

## RIGHTS OF WAY COMMITTEE

11 July 2017

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

#### ALLEGED BYWAYS OPEN TO ALL TRAFFIC Nos 18 & 19 PARISH OF CORNHILL

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

#### **Purpose of report**

In this report, the Committee is asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over part of the U2 road between Melkington and that road's junction with the U51 road, north of New Heaton, and also over the U51 road between the above mentioned road junction and New Heaton itself.

#### **Recommendation**

**It is recommended that the Committee agree that:**

- (i) there is sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the route O-P;**
- (ii) there is sufficient evidence to indicate that, on a balance of probabilities, public vehicular rights exist over the route P-X;**
- (iii) there is insufficient evidence to indicate that, on a balance of probabilities, public vehicular rights exist over the route X-Q;**
- (iv) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the O-P and P-X sections of the route;**
- (v) the O-P and P-X sections of the route be included in a future Definitive Map Modification Order as byways 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 alleged Byway Open to All Traffic No 18 route. The ‘higher level’ Section 53(3)(c)(ii) “balance of probabilities” test needs to be applied to alleged Byway Open to All Traffic No 19, 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 ‘U2’ and ‘U51’ roads), 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 U2 and U51 unclassified County roads based upon more than simply their inclusion in the List of Streets.

### **3. LANDOWNER EVIDENCE**

- 3.1 By note and plan, dated 2nd August 2014, Ms C Douglas of 4 New Heaton Cottages responded to the consultation, stating:
- "There is a very small stretch of road jointly owned by JA Laing & the residents of New Heaton Cottages [No 1, 2, 4]."
- 3.2 By undated note and plan, received in early August 2014, R Barber of Melkington responded to the consultation, stating:
- "X either side of 18 is only passable with 4x4 or Agric machinery is land owned by New Heaton J Laing Esq."
- 3.3 By note and plan, dated 18 August 2014, Dr MA Green of 2 New Heaton Farm Cottages responded to the consultation, stating:
- "The right of way runs past our property but not through it. At present there is no clear path as annotated on the map and this route runs through a stock field. There is however, a clear track that follows the edge of the stock field (annotated ++++ for reference).
- 3.4 By letter, dated 24 August 2014, Mr & Mrs Sproat of 1 New Heaton Cottage responded to the consultation, following a conversation with the Infrastructure Records Manager, stating:
- "I refer to the conversation you had with us at county hall on Tuesday 12th Aug 2014 in connection to the rights of way around our home.
- "We are gravely concerned about the most recent letter we have received from NCC (Alex Bell), in which you state the council has evidence that a BOAT extends to point Q on the map. This is past the west gable end of our home.

"In 2011 we had a major dispute with both yourself and local neighbours about the extend of the byway up to and beyond our existing entrance. We produced evidence that there was vehicle access to what is now called point Q. We asked to discuss with senior people at NCC who would be able to clarify the matter, both to us and our legal team.

"NCC put forward both Terry Rogerson and Paul Jones as their senior representatives. We were told by them that they had consulted with both the definitive map owner (Alex Bell) and your legal team and the evidence we had provided did not stand up and you dismissed it out of hand (Letters received from both Terry Rogerson and Paul Jones prove this).

"As a result of NCC's investigation into our evidence and their conclusions at the time we have been severely affected on both a financial and emotional footing. The fact that NCC declared that there was no right of access to the west side of our cottage meant we lost access to the drive and parking area of the house which had been there for over 50 years.

"The fallout of this meant we had to argue with the local farm (remembering New Heaton is a hamlet with a farm, rather than a farmstead with cottages) to try to keep a right of way to the existing drive and parking. This all fell through and resulted in total breakdown of relationships ...

"So in summary the fact that Terry and Paul dismissed our evidence has led to an on going situation that has meant we have suffered over the last 4 years and yet now NCC state 'oops there is an access there'.

"You also stated to us that the updating of the definitive map has been a rolling program for about 15 years and that our area was the last to be done. Therefore the BOAT was known about in 2011 so why did Terry and Paul make the statement they did at the time. Due to this fact we feel that NCC need to investigate why we were dismissed in 2011 when the evidence was there, and what action needs to be taken to put things right now.

"When considering how things can be corrected you need to appreciate that due to NCC actions our property became practically worthless due to the fact that it had no vehicle access or drive way, and because of the locality there is no such thing as on street parking. Our actions and finance has managed to salvage the property from the horrendous position that NCC had put us in.

"As stated we have suffered both financially and emotionally as a direct result of Paul Jones and Terry Rogerson's actions. If NCC investigate and find that NCC have done nothing wrong and that it was the actions by the individuals then they need to take account that these individuals were put up by senior managers by NCC and all written

correspondence is either on NCC headed notepaper or NCC e-mail addresses.

"I am enclosing two lists, these give an indication of what we have suffered because of the actions of NCC, neither list is exhaustive. At the meeting you asked us to indicate what financial loss we had suffered, as stated at the time the figure was for materials only and did not include the majority of labour.

"I await your response as to see what our next actions will be."

#### **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". Four replies were received and are included below.
- 4.2 By email, on 19<sup>th</sup> September 2014, Cornhill Parish Council responded to the consultation regarding this and other routes within the parish stating:

"Byway Open to All Traffic no 18 on Plan 38 has been problematical for many years and still gives cause for concern. I particularly welcome the proposed inclusion of this important byway (County Highway U2) on the Definitive Map and Statement of Public Rights of Way. For as long as anyone can remember, the U2 has been used by horse riders, cyclists and walkers. I continue to walk this route every week, as I have done for over 30 years. Sadly, it has been increasingly difficult to do so in recent years, for reasons which I list below and illustrate on the attached, colour coded map.

"1) The section marked in yellow used to be a track, clearly marked on Ordnance Survey maps and visible on original versions of Google earth. It was not just a path, but was used by motor vehicles, horses and cyclists before it was ploughed up some years ago. Speaking to Phil Bradley and Councillor Watkin at the time, they assured me that ploughing the road up did not take away its status as a County Highway, and it continues to be used, albeit in a more limited way.

"2) Soon after, the section marked in blue was effectively closed when many tons of concrete rubble and large pieces of stone were dumped on it. This was left for about two years before it was spread evenly and finally surfaced with stone chips. During this long period, it could not be used, and horse riders, cyclists and walkers were forced to take a diversion along the neighbouring field boundary.

"3) Very recently, the section marked in yellow was fenced off for the first time in living memory, and gated at the two points marked with red crosses. The western gate was also permanently bolted, denying access to motor vehicles, horses, and any cyclists and walkers who

were unable to clamber over the gate! At that time, the Parish Council contacted NCC and as a result, I had a site meeting with Phil Bradley and Neil Howie from Highways. They were immediately able to persuade the landowner to keep the gate unbolted.

“4) Throughout this summer, the section marked in green, became neglected and overgrown. Even in the recent past, this section was so well used by heavy farm machinery, that it became severely rutted and churned up, making it particularly difficult to walk in wet weather. Inexplicably, this short section has not been used by farm traffic this season, and by August, the weeds and undergrowth were head high, rendering this section impassable. At the time, I informed Terry Garnick, who very quickly arranged to have the road cleared.

...

“Locally, many public footpaths are ploughed up or impassable, roadside paths are not being maintained, and even walking from one end of Donaldson's Lodge to the other on a footway is impossible! Yet a few hundred yards away, over the border, residents enjoy the Right to Roam. Cornhill residents might be forgiven for thinking that some landowners are trying to deny them access to their own back yard and making it necessary for them to use a car for even short, local trips. I hope that NCC will work tirelessly to keep our footpaths and byways open for visitors and local residents alike, and I seek your assurance on this.”

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

“Parish of Cornhill Byway open to all traffic 18 No comment.”

“Parish of Cornhill Byway open to all traffic 19 No comment.”

- 4.4 By letter, dated 28<sup>th</sup> 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.

- 4.5 By email, on 11<sup>th</sup> November 2014, Ms S Rogers responded to the consultation, on behalf of the British Horse Society, stating:

**“Alleged Byway Open to All Traffic 18**

This track, shown on map 38, begins at Melkington Farm, point O, as a wide sunken stone surfaced track between fences. Where it joins Muggers Loan, bridleway 213/007, the route surface changes to a mown grass track, the stone track continues along the bridleway. It should be noted that there is no finger post indicating the start of this bridleway from this unclassified county road.

“Further on the alleged BOAT turns sharp left, still in a clearly defined lane but further along the line of the alleged BOAT is blocked by a double metal gate and the route across the next field to the edge of the

strip of woodland on the top of the hill is no longer visible under a good crop of clover. A stone track continues the line of the lane along the edge of the stream. This is blocked by a temporary fence just before the point where it turns right along a fence line (uphill) to the point at the edge of the woodland strip where another temporary fence can be seen. This section is shown on the 2<sup>nd</sup> ed of the OS as unfenced while the rest of the route is shown as fenced.

“From this point a stone track was clear to follow to point P. The BHS supports the recording of this route and hopes that it can be returned to its original line with the provision of bridle gates beside the double metal gates that have been illegally installed across the historic route. This type of large metal gate is too heavy for a rider to cope with.

#### **“Alleged Byway Open to All Traffic 19**

This route forms a tarmac access road to New Heaton and the surrounding cottages. It is also the line of a public footpath which continues south beyond New Heaton to join the A697. It only links up with a single public footpath and so is of limited value to the public. To be of greater use the BHS suggests that the possible higher status of the east-west route from Thrieprig – New Heaton – Marldown – Crammond Hill should be investigated as this then links up this alleged BOAT with Muggers Loan, bridleway 213/007, mentioned above. Significant sections of this route are shown to be a fenced lane from Marldown on the OS 1<sup>st</sup> ed 25” with some small sections fenced only on one side as it passes through fields but still shown as a track. Those sections which are fenced have a plot number as follows:

“Plot 93 from A697  
Plot 96 approaching Marldown from the west  
Plots 98 & 102 close to New Heaton.

“Unfortunately the Book of Reference for Cornhill parish is missing at Woodhorn and does not appear on the list from the British Library. Further investigations will be necessary.”

## **5. DOCUMENTARY EVIDENCE**

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

1769 Armstrong's County Map

There is evidence of a road or track approximating to the route of alleged Byways Nos 18 and 19.

1820 Fryer's County Map

There is clear evidence of a road or track approximating to the route of alleged Byways Nos 18 and 19.

1820-32 Cary's Map

There is clear evidence of a road or track approximating to the route of alleged Byways Nos 18 and 19.

1828 Greenwood's County Map

There is clear evidence of a road or track approximating approximating to the route of alleged Byways Nos 18 and 19.

c.1860 Ordnance Survey Map and Schedule: Scale 1:2500

There is clear evidence of a road / track over the routes of alleged Byways Nos 18 and 19. The northern part of alleged Byway No 18 (between East Melkington and existing Public Bridleway No 7) is annotated with the reference number "157". The remainder of alleged Byway No 18 is annotated with the reference numbers "177a", "73", and "70". Alleged Byway No 19 is annotated with the reference number "77". In the accompanying Book of Reference, the entry corresponding with number "157" in Tillmouth Township is "Public road", and the entries relating to "177a" in Tillmouth Township and "73" and "70" in Heaton Township are, respectively, "Private road", "Private road" and "Arable, stream roads etc". The entry corresponding with number "77" in Heaton Township is "Public road".

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

There is clear evidence of a mostly enclosed road / track over the route of alleged Byway No 18. There is clear evidence of an enclosed road / track over the route of alleged Byway No 19 .

1898 Ordnance Survey Map: Scale 1:2500

There is clear evidence of a mostly enclosed road / track over the route of alleged Byway No 18. There is clear evidence of an enclosed road / track over the route of alleged Byway No 19 .

Finance Act 1910 plan

There is clear evidence of a mostly enclosed road / track over the routes of alleged Byways Nos 18 & 19. The north-south section of alleged Byway No 18 has a coloured boundary delineating the road as being separate from the surrounding farmland; so does the public road east of point P. This is a good indication that these sections of road were considered to be public (and thereby exempt from land tax) at that time.



1924 Ordnance Survey Map: Scale 1:2500

There is clear evidence of a mostly enclosed road / track over the route of alleged Byway No 18. There is clear evidence of an enclosed road / track over the route of alleged Byway No 19 .

1932 Norham & Islandshires RDC Handover Map

The route of alleged Byway No 18 is coloured red in order to identify it as a publicly maintainable road. The route of alleged Byway No 19 is NOT coloured red so as to identify it as being publicly maintainable road.

c.1939 Restriction of Ribbon Development Act (1935) Map

The route of alleged Byway Open to All Traffic No 18 is coloured in green identifying it as a publicly maintainable road to be protected from ribbon development, and labelled with the number "4". The route of alleged Byway Open to All Traffic No 19 is not coloured in green.

1951 Highways Map

The route of alleged Byway Open to All Traffic No 18 is coloured (in purple) so as to identify it as a publicly maintainable road. It is labelled as being part of the U2 road. The route of the U51 is coloured (and labelled) in a different shade of purple, indicating that this road was a later (i.e. post 1951) addition to the map.

Definitive Map – original Survey Schedules & Map

The route of the U2 road (i.e. alleged Byway Open to All Traffic No 18) exists on the base map, and is coloured brown. Known public roads were generally coloured brown to indicate what the extent of the road network was considered to be. The route of the U51 road (i.e. alleged Byway No 19) also exists on the base map, but this route is not coloured. A public bridleway (Green Road) is shown terminating on the U2 road south of East Melkington.

Draft Map

The routes of the U2 and 51 roads exist on the base map. Public Bridleway No 7 terminates on the U2 road south of East Melkington.

Draft Map (Modified)

The routes of the U2 and 51 roads exist on the base map. A public footpath (numbered 14), from Point P, southwards, beyond New Heaton, is to be added as a result of a representation.

### Provisional Map

The routes of the U2 and 51 roads exist on the base map. Public Bridleway No 7 terminates on the U2 road south of East Melkington. Public Footpath (numbered 14 / 8), proceeds southwards from the U2 road, along the route of alleged Byway No 19.

### 1959 Bridges and Roads Committee (16th March 1959)

The minutes indicate that a Mr DF Calder applied for the 810 yards long road to New Heaton to be "taken over". The County Surveyor recommended that, subject to the satisfactory completion of repairs and improvement, the road be adopted. The committee resolved with regard to this and several other routes "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 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.

### 1959 Highway Dedication

This 1:2500 scale plan, signed on behalf of Lazard Brothers & Co Ltd of 11 Old Broad Street, London, on 23rd July 1959, shows the extent of a route "dedicated to the use of the public as a highway".

### 1962 Original Definitive Map

The route of the U2 road exists on the OS base map, though it is not identified as a public rights of way. Public Bridleway No 7 terminates on the U2 road south of East Melkington, and would be an unlikely cul-de-sac if the U2 was not a public highway of at least bridleway status. The route of alleged Byway No 19 was (and still is, today) identified as being part of Public Footpath No 8. A later pencil annotation of the Map indicates that the northern part of Footpath No 8 (i.e. between the U2 road and New Hetaon) was subsequently identified as being the "County Rd U51".

### 1964 Highways Map

The routes of alleged Byways Open to All Traffic Nos 18 and 19 are coloured (in purple) so as to identify them as a publicly maintainable roads. They are labelled as being the U2 and U51 roads.

### 1970 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of roads / tracks over the routes of alleged Byways Nos 18 and 19.

### 1987 Ordnance Survey Map: Scale 1:10,000

There is clear evidence of roads / tracks over the routes of alleged Byways Nos 18 and 19.

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

The routes of the alleged byways are clearly identified as publicly maintainable highways. The U51 road is shown extending about 30 metres further south than the 1959 dedication supports.

- 5.2 The entry for the U2 road, in the 1958 County Road Schedule is:

“U2 Harperigg - Castle Heaton  
From A698 at New Harperigg to C19 near Castle Heaton.”

The length of the U2 road is identified as being 2.23 miles.

- 5.3 The original Definitive Statement for Public Footpath No 8 (Parish of Cornhill), describes the route of that footpath as follows:

“From the Public road North of New Heaton, south by New Heaton to path No 2 in the Parish of Ford at the Glendale Rural District Boundary.”

- 5.4 The entry for the U2 road, in the 1964 County Road Schedule is:

“U2 Harperigg - Castle Heaton  
From A698 at New Harperigg to C19 at Castle Heaton.”

The length of the U2 road is identified as being 2.23 miles.

- 5.5 The entry for the U51 road, in the 1964 County Road Schedule is:

“U51 Road to New Heaton  
From Harperigg - Castle Heaton Road, U2, southwards to entrance to New heaton Farm, 810 yards.”

The length of the U51 road is identified as being 0.46 miles.

- 5.6 The entry for the U2 road, in the 1974 County Road Schedule is:

“U2 Harperigg - Castle Heaton  
From A698 at New Harperigg (NT 874416) south-eastwards and eastwards to C19 near Castle Heaton (NT 897415).”

The length of the U2 road is identified as being 2.23 miles.

- 5.7 The entry for the U51 road, in the 1974 County Road Schedule is:

“U51 Road to New Heaton  
From Harperigg-Castle Heaton Road, U2, (NT 888408) southwards to entrance to New Heaton Farm, 810 yards. (NT 890400).”

The length of the U51 road is identified as being 0.46 miles.

## **6. SITE INVESTIGATION**

### **6.1 Alleged Byway open to All Traffic No 18 (O-P)**

From a point marked O, at the U2 road's junction with Public Footpath No 6, 210 metres east of Melkington House, a 3 to 3.5 metre wide tarmac road, in a 6 to 7.3 metre wide corridor proceeds in a south-easterly direction for a distance of 65 metres. Thereafter, a 3 metre wide stone / rough tarmac track, within a 7.3 to 9 metre wide corridor, proceeds in a southerly direction for a distance of 180 metres. Then the 3 metre wide stone / rough tarmac track, within a 9 metre wide corridor proceeds in a south-easterly direction for a distance of 325 metres to a junction with Public Bridleway No 7. A 3 metre wide earth / grass track, within an 8 to 8.5 metre wide corridor then continues in a south-easterly direction for a further 210 metres to recross the Oxendean Burn. Thereafter, a 3 to 4 metre wide grass surfaced track, within a 4.8 to 5.2 metre wide corridor proceeds in a north-easterly direction for a distance of 210 metres. The alleged byway then continues, undefined, in a general easterly direction across a pasture field for a distance of 330 metres. Thereafter, a 2.5 to 3 metre wide stone / earth / grass surfaced track, within a 5.5 to 6 metre wide corridor continues in an easterly direction for a further 340 metres to the junction of the U2 and U51 roads, at the Point marked P, 825 metres north of New Heaton Farm.

### **6.2 Alleged Byway open to All Traffic No 19 (P-X-Q)**

From a point marked P, at the junction of the U2 and U51 roads, 825 metres north of New Heaton Farm, a 2.7 to 3 metre wide tarmac road, within a 7.5 to 8.5 metre wide corridor proceeds in a southerly direction for a distance of 685 metres. Thereafter, the 3 metre wide tarmac road, within a 6 to 7 metre wide corridor proceeds in a south-easterly direction for a distance of 45 metres to the entrance to a point marked X at a farm yard entrance to New Heaton Farm, 50 metres north-east of New Heaton Farm. Thereafter, a 3.5 to 4 metre wide tarmac road in a 6.5 to 7 metre wide corridor continues in a general southerly direction for a further 35 metres to a point marked Q, 10 metres east of Sleggerton House.

## **7. COMMENTS RECEIVED ON THE DRAFT REPORT**

- 7.1 In May 2017, a copy of the report was circulated to those landowners / occupiers who responded to the initial consultation for their comments. No further written comments were received.

## **8. DISCUSSION**

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

that a right of way, which is not shown in the Map and Statement, subsists or is reasonably alleged to subsist over land in the area to which the Map relates, being a right of way such that the land over

which the right subsists is a public path, a restricted byway or; subject to section 54A, a byway open to all traffic.

- 8.2 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 21 is identified on the County Council’s current List of Streets as being the U39 road. The route was not identified as being publicly maintainable on the 1932 Norham & Islandshires Rural District Council Handover Map, nor is it shown on the map of roads produced in relation to the Restriction of Ribbon Development Act 1935. The route is, however, clearly identifiable on the Council’s 1951 Highways Map and is recorded in the 1958 County Road Schedule and in the 1964 County Road Schedule and on the Highways Map, produced at that time, to accompany that schedule. It is also recorded in the 1974 County Road Schedule.
- 8.6 The route has been consistently identified as an enclosed road / track on Ordnance Survey maps since circa 1864/5. The Book of Reference accompanying the 1st Edition 25” OS map identifies the route as “Public road”. The route is shown on Armstrong’s, Fryer’s and Greenwood’s County Maps of 1769, 1820 and 1828, and on Cary’s Map of 1820-32. It is also shown on the Cornhill Tithe Award of 1843 and is identified as a “Township road” and “public highway” on the two deposited railway plans of 1844. On the plans produced in relation to the Finance Act of 1910, the route is separated from the surrounding farmland by coloured boundaries - a good indicator that the route was considered to be a public vehicular highway at that time.
- 8.7 The route does not appear to have been considered for inclusion on the original Definitive Map of Public Rights of Way (as footpath, bridleway or Road Used as Public Path) in the 1950s, despite the fact that a public bridleway terminates on the eastern end of the U39 road. This implies that the road was considered to be a public highway, but presumably one of sufficiently high status that it was not considered appropriate to record it on the Definitive Map.

- 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 It is not known on precisely what basis the route of alleged Byway No 18 was added to the List of Streets. It has appeared on all the available maps produced since Armstrong's County Map of 1769, and on the Council's Highway records from 1951 onwards. The alleged Byway No 19 route was not identified in the 1958 County Highways Schedule, but was included in the 1964 County Highways Schedule. It seems likely it was added as a result of the Bridges and Roads Committee resolution of 16th March 1959 and the Lazard Brothers & Co Ltd's highway dedication on 23rd July 1959.
- 8.11 Between 1954 and 1959, the accepted position appears to have been that the O-P section was a public road and that the P-X-Q section was public footpath.
- 8.12 On 23<sup>rd</sup> July 1959, a document / plan was signed on behalf of Lazard Brothers & Co Ltd upon which it was stated:

"I / We Lazard brothers & Co Ltd of 11 Old Broad Street, London EC" do hereby declare that I / We have dedicated to the use of the public as a highway that portion of land forming the road to New Heaton Cornhill on

Tweed in the County of Northumberland, which is coloured red hereon as from today's date."

The P-X part of alleged Byway Open to All Traffic No 19 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.

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 "Road to New Heaton".
- Thirdly, given the width of the highway being dedicated (7 to 8 metres between the boundaries), it seems unlikely that the landowners were dedicating something less than a public vehicular right of way.
- Fourthly, since 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, 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 New Heaton Farm.

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

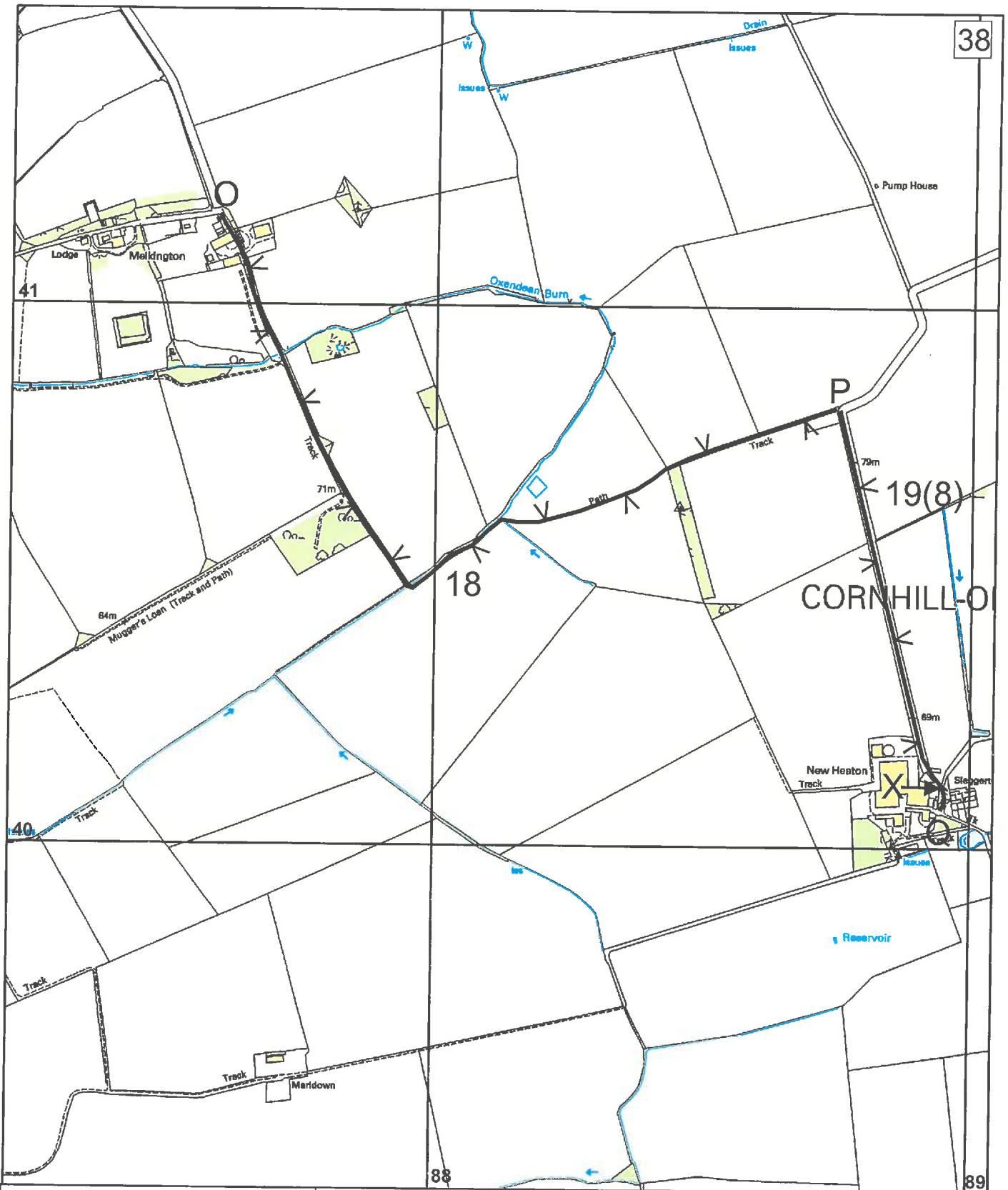
brief, these saving provisions were: (a) if the main lawful public use between 2001 and 2006 was with motor vehicles; (b) if the route was on the List of Streets (on 2 May 2006) and not also on the Definitive Map as something less than a byway open to all traffic; (c) the route was legally created expressly 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 route of alleged Byway No 18. 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 route of alleged Byway No 19, so in this case 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 1959 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 2<sup>nd</sup> May 2001 and 2<sup>nd</sup> 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 express dedication by the landowner in 1968 (similar to the express dedication by Lazard Brothers & Co Ltd in 1959) supported by Council Bridges and Roads Committee minutes from 1959 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 New Heaton 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 P-X part of alleged Byway No 19.
- 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 This route has a relatively rough tarmac surface. Although drivable with a 'normal' family car, the route is a vehicular cul-de-sac, serving a single residential property (Green Lane Cottage). Beyond former railway level crossing, the route continues as Public Bridleway No 7. The Parish Council and Ramblers' Association consultation responses suggests that the route is used by walkers. For these reasons 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 The route of alleged Byway Open to All Traffic No 19, as originally consulted upon in 2014, was determined on the basis of what the List of Streets identified as the extent of the U51 road, on 2 May 2006 (the critical date as far as the effects of the Natural Environment and Rural Communities Act 2006 are concerned). It is clear that the 1959 highway dedication, by Lazard Brothers & Co Ltd, did not include the 35 metre long X-Q section of road. This 'extra' length would appear to have been included in error - there is no compelling evidence to support, on a balance of probabilities, the existence of public





# Northumberland

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Local Services  
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NE61 2EF  
Telephone 0845 600 6400

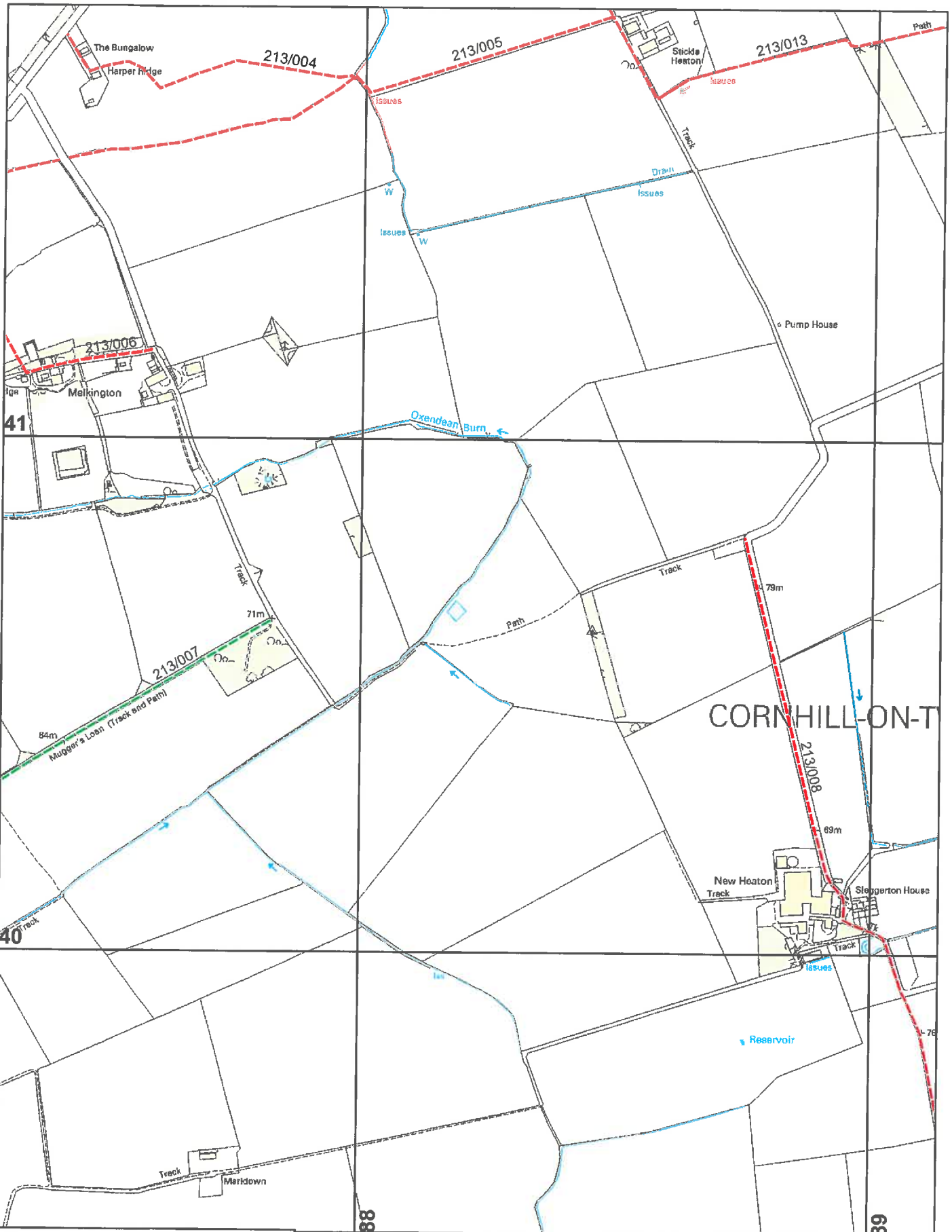
## Wildlife and Countryside Act 1981 Public Rights of Way



Alleged Byway Open to All Traffic

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Former District(s)	Parish(es)	Scale
Berwick	Cornhill	1:10,000
Def. Map No.	O.S. Map	Date
10	NT 84 SE	May 2017



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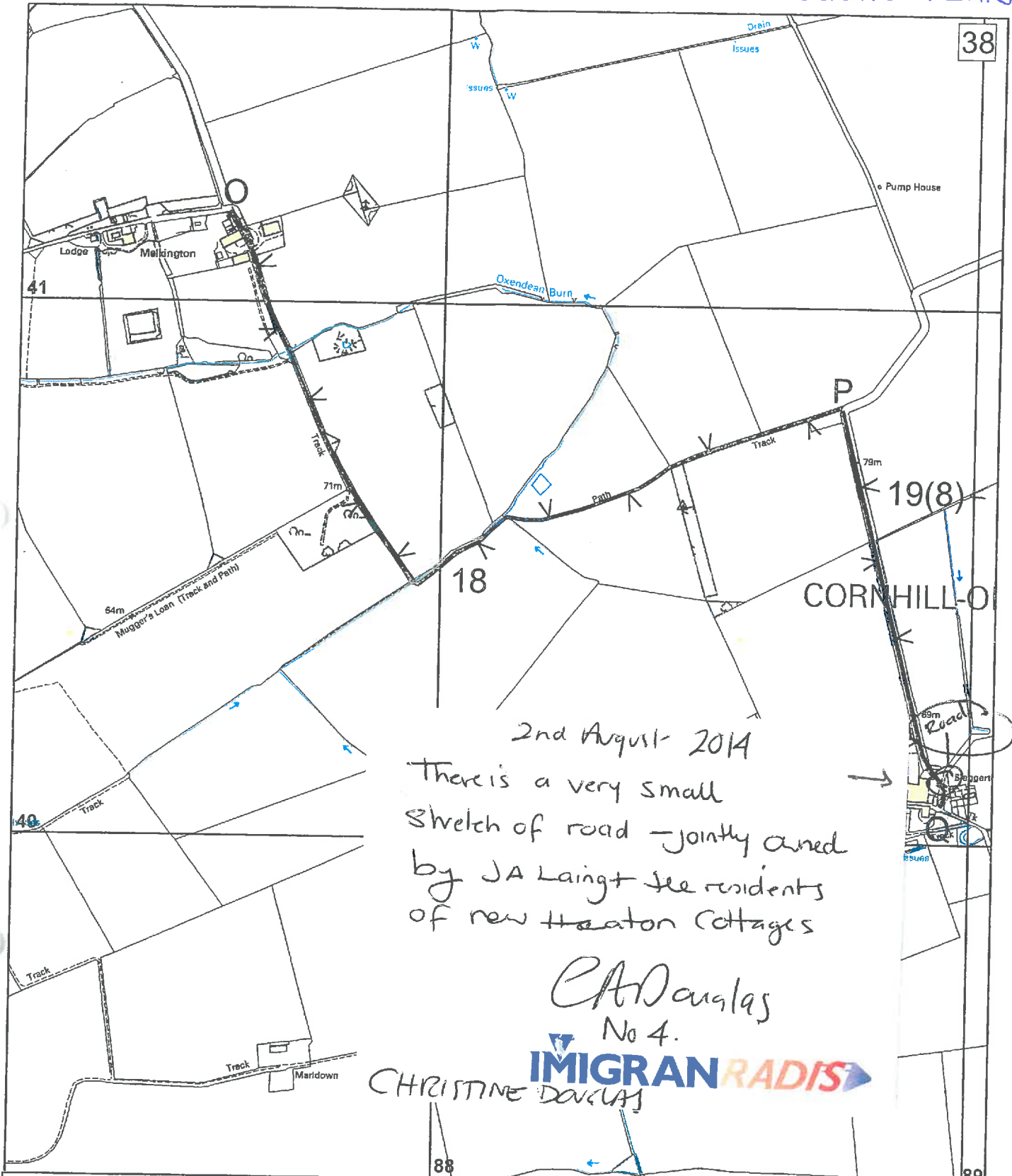
- Legend**
- Footpath
  - Bridleway
  - Restricted Byway
  - Byway Open to All Traffic

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

Scale: 1:10,000

Contact: Alex Bell  
 Telephone: 01670 624133  
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2nd August 2014  
 There is a very small stretch of road - jointly owned by JA Laing & the residents of new Heaton Cottages

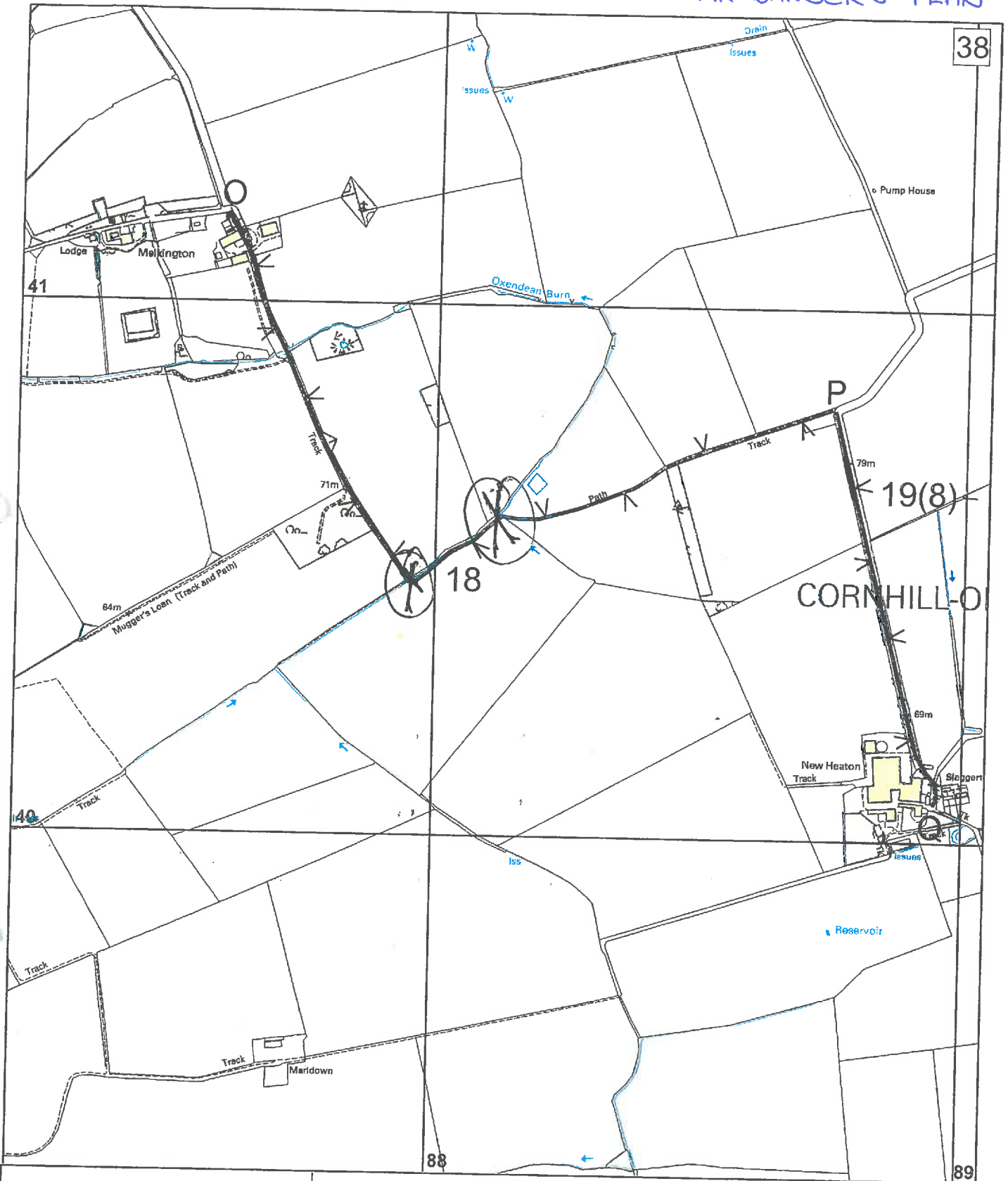
C.A. Douglas  
 No 4.  
**IMIGRAN RADIS**

CHRISTINE DOUGLAS

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Wildlife and Countryside Act 1981 Public Rights of Way		
 Alleged Byway Open to All Traffic		
Former District(s) Berwick	Parish(es) Cornhill	Scale 1:10,000
Def. Map No. 10	O.S. Map NT 84 SE	Date February 2014

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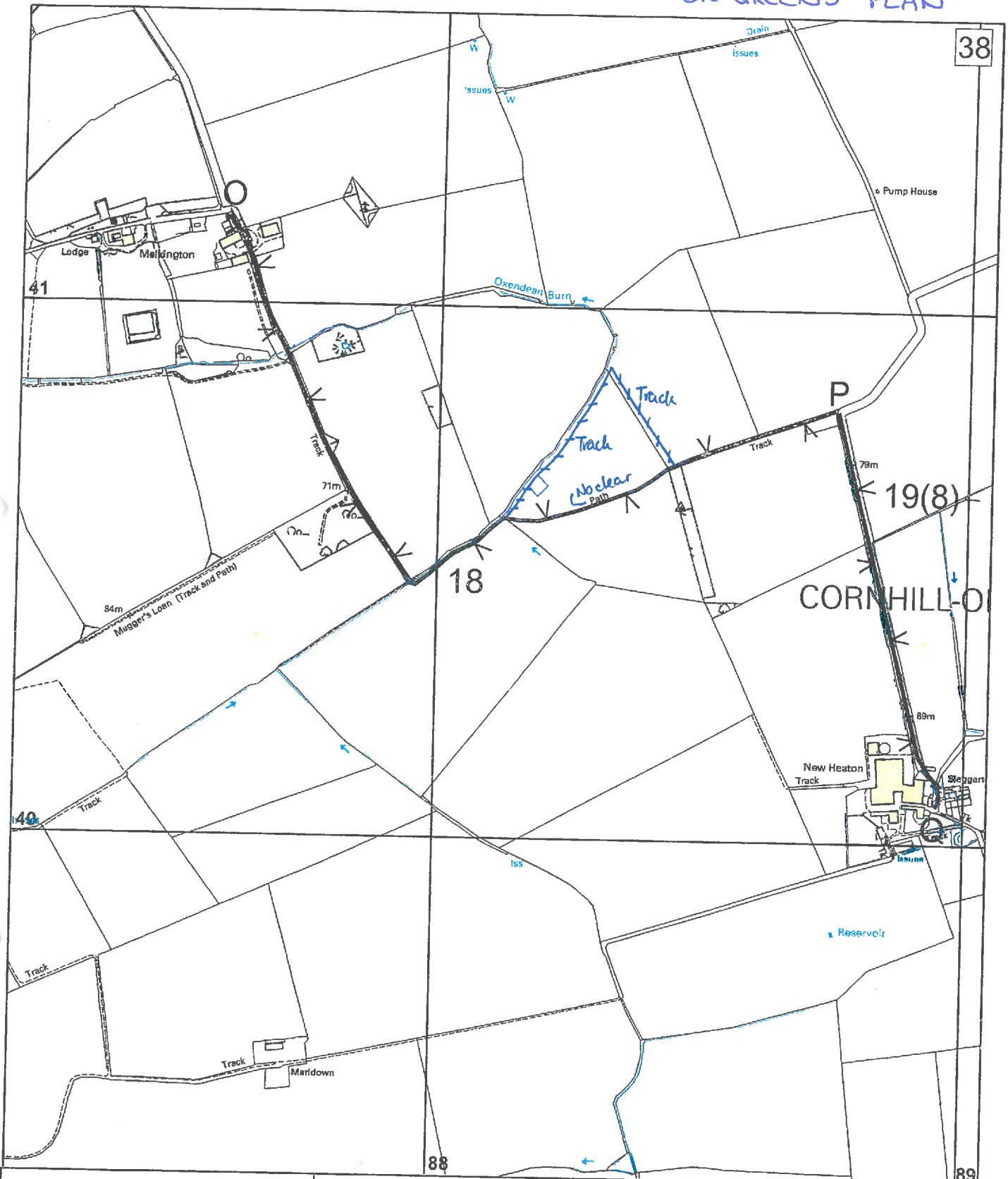


Alleged Byway Open to All Traffic

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Berwick	Cornhill	1:10,000
Def. Map No.	O.S. Map	Date
10	NT 84 SE	February 2014





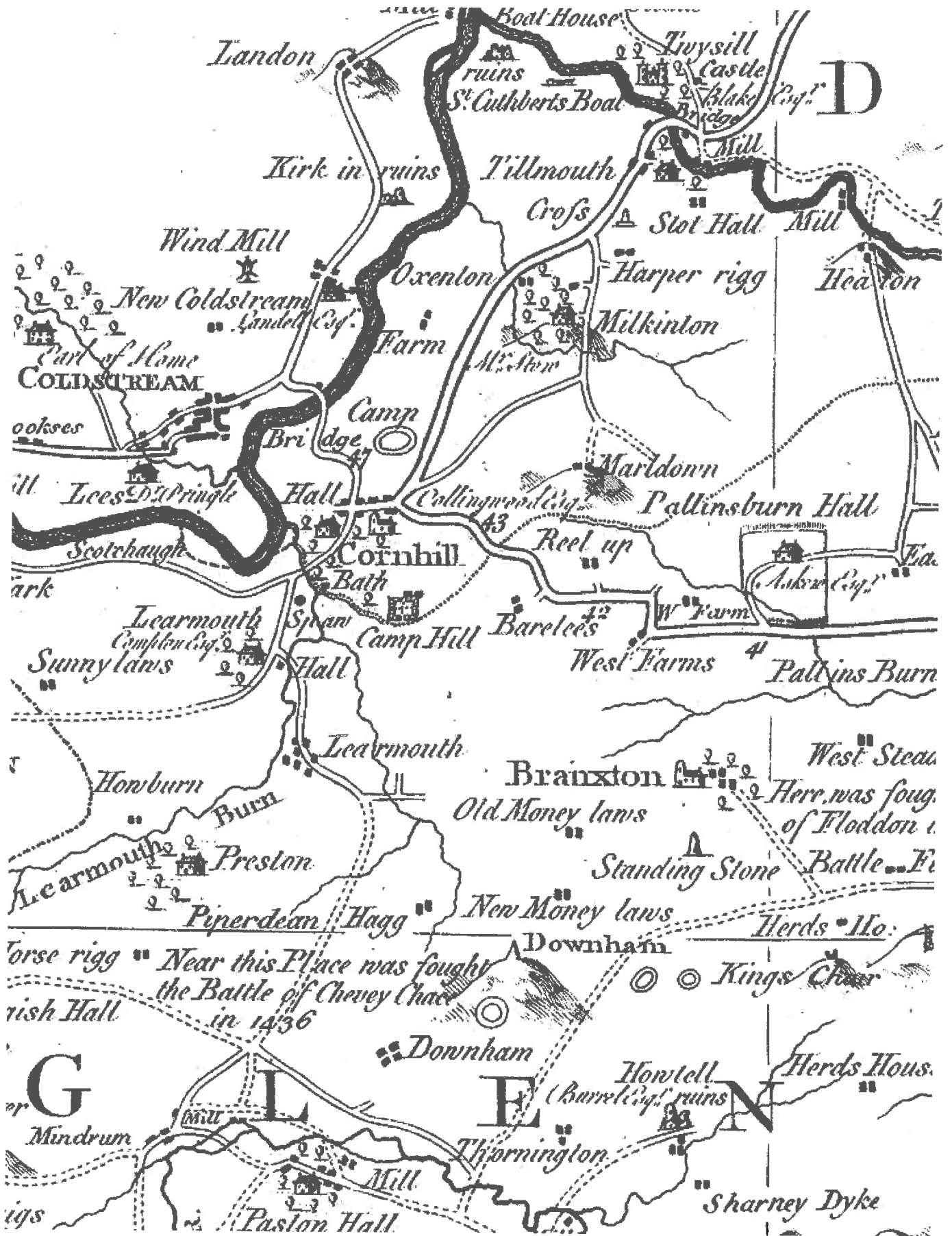
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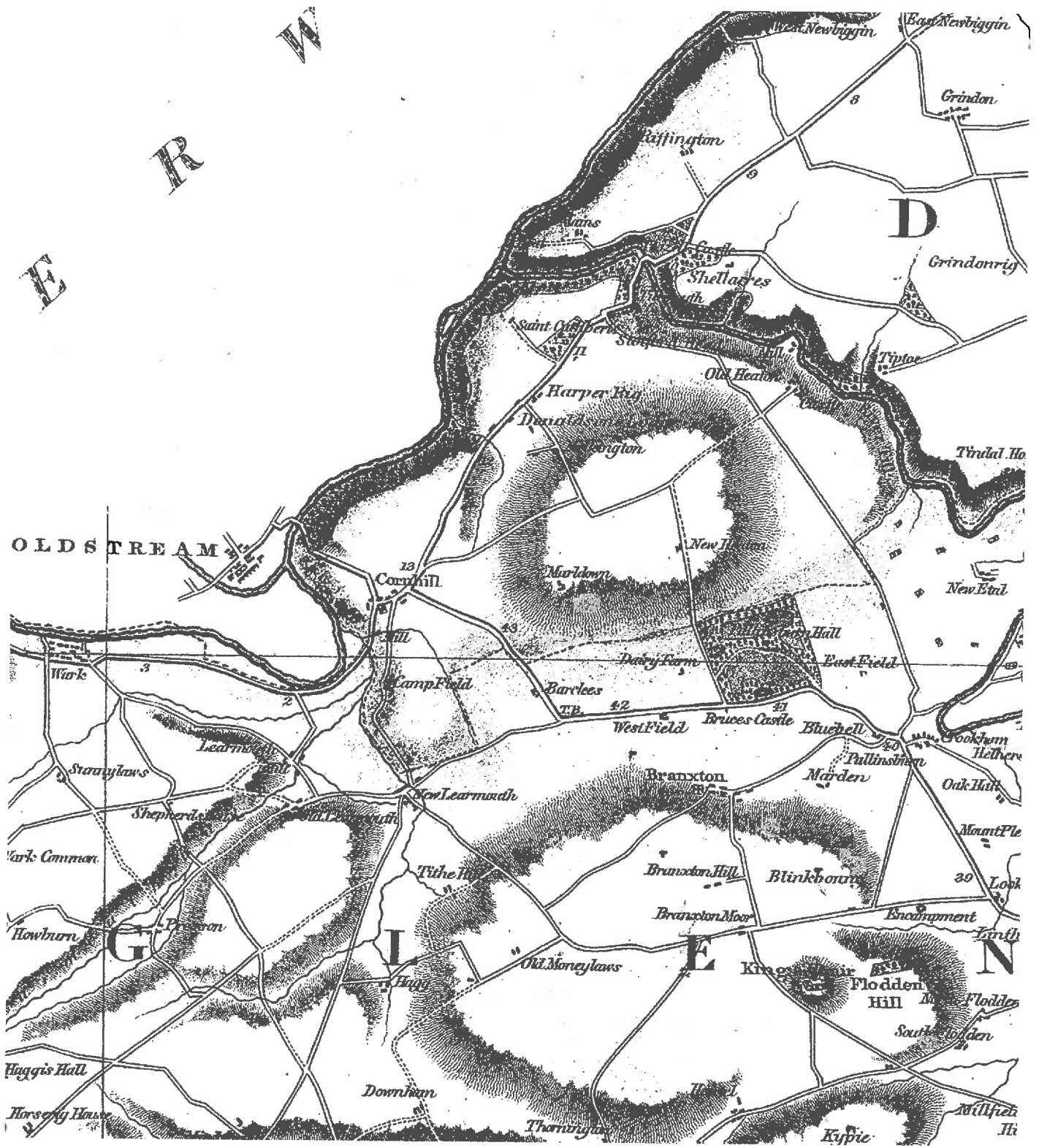
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Former District(s) Berwick	Parish(es) Cornhill	Scale 1:10,000
Def. Map No. 10	O.S. Map NT 84 SE	Date February 2014





Fryer's County Map  
1820



Cary's Map  
1820-1832



# Greenwood's County Map 1828





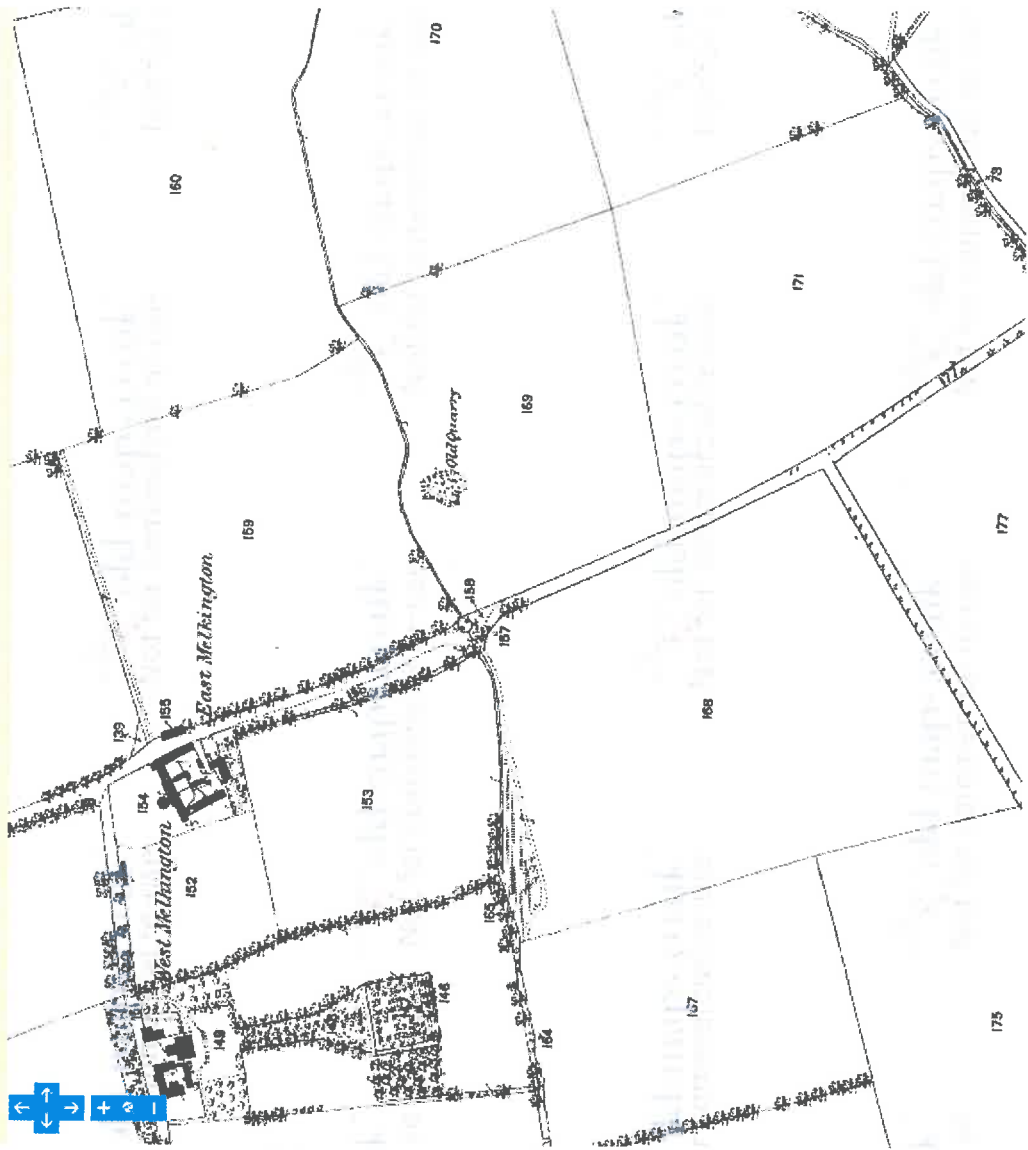
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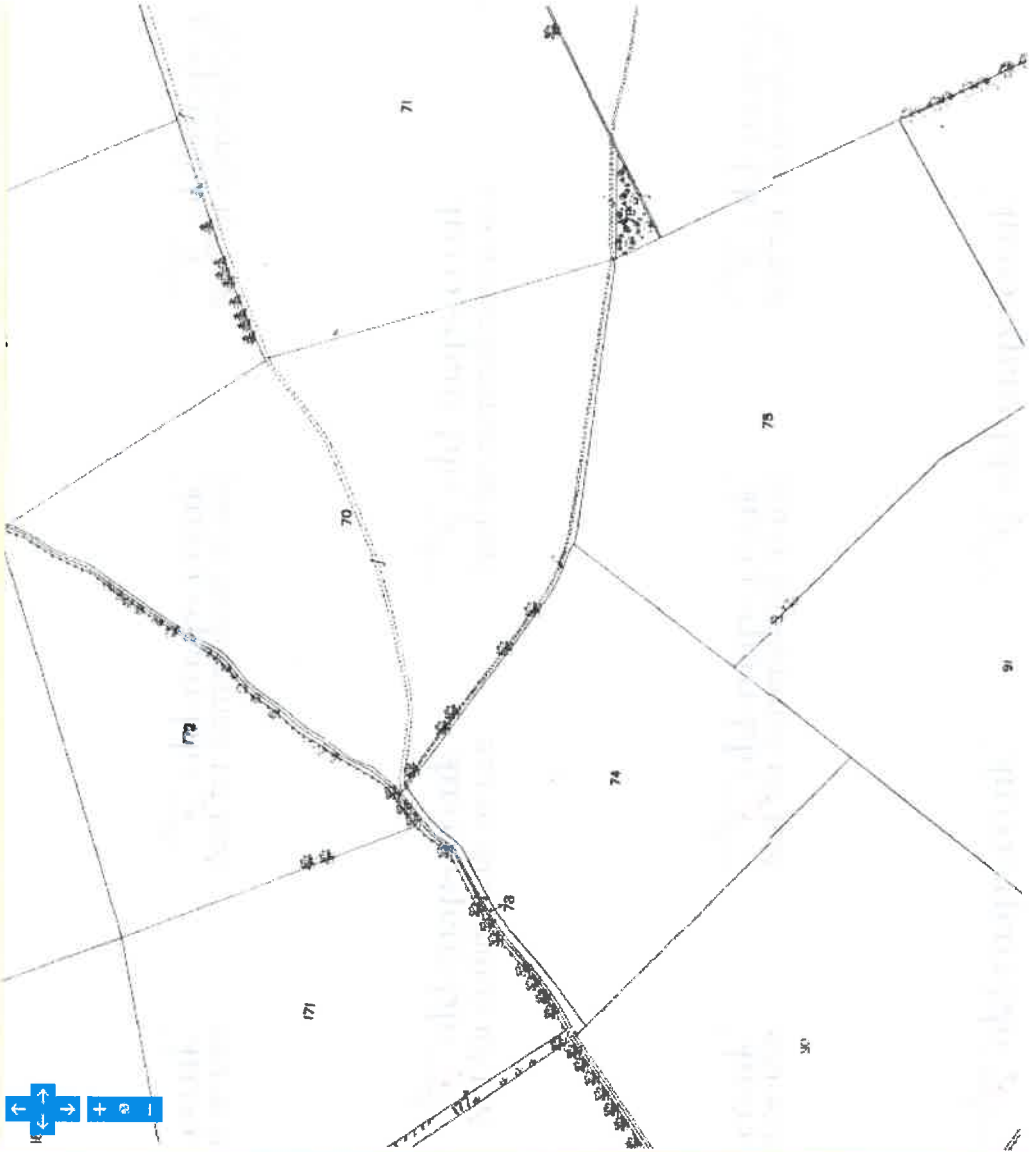
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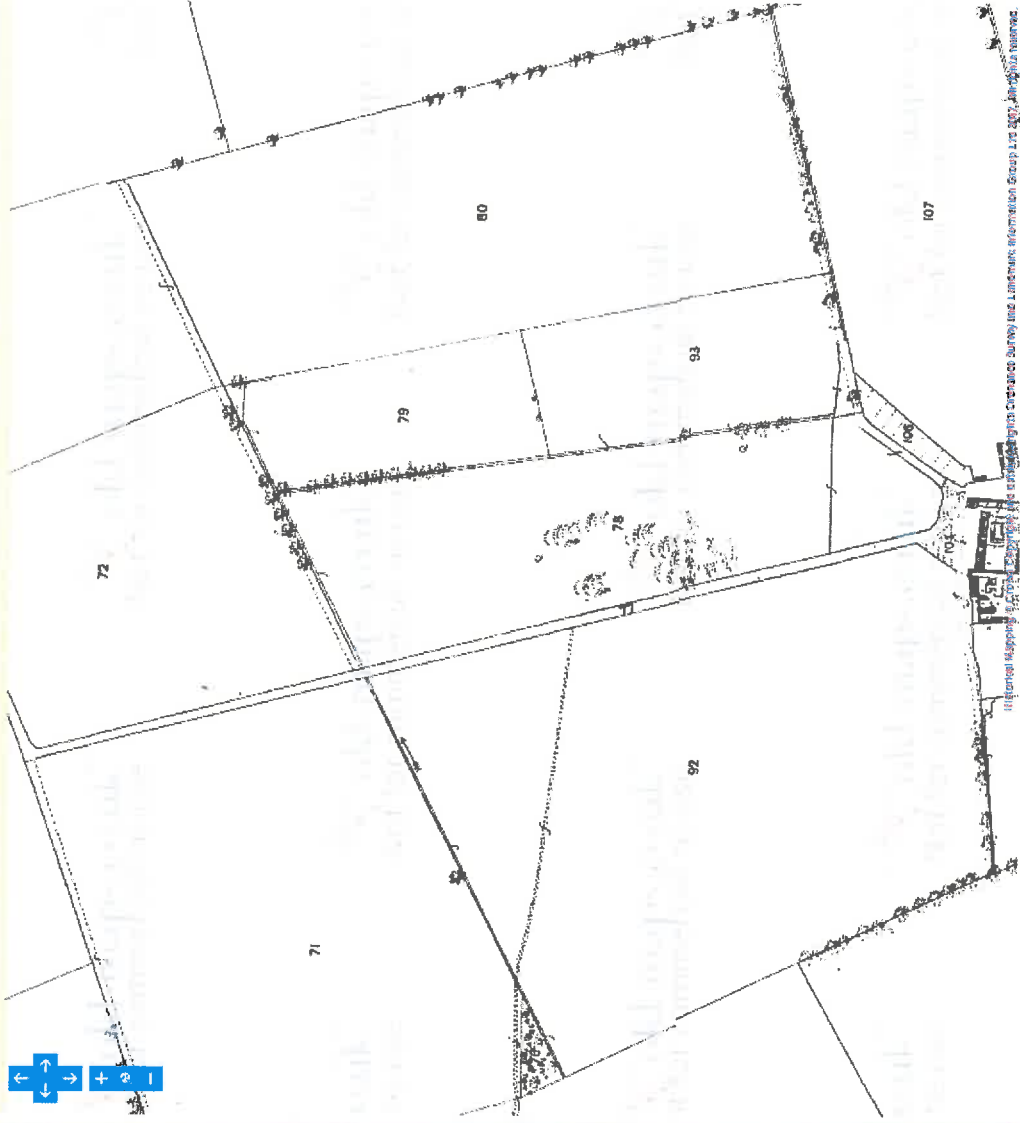
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OS County Series NORTHUMBERLAND 1865 1:10,560		
OS County Series BERWICKSHIRE 1893 1:2,500		
OS County Series BERWICKSHIRE 1898 1:2,500		

OS County Series  
BERWICKSHIRE  
1898 1:2,500

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No. of Sheet.	No. on Plan.	Area in Acres.	Description.
IX. 8.	90	733-173	Brought forward.
"	91	13-190	Arable & stream.
"	92	2-213	Plantation.
"	93	9-639	Arable.
"	94	4-01	Plantation.
"	95	0-40	Private road.
"	96	2-293	Plantation.
"	97	3-72	Plantation.
IX. 4.	97	8-95	Plantation.
"	98	6-851	Arable.
IX. 8.	99	1-710	Plantation.
"	100	10-916	Arable & stream.
IX. 7.	101	1-131	Rough pasture.
"	102	5-585	Arable.
"	103	2-623	Arable.
"	104	10-731	Arable & road.
"	105	10-198	Arable & road.
"	106	6-278	Arable.
"	107	6-466	Arable.
"	108	4-762	Arable.
"	108a	4-49	Plantation.
"	109	3-378	House, gardens, & yards.
"	110	0-91	House.
"	111	0-388	House & yard.
"	112	1-28	Plantation.
"	113	7-05	Garden.
"	114	5-46	House & yards.
"	115	3-895	Arable.
"	116	6-554	Arable & road.
"	117	6-429	Arable.
"	118	1-68	Private road.
"	119	1-745	Harperridge, farmstead, &c.
"	120	5-542	Arable & roads.
"	121	5-779	Arable & roads.
"	122	9-664	Arable & roads.
"	123	5-468	Arable.
"	124	16-906	Arable & stream.
"	125	11-711	Arable & stream.
"	126	3-73	Rough pasture.
"	127	0-46	Rough pasture.
"	128	5-612	Arable & road.
"	129	5-593	House, gardens, & yards.
"	130	2-069	Arable & stream.
"	131	11-001	Arable.
"	132	1-112	Space between boundary & fence.
"	133	6-025	Arable.
"	134	7-148	Arable.
"	135	8-595	Arable.
"	136	3-85	Plantation.
"	137	8-764	Arable & double fence.
"	138	12-114	Arable.
		964-529	Carried forward.

No. of Sheet.	No. on Plan.	Area in Acres.	Description.
IX. 8.	139	964-529	Brought forward.
"	140	0-36	Garden.
"	141	29-018	Arable.
"	142	1-27	Space between boundary & fence.
"	143	0-83	Quarry.
"	144	0-54	Space between boundary & fence.
"	145	9-675	Arable.
"	146	8-461	Arable.
"	147	5-583	Pasture & double fence.
"	148	5-39	Garden.
"	149	5-48	Ornamental grounds.
"	150	1-102	West Melkington, house, &c.
"	151	0-539	Private road.
"	152	7-146	Pasture & shed.
"	153	2-632	Arable, stream, & double fence.
"	154	1-428	East Melkington, house, &c.
"	155	0-22	Shed.
"	156	4-40	Waste.
"	157	2-467	Public road.
"	158	0-90	Waste & pond.
"	159	12-809	Arable & road.
"	160	14-468	Arable.
"	161	9-436	Arable & stream.
"	162	2-10	Waste.
"	163	2-62	Waste.
"	164	1-67	Waste.
"	165	0-64	Waste.
"	166	11-100	Arable.
"	167	9-464	Arable.
"	168	19-723	Arable & road.
"	169	10-842	Arable, stream, & quarry.
"	170	14-091	Arable.
"	171	14-190	Arable.
"	172	9-443	Arable.
"	173	27-312	Arable & stream.
"	174	30-716	Arable.
"	175	13-922	Arable.
"	176	3-936	Plantation.
"	177	11-519	Arable.
"	177a	4-62	Private road.
"	178	16-418	Arable.
IX. 12.	178a	1-25	Pond.
IX. 11.	179	19-573	Arable & stream.
IX. 12.		1273-946	

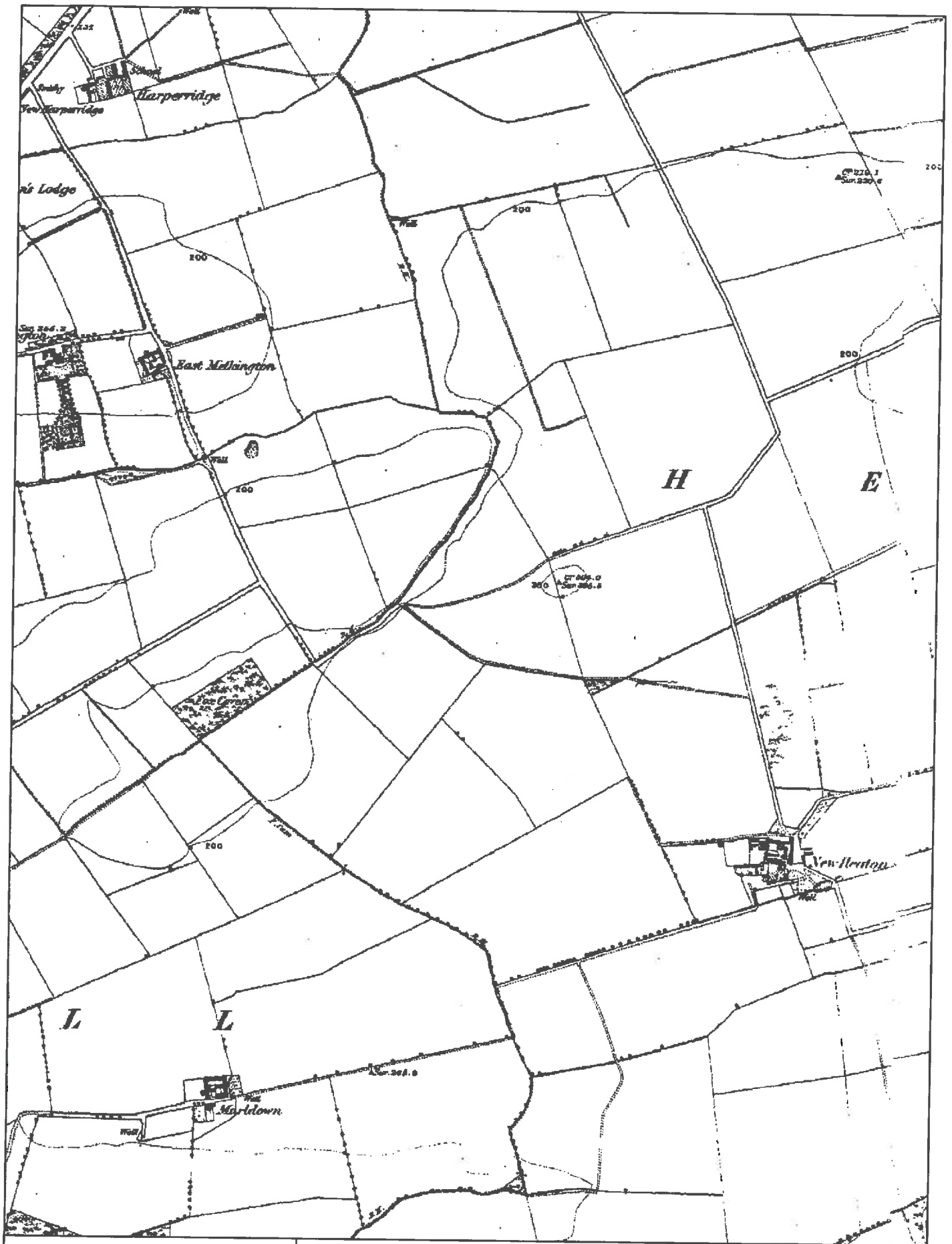
No. of Sheet.	No. on Plan.	Area in Acres.	Description.
X. 5.	41	544-871	Brought forward.
"	42	1-128	Rough pasture.
"	43	4-733	House, yard, garden, &c.
IX. 8.	44	30-165	Plantation.
"	45	51-423	Ever Till (half of).
"	46	31-315	Arable & road.
"	47	25-447	Arable & stream.
"	48	22-358	Arable.
X. 5.	49	29-531	Arable & stream.
"	50	19-261	Arable & stream.
"	51	5-812	Public road.
"	52	32-389	Arable.
"	53	15-510	Rough pasture/ stream, & roads.
"	54	27-378	Arable.
"	55	10-861	Rough pasture.
"	56	49-861	Arable.
IX. 8.	57	17-339	Arable, stream, & double fence.
"	58	29-698	Arable.
"	59	18-094	Arable & road.
X. 5.	60	29-848	Arable.
"	61	32-579	Arable & stream.
"	62	39-209	Arable & stream.
"	63	31-337	Arable.
"	64	40-769	Arable.
"	65	29-571	Arable.
"	66	37-153	Arable & stream.
"	67	32-525	Arable & stream.
"	68	22-405	Arable & stream.
"	69	17-648	Rough pasture & stream.
IX. 8.	70	21-850	Arable, stream, roads, &c.
"	71	22-853	Arable & road.
"	72	13-957	Arable & road.
"	73	573	Private road.
"	74	13-692	Arable.
"	75	19-376	Arable.
"	76	304	Plantation.
"	77	8-209	Public road.
"	78	12-678	Arable, stream, & road.
"	79	4-740	Arable & stream.
"	80	21-457	Arable.
X. 5.	81	57-012	Arable.
"	82	34-725	Arable & streams.
"	83	25-923	Arable & streams.
"	84	2-294	Rough pasture.
"	85	534	House, shed, garden, & yards.
"	86	24-842	Arable.
"	87	38-693	Arable & road.
"	88	21-874	Arable, stream, & rough pasture.
"	89	10-395	Rough pasture & streams.
IX. 12.	90	22-325	Arable, stream, & double fence.
		1302-815	Carried forward.

No. of Sheet.	No. on Plan.	Area in Acres.	Description.
IX. 12.	91	1892-815	Brought forward.
"	92	20-299	Arable & stream.
"	93	29-221	Arable, streams, & roads.
X. 9.	94	5-340	Arable, stream, & road.
X. 5.	95	25-792	Arable, stream, & road.
IX. 12.	96	21-554	Arable.
"	97	32-735	Arable & road.
"	98	4-760	Arable & stream.
"	99	552	Pasture.
"	100	385	Pasture.
"	101	162	Pasture.
"	102	2-624	Farmstead, garden, & yards.
"	103	762	Rough pasture.
"	104	168	Pond.
"	105	300	Rough pasture.
"	106	111	House & yards.
"	107	464	Garden.
"	108	14-040	Arable & small pond.
"	109	2-888	Arable.
X. 9.	110	8-611	Arable & stream.
IX. 12.	111	23-302	Arable, road, & stream.
"	112	27-881	Arable, road, & stream.
"	113	12-582	Arable.
X. 9.	114	25-272	Arable.
"	115	28-462	Arable, stream & road.
"	116	30-260	Arable & road.
"	117	20-459	Arable & road.
"	118	16-702	Arable.
"	119	14-397	Arable.
"	120	18-248	Arable.
"	121	2-482	Plantation.
"	122	3-310	Furze & stream.
"	123	6-797	Planiation & stream.
"	124	1-323	Furze.
"	125	2-585	Plantation & stream.
"	126	45-036	Rough pasture & stream.
"	127	31-887	Arable & stream.
IX. 12.	128	27-046	Arable & stream.
"	129	37-305	Arable, stream, & road.
"	129	27-612	Arable, stream, & road.
		1978-931	

RECAPITULATION.

1948-174	Land
10-741	Water
19-443	Public roads.
573	Private roads.
1978-931	Total Area of the Township of Heaton.



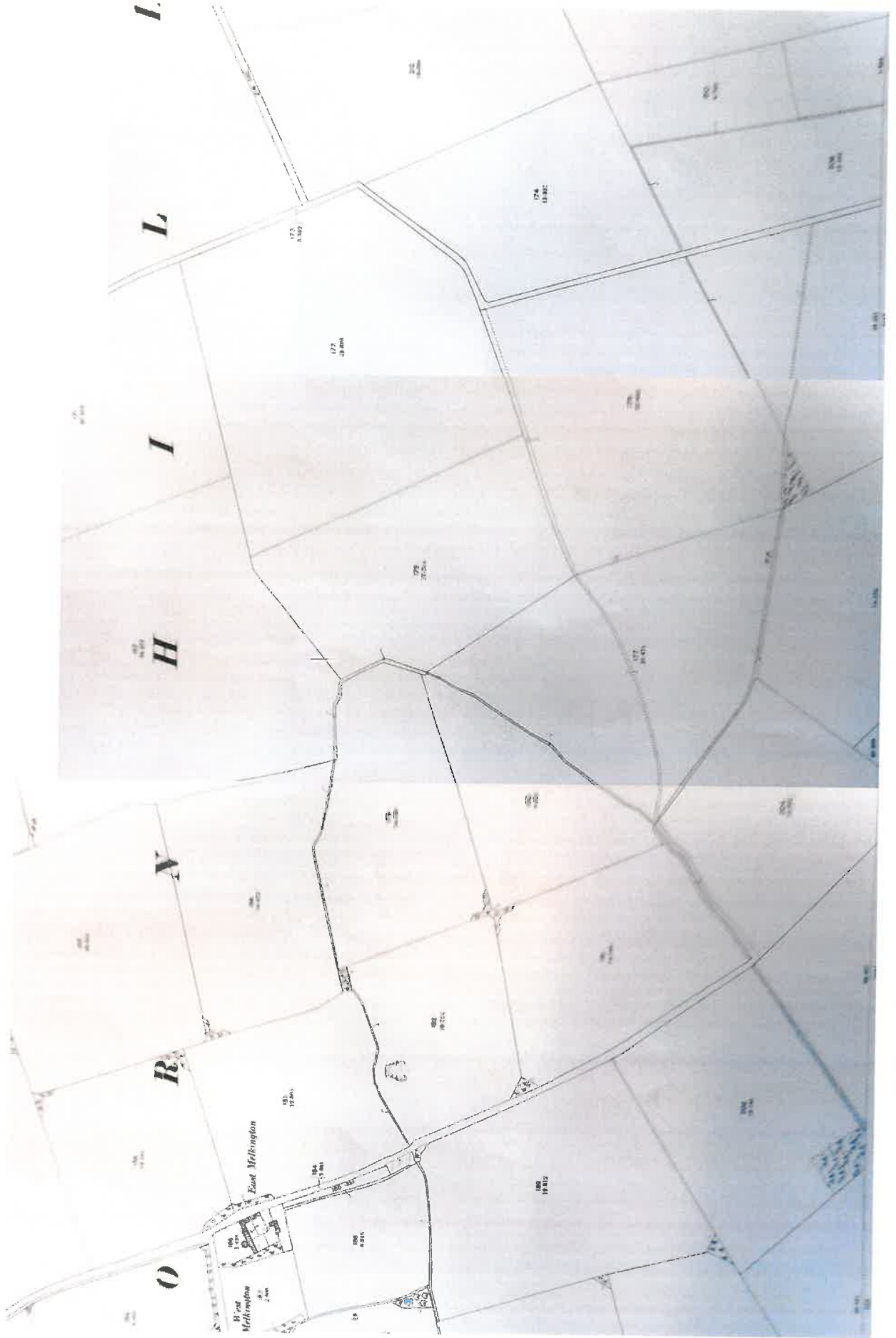


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SCALE 1:10,560

Ordnance Survey 1st Edition 6" map (1865-66)

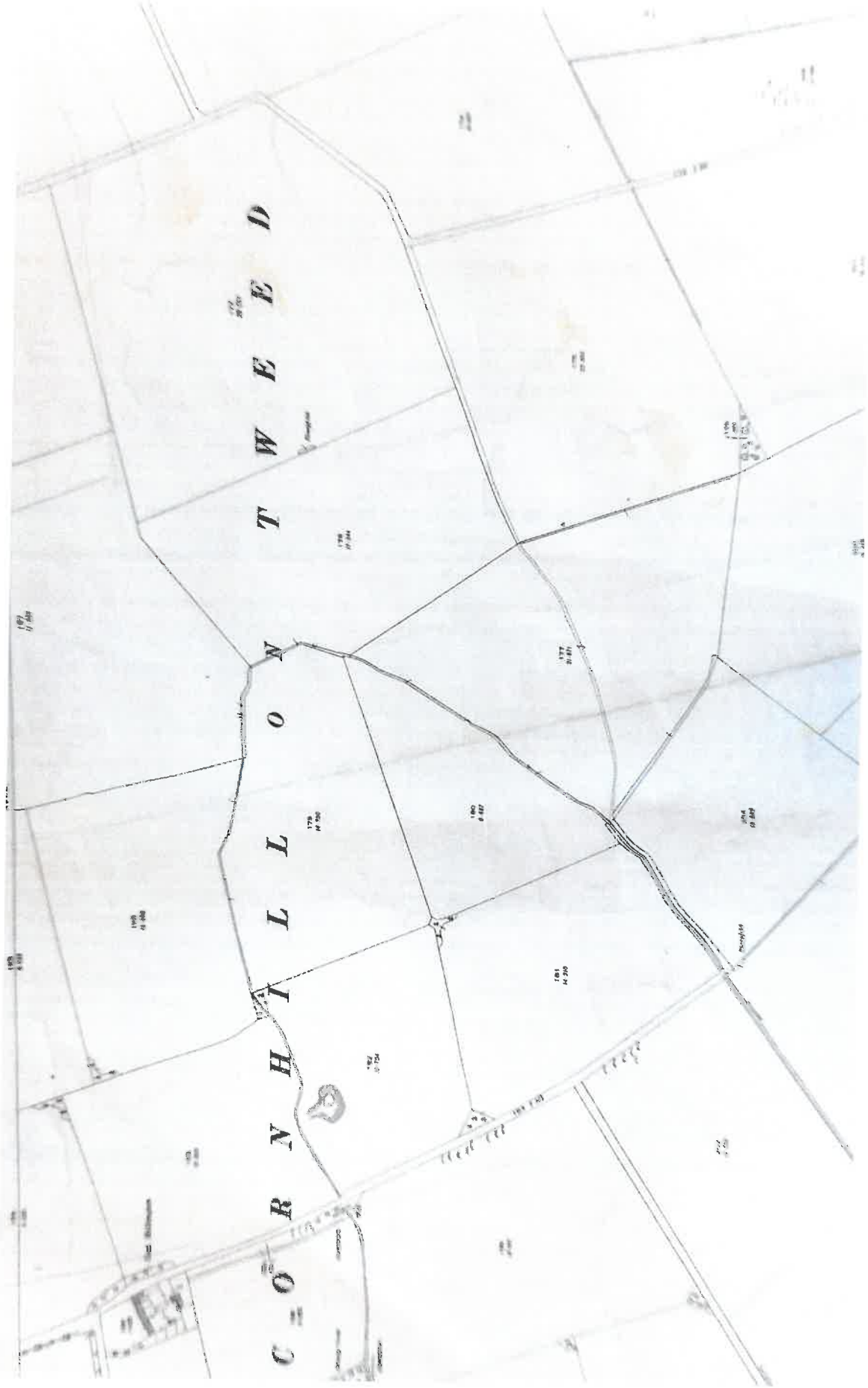
2nd Edition 25" O.S. Map  
1898



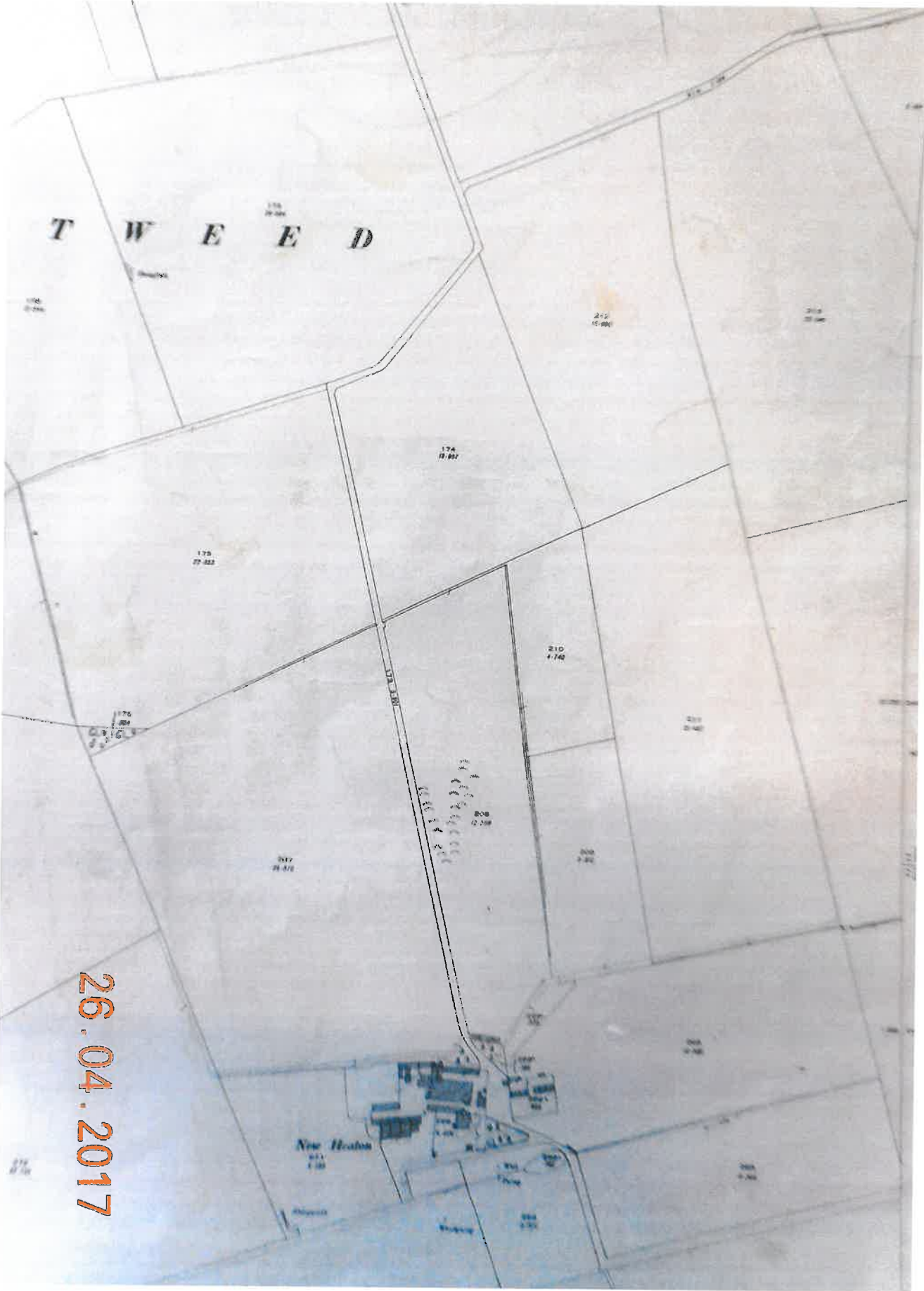
Finance Act 1910 Plan



3rd Edition 25" O.S. Map  
1924

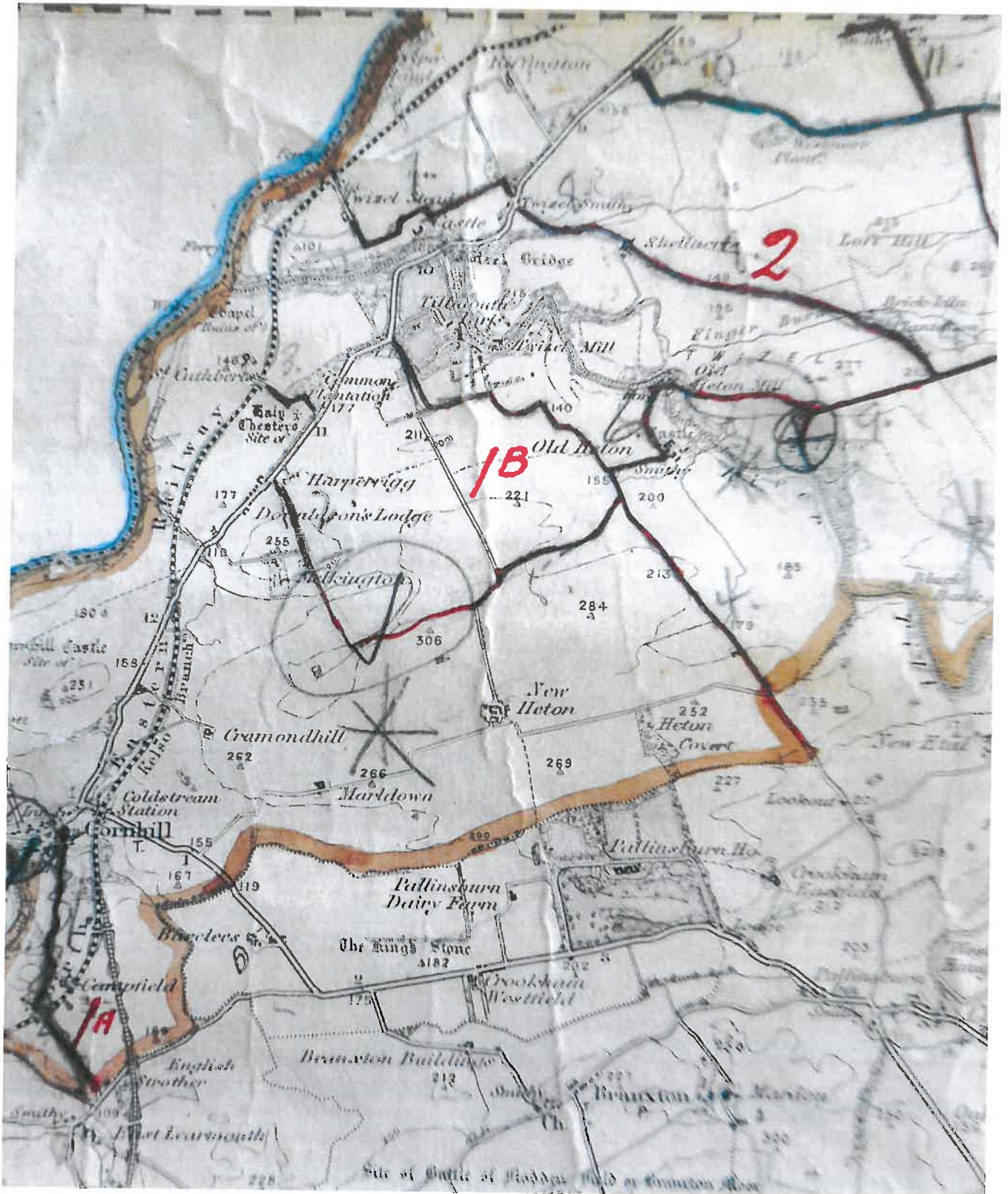






26.04.2017

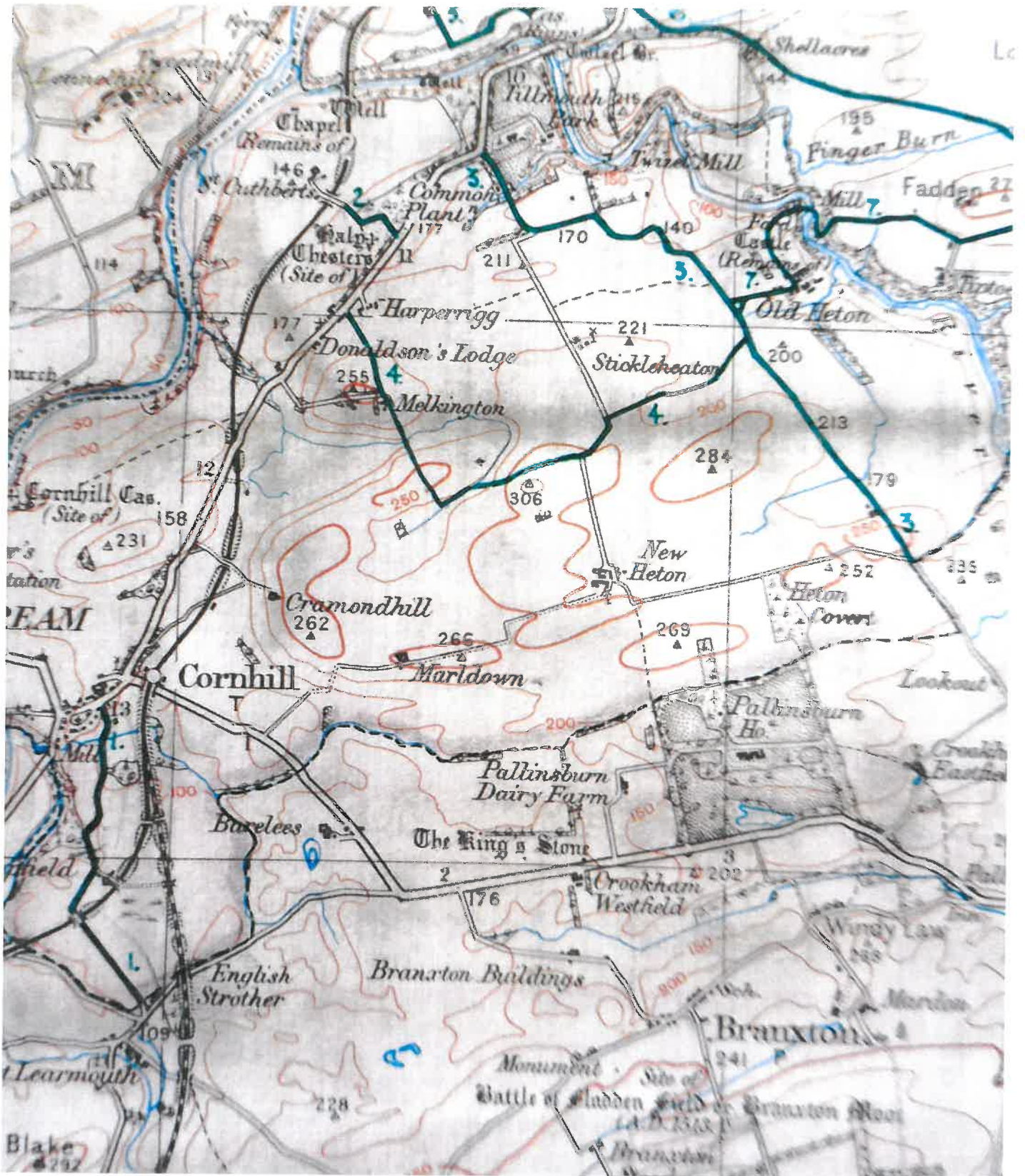
# Norham & Islandshires RDC Handover Map 1932



Reproduced plan is not to scale



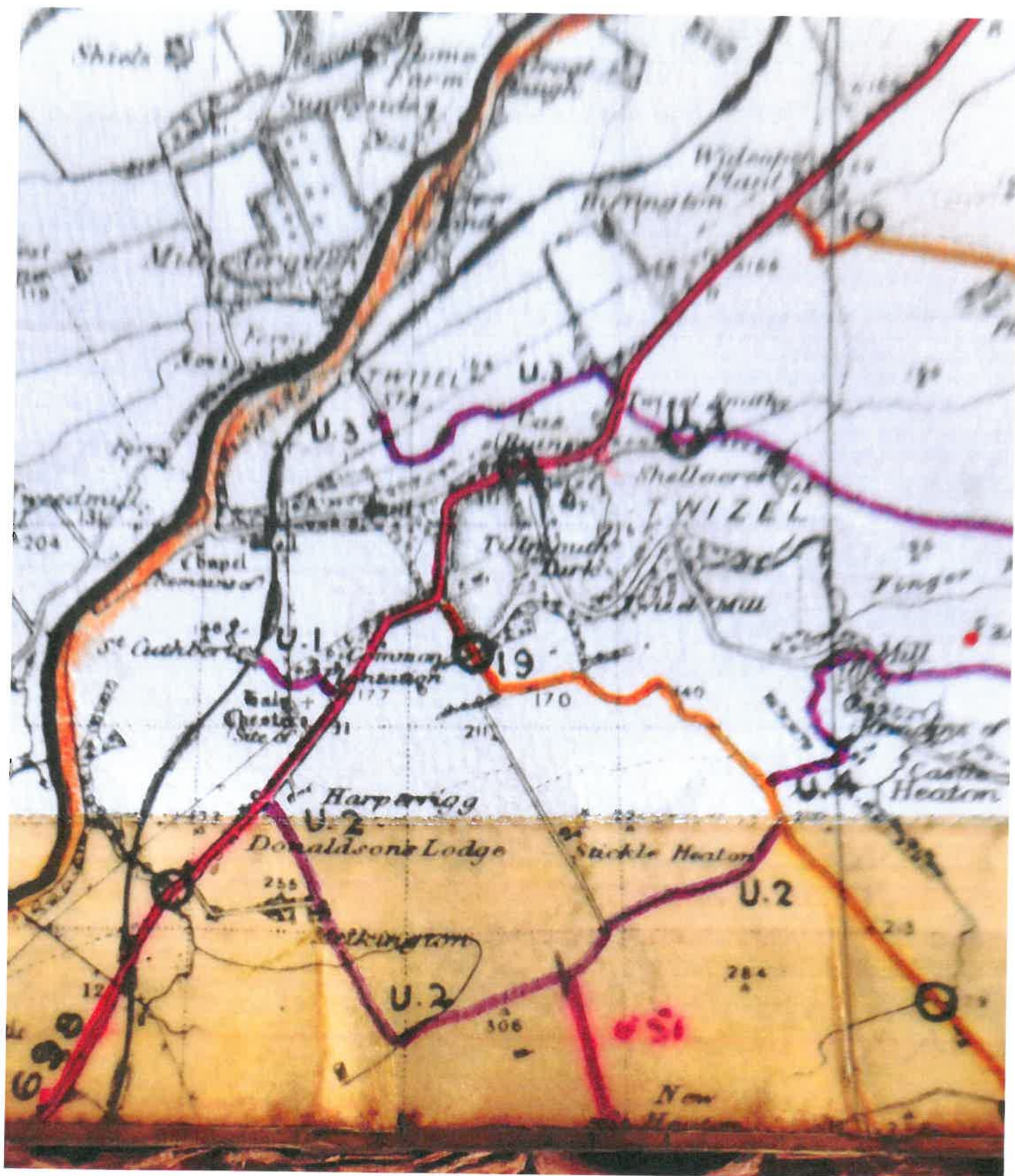
Extract from Northumberland County Council One Inch Maps showing restrictions under Sections 1 and 2 of the Restriction of Ribbon Development Act 1935



Reproduced plan is not to scale



Extract from the Council's 1951 Highways Map





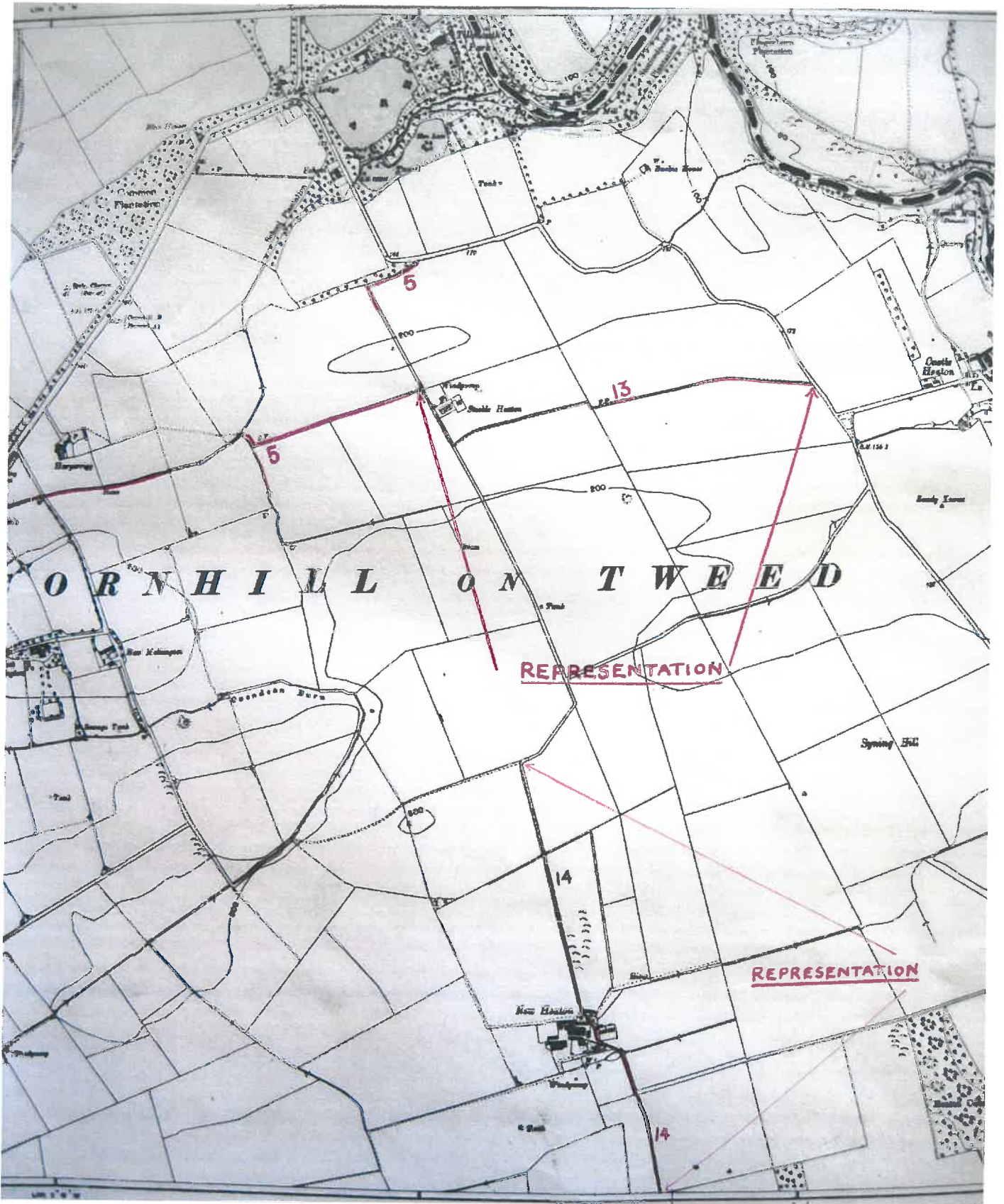
# Survey Map



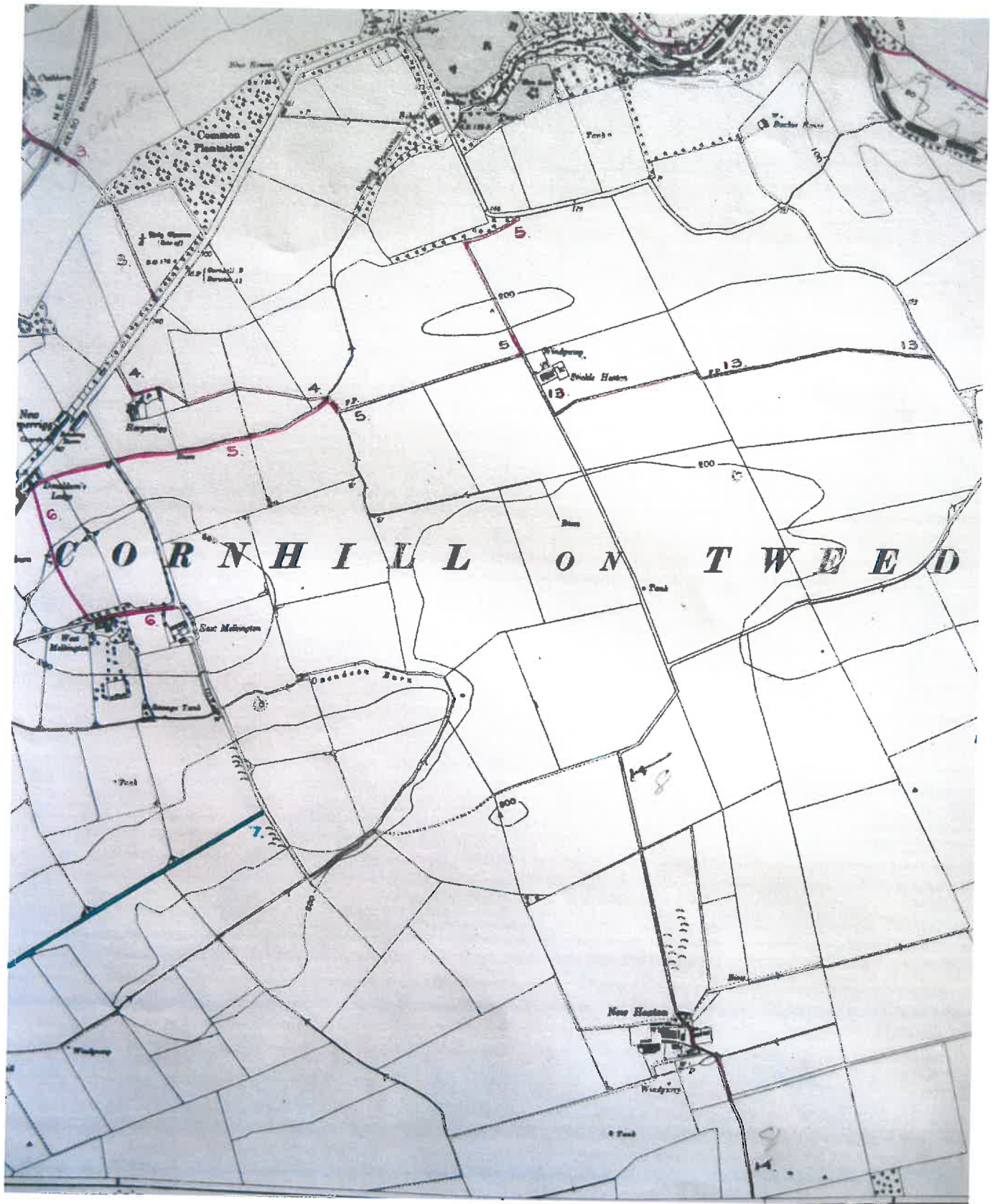




Draft Map (Modified)



# Provisional Map



# 1958 County Road Schedule

BERWICK DIVISION  
UNCLASSIFIED ROADS

IN NORHAM AND ISLANDSHIRES RURAL DISTRICT

U.1.	St. Cuthbert's Road	From A.698 to 100 yards south-east of St. Cuthbert's Railway Bridge.	0.28
U.2.	Harperrigg - Castle Heaton.	From A.698 at New Harperrigg to C.19 near Castle Heaton.	2.28
U.3.	Twizel Station - Duddo.	From Twizel Station to B.6354 at Duddo.	4.25
U.4.	Castle Heaton - Brick Kiln.	From C.19 near Castle Heaton to U.3. at Brick Kiln.	2.02
U.5.	Tindale House Road.	From C.12 towards Tindale House.	0.25
U.6.	Grievess Stead Road.	From C.10 towards Grievess Stead.	0.32
U.7.	Boathouse Road, Norham.	From B.6470 at Norham to Norham Boathouse.	0.39
U.8.	Norham Village Streets	Vicarege Road, Back Road and road to River Tweed.	0.64
U.9.	Mountcarmel Road.	From C.3a at West Mains to B.6470 near Salutation Inn.	0.60
U.10	Morncliffe Village Streets.	Main Street and road North at Fisher Arms P.H. including Council House using Estate. (See also No. 44).	0.62
U.11	Loanend - West Ord.	From C.3. at Loanend via West Ord to C.3. at railway bridge.	1.96
U.12	Thornton - Felkington	From C.4 at Thornton to C.10 at Felkington.	2.15
U.13	Thornton - Camphouses	From C.4 at Thornton to B.6354 at Camphouses.	1.39
U.14	Middle Ord - Unthank Moor	From A.698 near Middle Ord crossing B.6354 at Murton Whitehouse to C.5 at Unthank Moor.	2.35
U.15	Scremerston - Philadelphia.	From A.1. at Scremerston Colliery via Bone Well to Philadelphia.	1.84
U.16	Richardson Stead - Bone Well	From A.1. at Richardson Stead to U.15 at Bone Well.	0.62
U.17	Cat Inn - Goswick	From A.1. at the Cat Inn via Cheswick to Goswick Golf Clubhouse.	2.35



REPORTS OF COUNTY SURVEYOR—continued.

*Belford Rural District.*

*Lindsifarne Avenue, Bamburgh.*

The Rural District Council have asked for the above street, 117 yards long together with turning space and footpaths, to be adopted and I recommend that the street be taken over.

*Glendale Rural District.*

*Wheatriggs Housing Site, Milfield.*

The following streets on this estate have now been constructed in a satisfactory manner and I recommend that they be adopted:—

- Wheatriggs . . . . . 288 yds. carriageway, 1 No. footpath and 1 No. verge.
- Wheatriggs Terrace . . . . . 82 yds. carriageway. 2 No. footpaths.
- Wheatriggs Avenue . . . . . 186 yds. carriageway, 2 No. footpaths.

*High Fair Housing Estate, Wooler.*

The Glendale Rural District Council have asked that the road and footpaths on this estate, length 288 yards, and link footpath to Ramsey's Lane, length 72 yards, be taken over and as they have been completed in a satisfactory manner I recommend that they be adopted.

*Norham and Islandshires Rural District.*

*Road to New Heaton.*

Mr. D. F. Calder has made application for 810 yards of the road to be taken over and, subject to the satisfactory completion of necessary repairs and improvement, I recommend that the road be adopted.

*Shoresdean Housing Estate.*

The Norham and Islandshires Rural District Council have asked for the roads on the above estate to be adopted and these roads have been completed to my satisfaction and I recommend that 427 linear yards of 18 feet carriageway and 1 No. 5 feet footpath be adopted.

- (7) **Improvement Lines**—Bedlingtonshire Urban District—West End Front Street, A.189, via Stead Lane to Kitty Brewster Bridge Diversion.

Approved.

In order to give full consideration to application for planning consent in Vulcan Place, B.1331, it has been necessary to determine the future alignment of the Principal Traffic Route which is to link the centre of Bedlington with the Diversion.

That subject to the road being completed the satisfaction of the County Surveyor shall be taken as high as possible and the inhabitants at large shall be notified 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.

REPORTS OF COUNTY SURVEYOR—continued.

Decision of the Committee.

The alignment shown on Plan No. B.152/25 has been recommended by the Surveyor to the Bedlingtonshire Urban District and I recommend that this proposed alignment be approved.

- (8) **Bebside-Sleekburn Diversion, B.1330**—Kitty Brewster bridge, river Blyth.

The scheme for Kitty Brewster Bridge, which was prepared before the war and approved by the Board of Trade and the Blyth Harbour Commissioners, provided for the foundations of the four piers being taken down to a level of 31 feet below Ordnance Datum.

I recently arranged for further boreholes to be taken on the site and I then approached the Harbour Commissioners and sought their approval to a revised scheme which provided for the two centre piers to be founded at 23 feet below Ordnance Datum and the two outer piers at 19 feet below.

The Harbour Commissioners are prepared to agree to these modifications on the following conditions:—

- (a) That the consent of the Minister of Transport is obtained to the new plan;
- (b) That if, in the interests of navigation, the Commissioners require the piers to be protected by fendering the County Council will do this and maintain the work at their own expense;
- (c) Should it become necessary for the purpose of navigation to deepen the River Blyth to such an extent that the pier foundations require to be protected by sheet steel piling, or other means, then the County Council will carry out this work at their own expense to the reasonable satisfaction of the Commissioners' Engineer.

In view of the substantial saving which will result from these modifications and the fact that it seems unlikely that the river will ever be made navigable as far as the bridge, I recommend that these conditions be accepted.

- (9) **Road Traffic Act, 1934, Section 23**—Lighting of Streets.

Under this Act the County Council have powers to provide or to contribute to the cost of street lighting on county roads and these powers can also be used in connection with the lighting of trunk roads, but so far the policy adopted by the Committee has been that they would not contribute towards the cost of street lighting.

Two requests for contributions have been received recently.

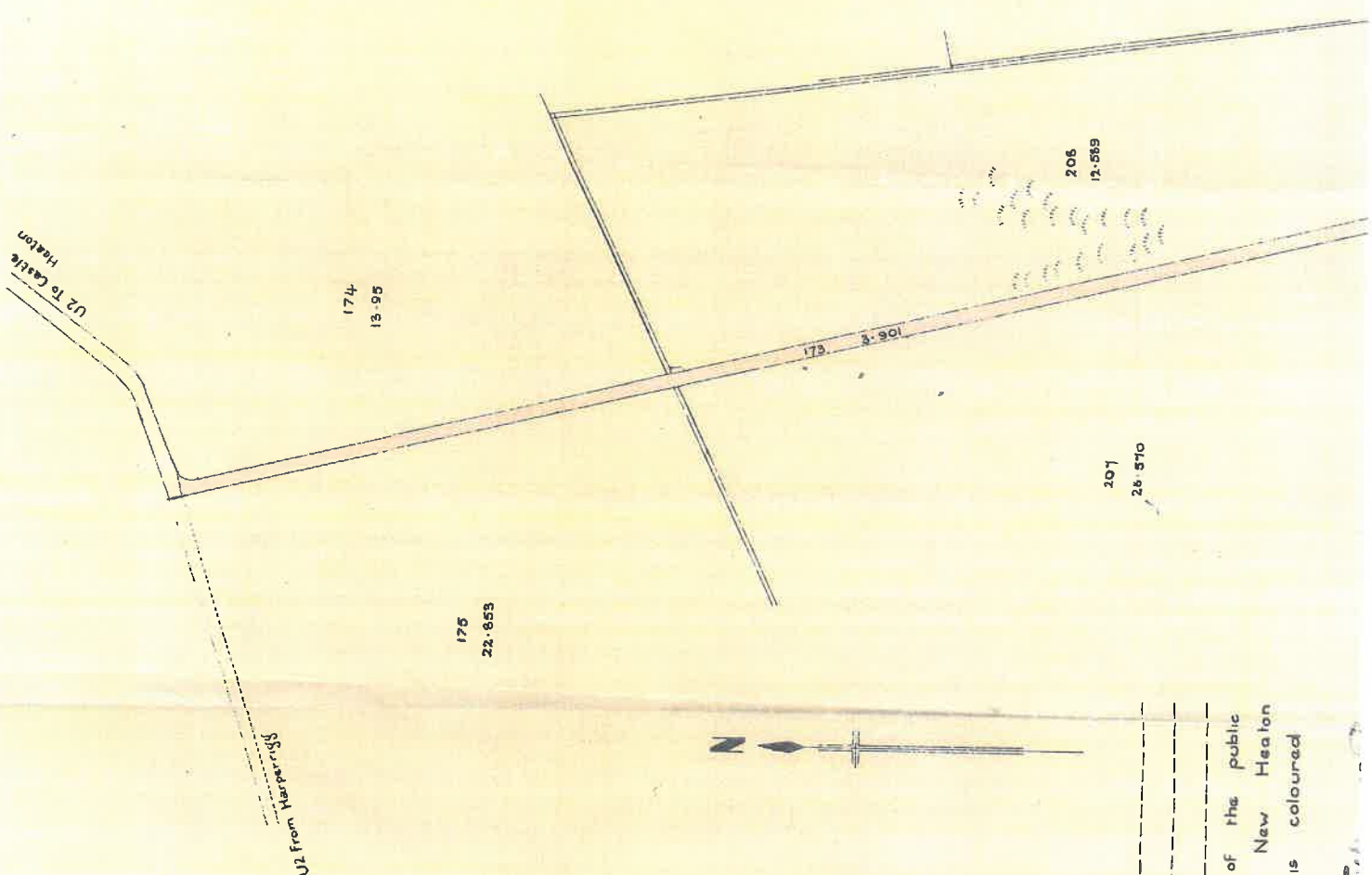
Approved.



COUNTY OF NORTHUMBERLAND  
 ROAD TO NEW HEATON

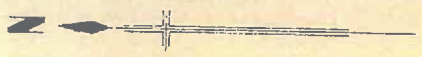
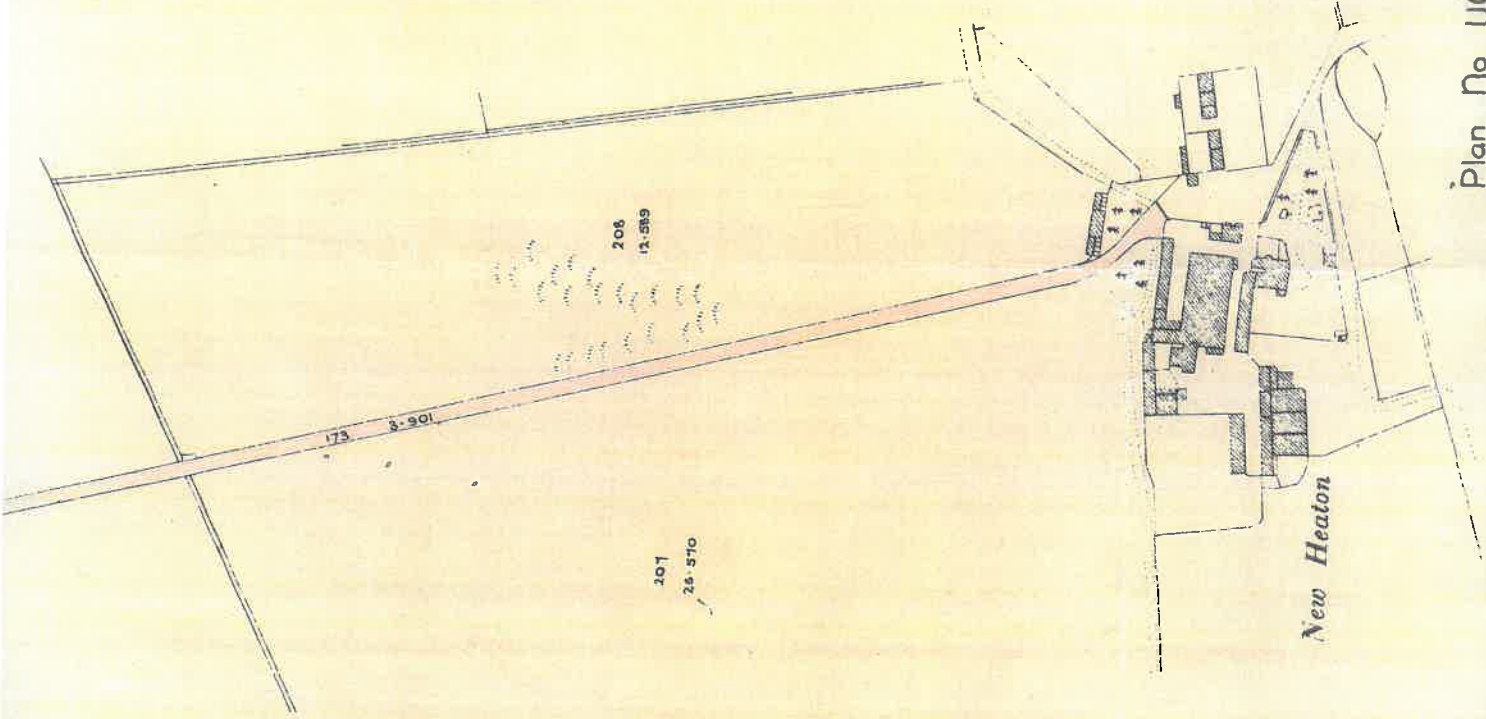
SCALE 1/2500

uo.1/52  
 115



I/We Louisa Brown & Co. of 11 Old Broad Street,  
LONDON E.C. 4,

do hereby declare that I/We have dedicated to the use of the public as a highway that portion of land forming the road to New Heaton Cornhill on Tweed in the County of Northumberland, which is coloured red hereon, as from today's date



I/We Liznard Brothers Ltd of 11 Old Broad Street, London E.C.2

do hereby declare that I/We have dedicated to the use of the public as a highway that portion of land forming the road to New Heaton Cornhill on Tweed in the County of Northumberland, which is coloured red hereon, as from today's date

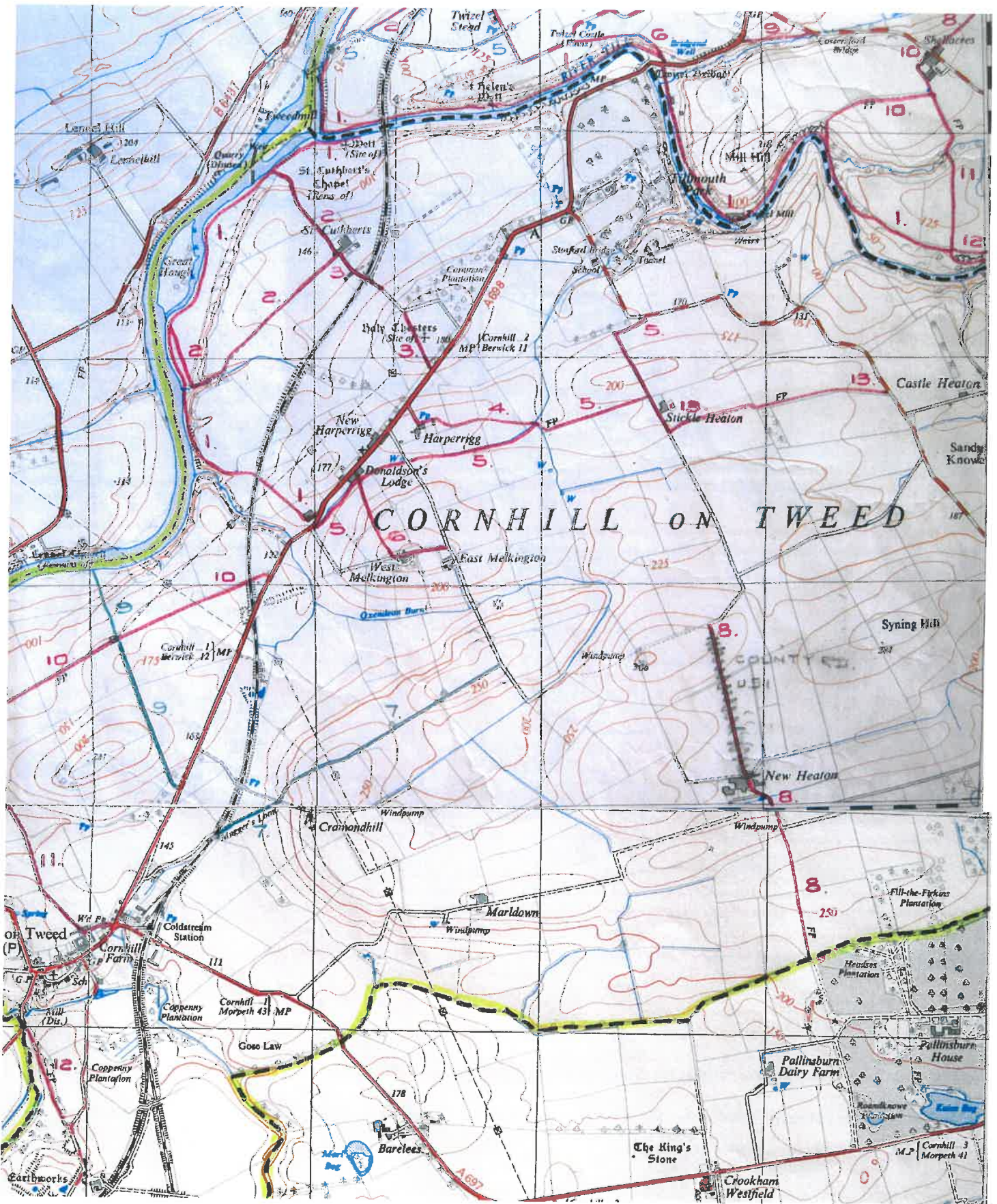
Dated this 23<sup>rd</sup> day of July 1953

Signed  [Signature]

Witness Newton  
Address 11 Old Broad Street London E.C.2



# 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 CORNHILL-ON-TWEED .....

3. Number of Footpath on Map 8 .....

4. Name of Path .....

5. Kind of Path (i.e. FP/BR) F.P. .....

6. General Description of Path From the County Road U.51 at in a  
From the Public road North of New Heaton, Southely  
to path No.2 in the Parish of Ford at the Glendale  
District Boundary. north-west of Pallingston House,  
.....  
.....  
.....

7. Other relevant information .....  
.....  
.....  
.....  
.....

# 1964 County Road Schedule

Route No.	Name of Road.	Description.	Responsible Division or Authority.	Mileage.	Total Mileage.
U.1	St. Cuthbert's Road, Tillmouth.	From A.698 near Tillmouth to 100 yards south-east of St. Cuthbert's Railway Bridge.	Wooler.	0.28	0.28
U.2	Harperrigg-Castle Heaton.	From A.698 at New Harperrigg to C.19 at Castle Heaton.	Wooler.	2.23	2.23
U.3	Twizel <sup>Stead</sup> Station-Duddo.	From Twizel <del>Station</del> <sup>Stead</sup> via Shellacres and Fadden Hill to B.6354 at Duddo.	Wooler.	4.25	4.25
U.4	Castle Heaton-Brick Kiln.	From C.19 near Castle Heaton to U.3 at Brick Kiln.	Wooler.	2.02	2.02
U.5	Tindale House Road.	From C.12 near Duddo Hill towards Tindale House.	Wooler.	0.25	0.25
U.6	Grievestead Road.	From C.10 near Felkington towards Grievestead.	Wooler.	0.32	0.32
U.7	Boathouse Road, Norham.	From B.6470 south-west of Norham to 100 yds. north of Norham Boathouse.	Wooler.	0.39	0.39
U.8	Norham Village Streets.	Vicarage Road, Back Road and road to River Tweed, including link road to C.3A on north side of Village Green. (See also U.40, U.43 and U.55).	Wooler.	0.64	0.64
U.9	Mountcarmel Road, Norham.	From C.2a at West Mains crossing railway to B.6470 near Salutation Inn.	Wooler.	0.60	0.60
U.10	Horncliffe Village Streets.	Main Street and Road north at Fisher Arms Public House including Council Housing Estate. (See also U.44).	Wooler.	0.62	0.62
U.11	Loanend-West Ord.	From C.3 near Loanend via West Ord to rejoin C.3 near railway bridge.	Wooler.	1.96	1.96
U.12	Thornton-Felkington.	From C.4 near Thornton, crossing C.8 near Shoreswood to join C.10 near Felkington.	Wooler.	2.15	2.15
U.13	Thornton-Camphouses.	From C.4 near Thornton via Thornton Mains to join B.6354 near Camphouses.	Wooler.	1.39	1.39
U.14	Middle Ord-Unthank Moor.	From A.698 near Middle Ord south-eastwards to cross B.6354 near Murton White House and on to join C.5 at Unthank Moor.	Wooler.	2.35	2.35

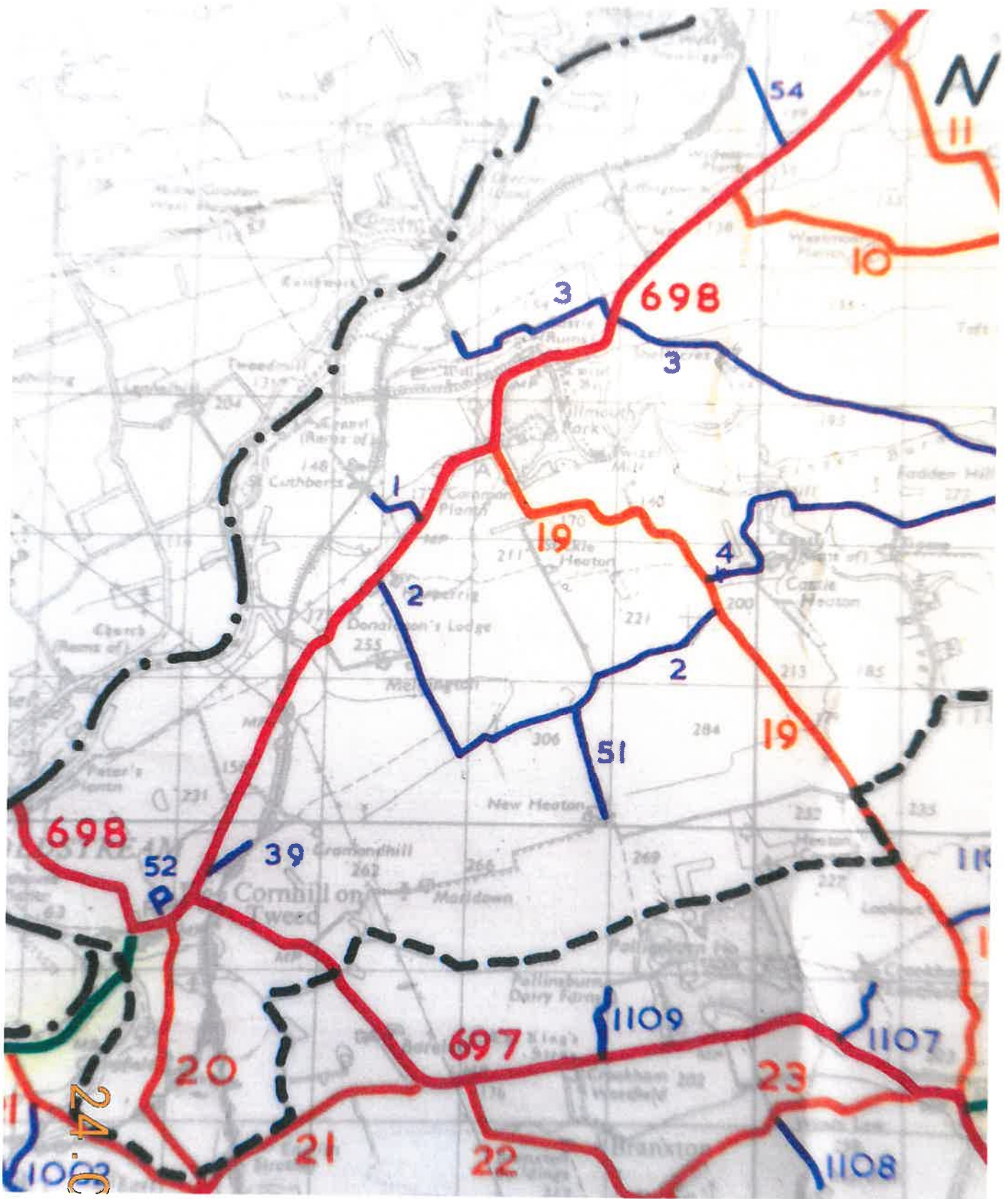


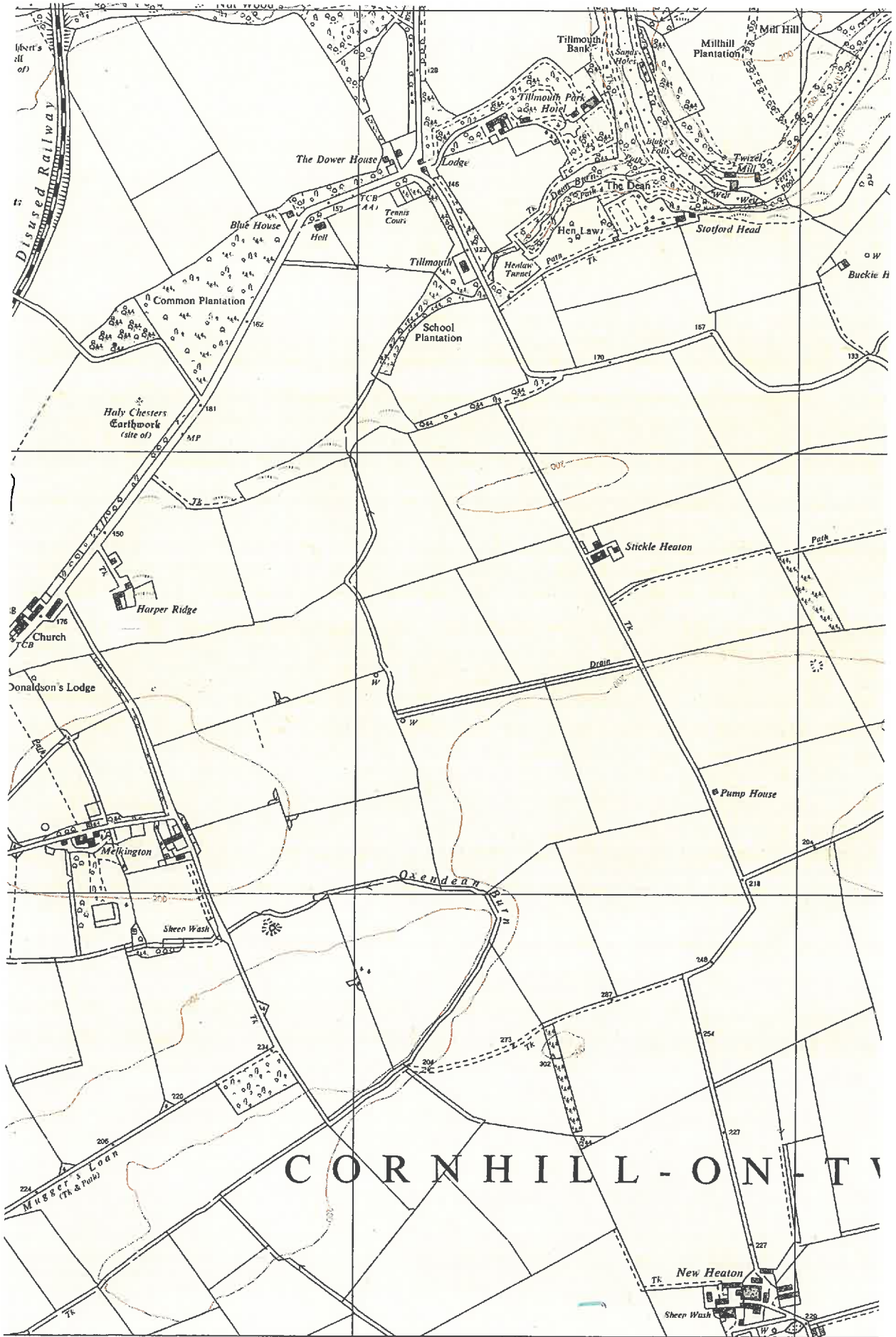
# 1964 County Road Schedule

Route No.	Name of Road.	Description.	Responsible Division or Authority.	Mileage.	Total Mileage.
U.43	St. Cuthbert's Square, Northam.	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). (See also U.8, U.40 and U.55).	Wooler.	0.14	
U.44	The Croft, Horncliffe.	From U.10, 107 yards from its Junction with C.2, south-westerly for 58 yards. (See also U.10).	Wooler.	0.03	
U.45	Approaches to Greenway, East Ord.	From C.7 east and southwards to rejoin C.7 at Greenway, East Ord. (See also U.46 and U.47).	Wooler.	0.16	
U.46	Greenway, East Ord.	From U.45 eastwards for 111 yards to The Croft, East Ord.	Wooler.	0.06	
U.47	The Croft, East Ord.	From U.45 to U.46 including cul-de-sac, 29 yards, and footpath, 93 yards. (189)	Wooler.	0.19	
U.48	Prince Charles Estate, Scremerston.	Prince Charles Street, 63 yards; Prince Charles Road, 218 yards; Prince Charles Crescent, 284 yards; Prince Charles Place, 38 yards; Entrance Road, 130 yards. (See also U.42). (654)	Wooler.	0.42	
U.49	East Ancroft Farm Road.	From U.23, 566 yards northwards to East Ancroft Farm.	Wooler.	0.32	
U.50	Shoresdean Estate Roads, Shoreswood.	Roads on west side of U.38 near Shoreswood Hall, 427 yards.	Wooler.	0.24	
U.51	Road to New Heaton.	From Harperrigg-Castle Heaton Road, U.2, southwards to entrance to New Heaton Farm, 810 yards.	Wooler.	0.46	
U.52	St. Helen's Gardens, Cornhill.	Off north side of A.698 at Cornhill, 100 yards east of Collingwood Arms Hotel, (185 yards).	Wooler.	0.11	
U.53	East Kylee Farm Road.	From B.6353 west of Fenwick southwards to entrance to East Kylee Farm Steading, (552 yards), and also from entrance to Farm Steading westwards passing cottages for 127 yards and also from Farm Steading southwards to gate, (64 yards).	Wooler.	0.42	



# Extract from the Council's 1964 Highways Map





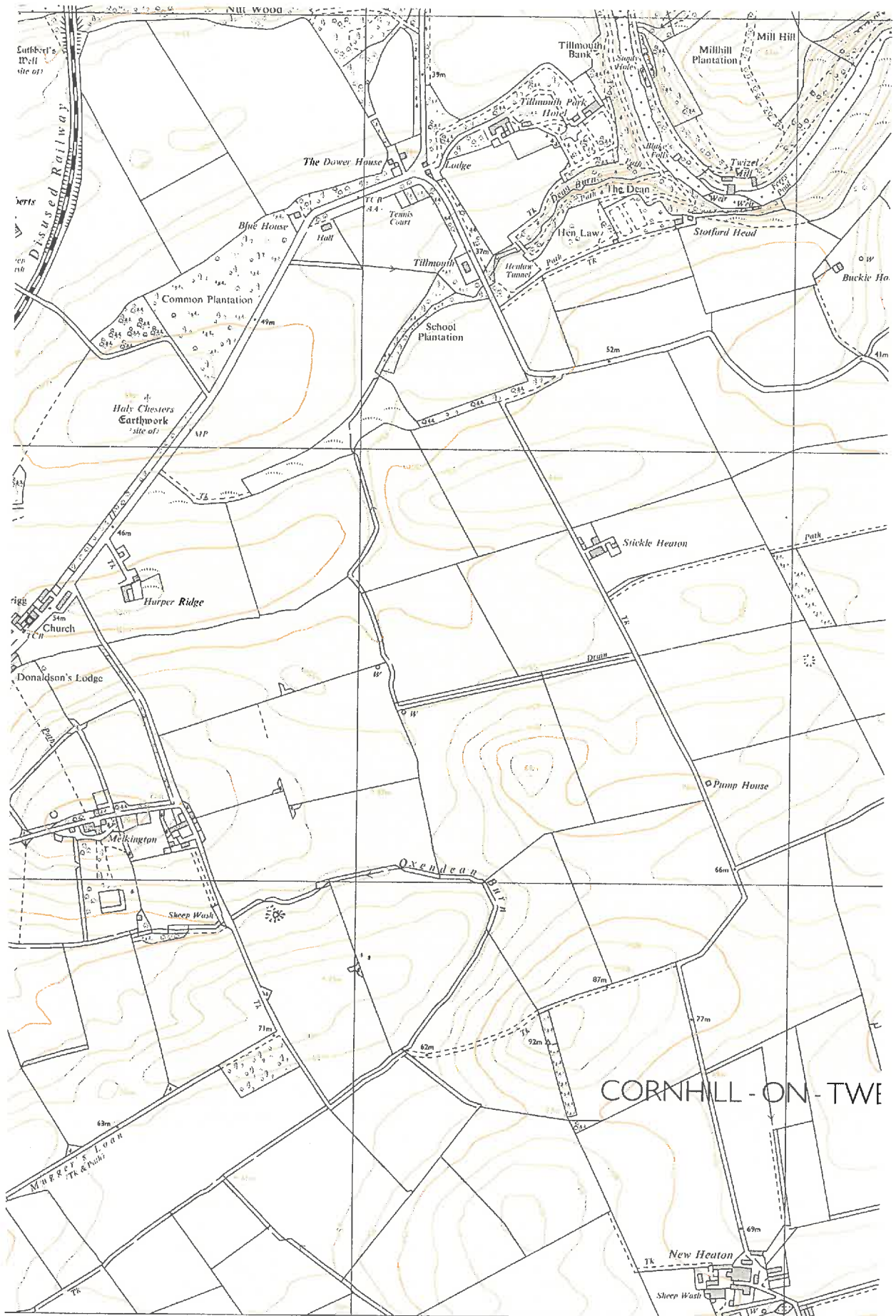
# 1974 County Road Schedule

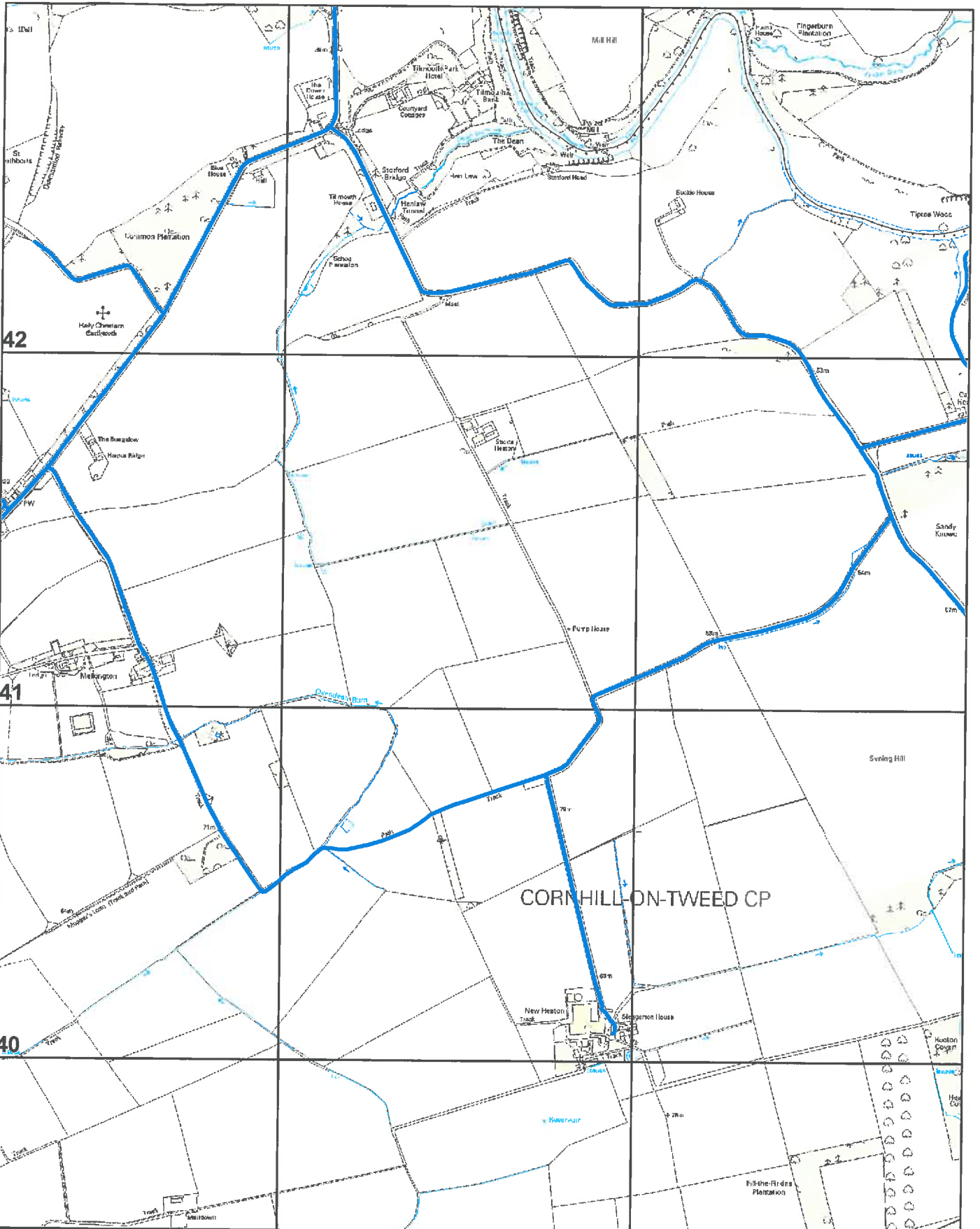
Route No.	Name of Road	Description	Responsible Division or Authority	Mileage	Total Mileage
U.1	St. Cuthbert's Road, Tillmouth.	From A.698 near Tillmouth (NT.876422) north-westwards to 100 yards south-east of St. Cuthbert's Railway Bridge. (NT.873423).	Wooler Division.		0.28
U.2	Harperrig-Castle Heaton.	From A.698 at New Harperrig (NT.874416) south-eastwards and eastwards to C.19 near Castle Heaton (NT.897415).	Wooler Division.		2.23
U.3	Twizel Stead-Duddo.	From Twizel Stead (NT.878434) eastwards, crossing A.698, via Shellacres and Fadden Hill to B.6354 at Duddo. (NT.936426).	Wooler Division.		4.25
U.4	Castle Heaton-Brick Kiln.	From C.19 near Castle Heaton (NT.896417) eastwards to U.3 at Brick Kiln. (NT.918424).	Wooler Division.		2.02
U.5	Tindale House Road.	From C.12 near Duddo Hill (NT.928420) westwards towards Tindale House for 440 yards. (NT.925418).	Wooler Division.		0.25
U.6	Grievesteac Road.	From C.10 near Felkington (NT.933447) north-westwards towards Grievesteac for 563 yards. (NT.931450).	Wooler Division.		0.32
U.7	Boathouse Road, Norham.	From B.6470 south-west of Norham (NT.895470) southwards to a point 100 yards north of Norham Boathouse. (NT.894464).	Wooler Division.		0.39
U.8	Norham Village Streets, (See also U.4C, U.43, and U.55).	Vicarage Road, Back Road and road to River Tweed, including link road to C.1 on north side of Village Green. (NT.899475).	Wooler Division.		0.64
U.9	Mountcarmel Road, Norham.	From C.1 at West Mains (NT.917478) southwards to B.6470 near Salutation Inn (NT.920468).	Wooler Division.		0.60

# 1974 County Road Schedule

Route No.	Name of Road	Description	Responsible Division or Authority	Mileage	Total Mileage
U.43	St. Cuthbert's Square, Norham. (See also U.8, U.40 and U.55).	From U.8 at Norham (NT.897474) south and west for 185 yards, including cul-de-sac, 56 yards, and footpath to U.8, 39 yards, (verges are not adopted).	wooler Division		0.14
U.44	The Croft, Horncliffe. (See also U.10).	From U.10, at Horncliffe (NT.931499) 107 yards from its junction with C.2, south-westerly for 58 yards.	wooler Division		0.03
U.45	Approaches to Greenway, East Ord. (See also U.41, U.46, U.47 & U.57).	From C.7 at East Ord (NT.980513) east and southwards to rejoin C.7 at Greenway, East Ord. (NT.981510).	Berwick District		0.16
U.46	Greenway, East Ord. (See also U.41, U.45, U.47 & U.57).	From U.45 at East Ord (NT.981510) eastwards for 111 yards to The Croft, East Ord.	Berwick District		0.06
U.47	The Croft, East Ord. (See also U.41, U.45, U.46 & U.57).	From U.45 to U.46 at East Ord including cul-de-sac, 29 yards, and footpath, 93 yards. (NT.982512).	Berwick District		0.19
U.48	Prince Charles Estate, Scremerston. (See also U.42).	Prince Charles Street, 63 yards; Prince Charles Road, 513 yards; Prince Charles Crescent, 284 yards; Prince Charles Place, 38 yards; Entrance Road, 130 yards.	Berwick District		0.58
U.49	East Ancroft Farm Road.	From U.23, West of Ancroft Mill (NU.010447) 566 yards northwards to East Ancroft Farm. (NU.009453).	wooler Division		0.32
U.50	Shoresdean Estate Roads, Shoreswood. (See also U.38).	Roads on west side of U.38 near Shoreswood Hall, 427 yards. (NT.954465).	wooler Division		0.24
U.51	Road to New Heaton.	From Haperrigg-Castle Heaton Road, U.2, (NT.888408) southwards to entrance to New Heaton Farm, 810 yards. (NT.890400).	wooler Division		0.46







**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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Drn:  
AB

Date:  
May 2017

Scale:  
1:15,000

**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**

<b>Road Number</b>	<b>Description</b>	<b>Length - Metres</b>
<b>U16</b>		
	U59 JCT TO 30MPH SCREMERSTON EAST	262
	<i>Total length for U16</i>	<i>1,044</i>
<b>U17</b>		
	U18 JCT TO U19 JCT	209
	U19 JCT TO SURFACE CHANGE AT GOSWI	3,608
	A1(T) JCT TO U18 JCT CHESWICK	1,393
	<i>Total length for U17</i>	<i>5,211</i>
<b>U18</b>		
	A1(T) CHESWICK BUILDINGS TO U17 CHES	1,113
	<i>Total length for U18</i>	<i>1,113</i>
<b>U19</b>		
	U17 JCT TO SURFACE CHANGE	891
	<i>Total length for U19</i>	<i>891</i>
<b>U2</b>		
	U51 JCT TO C19 JCT	1,320
	A698 JCT TO U51 JCT	2,252
	<i>Total length for U2</i>	<i>3,572</i>
<b>U20</b>		
	B6354 JCT ANCROFT NORTHMOOR TO U2	282
	U21 JCT TO C8 JCT	1,743
	<i>Total length for U20</i>	<i>2,025</i>
<b>U2001</b>		
	C59 JCT TO ROSS FARM ROAD END	1,549
	<i>Total length for U2001</i>	<i>1,549</i>
<b>U2002</b>		
	C59 TO EASINGTON VILLAGE	220

**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**

<b>Road Number</b>	<b>Description</b>	<b>Length - Metres</b>
<b>U5089</b>		
	FOOTWAY HILLSIDE ESTATE	53
	HILLSIDE ESTATE	93
	<i>Total length for U5089</i>	<i>400</i>
<b>U5090</b>		
	C201 JCT TO ROAD SURFACE CHANGE	112
	<i>Total length for U5090</i>	<i>112</i>
<b>U5091</b>		
	C204 JCT TO BRIEREDGE FARM	1,647
	<i>Total length for U5091</i>	<i>1,647</i>
<b>U5092</b>		
	C199 JCT TO HAWKHOPE HILL ACCESS R	178
	<i>Total length for U5092</i>	<i>178</i>
<b>U5093</b>		
	U5092 JCT TO HAWKHOPE HILL CUL-DE-S	179
	<i>Total length for U5093</i>	<i>179</i>
<b>U5094</b>		
	KIRKHARLE VILLAGE	81
	<i>Total length for U5094</i>	<i>81</i>
<b>U5096</b>		
	STANNERSBURN LOOP ROAD (OLD C200)	522
	<i>Total length for U5096</i>	<i>522</i>
<b>U5097</b>		
	DISTRICT BOUNDARY U4034 TO LEIGHTO	2,036
	<i>Total length for U5097</i>	<i>2,036</i>
<b>U51</b>		
	U2 JCT TO NEW HEATON FARM	769



**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**

<b>Road Number</b>	<b>Description</b>	<b>Length - Metres</b>
<b>U51</b>		
	<i>Total length for U51</i>	769
<b>U52</b>		
	A698 JCT TO ST HELENS GARDENS	87
	ST HELENS GARDENSCORNHILL	101
	<i>Total length for U52</i>	188
<b>U53</b>		
	B6353 JCT TO EAST KYLOE ROAD END	569
	U53 JCT TO U53 ROAD END WEST	122
	<i>Total length for U53</i>	690
<b>U54</b>		
	A698 JCT TO WEST NEWBIGGIN FARM	647
	<i>Total length for U54</i>	647
<b>U55</b>		
	B6470 JCT TO SOUTH OF GALAGATE FAR	100
	<i>Total length for U55</i>	100
<b>U56</b>		
	A1(T) JCT TO FENWICK STEAD COTTAGES	634
	<i>Total length for U56</i>	634
<b>U57</b>		
	GLENSIDE PARK EAST ORD	28
	GLENSIDE PARK EAST ORD	50
	GLENSIDE PARK EAST ORD	138
	<i>Total length for U57</i>	216
<b>U58</b>		
	B6353 TO WEST KYLOE FARM	101
	<i>Total length for U58</i>	101