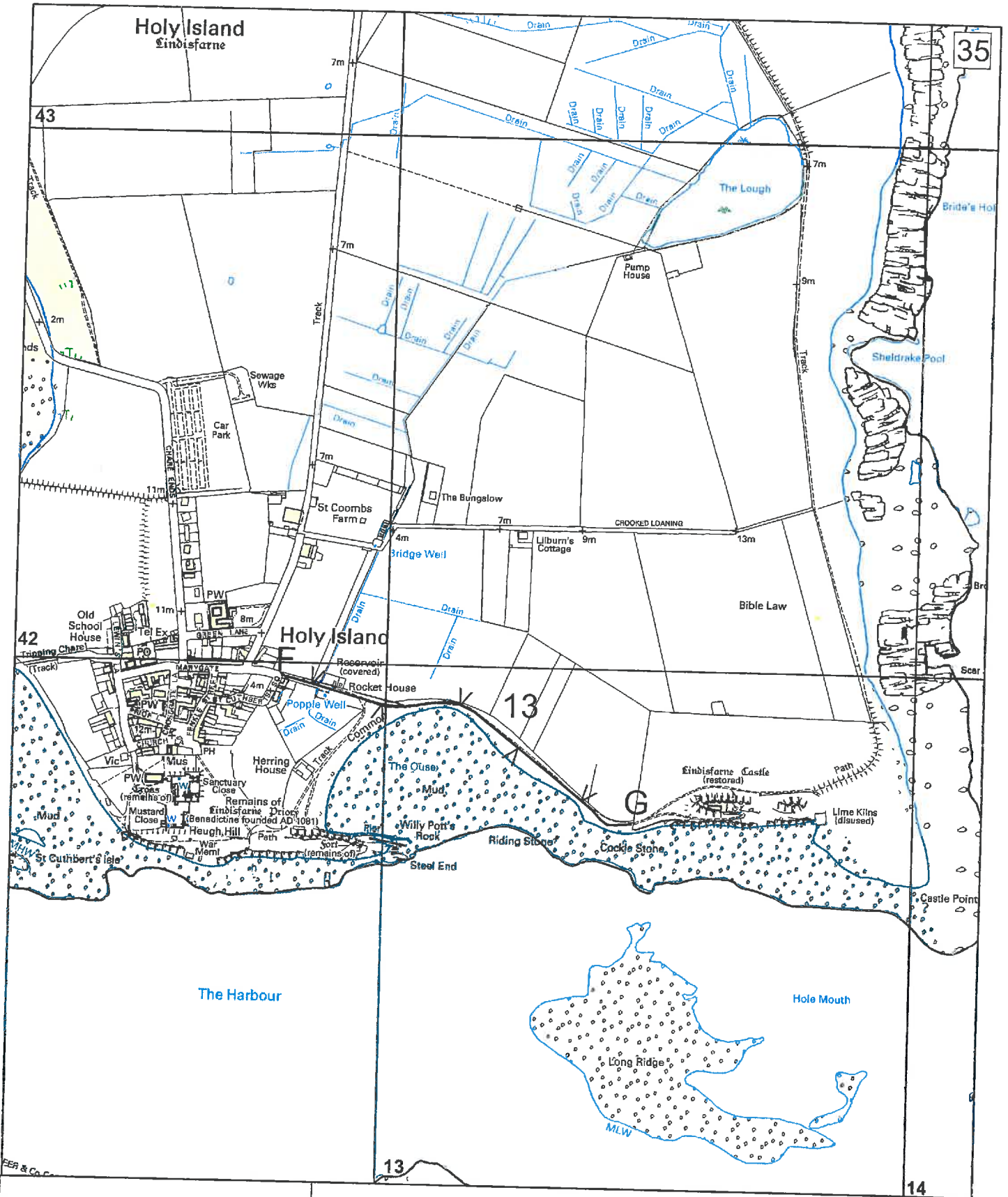
- 8.1 Section 53 (3)(c)(i) of the Wildlife and Countryside Act 1981, requires the County Council to modify the Definitive Map when evidence is discovered which, when considered with all other relevant evidence available to them shows:
- that a right of way, which is not shown in the Map and Statement, 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 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 13 is identified on the County Council’s current List of Streets as being part of the U37 road. Only the western end of the route (seemingly the most westerly 100 metres, as far as Popple Well / Rocket House) was identified as being publicly maintainable on the 1932 Norham & Islandshires Rural District Council Handover Map, and on the map and schedule of roads produced in relation to the Restriction of Ribbon Development Act 1935. The 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.
- 8.5 The route has been consistently identified as a mainly unenclosed road / track on Ordnance Survey maps since 1865/6. Although the route is not shown on Armstrong’s County Map of 1769, it is shown on Fryer’s and Greenwood’s County Maps of 1820 and 1828 and on Cary’s Map of 1820-32. Although officers have not had sight of the original document (it is held at Durham Record Office) a transcript of the Holy Island Inclosure Award of 1793 indicates that a route of variable width with the “name of Castle Road beginning at the east end of the Town of Holy Island aforesaid and leading from thence in an easterly direction along the shore to a place called the Hare Cragg where it enters the land hereinafter set out and allotted to his Majesty”. From this, it

seems likely that an existing public vehicular highway leading up to (or almost up to) the castle was acknowledged in the inclosure award.

- 8.6 Although existing Public Bridleway (formerly Road Used as a Public Path) No3 and Public Footpath No 5 both begin / terminate on the alleged byway, that route was not included on the original Definitive Map as a footpath, bridleway or Road Used as Public Path (RUPP). It was identified as a potential Carriage Road Footpath (CRF) (i.e. RUPP - the original RUPP subdivisions of Carriage Road Footpaths and Carriage Road Bridleways were ultimately discontinued) at the informal Survey stage but does not appear to have survived through to the formal Draft Map stage. On the Survey Map the route is coloured brown in the same way that other public roads were identified, and the Survey Schedule is boldy annotated in red with the comment "County Road".
- 8.7 The County Council accepts that, given the way the regulations were written with regard to the way highway authorities could include publicly maintainable highways in the List of Streets, there was no impediment to public bridleways and public footpaths also being included. That is not to say that any bridleways or footpaths were so shown – just that they could be. It must, therefore, be entirely proper to consider each UCR on a case by case basis, but that does not mean that we should begin with the assumption that each UCR is no more than a public footpath unless higher rights can be proven by other means. In Northumberland there is no evidence to suggest that public footpaths and public bridleways were deliberately shown on the 1958, 1964 or 1974 County Road Schedules (forerunners of the modern day List of Streets). The fact that a route is shown on these schedules must, therefore, be evidence of some weight that public vehicular rights exist.
- 8.8 Letters from DEFRA, dated 2003 and November 2006, and Rights of Way Circular 1/09 set out the approach Inspectors and order making authorities should take in determining the status of routes included on the List of Streets. In summary, the guidance states that the inclusion of a route on the List of Streets is not a record of what legal rights exist over that highway but may provide evidence of vehicular rights. However, this must be considered with all other relevant evidence in order to determine the nature and extent of those rights. Highway Authorities are recommended to examine the history of such routes and the rights that may exist over them on a case by case basis in order to determine their status.
- 8.9 As indicated above, although most of the alleged Byway No 13 route was not identified as a publicly maintainable highway in the Norham & Islandshires Rural District Handover Map of 1932, or in the Restriction of Ribbon Development Act 1935 Map and Schedule produced in 1938, the whole route was, nevertheless, identified in all County Council Highways maps and schedules from 1951 onwards. The reason for this 'extension' isn't known. It may reflect recognition of longstanding public use or it might have come about through discovery of the inclosure award evidence - the inclosure award also identified the route as being publicly maintainable. An examination of the

quarter sessions records has provided no indication that the public highway rights set out in the 1793 Inclosure Award were ever subsequently stopped up or diverted.

- 8.10 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.
- 8.11 Of the saving provisions above, (b) will apply to the route of alleged Byway No 13. The public's motor vehicular rights would not have been extinguished by the NERC Act 2006.
- 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 The majority of this route has a good driveable tarmac surface. From my site visit and the consultation responses, the route would appear to be very well used by members of the public travelling on foot. Whilst the documentary evidence clearly indicates that this route is a public motor vehicular right of way - it is one over which the motor vehicular rights have been suspended (not removed), since 1996, by the Traffic Regulation Order made in that year. On that basis, it is clear that the balance of user test for being recorded as a byway open to all traffic is easily met. Note - recording this route as a byway open to all traffic has no effect on the traffic regulation order - the public's motor vehicular rights will remain suspended, exactly as before. Because the public's motor vehicular rights still exist (albeit suspended) the route cannot be recorded as a restricted byway, as per the Ramblers' Association suggestion. In practical terms, however, because the public's motor vehicular rights are suspended the route has, in effect, been reduced to a restricted byway.
- 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. Inclosure Awards can usually be relied upon to prescribe a particular width, however, in this case, the Holy Island Inclosure Award of 1793 identifies the width as being "of various breadths as the same is now marked and staked out by stakes and land marks". Where no width can be determined by documentary means (such as an Inclosure Award, Highway



NORTHUMBERLAND

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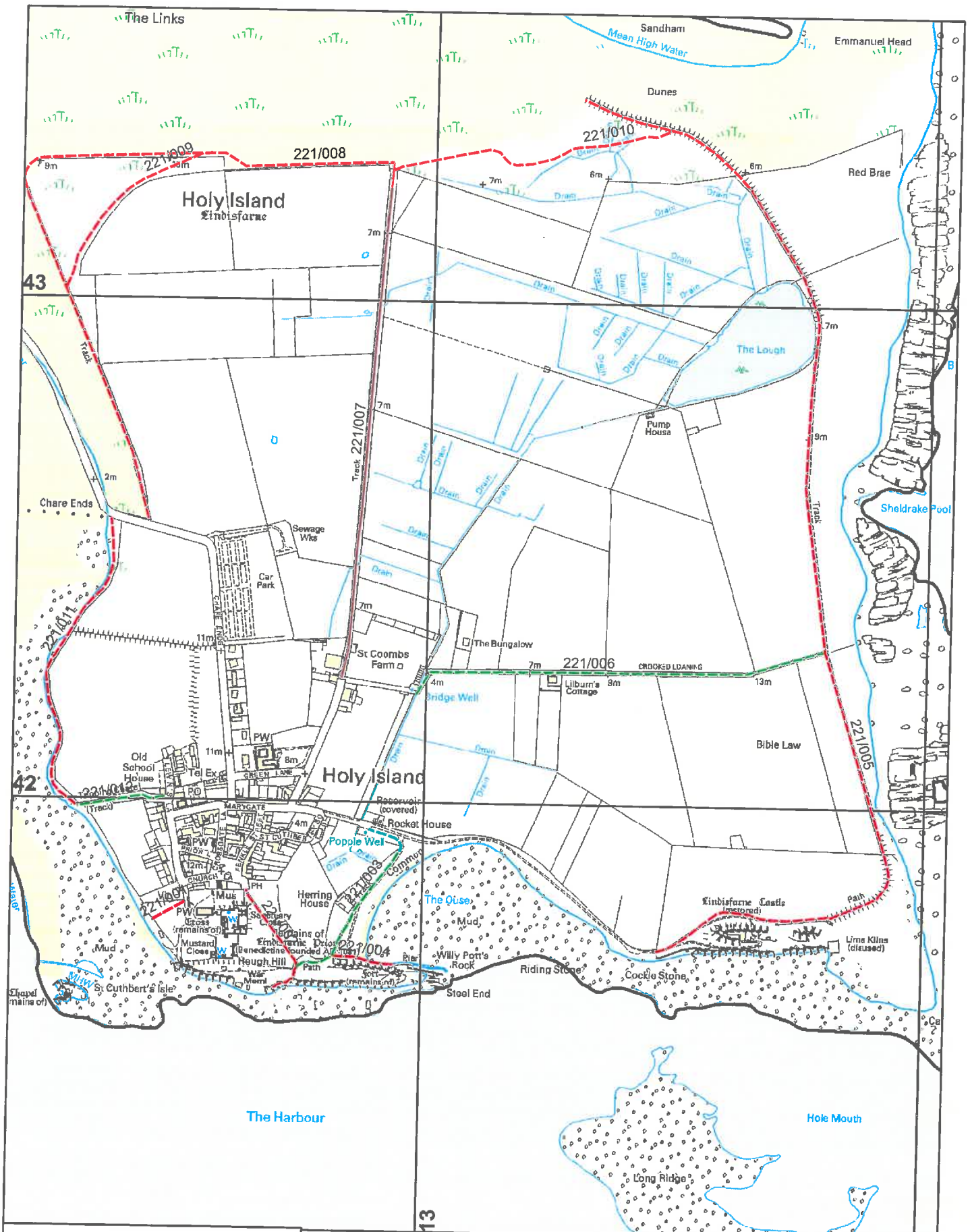
Wildlife and Countryside Act 1981
 Public Rights of Way



Alleged Byway Open to All Traffic

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Former District(s)	Parish(es)	Scale
Berwick	Holy Island	1:10,000
Def. Map No.	O.S. Map	Date
15	NU 14 SW	February 2014



Northumberland
County Council

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

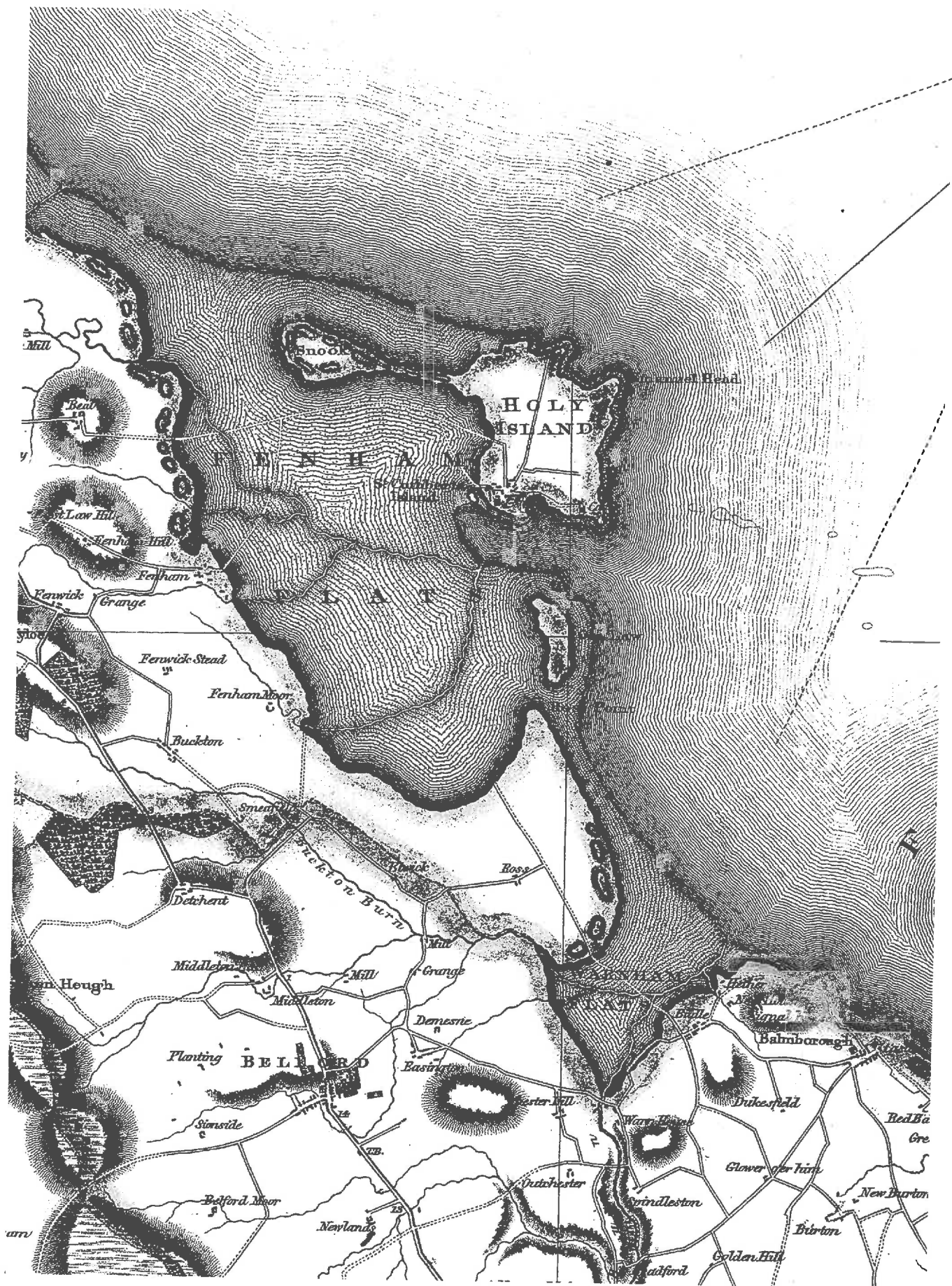
This is a computer generated extract of the Working Copy of the Definitive Map of Public Rights of Way

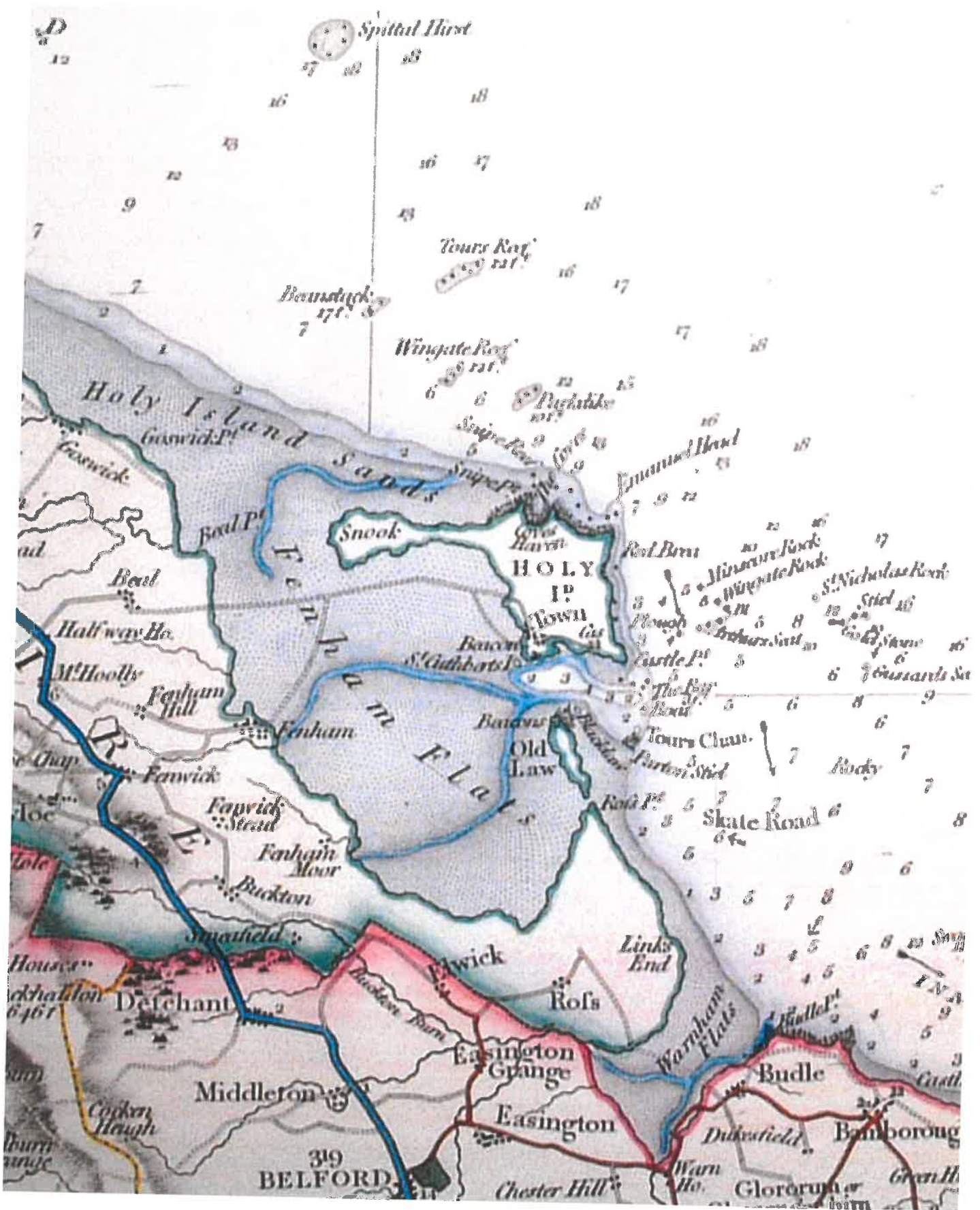
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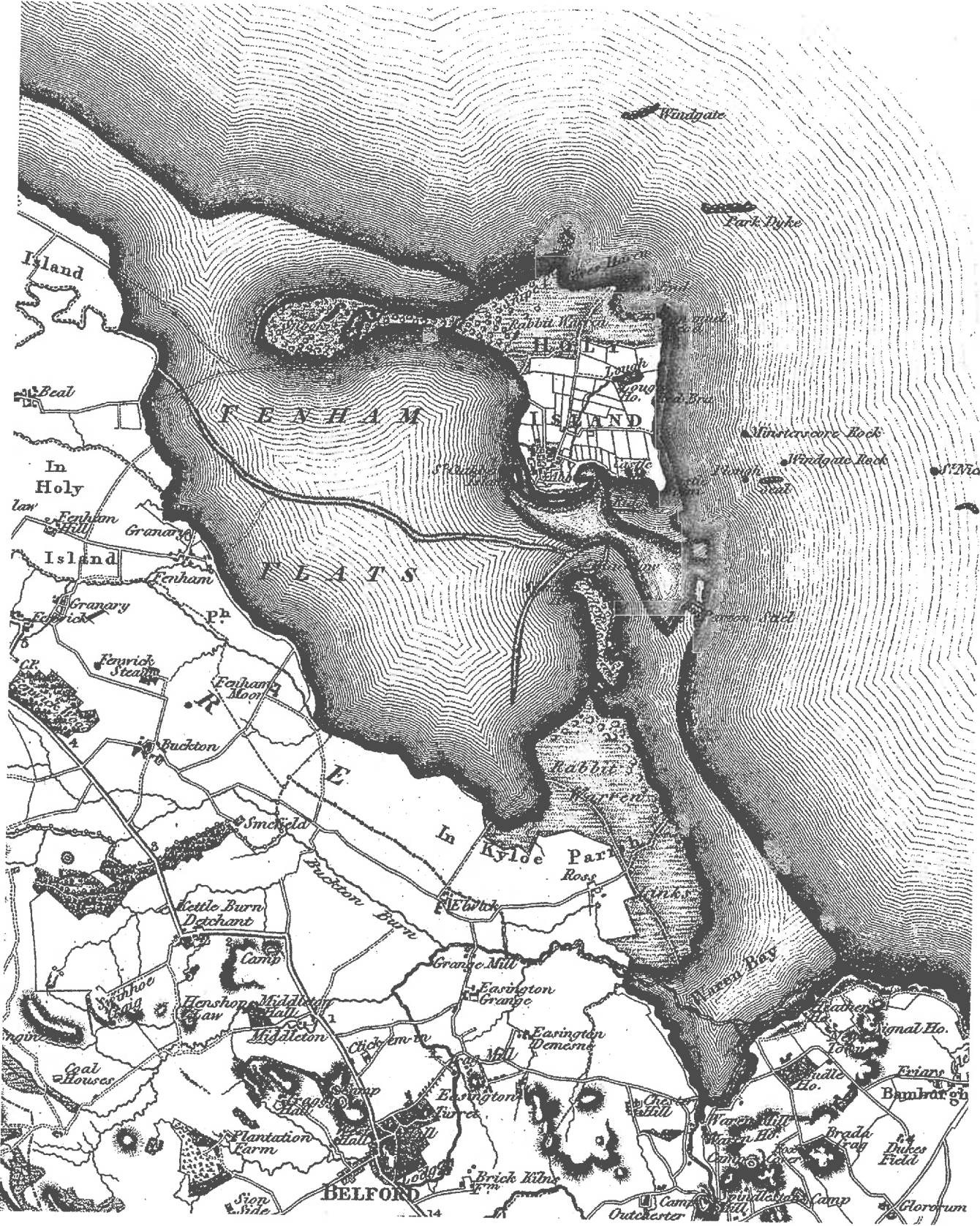


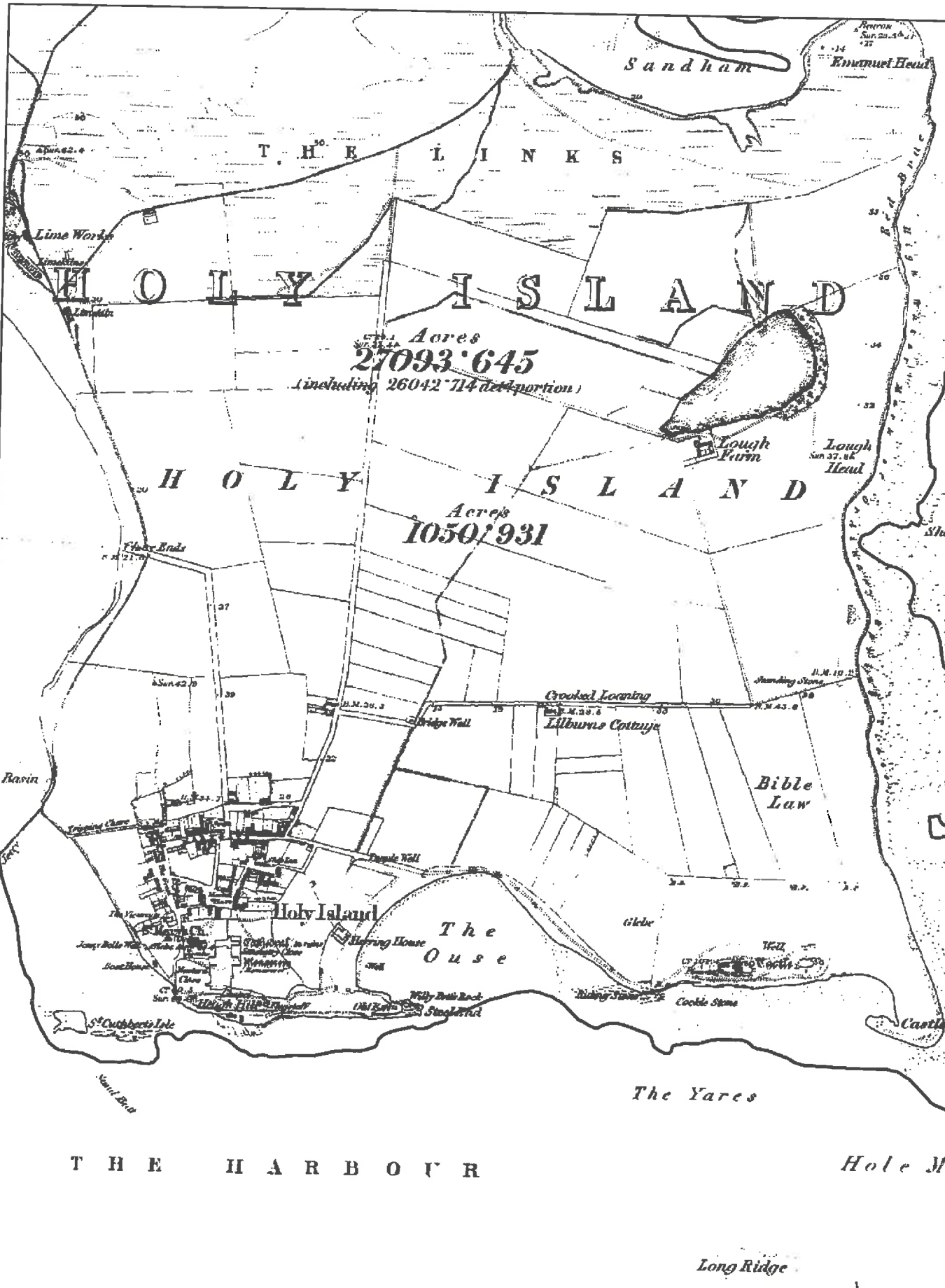
Fryer's County Map
1820





Greenwood's County Map
1828



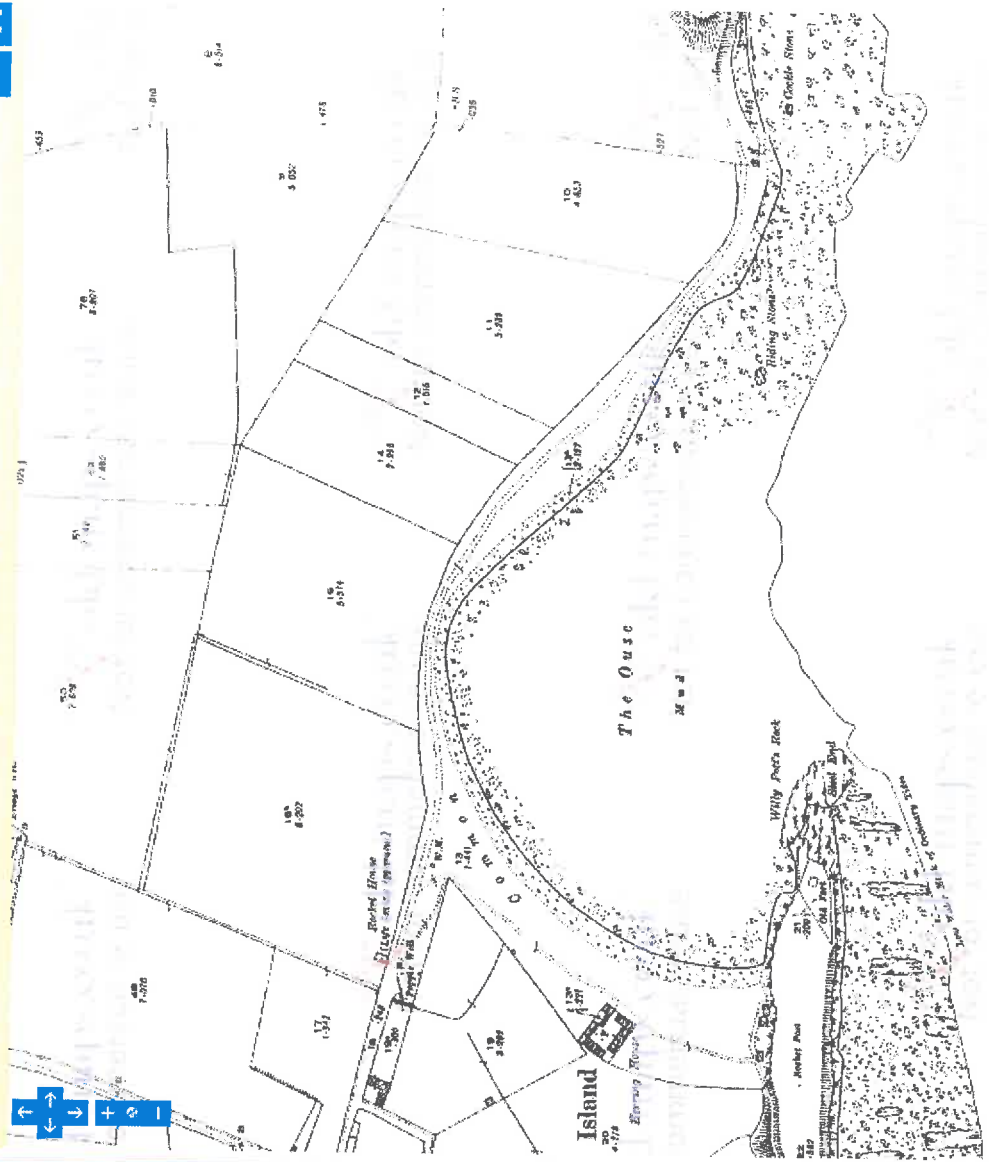


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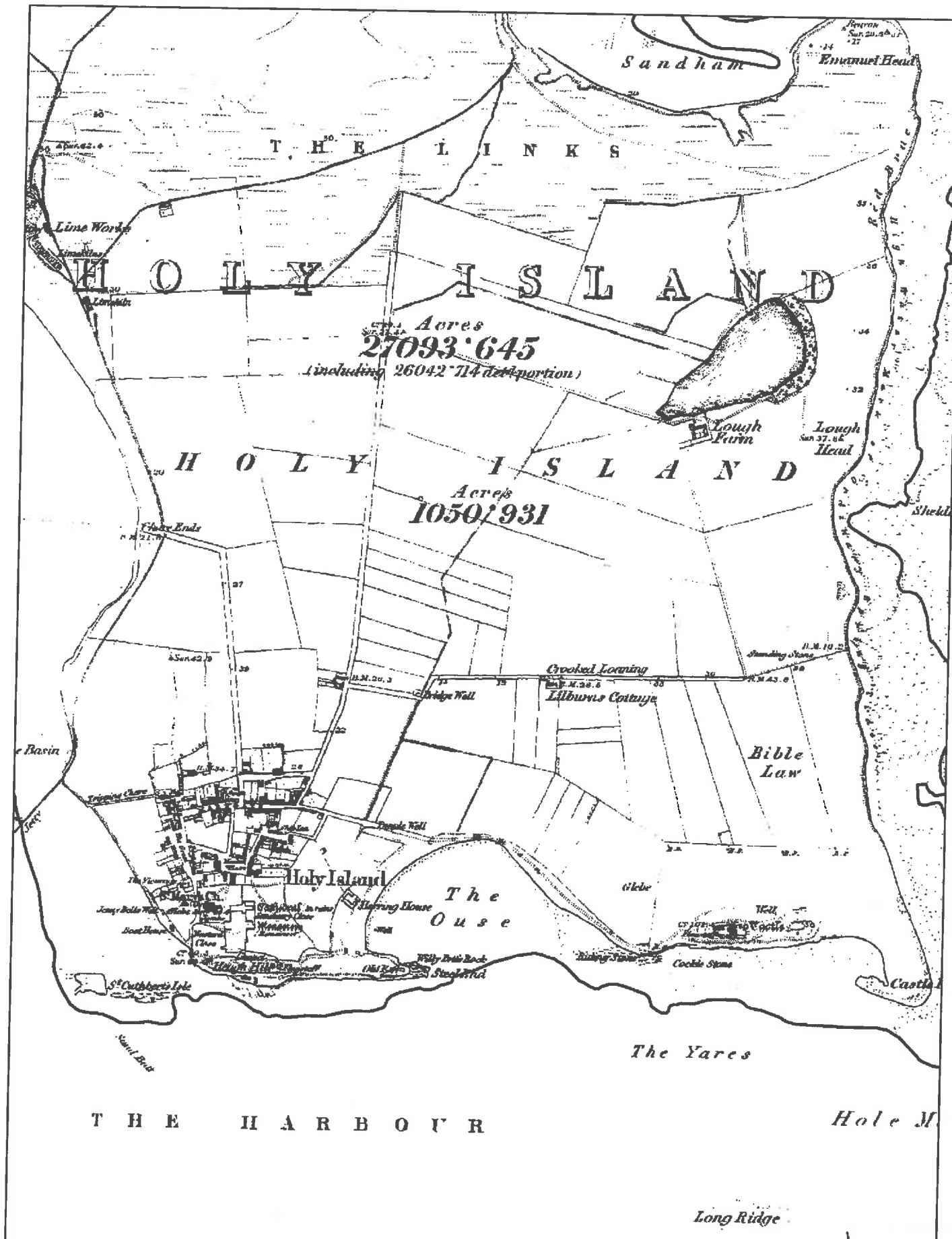
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 Northumberland
 County Council

SCALE 1:10,560

Ordnance Survey 3rd Edition 6" map (1925)

Norham & Islandshires RDC Handover Map 1932

HOLY ISLAND
(BERWICKSHIRE PON TWEED)



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



COURT OF NORTHUMBERLAND

Restriction of Ribbon Development Act, 1935

LIST OF UNCLASSIFIED ROADS IN AND ADJACENT
TO THE RURAL DISTRICT OF NORHAM AND
ISLANDSHIRES IN RESPECT OF WHICH THE
PROVISIONS OF SECTION 2 OF THE RESTRICTION
OF RIBBON DEVELOPMENT ACT 1935 WERE
ADOPTED ON 19TH DECEMBER 1938 BY
RESOLUTION OF THE BRIDGES AND ROADS
COMMITTEE ACTING UNDER DELEGATED POWERS.

65. Road from a point on the Alwrick-Berwick road A.1. 1 mile north west of Smeafield Lodge via Lowmoor Crossing and Fanham Lowmoor Farm to Fenham Lowmoor Bridge.
66. Road from a point on the Alwrick-Berwick road A.1. 500 yards north west of Smeafield Lodge via Smeafield Station towards Alwrick to a point thereon 350 yards east of Smeafield Station.
67. Road on Holy Island from Chare Ends via the Reading Room and Crossgate Lane to the Market Place.
68. Road on Holy Island from the School via Fiddlers Green to a point 40 yards south of the Vicarage.
69. Marygate, Holy Island, including its continuation eastwards to Popple Well.
70. Prior Lane, Holy Island.
71. Market Place, Holy Island.
72. Fenkle Street, Holy Island.
73. Road on Holy Island from the Vicarage eastwards to the Market Place.
74. Road on Holy Island from a point on Fenkle Street, 60 yards south of its junction with Marygate eastwards and then northwards to a point on the Marygate-Popple Well road, 100 yards west of Popple Well.
75. Iron Rails road, Holy Island, from Marygate via St. Coombs Farm to Bridge Well.
76. Road on Holy Island from a point on the Chare Ends-Market Place road, 60 yards north of Marygate via the Roman Catholic Chapel to a point on Iron Rails road, 80 yards north of Marygate.

Extract from the Council's 1951 Highways Map

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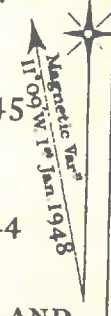
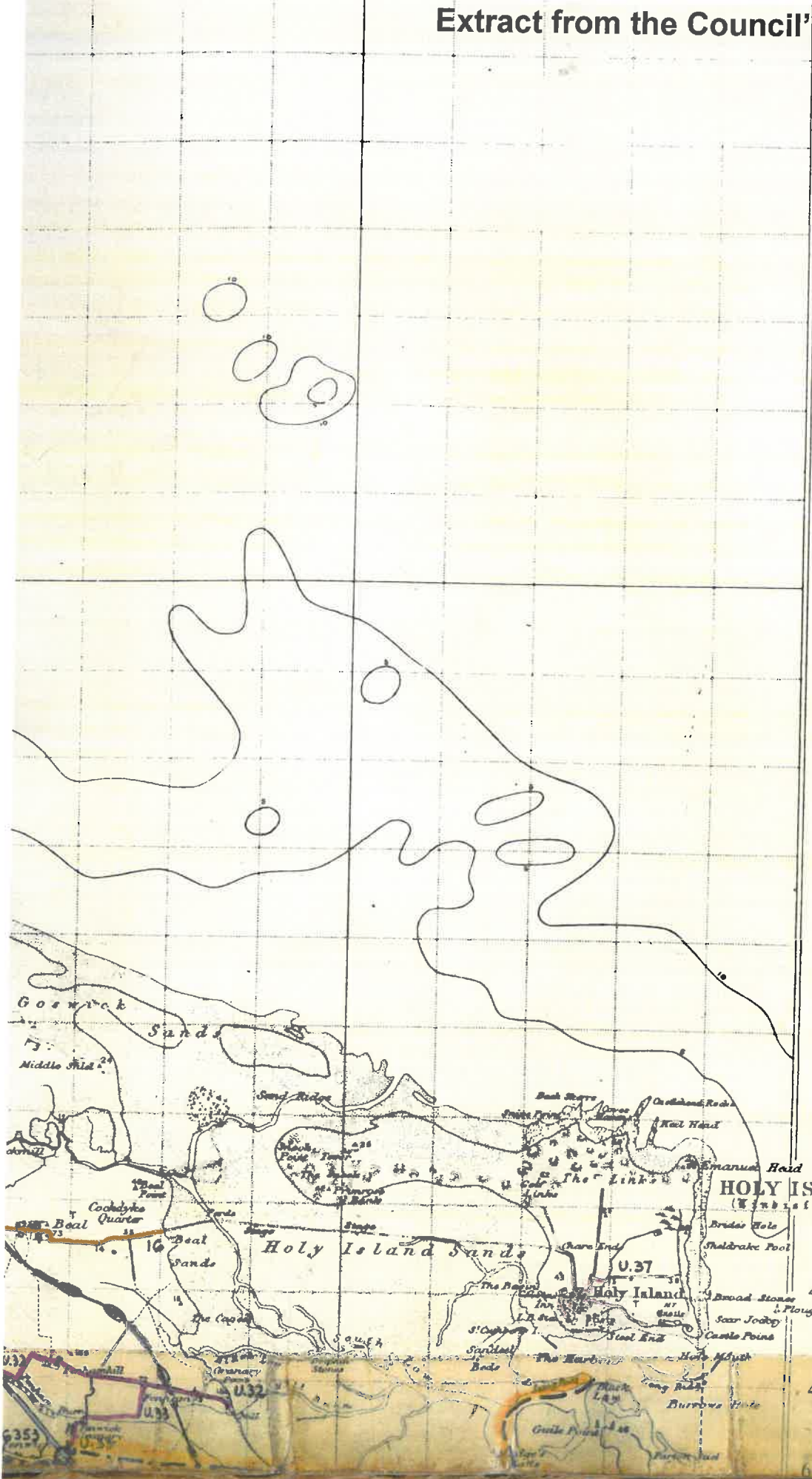
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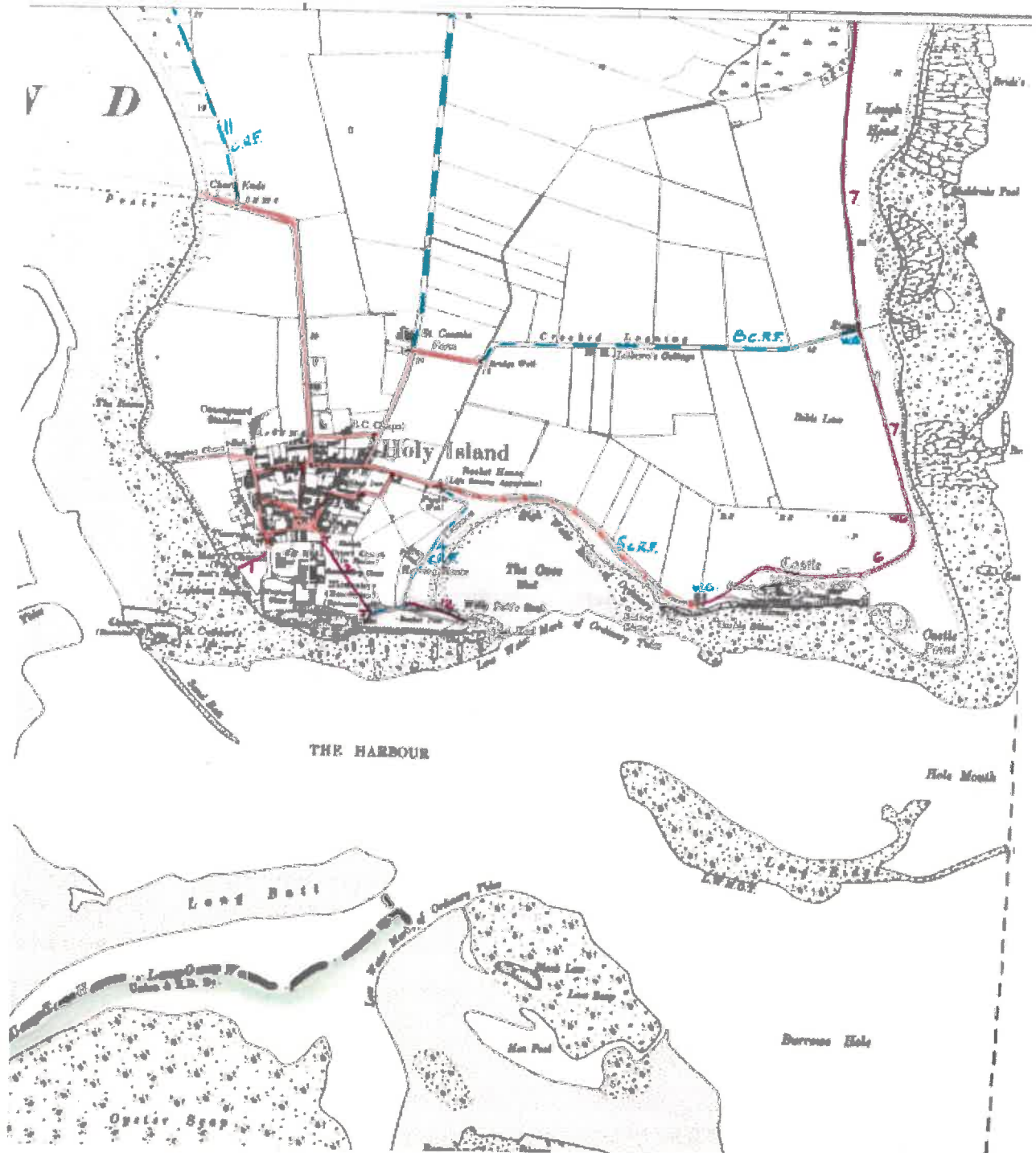
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6353

Survey Map
(Annotated c. 1952)



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

Parish of Holy Island in the Rural District of

Northumberland

Borough }
Urban District } of 3
(Delete whichever is inapplicable).

1. Number of highway on Map 1 2. Kind of Path (i.e., F.P., B.R.) CRFP
3. Starts at Terrace S.E. of Spelling Down (FP. No. 2) to Beal and round the Pepple Well
4. Name of Path (if any) Nil
5. Is the Path well defined? Yes
6. Is the Path metalled? If so, define length NO
7. If its width can be stated, insert here 2 feet
8. What is the present condition of the path, stiles, etc.? Poor

9. Is it subject to being ploughed out? No
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
Nil

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
Repaired at public expense, shown on title map 1755 for part distance (Terrace to beal) then from time immemorial

12. Have persons been prevented using the highway? No
13. Give particulars of any obstructions Nil
14. Names of owners of freehold and previous owners, if known, for past 30 years
Belief Common Lord of Manor Common Clerk with House

15. What maps have been consulted, and where are they deposited?
Title Map 1750 Parish Clerk Holy Island

16. What records have been consulted, and where are they deposited?
Nil

17. Any other relevant information
Nil

Surveyed by	Address	Dates of Survey
Holy Island Parish Council	<u>Clak</u> Mrs N Stoughton Cambridge Cottage Holy Island	<u>7th Febry 1954</u>

Important:—Sheet No. of Map on which Highway is shown

275 1 6 1854

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

Parish of Holy Island in the Rural District of Norden - Widdahies

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

1. Number of highway on Map 5
2. Kind of Path (i.e., F.P., B.P., ~~CRIP~~)
3. Starts at People Well to Wicket in Centre Field
4. Name of Path (if any) -
5. Is the Path well defined? Yes
6. Is the Path metalled? If so, define length No
7. If its width can be stated, insert here. 8ft
8. What is the present condition of the path, stiles, etc.? Metalled
9. Is it subject to being ploughed out? No
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 Nil

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
used by public as of right from time immemorial

12. Have persons been prevented using the highway? No
13. Give particulars of any obstructions Nil
14. Names of owners of freehold and previous owners, if known, for past 30 years
Belinard Common Lord of Manor Common Church House

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
Holy Island Parish Council		7 th Febry 1952

Important:—Sheet No. of Map on which Highway is shown
275 1 6 185E 4

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

Parish of Holy Island Parish Council in the Rural District of Northumberland

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

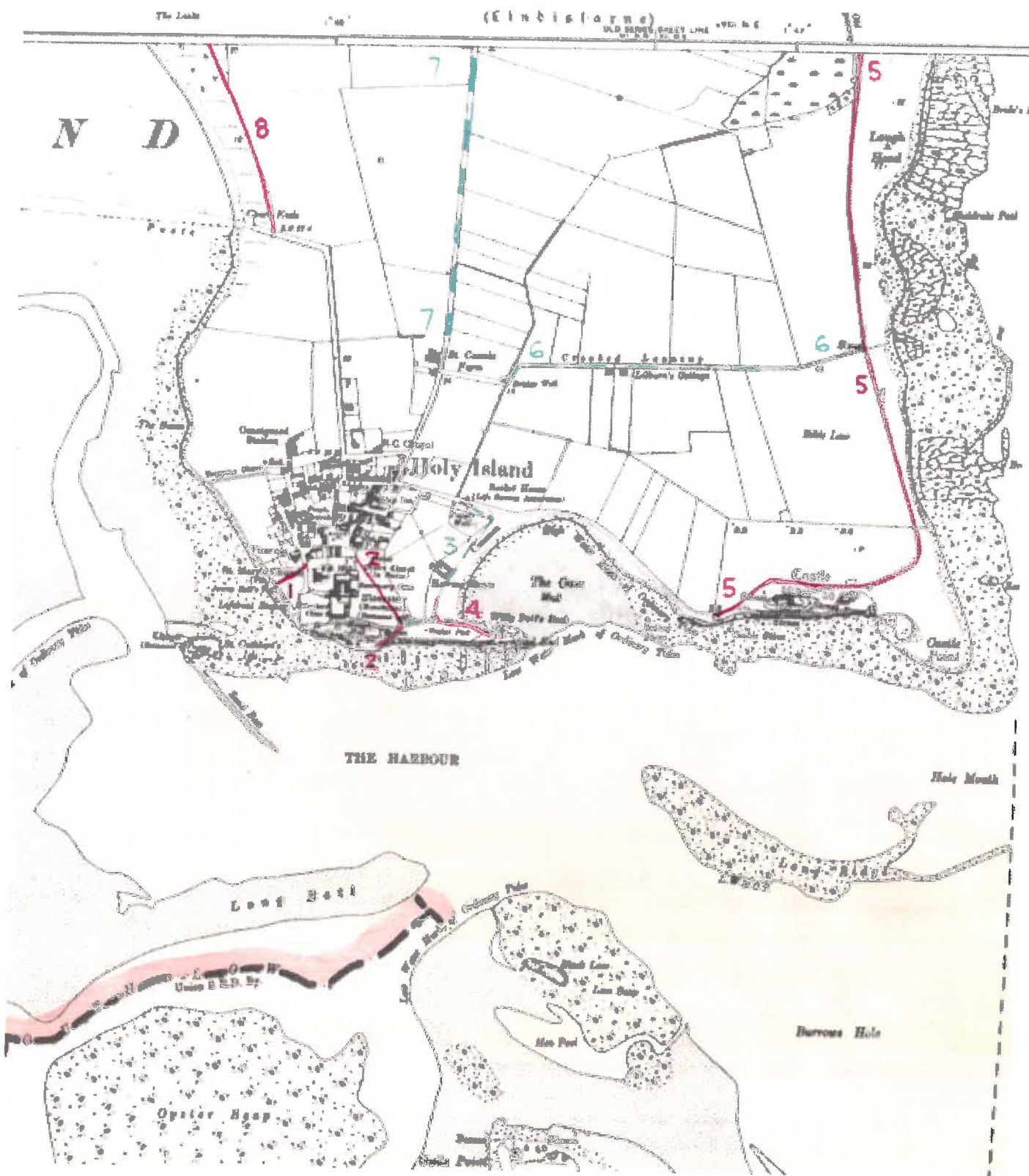
See page 7

1. Number of highway on Map 6 2. Kind of Path (i.e., F.P., B.R.) FP
3. Starts at Wicket to Castle field (CRFP N:5) to Wicket NE corner of field
4. Name of Path (if any) Nil
5. Is the Path well defined? Yes
6. Is the Path metalled? If so, define length Not metalled
7. If its width can be stated, insert here Varies from 6 to 8 ft
8. What is the present condition of the path, stiles, etc.? Good
9. Is it subject to being ploughed out? No
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
Nil
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
Used by public as of right for time immemorial
12. Have persons been prevented using the highway? No
13. Give particulars of any obstructions Nil
14. Names of owners of freehold and previous owners, if known, for past 30 years
Sir Edward Denton, Holy Island Castle
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
/

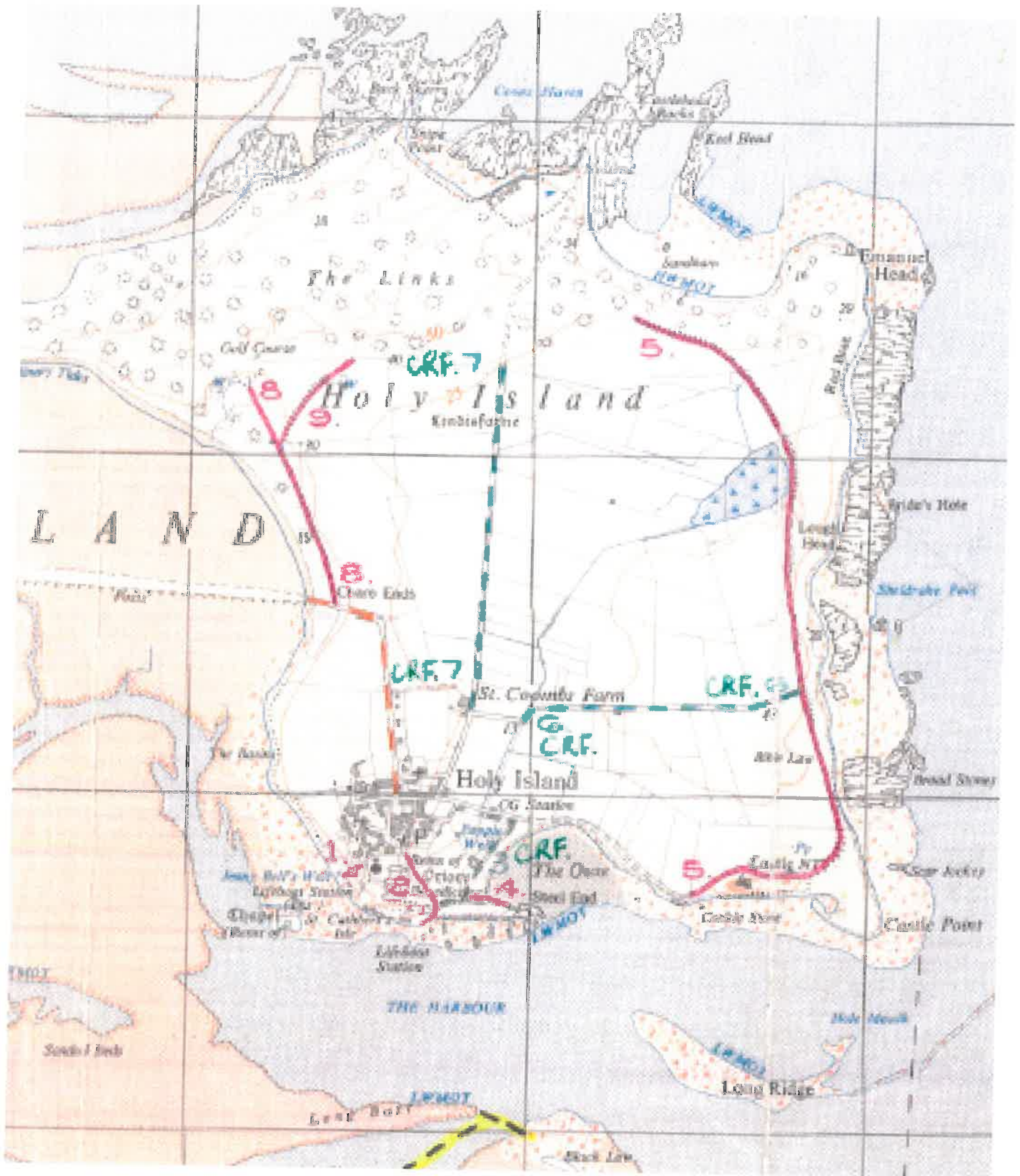
Surveyed by	Address	Dates of Survey
<u>Holy Island Parish Council</u>		<u>7th Feb 1952</u>

Important:—Sheet No. of Map on which Highway is shown

275 | 6 | 8 SE 4



Original Definitive Map



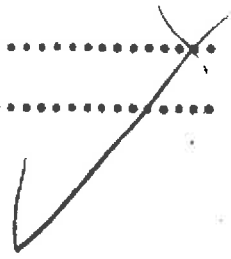
NORTHUMBERLAND COUNTY COUNCIL

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

PART IV.

PUBLIC RIGHTS OF WAY - STATEMENT.

1. ~~Borough~~
~~Urban District~~
Rural District NORHAM & ISLANDSHIRES
2. Parish HOLY ISLAND
3. Number of Footpath on Map 3
4. Name of Path
5. Kind of Path (i.e. FP/BR) C.R.F. width 8 feet
6. General Description of Path From the Public road at Popple Well
..... in a south westerly direction by Herring House to join path No.2
..... at the beach.
.....
.....
.....
7. Other relevant information
.....
.....
.....
.....
.....

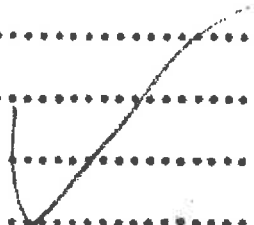


NORTHUMBERLAND COUNTY COUNCIL

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

PUBLIC RIGHTS OF WAY - STATEMENT.

1. ~~Borough~~
~~Urban District~~
Rural District **NORHAM & ISLANDSHIRES**
2. Parish **HOLY ISLAND**
3. Number of Footpath on Map **5**
4. Name of Path
5. Kind of Path (i.e. FP/BR) **F.P. width varies from 4 to 8 feet**
6. General Description of Path **From the east end of the Public road**
..... **at Castle Field in an easterly and northerly direction by the Castle**
..... **and Lough Head along the Old Wagonway to the Links.**
.....
.....
.....
7. Other relevant information
.....
.....
.....
.....
.....



1958 County Road Schedule

BERWICK DIVISION

UNCLASSIFIED ROADS IN NORHAM AND ISLANDSHIRES RURAL DISTRICT

Brought forward 41.17 miles

U.37	Roads on Holy Island	From H.M.M.O.T. at Chare Ends to Marygate From the Green via Marygate and Popple Well to the Castle. From Marygate via Coombs Farm to Bridgewell From Chare Road to Coombs Road past R.C. Chapel The Green from School to 17 feet north of Vicarage south wall. Church Lane Prior Lane Crossgate Lane Fenkle Street. St Guthberts Turnstile, Market Place to the south boundary of Manor House Tripping Chere Market Place Footpath	801 yds. 1153 yds. 451 yds. 155 yds. 226 yds. 61 yds. 89 yds. 107 yds. 129 yds. 177 yds. 33 yds. 175 yds. 190 yds. 50 yds.	
U.38	Shoreswood	From C.6 at junction with C.4 255 yards south		2.16
U.39	Mogger's Loan	From A.698 to Railway Crossing at Cramond Hill		0.14
U.40	Norham Council Housing Estate	Roads in Norham and Islandshires Rural District Council Housing Estate at Norham.		0.17
U.41	East Ord North Council Housing Estate	Hillcrest, East Ord.		0.27
U.42	St. Peter's Terrace and Cheviot Terrace, Scremerston	From A.1. opposite St. Peter's Church, Scremerston 298½ yards.		0.06
U.43	St. Guthbert's Square, Norham	From U.8 south and west for 185 yards including cul-de-sac 56 yards and footpath to U.8 39 yards (verges are not adopted)		0.17
U.44	The Croft, Horncliffe	From U.10, 107 yards from its junction with C.2. south westerly for 58 yards.		0.137
				0.033
				<u>41.310</u> Miles

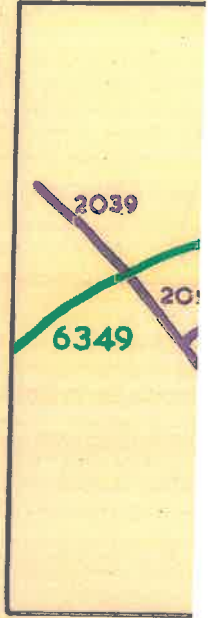
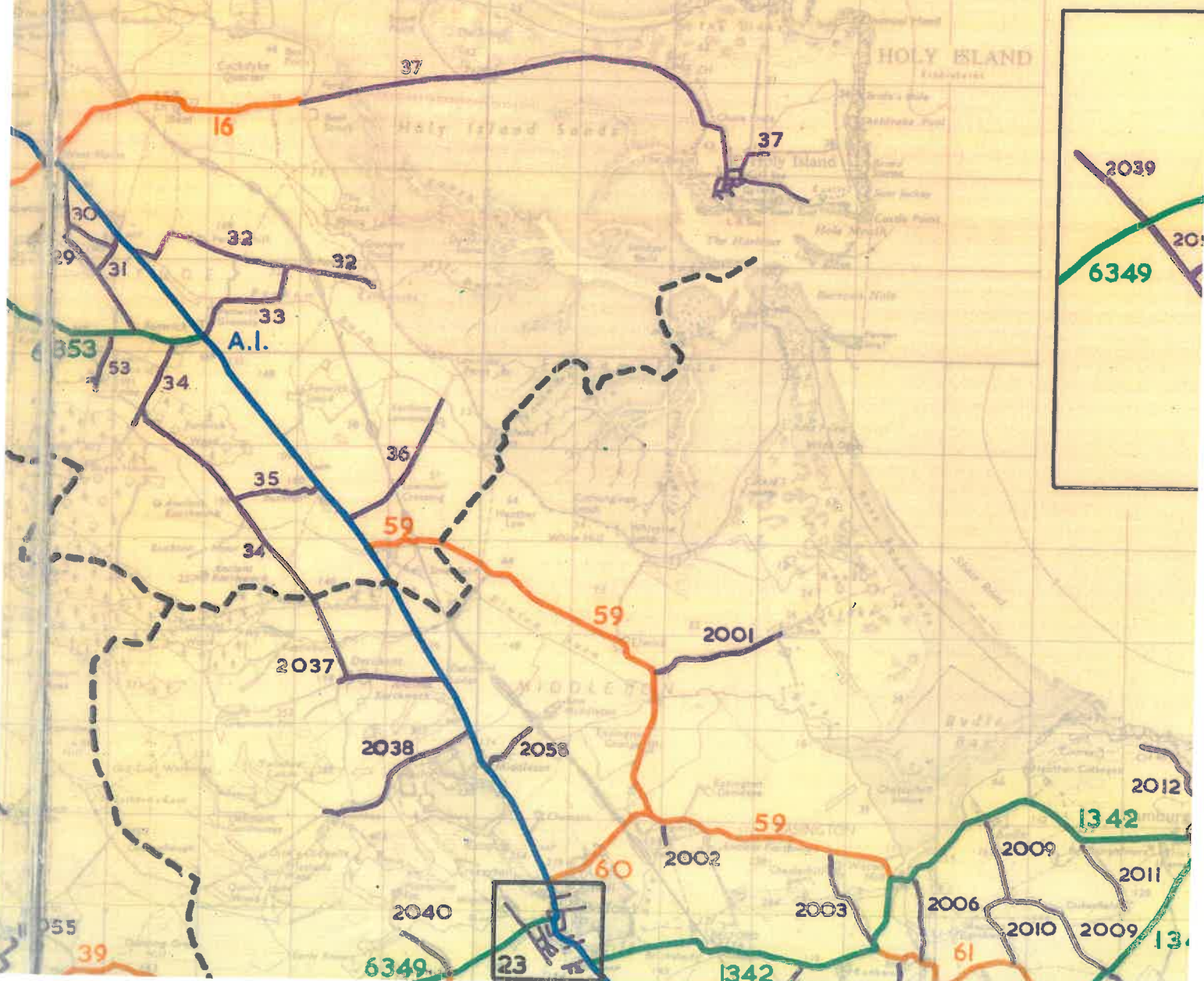
Forward

41.310 Miles

Extract from the Council's 1964 Highways Map

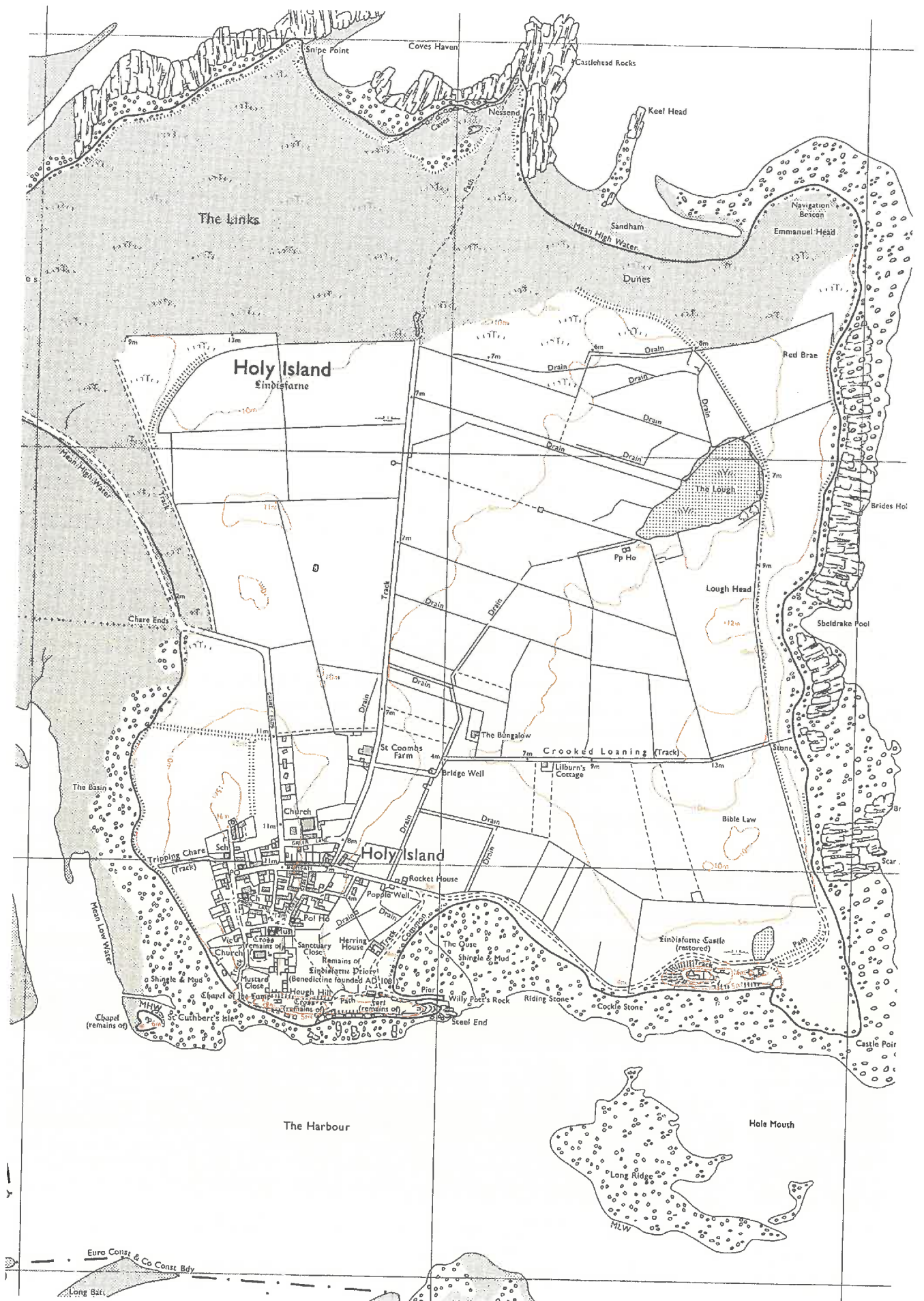
East Ord

HIRES R. D.



1974 County Road Schedule

Route No.	Name of Road	Description	Responsible Division or Authority	Mileage	Total Mileage	
U.37	Holy Island Roads.	<p>From C.16 at Beal Shore (NU.080427) eastwards via Causeway and Chare Ends to Marygate (NU.126419).</p> <p>From the Green via Marygate and Popple Well to the Castle.</p> <p>From Marygate via Coombs Farm to Bridgewell.</p> <p>From Chare Road to Coombs Farm, past R.C.Chapel.</p> <p>The Green, from School to 17 feet north of Vicarage south Wall.</p> <p>Church Lane.</p> <p>Pricor Lane.</p> <p>Crossgate Lane.</p> <p>Fenkle Street.</p> <p>St. Cuthbert's.</p> <p>Turnstile, Market Place, to the south boundary of Manor House.</p> <p>Tripping Chare.</p> <p>Market Place.</p> <p>Footpath (50 yds.)</p>	Wooler Division	<p>6,134 yds.</p> <p>1,153 yds.</p> <p>451 yds.</p> <p>155 yds.</p> <p>226 yds.</p> <p>61 yds.</p> <p>89 yds.</p> <p>107 yds.</p> <p>129 yds.</p> <p>177 yds.</p> <p>33 yds.</p> <p>175 yds.</p> <p>190 yds.</p>		5.16
U.38	Shoreswood. (See also U.50)	From C.8 nearly opposite junction with C.4 (NT.956466) for 255 yds. southwards.	Wooler Division		0.14	
U.39	Mugger's Loan.	From A.698 just north of Cornhill (NT.863396) north-eastwards to railway crossing at Cramond Hill. (NT.865398).	Wooler Division		0.17	
U.40	Norham Council Housing Estate (See also U.3, U.43 and U.55).	Roads in Council Housing Estate at Norham - including Marmion Way; a continuation eastwards of South Back Lane for 115 yards. (NT.904498).	Wooler Division		0.33	
U.41	East Ord North Council Housing Estate. (See also U45, U46, U47 & U57)	Hillcrest, East Ord. (NT.980516)	Berwick District		0.06	
U.42	St. Peter's Terrace and Cheviot Terrace, Scremerston. (See also U.48)	From A.1 opposite St. Peter's Church, Scremerston, 298½ yds. (NU.004493)	Berwick District		0.17	



ROAD TRAFFIC REGULATION ACT 1984
THE COUNTY OF NORTHUMBERLAND
(U37 HOLY ISLAND)
(PROHIBITION OF DRIVING) ORDER 1996

The County Council of Northumberland (hereinafter referred to as "the Council"), in exercise of their powers under Sections 1 (1) and (2), 2 (1) and (2) and Part III of the Road Traffic Regulation Act 1984, (hereinafter referred to as "the Act"), hereby make the following Order:-

1. This Order shall come into operation on the fifth day of August 1996 and may be cited as "The County of Northumberland (U37 Holy Island) (Prohibition of Driving) Order 1996".

2. (1) In this Order:

"Council" means Northumberland County Council;

"permit" means a permit issued under the provisions of Article 5 of this Order;

"resident" and "tenant" means a person whose usual residence is premises at which the postal address is Holy Island in the Borough of Berwick Upon Tweed;

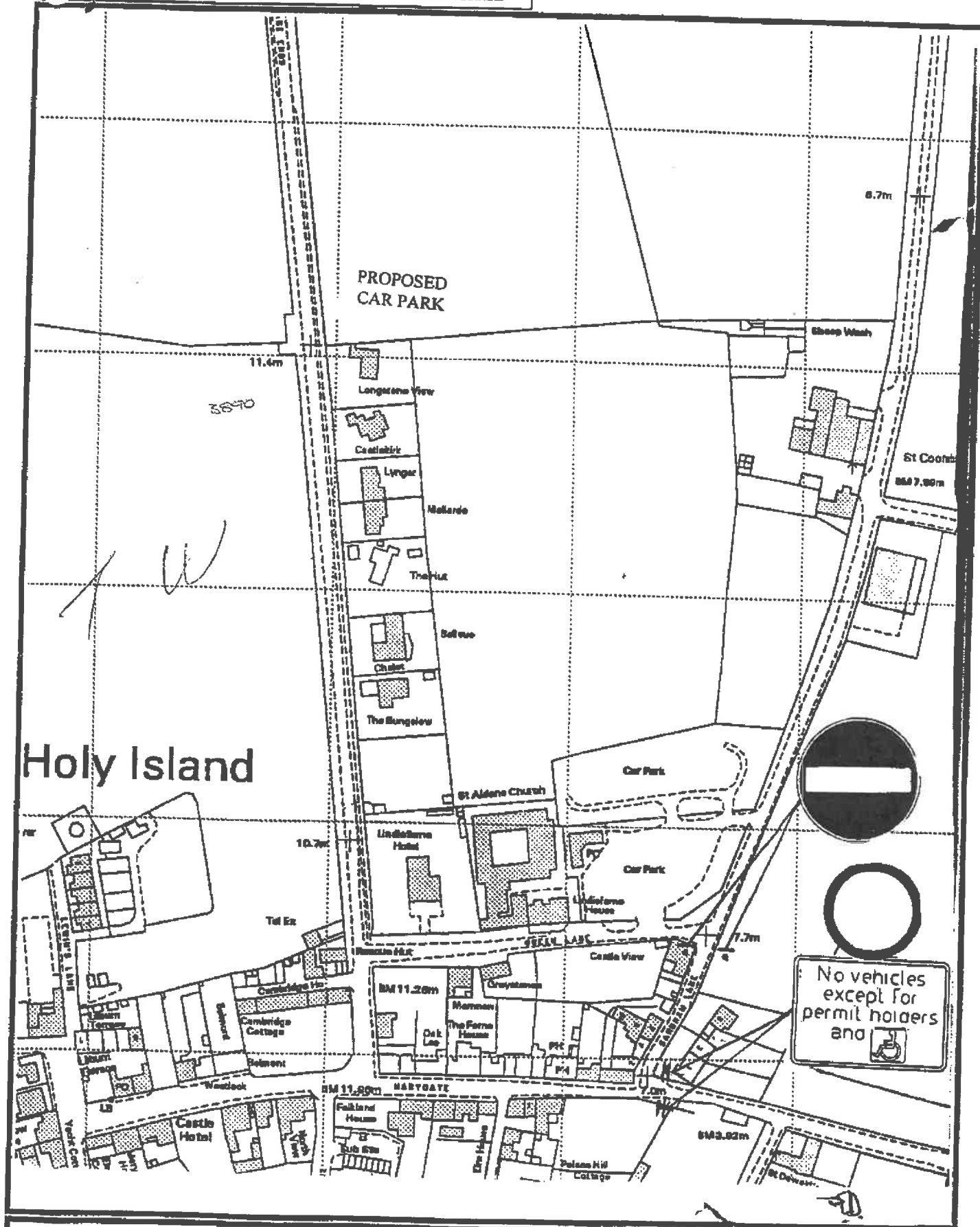
"owner" means the owner of premises at which the postal address is Holy Island in the Borough of Berwick Upon Tweed;

"disabled person`s badge" has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) Regulations 1982 as amended or replaced from time to time;

"disabled person`s vehicle" has the same meaning as in The Local Authorities' Traffic Orders (Exemptions for Disabled Person) (England and Wales) Regulations 1986;

"parking disc" means a disc, issued by a local authority, complying with the requirements of the British Standard Specification for Parking Discs (BS No. 4631: 1970), but coloured orange, and capable of showing the quarter hour period during which a period of waiting begins, and as amended or replaced from time to time.

- (2) For the purpose of this Order a vehicle shall be regarded as displaying:
 - (a) a disabled persons badge in the relevant position, when
 - (i) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon with the obverse side facing forwards or on the near side of and immediately behind the windscreen, and
 - (ii) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the front or nearside of the vehicle;
 - (b) a parking disc in the relevant position, when the disc is exhibited thereon with the side which shows the time facing forwards or outwards and immediately behind the windscreen or side window nearest the kerb.
3. No person shall cause any vehicle to proceed in that length of the U37 between the Marygate/Sandham Lane corner and the Castle on Holy Island, a distance of approximately 814 metres.
4. Nothing in Article 3 of this Order shall apply as to prevent any person from causing any vehicle to proceed on the length of road specified in that Article, if the vehicle is being used:
 - (1) for ambulance, fire and rescue and police purposes;
 - (2) for the purposes of agriculture in connection with land adjacent to that length of road;
 - (3) in connection with the removal of any obstruction to traffic in that length of road, the maintenance, improvement or reconstruction of that length of road, or the laying, erection, alteration or repair in or adjacent to that length of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line as defined in the Telegraph Act 1878;
 - (4) with the appropriate permit issued by the Council as defined in Article 5;
 - (5) by a disabled person displaying an Orange Badge under the Disabled Persons Parking Scheme, and



Holy Island

TRAFFIC REGULATION ORDERS, HOLY ISLAND

- (6) by the owner or owners or the tenant or tenants or other persons authorised by such owners or tenants of any land adjoining the length of road affected by this Order.
5. A permit is a numbered disc issued by the Council to owners, residents and tenants by applying to the Director of Administration, County Hall, Morpeth, NE61 2EF.
6. The permit referred to in Article 5 shall be exhibited on the vehicle:
- (1) in the case of a two-wheeled motor cycle having a side-car attached thereto in a conspicuous position on the near side of the vehicle in front of the driving seat; and
- (2) in the case of any other vehicle:-
- (i) where the vehicle is fitted with a front glass windscreen extending across the vehicle to the near side, facing forwards on the near side of the glass of such windscreen behind the glass;
- (ii) where the vehicle is not fitted with a front glass windscreen as specified in (i) above, on the near side of the vehicle facing towards the near side of the road and not less than two feet six inches and not more than six feet six inches above the surface of the carriageway in the immediate vicinity.

GIVEN under the Common Seal of the County Council of Northumberland this
18th day of July 1996.

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

T Wallace

Chairman of the County Council

T. Dancy

Duly Authorised Officer

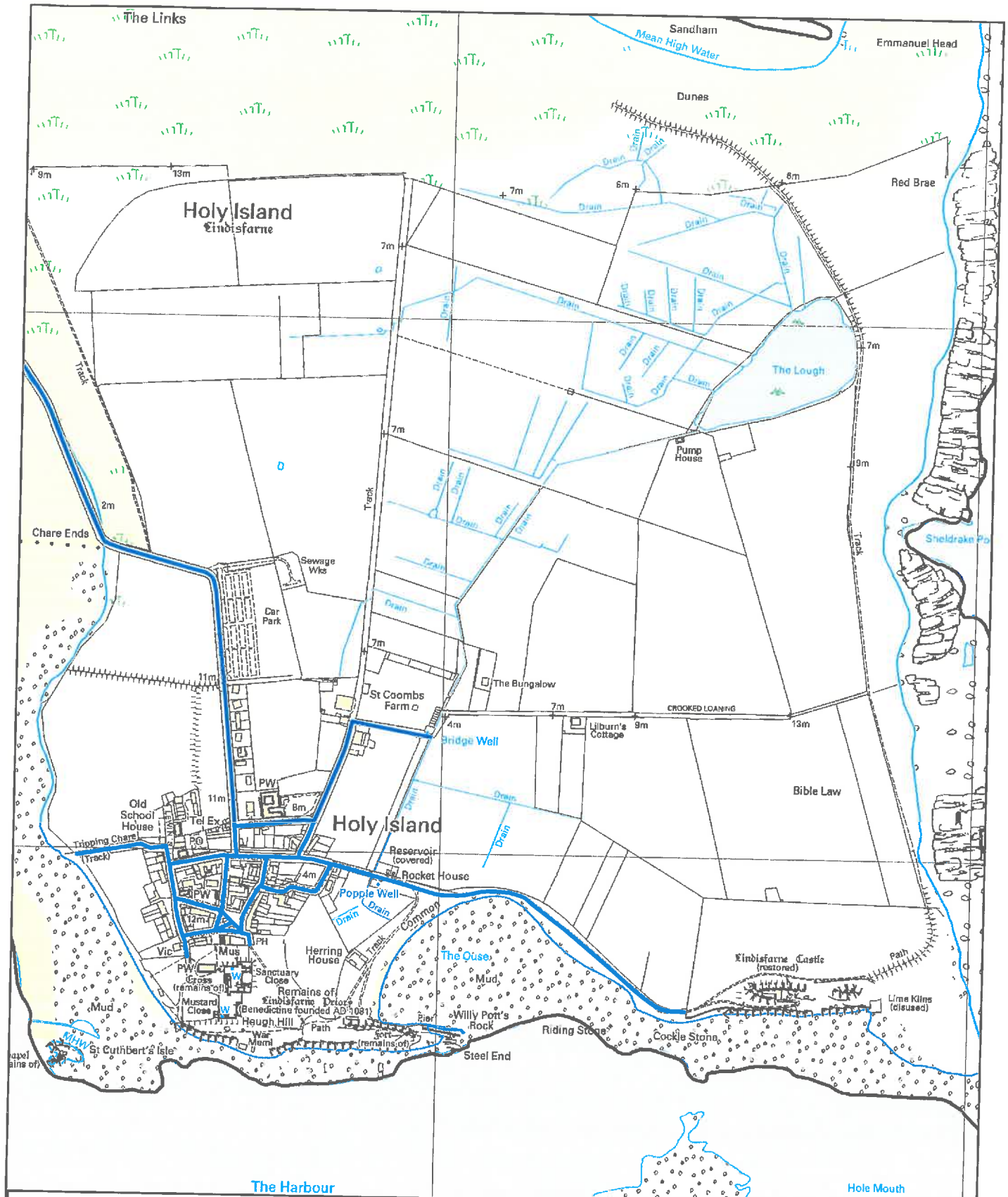


Highways Act 1980 Section 36(6)
County Of Northumberland
List of Streets which are highways maintainable at the public expense
As at 02-May-2006

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

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
U37		
	U37 X-ROADS TO U37 FENKLE STREET	56
	U37 GREEN TO U37 X-ROADS CROSSGAT	91
	U37 CHURCH LANE TO U37 MARYGATE	144
	U37 SCHOOL TO END OF SURFACE VICAR	211
	U37 SANDHAM TO U37 THE GREENHOLY I	245
	U37 SANDHAM TO LINDISFARNE CASTLE	811
	U37 MARY GATE TO END SURFACE BRIDG	426
	U37 TO U37 SANDHAM LANEHOLY ISLAND	150
	30MPH (N) TO U37 MARYGATE	284
	SNOOK ACCESS TO 30MPH HOLY IS(N)	2,433
	C16 JCT BEAL TO THE SNOOK ACCESS	2,903
	U37 VICARAGE TO STH BDY OF MANOR H	145
	U37 FENKLE TO U37 CASTLE ROAD HOLY I	166
	<i>Total length for U37</i>	8,425
U38		
	C8 JCT TO SHORESDEAN	239
	<i>Total length for U38</i>	239
U39		
	A698 JCT TO CRAMOND HILL RAILWAYCR	439
	<i>Total length for U39</i>	439
U4		
	C19 JCT TO U3 JCT	3,130
	<i>Total length for U4</i>	3,130
U40		
	B6470 JCT TO SOUTH BACK LANE NORHA	318
	SOUTH BACK LANE NORHAM	115
	SOUTH BACK LANE NORHAM	115




Northumberland
County Council

Network Management Information System

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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

Dnn:	Date:	Scale:
AB	Aug 2018	1:10,000