

## 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 52 & 53 PARISH OF KIRKNEWTON

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 the U1118 road between Hethpool and Elsdonburn, and over the U1119 road between the U1118 road and Trowupburn.

#### **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 N-P-M and the route P-Q;**
- (ii) there is sufficient evidence to indicate that, on a balance of probability, public vehicular rights have been shown to exist over the 40 metre long section of U1118 road / Public Bridleway No 10, north of Elsdonburn;**
- (iii) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over these routes;**
- (iv) public footpath rights exist over the 10 metre long 'gap' between the existing southern end of the U1119 road and northern end of Public Footpath No 13 at Point Q;**
- (v) the routes be included in a future Definitive Map Modification Order as two byways open to all traffic and a short addition to existing Public Footpath No 13.**

## **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 [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 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.
- 1.4 When preparing this report, it came to light that existing Public Footpath No 13 is currently recorded on the Definitive Map as terminating on Public Footpath No 15, some 10 metres short of the south end of the U1119 road at Point Q. The Definitive Statement for Public Footpath No 13 (amended after the First Review (Relevant Date 1 November 1963)) does indicate that the footpath should connect with the U1119 road. This is to be expected, since the footpath was 'shortened' only because the U1119 road had been created over part of it.

## **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 'U1118' and 'U1119' 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 U1118 and U1119 unclassified County roads based upon more than simply their inclusion in the List of Streets.

### **3. LANDOWNER EVIDENCE**

- 3.1 By undated note / plan, received in early August 2014, Mr CA Matheson, agent of the College Valley Estates Ltd, responded to the consultation, stating:

"All of 52 and 53 are on land owned by College Valley Estates Ltd. Please not correct address is NOT % Smiths Gore, Wooler, but Estate office, Hethpool, Kirknewton, Wooler, NE71 6TW.

"EJ and AM Fox are no longer tenants of Elsdonburn Farm. The present tenant is Cheviot farming Limited, Thompson's Walls, Kilham, Mindrum, TD12 4QT."

### **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 17<sup>th</sup> October 2014, Ms E Bamford responded to the consultation, on behalf of the Ramblers' Association, stating:

"My comments are attached. Where we have no facts or evidence and no objections I have written No Comment. We would support these additions.

"Parish of Kirknewton Byway open to all traffic 52 No comment.

"Parish of Kirknewton Byway open to all traffic 53 No comment."

- 4.3 By letter, dated 28<sup>th</sup> October 2014, Mr D Roberts responded to the consultation, on behalf of the Cyclists' Touring Club, stating:

"I attach comments and evidence which I judge to be relevant on behalf of Cyclists Touring Club.

"To clarify locations I attach annotated copies of your plans. These are confined to routes of which I have knowledge. Where I have no knowledge of a route or where I know it is surfaced with tarmac and therefore suitable for ALL TRAFFIC I have omitted any comment.

"Where an obstruction has been encountered I have endeavoured to provide as accurate date as possible.

"Routes traced in red have been cycled without problem. [The routes of alleged Byways Open to All Traffic Nos 52 and 53 are highlighted on Mr Roberts' plans].

"I have commented on issues where I consider an omission has been made in your consultation.

"No distinction has been made between Restricted and All Traffic Byways.

- 4.4 By letter, on 3<sup>rd</sup> November 2014, Ms S Rogers responded to the consultation, on behalf of the British Horse Society, stating:

"Kirknewton Parish

"Alleged Byway Open to All Traffic 52

This route shown on plan 24 is a narrow tarmac road, unfenced for much of its length giving access to Elsdonburn and a couple of public footpaths. The BHS supports its addition to the definitive map.

"Alleged Byway Open to All Traffic 53

This is a branch off alleged BOAT 52 which continues as an unfenced tarmac road leading to just one farm, Trowupburn, and a few public footpaths. The BHS believes that FP 226/015 which becomes FP 225/001 leading from there up the hill to the gate in the Border Fence and thus onto Yetholm should also be recorded as a restricted byway or bridleway. This is believed to be one of the best preserved cross-border routes in this area. Please can this be investigated as well?"

## 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 either alleged Byway No 52 or alleged Byway No 53.

1820 Fryer's County Map

Although the locations of "Elsdonburn" and "Trowburn" are both identified on the map, there is no evidence of a road or track approximating to the route of either alleged Byway No 52 or alleged Byway No 53.

1820-32 Cary's Map

Although "Trowburn" is identified on the map, there is no evidence of a road or track approximating to the route of either alleged Byway No 52 or alleged Byway No 53.

1828 Greenwood's County Map

There is clear evidence of a road or track approximating to the route of alleged Byway No 52 to "Elsdonburn". Although "Throw Burn" is also identified on the map, there is no evidence of a road or track approximating to the route of alleged Byway No 53.

1866 Ordnance Survey Map and Schedule: Scale 1:10,560

Although the reproduction quality of the map is poor, there is clear evidence of a road / track over the routes of alleged Byways Nos 52 and 53 on the original map.

1899 Ordnance Survey Map: Scale 1:10,560

Although the reproduction quality of the map is poor, there is clear evidence of a road / track over the eastern half of alleged Byway No 52 and all of alleged Byway No 53 on the original map. There is a suggestion of a road / track over the western half of alleged Byway No 52.

1924-5 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of unenclosed roads / tracks over the routes of alleged Byways Nos 52 and 53.

1932 Glendale RDC Handover Map

The routes of alleged Byways Open to All Traffic Nos 52 and 53 are both shown on the base map, but neither of them are coloured in red (which would have identified them as publicly maintainable roads).

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

There do not appear to be any maps covering the Glendale Rural District area.

1951 Highways Map

The routes of alleged Byways Open to All Traffic Nos 52 and 53 are both shown on the base map, but neither of them are coloured in red (which would have identified them as publicly maintainable roads).

1958 County Road Schedule

There are no entries for the U1118 or U1119 roads in the Schedule produced in 1958.

1958 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of unenclosed roads / tracks over the routes of alleged Byways No 52 and 53.

1958 Bridges and Roads Committee Minutes (15th September 1958)

The minutes note that the College Valley Estates Ltd have asked whether 3 roads (the road to Elsdonburn, the road to Trowupburn and another), if improved to the required standards, would be acceptable for adoption. The committee resolved that the matter be referred to the Private Street Works Sub-Committee.

1959 Bridges and Roads Committee Minutes (15th June 1959)

The minutes note that the Private Street Works Sub-Committee observed that the roads in question were scheduled as rights of way, that continued occupation of the isolated dwellings enabled the land to be used for food production and recommended that, subject to the roads being made up to a satisfactory standard, they be adopted. The committee resolved that (along with other identified 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 therein pursuant to Section 19 of the Private Street Works Act 1892."

1962 Original Definitive Map

The route of alleged Byway No 52 is shown on the OS base map and is identified as being (almost all of) Public Bridleway No 10. The route of alleged Byway No 53 is identified as being (part of) Public Footpath No 13.

1963 Highways Committee Minutes (16 September 1963)

The minutes note that the College Valley Estates had informed the Council that the road works had been completed. There are five cattle grids on the roads, of non-standard design, but these are satisfactory given the very limited amount of traffic that uses the roads. The County Surveyor therefore recommended that, subject to a satisfactory final examination and dedication of the land, the roads be adopted. The Committee resolved "That the roads be taken over as highways repairable at the public expense subject to their construction to the satisfaction of the County Surveyor."

1963 Highway Dedications (12 November 1963)

These two dedication plans show that the routes of alleged Byways Nos 52 and 53 were dedicated as public highways, by the College Valley Estates Limited.

1964 Highways Map

The routes of alleged Byways Open to All Traffic Nos 52 and 53 are coloured (in purple) so as to identify them as a publicly maintainable roads. They are labelled as being the U1118 and U1119 roads, respectively.

First Review Definitive Map

The routes of alleged Byways Nos 52 and 53 are both shown on the OS base map, but now neither of them are identified as being public rights of way.

1982 Ordnance Survey Map: Scale 1:10,000

There is clear evidence of unenclosed roads / tracks over the routes of alleged Byways Nos 52 and 53.

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

The routes of the alleged byways are clearly identified as publicly maintainable highways.

- 5.2 The original Definitive Statement for Public Bridleway No 10 (Parish of Kirknewton) describes the route of that bridleway as follows:

“From the Public road north of Hethpool in a westerly direction along the Elsdon Burn to join FP 11 north-west of Elsdonburn.”

- 5.3 The original Definitive Statement for Public Footpath No 13 (Parish of Kirknewton) describes the route of that footpath as follows:

“From the Elsdon Burn west of Little Hetha in a south-westerly and southerly direction crossing the Hetha Burn and by Trowupburn to the head of Whitehall Burn near Saughieside Hill.”

- 5.4 The First Review Definitive Statement for Public Footpath No 13 (Parish of Kirknewton) describes the route of that footpath as follows:

“From the junction of the U1119 road and Footpath No 15, west of Trowupburn, in a south-westerly direction, crossing the Trowup Burn to the head of the Whitehall Burn, near Saughieside Hill.”

- 5.5 The entry for the U1118 road, in the 1964 County Road Schedule is:

“U1118 Road to Elsdonburn  
From U1024 north of Hethpool westwards to entrance gateway of Elsdonburn Farm Steading (2487 yards).”

The length of the U1118 road is identified as being 1.41 miles.

- 5.6 The entry for the U1119 road, in the 1964 County Road Schedule is:

“U1119 Road to Trowupburn  
From U1118 approximately 920 yards east of Elsdonburn Farm, southwards to Trowupburn Farm, including link road at junction with U118 and turning area within Trowupburn Farmyard (2280 yards).”

The length of the U1119 road is identified as being 1.30 miles.

- 5.7 The entry for the U1118 road, in the 1974 County Road Schedule is:

“U1118 Elsdonburn Road  
From U1024 north of Hethpool (NT894286) westwards to entrance gateway of Elsdonburn Farm Steading (NT874285) (2487 yards).”

The length of the U1118 road is identified as being 1.41 miles.

- 5.8 The entry for the U1119 road, in the 1974 County Road Schedule is:

“U1119 Trowupburn Road  
From U1118 approximately 920 yards east of Elsdonburn Farm (NT883282) southwards to Trowupburn Farm (NT877265) including link road at junction with U1118 and turning area within Trowupburn Farmyard (2280 yards).”



The length of the U1119 road is identified as being 1.30 miles.

## 6. SITE INVESTIGATION

### 6.1 Alleged Byway Open to All Traffic No 52 (N-P-M)

From a point marked N, on the U1024 road, 280 metres north-west of Hethpool Farmhouse, beginning at a cattle grid with field gate alongside (combined width 8.5 metres) a 2.7 to 3 metre wide unenclosed tarmac road proceeds in a westerly then north-westerly direction for a distance of 80 metres. Thereafter, a 2.7 to 2.9 metre wide unenclosed tarmac road proceeds in a westerly direction for a distance of 475 metres to another cattle grid with field gate alongside (combined width 7.3 metres). Then a 2.5 to 2.9 metre wide unenclosed tarmac road continues in a westerly direction for a distance of 190 metres, then south-westerly direction for a distance of 420 metres, then westerly direction for a further 155 metres to a point where the road has a forked junction with the U1119 road. A 2.5 to 2.7 metre wide unenclosed tarmac road continues in a westerly direction for a further 45 metres to a second junction with the U119 road. Thereafter, the 2.5 to 2.7 metre wide unenclosed tarmac road continues in a westerly direction for a distance of 265 metres to another cattle grid with field gate alongside (combined width 7.3 metres). A 2.5 to 2.7 metre wide unenclosed road continues in a westerly direction for a distance of 220 metres, then north-westerly direction for 370 metres to a hairpin bend. A 6 metre wide (at the bend) narrowing to 3.5 metre wide unenclosed tarmac road proceeds in a south-easterly direction for a distance of 45 metres, to a field gate at the entrance to the dwelling "Elsdonburn" (Point M).

At Point N there is a wooden fingerpost pointing along the alleged byway indicating "St Cuthbert's Way". A notice pinned to the gate says "Elsdonburn Trowupburn ONLY".

At Point P there is a second wooden fingerpost pointing along the alleged byway indicating "Elsdonburn ½".

At the hairpin, just short of Point M, is a third wooden fingerpost indicating "Public Footpath Elsdonburnshank" along the route of existing Public Bridleway No 10 (the bridleway terminates after 60 metres, and continues as a footpath) and "Public Footpath Border Ridge" along the last 45 metres of the road to Elsdonburn.

### 6.2 Alleged Byway Open to All Traffic No 53 (P-Q)

From a point marked P, on the U1118 road (alleged Byway No 52) , 840 metres east of Elsdonburn, a 2.4 to 2.5 metre wide unenclosed tarmac road proceeds in a south-westerly direction for a distance of 35 metres to a cattle grid with field gate alongside (combined width 7.9 metres). Thereafter, a 2.4 to 2.9 metre wide unenclosed tarmac road continues in a general south-westerly direction for a further 650 metres to another cattle grid with field gate alongside (combined width 7.3 metres). Then a 2.7 to 2.9 metre wide unenclosed tarmac road continues in a south-westerly direction for a further 375 metres to another cattle grid with field gate alongside (combined width 7.0 metres). Then a 2.7 metre wide unenclosed tarmac road continues in a south-westerly direction for a further 220 metres. Thereafter a 2.2 to 2.5 metre wide unenclosed tarmac road proceeds in a general southerly and

south-easterly direction for a distance of 310 metres to a field gate. Then a 2.4 to 2.5 metre wide unenclosed tarmac road proceeds in a general southerly direction for 170 metres to another field gate, continuing in a southerly direction for a further 250 metres to another field gate (at Trowupburn). Finally, the route continues in a south-westerly direction for a further 25 metres over a 2.5 to 5+ metre wide tarmac surfaced turning area, immediately west of Trowupburn.

At Point P there is a wooden fingerpost pointing along the alleged byway indicating "Trowupburn 1¼".

6.3 Alleged Byway Open to All Traffic No 53 (spur at Point P)

In the vicinity of Point P, the U1119 road forks into two separate routes, the westerly one joining the U1118 road some 45 metres further west than the eastern one. The western spur is described in 6.2, above. The eastern spur is a 2.4 to 2.5 metre wide unenclosed tarmac road some 50 metres in length.

6.4 Alleged Public Footpath No 13 (additional length at Point Q)

From Point Q, at the southern end of the U1119 road at Trowupburn, a 2.5 metre wide stone track proceeds in a southerly direction for a distance of 10 metres to join the northern end of existing Public Footpath No 13.

## 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.
- 7.2 On 7 June 2017, Mr C Matheson responded on behalf of the College Valley Estates making the following comments in relation to the draft report:

"Many thanks for your letter of 31<sup>st</sup> May under reference ADB B/26/52+53z. I have in fact retired as agent to the College Valley Estate although I have joined the board of directors. The manager is Stephen Crees who you may have met with me ...

"We have agreed that I shall respond to your letter because of my long term involvement with this matter.

"I think we can assume (although I was not agent at the time but have access to the company board meeting minutes covering 1958 to 1964) that College Valley Estate were asking for the roads to be adopted as public vehicular highways maintainable at public expense. There is of course ample evidence of NCC carrying out road repairs at their expense over the years since 1964. College Valley Estate did however pay for the installation of the cattle grid at point N of your plan no 24 and also one half of the cost of repairing U1119 after forestry operations a year or two back. We do not have a problem with the proposal of designating these roads as BOATS because it seems that the exercise is merely endorsing the original intention of the estate.

"Would you be kind enough to confirm that NCC remain responsible for maintenance as at present. I am concerned that the designation is for a

5m carriageway for 52 and 53. This would make, in theory, a carriageway which includes steep drops on one side and steep hillsides or ditches on the other side which obviously would be extremely dangerous to motor vehicles. Where do both NCC and the estate stand on legal liability? I believe we need to get round the legal issue and look at this from a practical angle. If the roads are say only 3m in width, then in my view it is slightly absurd to designate a 5m carriageway!

"I am also interested to have your views on the dead end status of both roads (which of course exists at present). If a vehicle proceeds to either Elsdonburn or to Trowupburn it either has to turn round on private land (liability?) or reverse the entire length of the road. I believe that both of these matters need to be addressed before a recommendation is made."

## **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 52 is identified on the County Council's current List of Streets as being the U1118 road. The route

was not identified as being publicly maintainable on the 1932 Glendale Rural District Council Handover Map, nor does it appear to be shown in the schedule of roads produced in relation to the Restriction of Ribbon Development Act 1935, or on the Council's 1951 Highways Map or the 1958 County Road Schedule. The route is, however, clearly identifiable 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 of alleged Byway Open to All Traffic No 53 is identified on the County Council's current List of Streets as being the U1119 road. The route was not identified as being publicly maintainable on the 1932 Glendale Rural District Council Handover Map, nor does it appear to be shown in the schedule of roads produced in relation to the Restriction of Ribbon Development Act 1935, or on the Council's 1951 Highways Map or the 1958 County Road Schedule. The route is, however, clearly identifiable 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.
- 8.7 Both routes have been consistently identified as unenclosed roads / tracks on Ordnance Survey maps since 1866. The route of alleged Byway No 52 is shown on Greenwood's County Map of 1828, but is not shown on Armstrong's or Fryer's County Maps of 1769 and 1820, or on Cary's Map of 1820-32. The route of alleged Byway No 53 is not shown on any of these maps.
- 8.8 The routes of alleged Byways Nos 52 and 53 were included on the original Definitive Map of Public Rights of Way as part of Public Bridleway No 10 and part of Public Footpath No 13, respectively. This implies that the routes were not considered to be public vehicular highways at that time.
- 8.9 The key developments took place between 1958 and 1963, culminating in the College Valley Estate Limited's dedication of the U1118 and U1119 roads as "public highways" and their apparent adoption, by the County Council, as highways maintainable at public expense. On 12<sup>th</sup> November 1963, two documents / plans were signed on behalf of The College Valley Estate Limited upon which it was stated:

"I / We The College Valley Estate Limited of 1 Mosley Street, Newcastle upon Tyne" do hereby declare that I / We have dedicated to the use of the public as a highway that / those portion of land adjoining the West Newton to Hethpool Road U1024 in the County of Northumberland, which is / are coloured red hereon as from today's date."

"I / We The College Valley Estate Limited of 1 Mosley Street, Newcastle upon Tyne" do hereby declare that I / We have dedicated to the use of the public as a highway that / those portion of land adjoining the Elsdonburn Farm Road in the County of Northumberland, which is / are coloured red hereon as from today's date."

The routes of alleged Byways Open to All Traffic Nos 52 and 53 are highlighted in red on the plan. The width of the highway being dedicated is not given. If the width of the red shaded line on the dedication plan is taken as an indication of the width of highway being dedicated, then the 'new' highway is clearly wider than simply just the present day tarmac carriageway.

8.10 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 plans is entitled "Hethpool to Elsdonburn Road" and "Road to Trowupburn".
- Thirdly, since almost all of the U1118 route was already recorded as being a publicly maintainable public bridleway, there would be no need for the landowners to dedicate something less than a public vehicular right of way, over this section.
- Fourthly, since the U1119 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 and 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 three existing public footpaths and not any other public bridleways) it is difficult to see why the Council would have pursued a bridleway dedication to Trowupburn.

8.11 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.

- 8.12 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.
- 8.13 It is not known on precisely what basis these routes were added to the List of Streets, but the 1963 highways dedication and putative 'adoption' by the County Council's Highways Committee would seem to be the most credible explanation. The routes have appeared on the Council's Highway records from 1964 onwards.
- 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 almost all of alleged Byway No 52 and all of alleged Byway No 53. From a point 25 metres north of Elsdonburn to a point 40 metres north-east of Elsdonburn there is a short (40 metre) length of Public Bridleway No 10 recorded on the same alignment as part of the U1118 road (alleged Byway No 52) so saving provision (b) cannot apply to this particular section.
- 8.16 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 The College Valley Estates) 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 Elsdonburn 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 40 metre length of highway just north of Elsdonburn.

- 8.17 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.
- 8.18 Although both routes have a tarmac surface, drivable with a 'normal' family car, the routes are public vehicular cul-de-sacs. Alleged Byway No 53 serves one dwelling (Trowupburn). The western part of alleged Byway No 52 also serves just one dwelling (Elsdonburn). The eastern part of alleged Byway No 52 serves both of these dwellings. Existing Public Bridleway No 10 / Footpath No 46 proceeds in a north-westerly direction from Elsdonburn towards Elsdonburnshank. Existing Public Footpath No 12 proceeds in a south-westerly direction from Elsdonburn towards the Scottish border and Kirk Yetholm. The route of alleged Byway No 52 and Public Footpath No 12 forms part of St Cuthbert's Way. St Cuthbert's Way is a popular long distance walking trail between Melrose and Holy Island. It is believed that, in recent years, around 3000 to 3500 people have walked this route, annually (the figures for 2016 indicate just over 5000 users). From the southern end of alleged Byway No 53 (Trowupburn), existing public footpaths fan out in four directions (east, west, south and south-east). From both alleged byways there are promoted permissive paths onto Great Hetha hill. The Cyclist Touring Club consultation response suggests that both routes also received some use by cyclists. For these reasons it is considered that the alleged byways are likely to 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.
- 8.19 Following his comments in relation to the draft report, Mr Matheson, for the College Valley Estate, was contacted. An officer confirmed that the

Northumberland County Council would remain responsible for maintenance of the routes should they be recorded on the Definitive Map as byways open to all traffic (the routes would continue to be recorded on the List of Streets). Although no width was identified in the dedication document (it would have been helpful if one had) most rural public highways have grass verges alongside the carriageway. If these highways were limited to the 2.2 to 3 metre tarmac carriageway width it would be virtually impossible for two vehicles travelling in opposite directions (or even a vehicle encountering pedestrians, cyclists or horse riders) to pass each other. Finally, the Trowupburn highway dedication document appeared to make provision for a wider turning area at Trowupburn. Although there was no similar provision at Elsdonburn, there was a wider section of road just short of Elsdonburn, that a typical vehicle would be able to turn around in. Mr Matheson was satisfied with the above explanations and observed that since the current cul-de-sac situations had existed for over 50 years without any apparent problems, there was probably no reason to presume there would be any difficulties in the future.

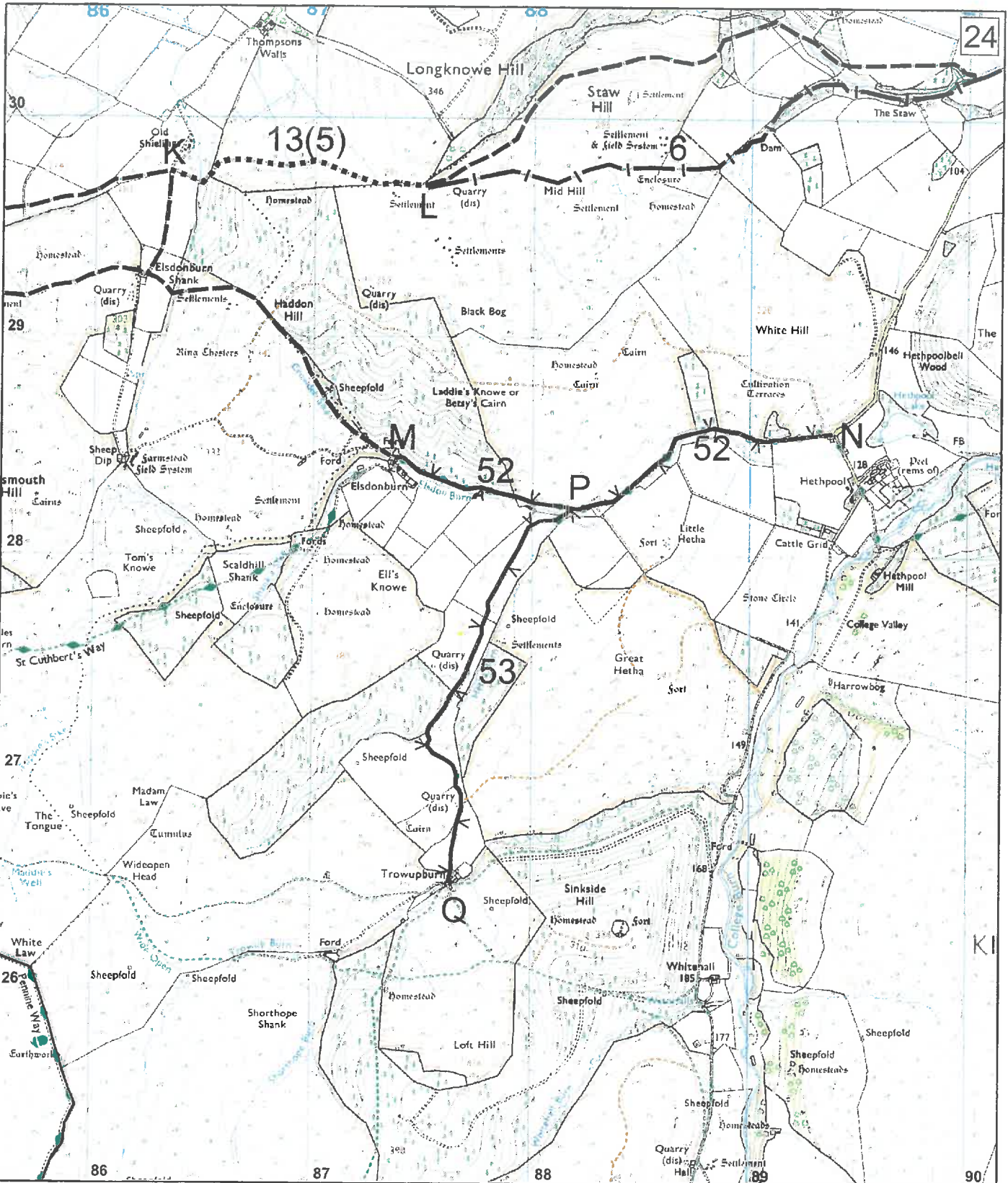
- 8.20 Advice from the Planning Inspectorate in their 'consistency guidelines' states that it is important to have the correct width, where known, recorded in the definitive statement. Usually there is a boundary to boundary presumption for public highways. However, where no defined corridor exists, and there is no (usually) documentary evidence to establish width, the Council has adopted a standard width of 5 metres (wide enough for two vehicles travelling in opposite directions to pass each other) for vehicular rights of way. It is proposed to record Byway Open to All Traffic No 52, with a width of mostly 5 metres (6 metres at the hairpin bend near point M, and 7.3 and 8.5 metres at the cattle grid with bypass gate combinations referred to in para 6.1 above). It is proposed to record Byway Open to All Traffic No 53 (and the short spur near point P), with a width of mostly 5 metres (7.0, 7.3 and 7.9 metres at the cattle grid with bypass gate combinations referred to in para 6.2 above). It is proposed to record the short additional length of Public Footpath No 13 (at point Q), with a width of 2.5 metres as referred to in para 6.4 above).

## **9. CONCLUSION**

- 9.1 In light of the documentary evidence submitted, it appears that, public vehicular rights have been reasonably alleged to exist over the route of alleged Byway Open to All Traffic No 53 and the majority of alleged Byway Open to All Traffic No 52.
- 9.2 In light of the documentary evidence submitted, it appears that, on a balance of probability, public vehicular rights have been shown to exist over the 40 metre long section of alleged Byway Open to All Traffic No 52, north of point M.
- 9.1 In light of the documentary evidence submitted, it appears that, public footpath rights have been reasonably alleged to exist over the 10 metre gap between the southern end of the U1119 road and the north end of existing Public Footpath No 13 at Point Q.







# NORTHUMBERLAND

Northumberland County Council

Sustainable Transport  
Local Services

County Hall Morpeth Northumberland  
NE61 2EF

Telephone 0845 600 6400

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## Wildlife and Countryside Act 1981 Public Rights of Way



Selected existing Public Footpath



Existing Public Bridleway

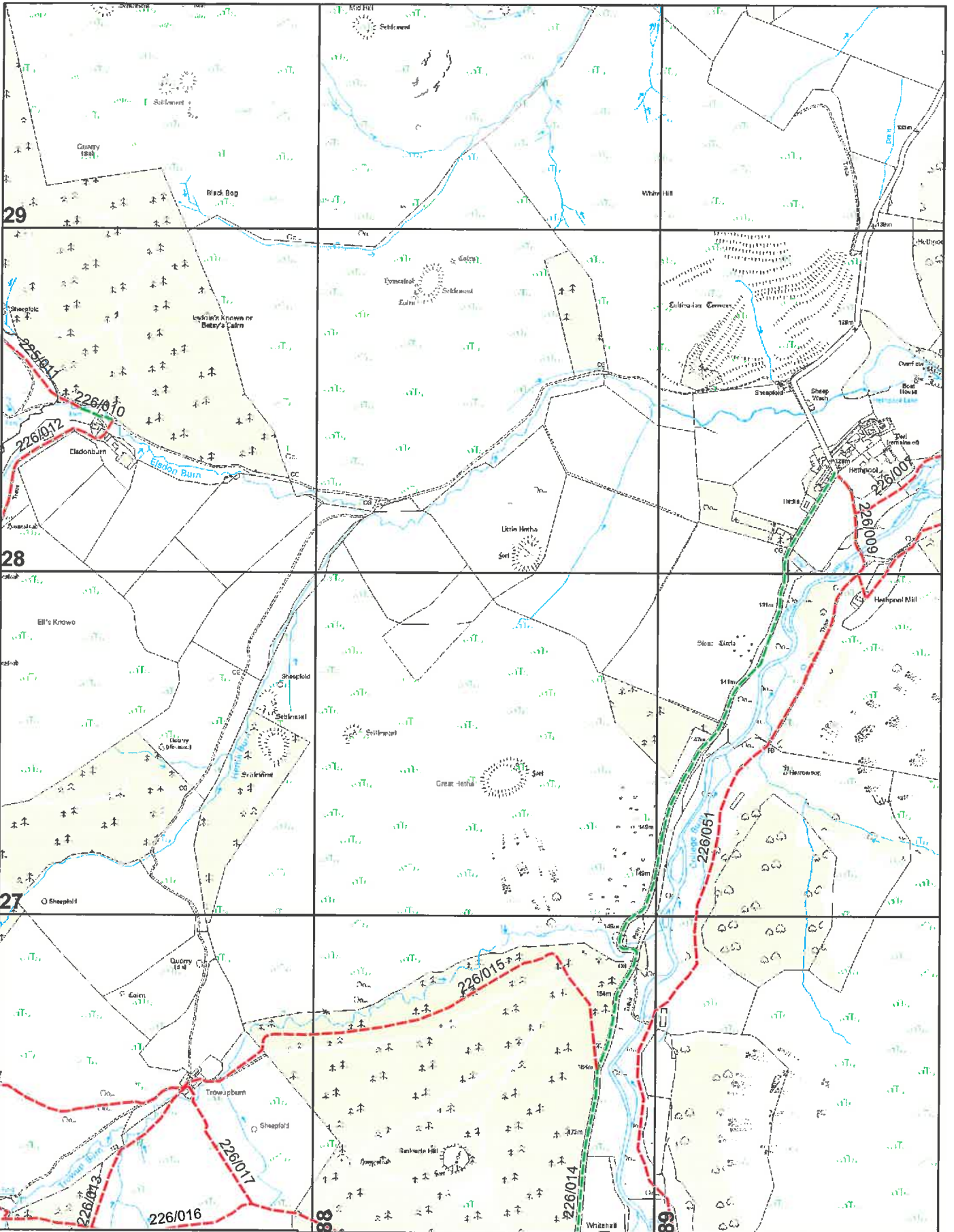


Existing Public Footpath that may be bridleway



Alleged Byway Open to All Traffic

Former District(s) <b>Berwick</b>	Parish(es) <b>Kilham/Kirknewton</b>	Scale <b>1:25,000</b>
Def. Map No. <b>35</b>	O.S. Map <b>NT 82 NE</b>	Date <b>January 2014</b>



**NORTHUMBERLAND**  
 Northumberland County Council  
 Infrastructure

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

**Legend**

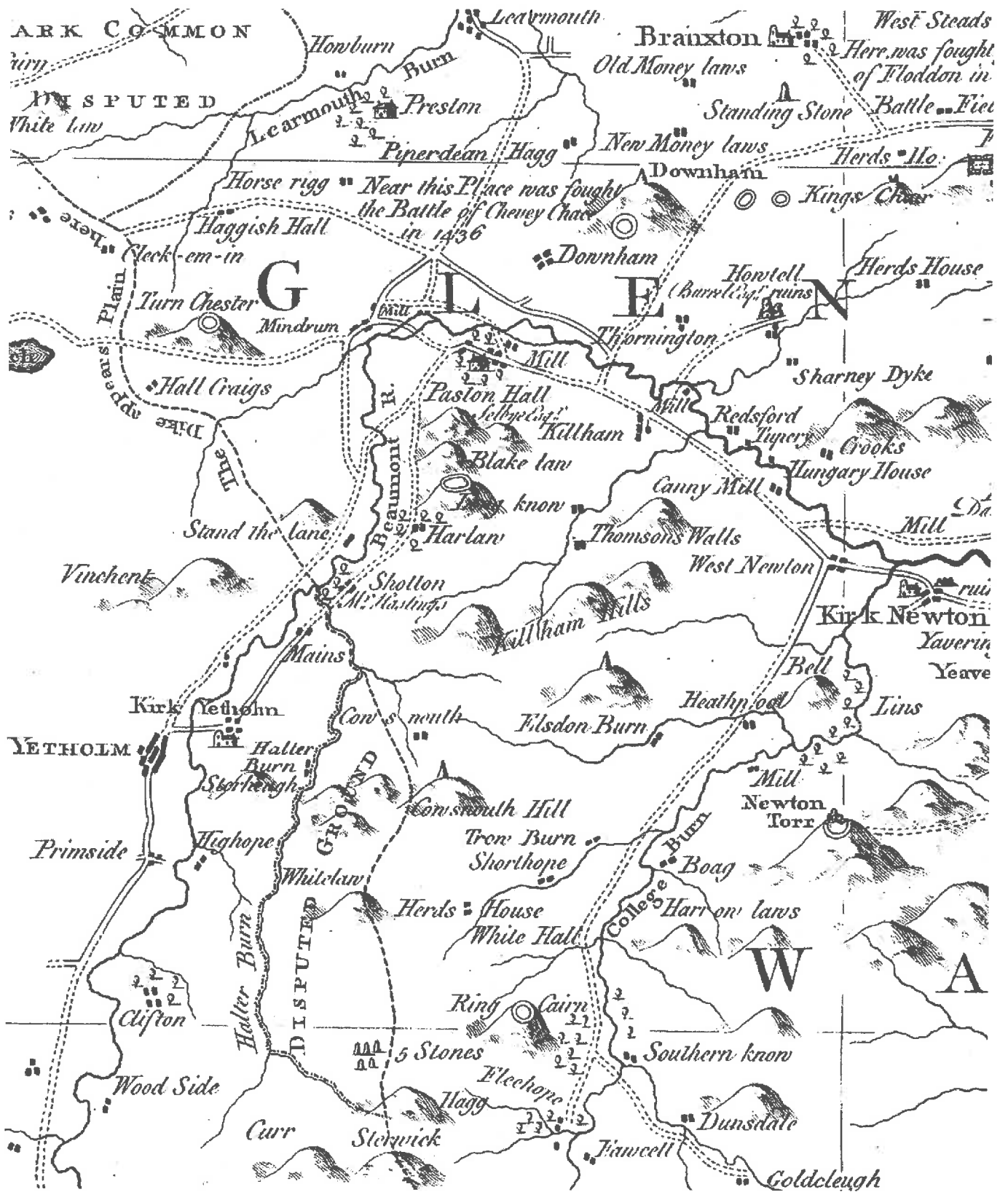
- Footpath
- Bridleway
- Restricted Byway
- Byway Open to All Traffic

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

Scale: 1:15,000

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Armstrong's County Map  
1769







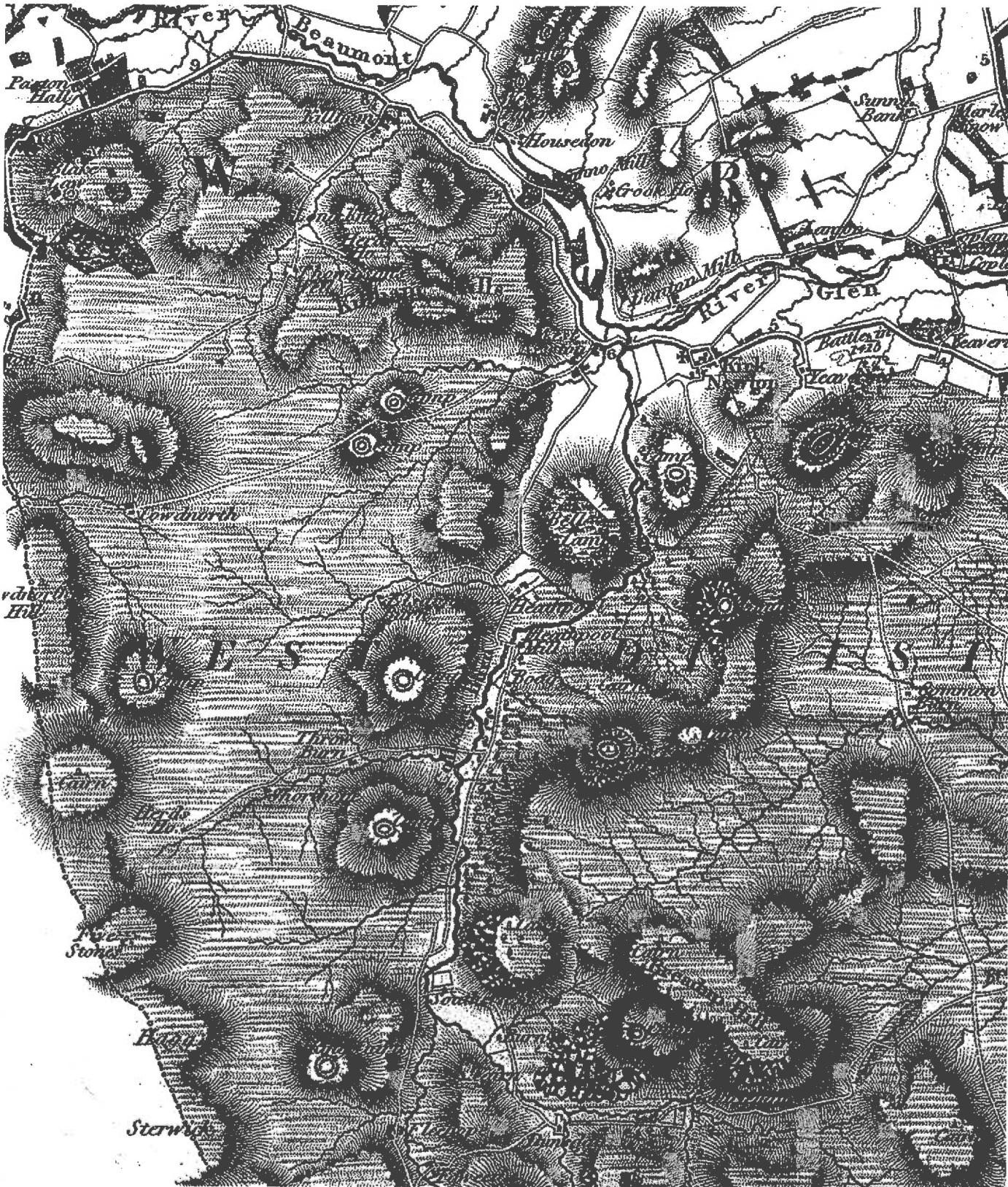


Cary's Map  
1820-1832





Greenwood's County Map  
1828



1st Edition 6" O.S. Map  
1866

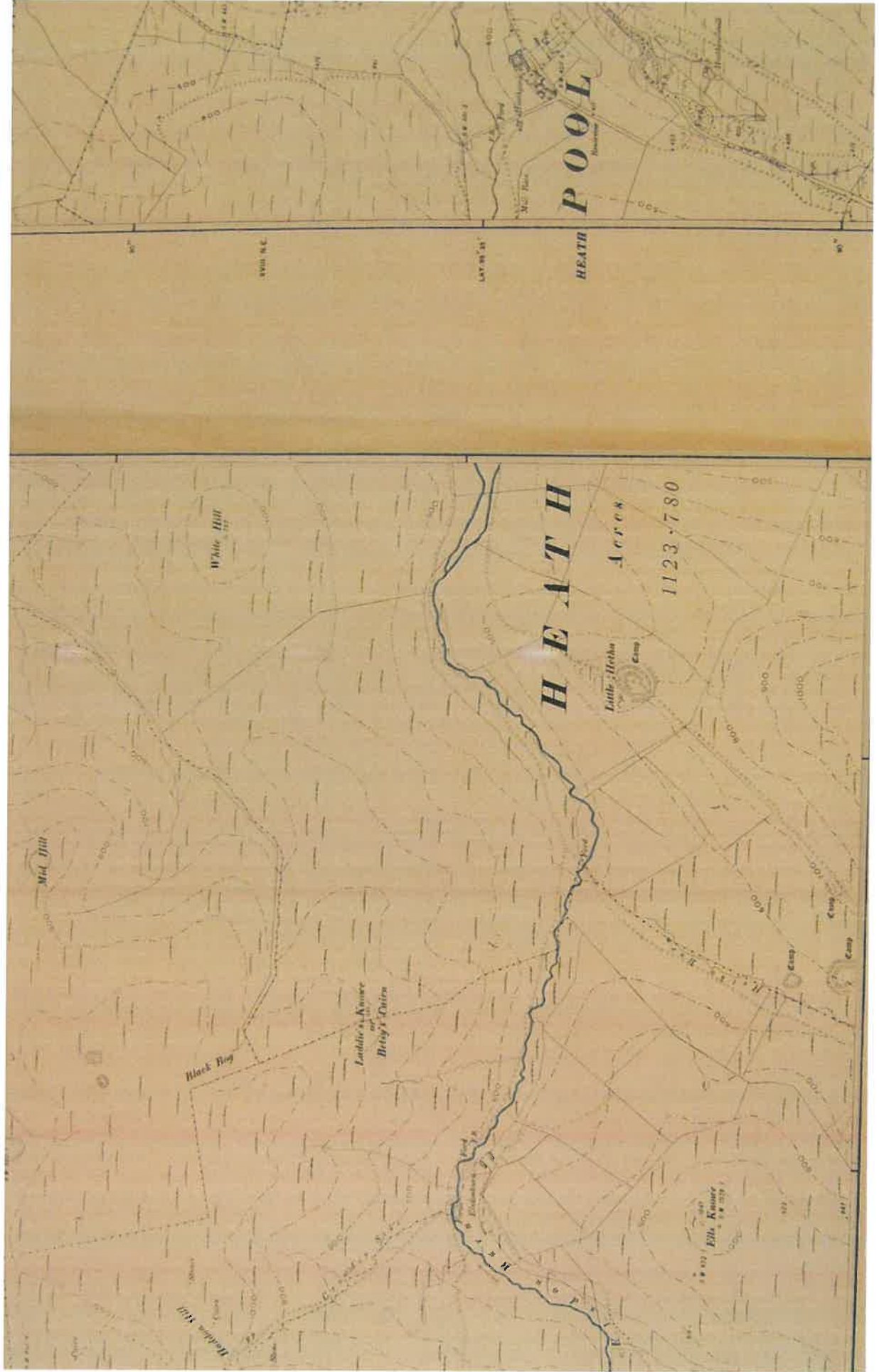




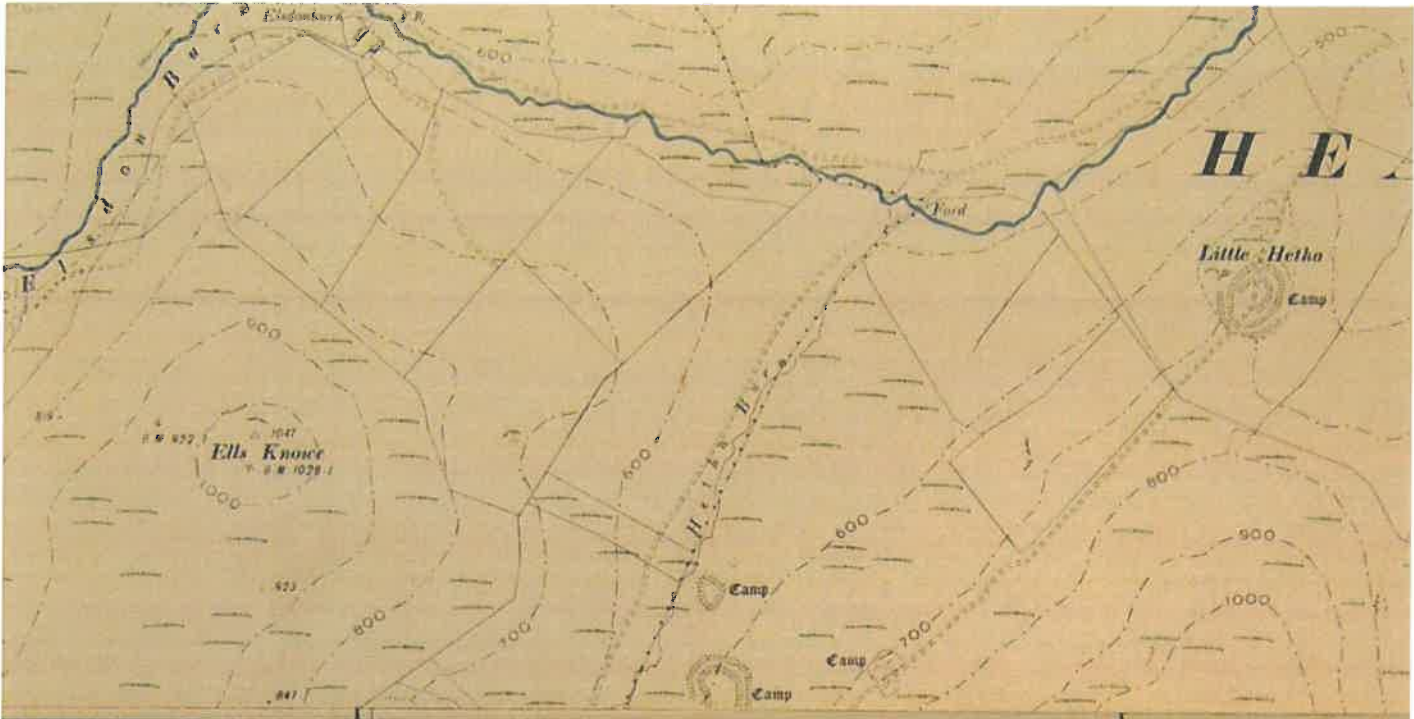


Not to scale

2nd Edition 6" O.S. Map  
1899





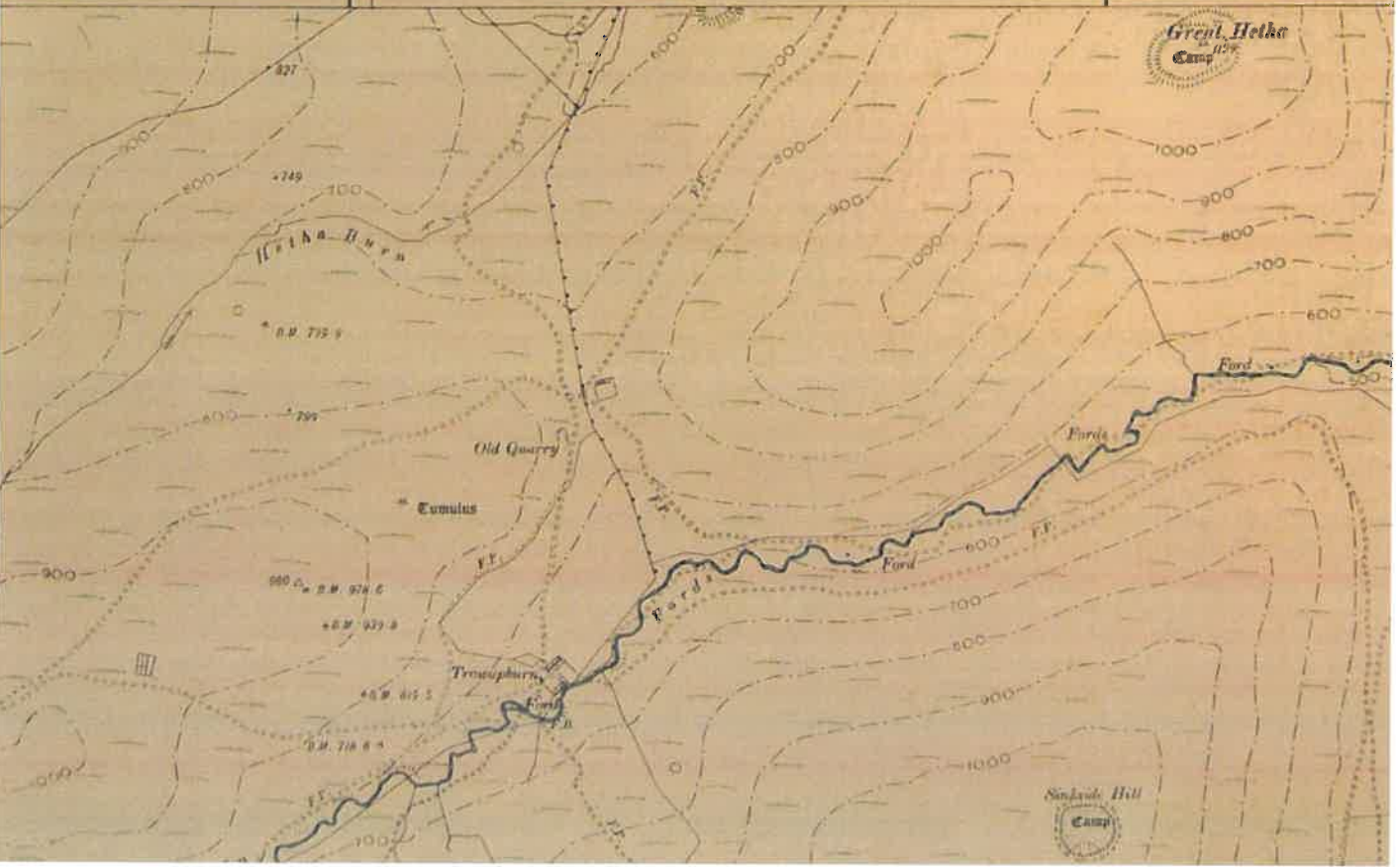


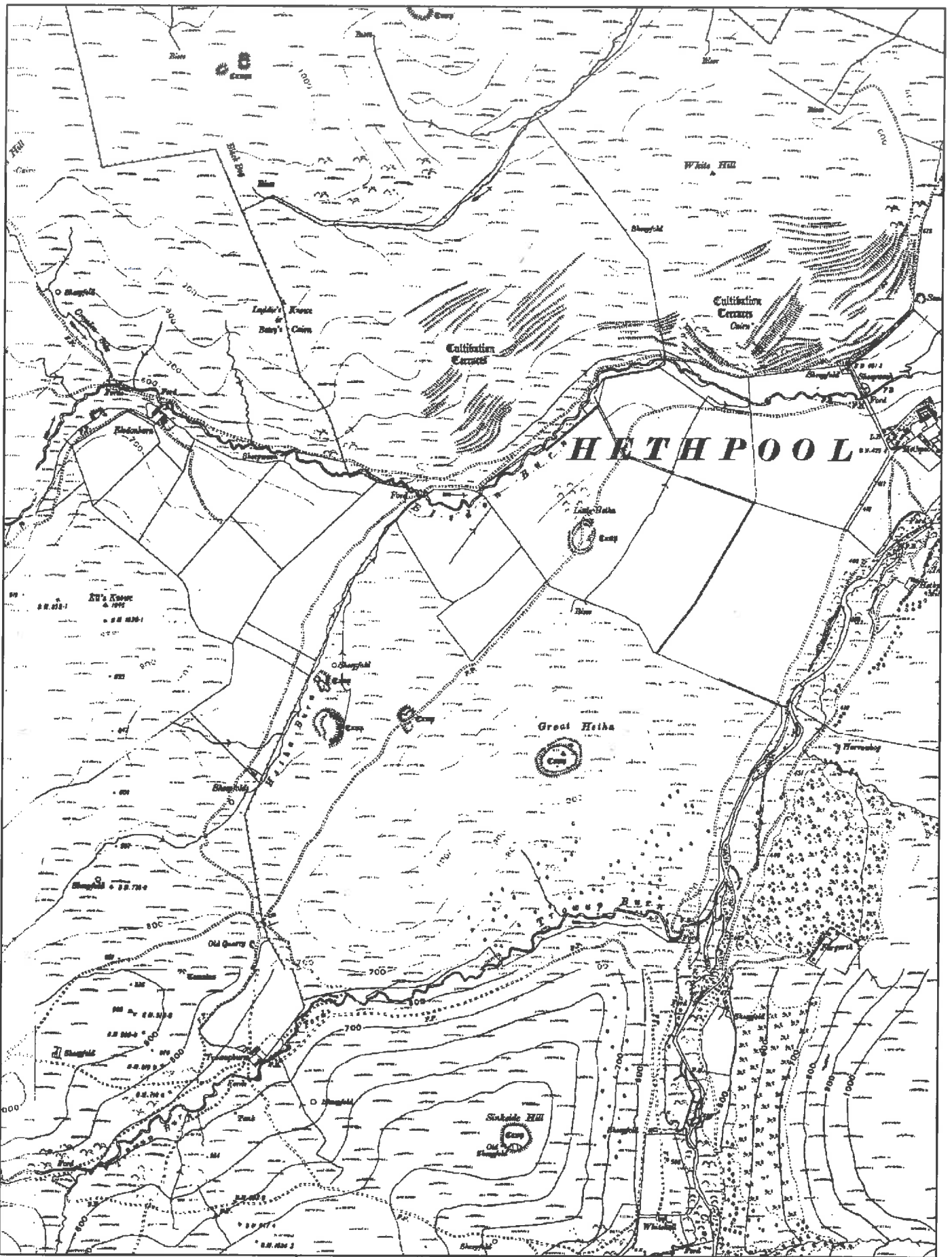
ION, 1899.  
GLENDALE UNION

Sheet line  
Northumberland

NORTHUM. XVIII. N.E.

NORTHUMBERLAND. SH  
ROXBURGHSHIRE. PART OF SH  
HEATHPOOL PR. LON. 2° 11' W.





**NORTHUMBERLAND**  
Northumberland County Council

SCALE 1:15,000  
Ordnance Survey 3rd Edition 6" map (1924-5)



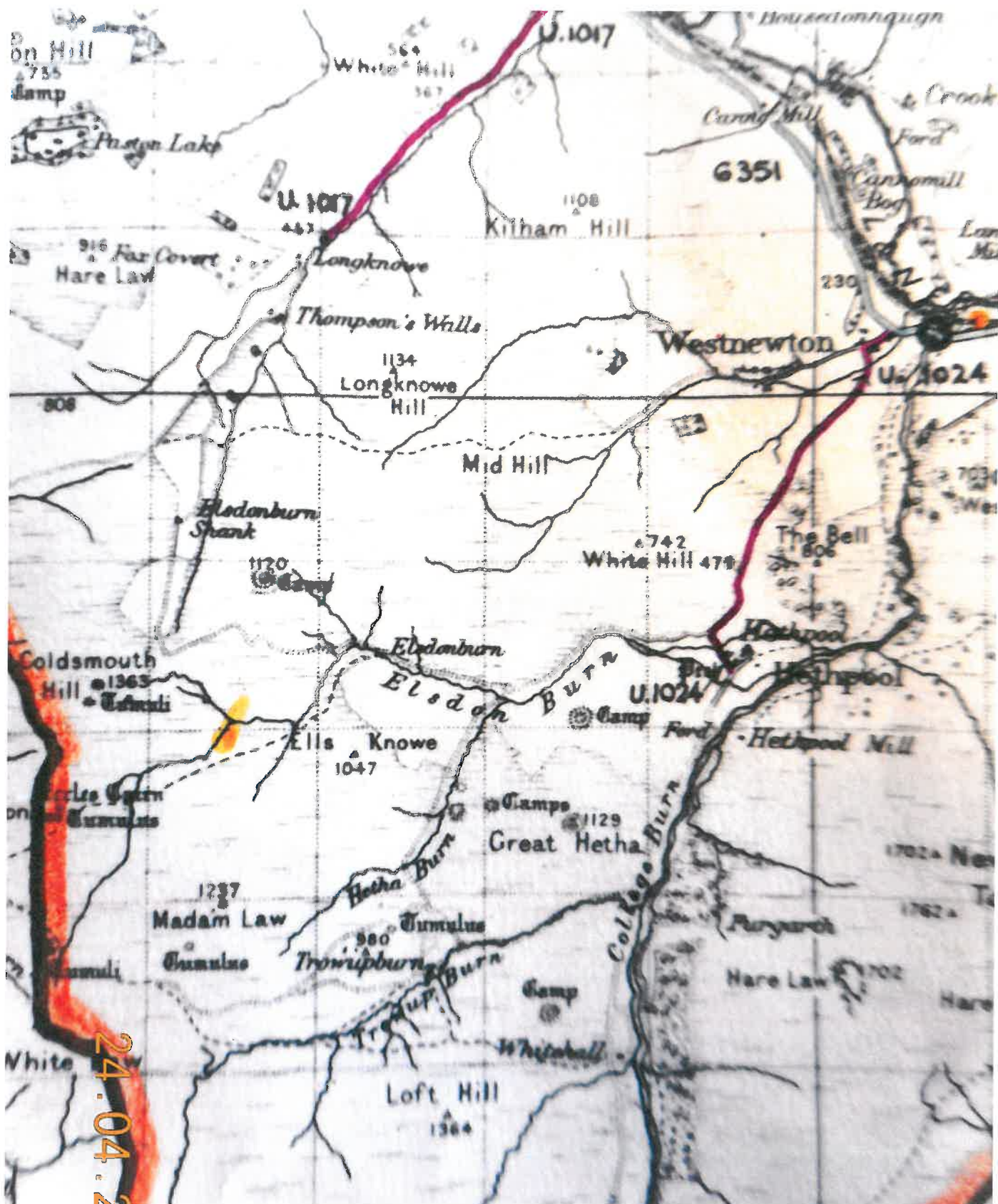
Glendale RDC Handover Map  
1932



Reproduced plan is not to scale



Extract from the Council's 1951 Highways Map







## REPORTS OF COUNTY SURVEYOR—continued.

Decision of the Committee.

So far as the London Traffic Area is concerned, the Minister is arranging for the question to be examined by the London and Home Counties Traffic Advisory Committee, but it is not anticipated that the Minister will be able to reach a decision for some time.

The National Association of Funeral Directors state that nine local authorities have agreed to amend Orders to include a measure of exemption for funeral vehicles.

This Order does not require the confirmation of the Minister of Transport and it is, therefore, a matter of policy for the County Council to determine on the lines:—

- (a) that the position is already provided for in the Order;
- (b) by allowing a specific exemption by amending the exemption clause to read "to enable a vehicle . . . to be used in connection with any funeral, building operation or demolition . . .";
- (c) by including an exemption in the wider terms suggested by the National Association of Funeral Directors on the following lines "Nothing in the Order shall apply to any vehicle owned by a funeral director or owner of funeral vehicles when in use as part of a funeral cortege or otherwise in connection with a funeral."

## (f) Private Street Works.

*Castle Ward Rural District.—Princes Road (Part North of Gosforth U.D. Boundary) and South Ridge (Part Eastwards from Princes Road), Brunton Park Estate.*

Messrs. J. T. Bell & Sons, Ltd., have made application for the above streets to be adopted and, subject to any repairs which may be necessary being completed in a satisfactory manner, I recommend that the above sections of Princes Road, 144 yards long, and South Ridge, 119 yards long, be taken over.

*Footpath from Davenport Drive to Clayworth Road, Brunton Park Estate.*

Messrs. J. T. Bell & Sons, Ltd., have submitted an application for the above footpath to be adopted. The path, 86 yards long, has a tarmacadam surface and provides a useful link within the Estate and I recommend that it be adopted.

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 pursuant to Section 19 of the Private Street Works Act, 1892.

## REPORTS OF COUNTY SURVEYOR—continued.

Decision of the Committee.

*Road to White Cottages and Foulmartlaw.*

Mr. G. A. Common has asked whether the County Council would, subject to any necessary repairs being completed in a satisfactory manner, take over the above road. From the Meldon-Low House Road, C.155, approximately 334 yards southwards to White Cottages the road is the joint responsibility of Mr. Common and Mr. Glaisyer. The overall width of the road is 14 feet and it has a carriageway of 8 feet. From White Cottages approximately 900 yards south to Foulmartlaw the road is the responsibility of Mr. Common.

The road serves 4 cottages and 2 farms and, subject to an improved layout, the removal of any existing gates and the completion of necessary repairs and improvements in a satisfactory manner, I recommend that the road be taken over.

*Morpeth Rural District.*

The Morpeth Rural District Council have requested that the following streets be taken over:—

Lynemouth . . . . .	Sea View . . . . .	191 yards.
	Market Square . . . . .	73 yards.
	Church Square . . . . .	72 yards.
	Vicarage Link Road . . . . .	936 yards.
Widdington . . . . .	East Acres . . . . .	277 yards.
Hadston (South) . . . . .	Druridge Avenue . . . . .	815 yards.
	Woodside Crescent . . . . .	277 yards.
	Link from Druridge Avenue to Woodside Crescent . . . . .	60 yards.
	Cheviot Crescent . . . . .	144 yards.
Hadston (North) . . . . .	Chevington Avenue . . . . .	141 yards.
	Chibburn Avenue . . . . .	369 yards.
	Service Road off Chibburn Avenue . . . . .	188 yards.
	Whitefield Crescent . . . . .	59 yards.
	Hazon Crescent . . . . .	94 yards.
	Hauxley Crescent . . . . .	75 yards.

That subject to the development being completed and any necessary repairs being completed in a satisfactory manner, I recommend that the streets be adopted.

*Gandale Rural District.—Hethpool Dipper-Elsdon Burn Farm Road.—Elsdon Burn-Trowupburn.—Long Knowe via Thompsons Wall-Elsdon Burn Shank.*

The College Valley Estates, Ltd., have asked whether the above roads, if improved to the required standards, could be acceptable for adoption. There are cottages at Thompsons Walls and the remaining sections of road may serve isolated farm units and generally take the form of two tracks.

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 pursuant to Section 19 of the Private Street Works Act, 1892.

That the matter be referred to the Private Street Works Sub-Committee.



REPORTS OF COUNTY SURVEYOR—continued.

made to get the remaining section made up to a satisfactory standard and adopted. Any making up would involve contributions in respect of the School, the Police House, the cottages and by the County Council, as highway authority, in respect of the right of way.

*New Delaval Level Crossing, Blyth.*

The Blyth Town Council asked that a sub-way for pedestrians should be provided at this crossing and the Sub-Committee inspected the site with representatives of the Blyth Council.

At the busiest period the crossing is used by 650 pedestrians per hour and a census showed that in the 14 hours 8 a.m. to 10.0 p.m. the crossing was closed for a total period of 3½ hours. There were 73 closures in this period and the worst conditions occurred in one hour when the crossing was closed for a total period of 31 minutes.

The approximate estimated cost of providing a foot-bridge is £6,000 against £9,300 for an 8ft. x 8ft. sub-way.

In view of the fact that even with these numerous closures most of the pedestrians would still use the crossing, the Sub-Committee considered that a footbridge would meet the needs, but the Blyth representatives intimated their preference for a sub-way.

In any case it would not be possible to proceed in the current financial year and the Sub-Committee consider that before a final decision is made, the County Surveyor should report further on the position, particularly as regards other level crossings in the County where similar facilities might be asked for.

*Newbiggin-by-the-Sea—Proposed Shelter and Convenience.*

The Newbiggin Urban District Council submitted proposals for the erection of a public convenience and shelter near the junction of the main road and the road leading to the beach opposite "Dixon's Corner." An improvement has recently been carried out here and the proposed shelter would be on land acquired to provide a sight line at the road junction.

It was considered that the shelter, as proposed, would unduly obstruct the sight line, but the Sub-Committee considered that a revised layout could be prepared, if possible using vacant land behind the highway boundary, which would not obstruct the sight line and, subject to a satisfactory layout being submitted, the Sub-Committee recommend that the Committee agree to the erection of the shelter and convenience on the highway.

Decision of the Committee.

Deferred pending a further report.

Approved.

REPORTS OF COUNTY SURVEYOR—continued.

*Sensdale Rural District—College Valley Estate Roads.*

The College Valley Estates Limited have applied for the adoption of certain roads and the Sub-Committee have met Sir Alfred Goodson and his Agent and inspected the roads.

The roads concerned are:—

(1) The continuation of the existing County road from Kilham to Longknowe for a distance of approximately 1¼ miles serving two cottages at Thompson's Walls and one house and buildings at Elsdonburn Shank.

(2) The continuation of the existing County road from West Newton to Hethpool for a distance of approximately 1½ miles to Elsdonburn, with a link of about 1¼ miles to Trowupburn.

All these roads are scheduled as rights of way. The continued occupation of these isolated dwellings enables these areas of land to be used for food production and the Sub-Committee recommend that, subject to the roads being made up to a satisfactory standard, they be adopted.

*Northwick Rural District—Doxford Farm Road.*

The Doxford Estates have applied for the adoption of this road, which serves a large farm and several cottages. Subject to its being made up to a satisfactory standard, the Sub-Committee recommend its adoption.

*Bellingham Rural District—Manchester Square, Bellingham.*

At the last meeting of the Committee an enquiry was made as to the extent of the County Council's liability for maintenance in Manchester Square, Bellingham, particularly as regards the footpath on the east side and this matter has also been raised by the Bellingham Rural District Council.

At present the County Council maintain two lengths of unclassified road leading from the main road to exits at the north and south end of the Square and they also maintain, as part of a public path, the steps leading into the Square at the south-west corner. There is no definition on the ground of any boundary between the areas created as County roads and the remainder of the Square. The Square, including the footpath, has been open to the public from time immemorial and in the past some maintenance has been carried out by the County Council on behalf of the Parish Council.

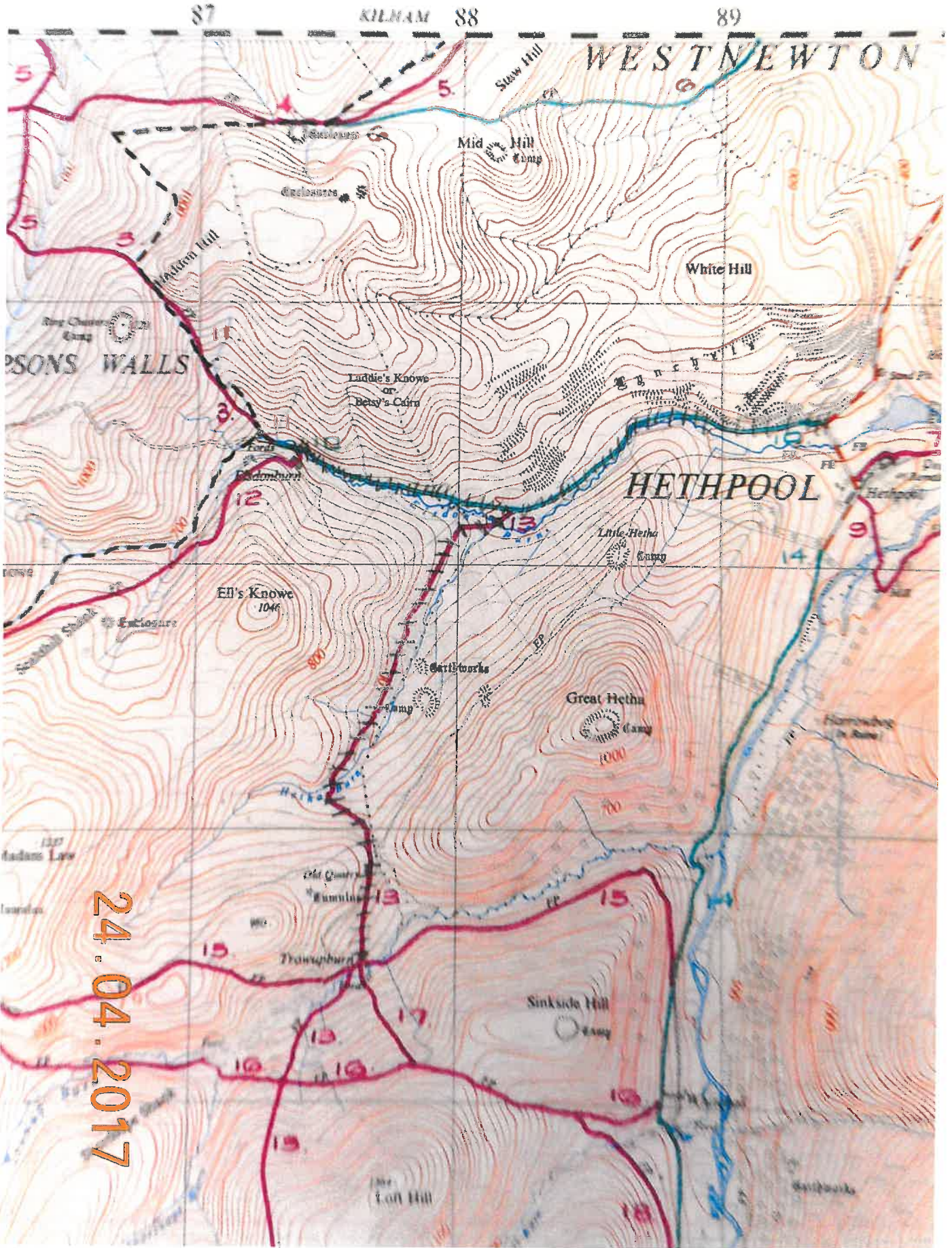
After considering all the circumstances, the Sub-Committee consider it reasonable that the County Council, as highway authority, should accept liability for the maintenance of the Square and the footpath and they recommend accordingly.

Decision of the Committee.

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.



Original Definitive Map



24.04.2017

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 ..... GLENDALE

2. Parish ..... KIRKNEWTON

3. Number of Footpath on Map ..... 10 ✓

4. Name of Path .....

5. Kind of Path (i.e. FP/BR) ..... B.R. width 3 feet

6. General Description of Path ..... ~~From the Public road north of Methpool in~~

~~a westerly direction along the Elsdon Burn to join F.P. 11 north-west~~  
~~of Elsdonburn.~~

From the County Road 41118 north of Elsdonburn in a north-  
westerly direction to join F.P. 11 at the ford over the  
Elsdon Burn.

7. Other relevant information .....

.....  
.....  
.....  
.....  
.....





## REPORTS OF COUNTY SURVEYOR—continued.

## (14) Private Streets.

*Hexham Rural District.**Stagshaw Road Estate, Corbridge.*

Messrs. M. Grady, Builder and Contractor (Newcastle) Ltd., have laid out a small housing estate on the east side of road A.68 at Corbridge and have requested that the estate road, 114 yards in length, be adopted.

Subject to the developers completing the work to my satisfaction, I recommend that the estate road be taken over and maintained at public expense.

*Whiteside Bank, Riding Mill.*

Messrs. Forster & Stonehouse have developed a small housing estate on the east side of road A.68 at the foot of Whiteside Bank, Riding Mill, and now request that the short cul-de-sac, length 60 yards, serving this estate be adopted.

Subject to its being completed in a satisfactory manner, I recommend that the cul-de-sac be adopted.

*Redburn Crescent, Acomb.*

The above road, comprising 377 yards of carriageway, together with associated footpaths and an 8 foot span culvert, has been constructed to a satisfactory standard by the building firm of Messrs. J. H. Newman & Sons (Hexham), Ltd., to serve their new housing estate at Acomb and I recommend that it be adopted as a highway maintainable at public expense.

*Castle Ward Rural District.**King John's Court, Darras Hall Estate.*

Mr. F. Elliott, the developer of King John's Court, has recently had repairs and remedial works carried out on the road serving this estate and his Architect has asked that the road, length 240 yards, be now adopted.

I recommend that this estate road be adopted on satisfactory completion of the repair and remedial works.

*Glendale Rural District.**College Valley Estates Ltd.**Roads to Trowupburn and Elsdorburn.*

After considering a report by the Private Streets Subcommittee at their meeting in June, 1959, the Committee agreed to adopt these roads subject to their first being put into a suitable state of repair.

The Agent for the Estate, Mr. D. M. Campbell, informs me that the road work required has now been completed. There are five cattle grids on the roads, which are not of standard design. In two cases the grid is formed of jubilee

Decision of the Committee.

That the roads be taken over as highways repairable at the public expense subject to their construction to the satisfaction of the County Surveyor.

## REPORTS OF COUNTY SURVEYOR—continued.

track and in the other three cases it is formed of round bars. The grids are quite satisfactory for the very limited traffic that uses the roads and there seems to be no possibility of the amount of commercial traffic increasing in the future.

I, therefore, recommend that they be accepted and that, subject to a satisfactory final examination and the dedication of the land, the roads be adopted.

## (15) Private Street Works.

(i) *Hexham Rural District.**St. Wilfrid's Road and Windsor Terrace, Corbridge.*

A request has been received from Miss E. Bowman, of 15 Princes Street, Corbridge, that she be allowed to pay the road charges apportioned against her property in St. Wilfrid's Road by instalments over a period of ten years. The provisional apportionment is £100 6s. 0d. I recommend that the request be granted.

(ii) *Castle Ward Rural District.**Ridgeley Drive (Part), Ponteland.*

The work of making up this street has been completed and the final apportionment charges have been served on the frontagers. A number of requests have been made for the charges to be paid by instalments over a number of years.

One request is for the repayment of £285 3s. 7d. over a period of thirty years, the other requests are for repayment over ten years.

The agreement to payment of charges by instalments is in accordance with the general policy of the Committee and also the recommendation of the Ministry of Housing and Local Government and I recommend that the Committee agree to the payment by instalments of the charges in respect of the making up of Ridgeley Drive.

(16) *Trunk Road A.1—Alnwick By-Pass.*

In accordance with the Committee's instructions, representations were made to the Ministry of Transport regarding the standards for the Alnwick By-Pass and the following letter dated 2nd July, 1963, has been received by the Clerk of the County Council:—

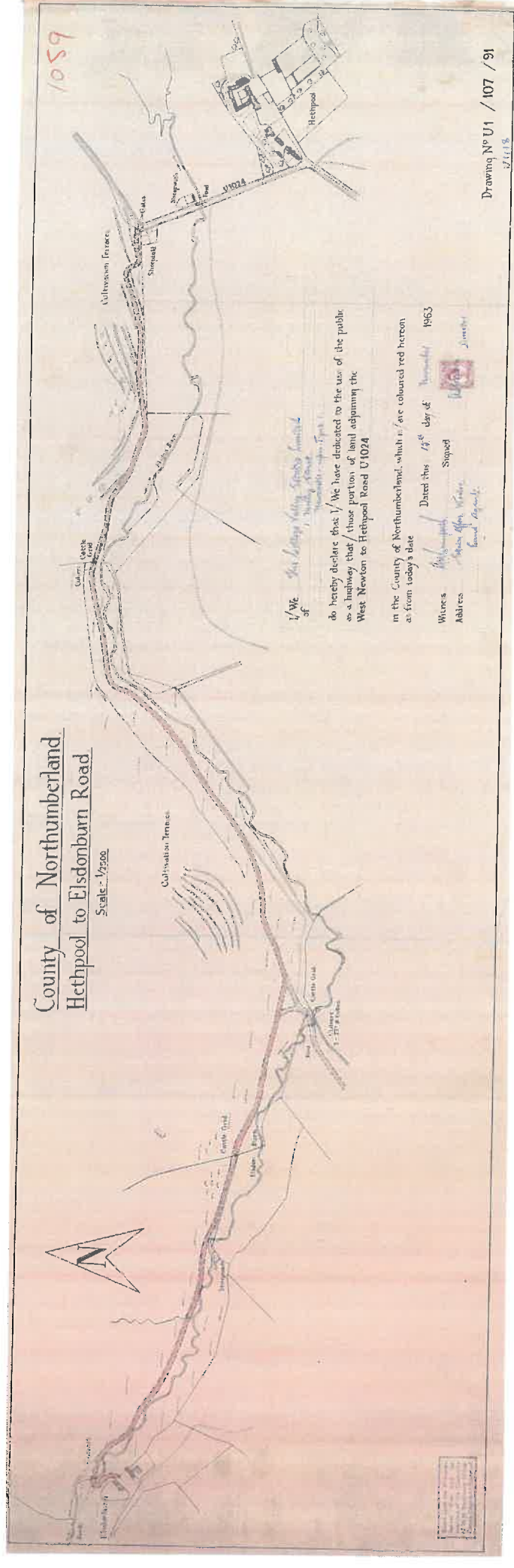
"I refer to your letter of the 11th April with which you submitted a memorandum in support of your Council's representations that the design of the above scheme should allow for the ultimate provision of dual carriageways. You also enquired whether a deputation from your Council could be received in order to discuss the matter.

That if necessary the Ministry be asked to receive a deputation comprising Aldermen Garrow, Malia and Ridley, to discuss this matter, and also conditions at Stagshaw Cross Roads.

Approved.

Approved.

That if necessary the Ministry be asked to receive a deputation comprising Aldermen Garrow, Malia and Ridley, to discuss this matter, and also conditions at Stagshaw Cross Roads.



County of Northumberland  
 Hethpool to Elsdonburn Road  
 Scale - 1/2500

1059

I/We *The County of Northumberland*  
 do hereby declare that I/We have dedicated to the use of the public  
 as a highway that/those portions of land adjoining the  
 West Newton to Hethpool Road U1024

in the County of Northumberland, which is/are coloured red hereon  
 as from today's date

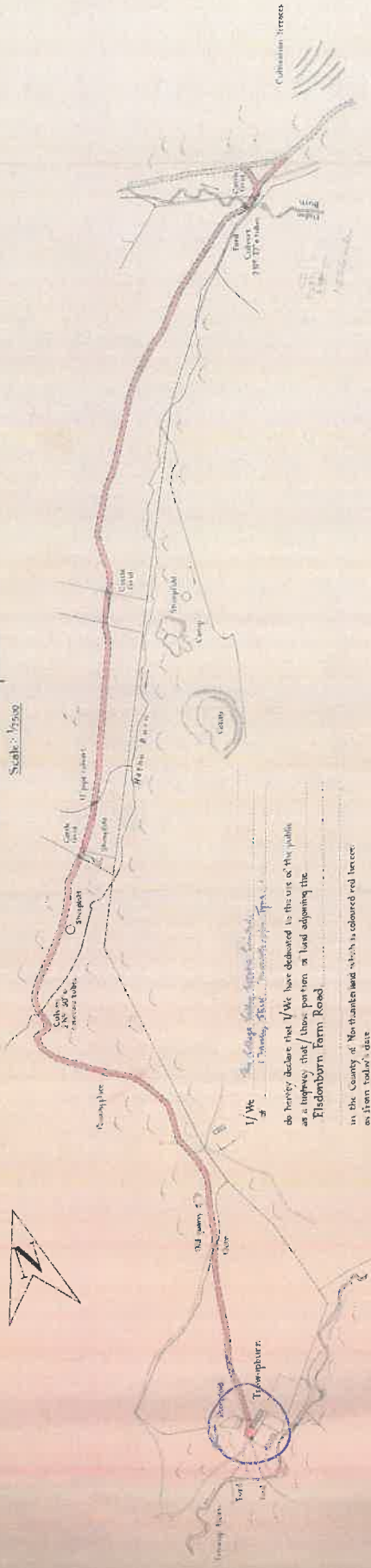
Witness  
 Address  
 Dated this *14<sup>th</sup>* day of *November* 1963  
 Signed  
*[Signature]*  
*[Signature]*

Drawing No U1 / 107 / 91  
 2/1/18

1060

# County of Northumberland Road to Ironupburn

Scale: 1/2500



I/We George & John  
do hereby declare that I/We have dedicated to the use of the public  
as a highway this/ these portion or land adjoining the  
Eldonborn farm Road  
in the County of Northumberland which is coloured red herce:  
on this 10th day of September 1965

Witness John Signed George  
Address ...

Drawing No U1 / 106 / 89

# 1964 County Road Schedule

Responsible	Total
Division or	Mileage.
Authority.	Mileage.

<u>Route No.</u>	<u>Name of Road.</u>	<u>Description.</u>	<u>Wooler.</u>	<u>Total Mileage.</u>
U.1116	Kypie Farm Road.	From B.6352 west of Flodden south-eastwards for 569 yards towards Kypie Farm.	Wooler	0.32
U.1117	Phillips Place, Lowick.	From B.6353 near Lowick School northwards for a distance of 95 yards.	Wooler.	0.05
U.1118	Road to Elsdonburn.	From U.1024 north of Hethpool westwards to entrance gateway of Elsdonburn Farm Steading, (2,487 yards).	Wooler.	1.41
U.1119	Road to Trowupburn.	From U.1118 approximately 920 yards east of Elsdonburn Farm, southwards to Trowupburn Farm, including link road at junction with U.1118 and turning area within Trowupburn Farmyard, (2,280 yards).	Wooler.	1.30
U.1120	Callowlaw Road Wooler.	From C.50 opposite its junction with U.1076 in a north-easterly direction to form a cut-de-sac 120 yds in length.	Wooler.	0.07.

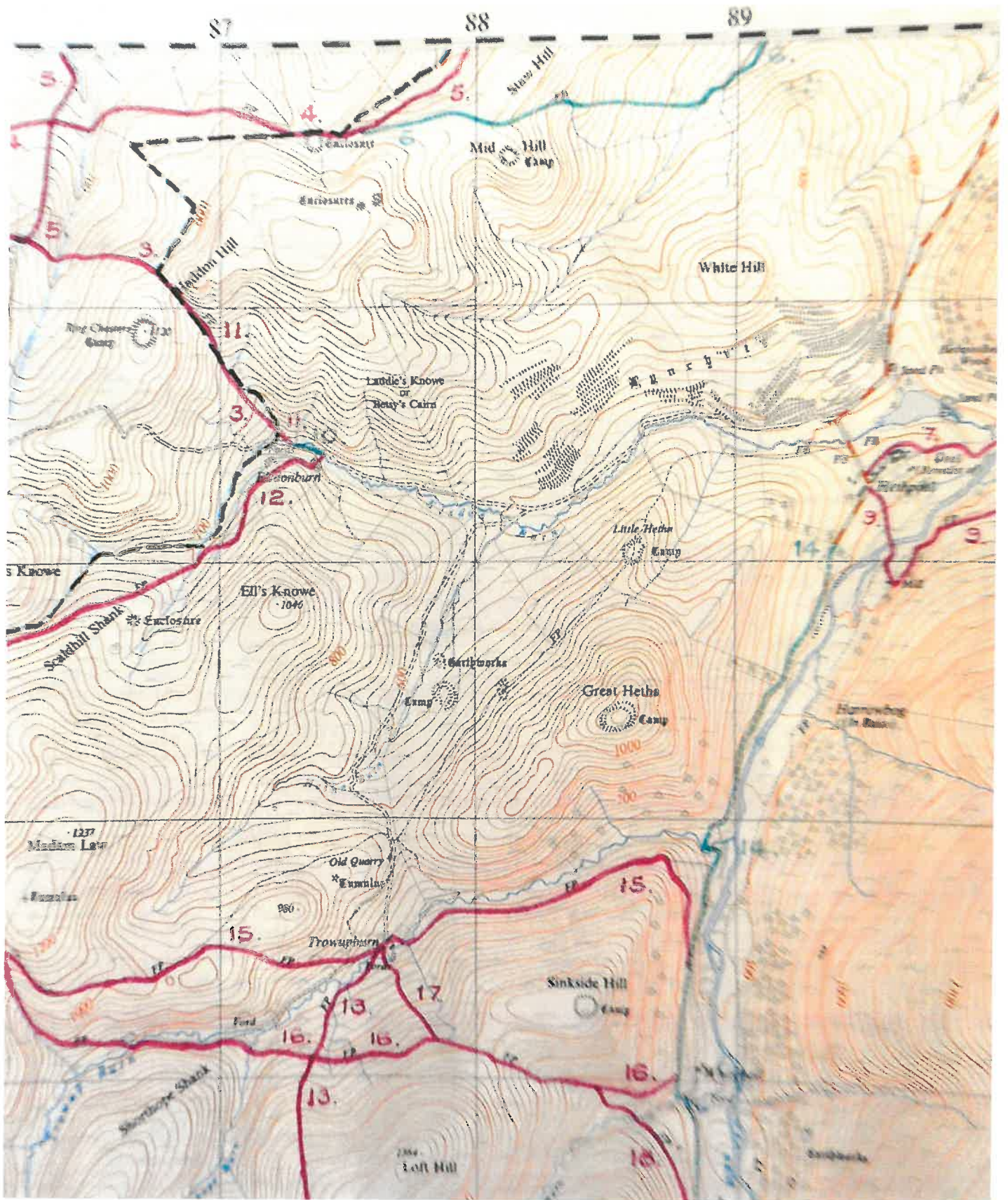


Extract from the Council's 1964 Highways Map





# First Review Definitive Map



# 1974 County Road Schedule

Route No.	Name of Road	Description	Responsible Division or Authority	Mileage	Total Mileage
U.1110	Road to Earle Mill.	From C.51 approximately one mile south of Wooler (NT.993266) eastwards to the Ford south of Earle Mill (NT.994267) (including piped culvert), (350 yards).	Wooler Division		0.20
U.1111	High Fair, Wooler.	From U.1078 (NT.985278) northwards and eastwards to U.1104, (288 yards), and link footpath to Ramsey's Lane, (72 yards).	Wooler Division		0.16
U.1112	Downham Farm Road, Mindrum.	From B.6352 east of Mindrum (NT.863335) north-eastwards to entrance to Downham Farm, (NT.866339). (607 yards).	Wooler Division		0.35
U.1113	Wheatriggs Estate, Milfield.	From U.1018 at Milfield in a westerly direction: (NT.933337) Wheatriggs 288 yards Wheatriggs Terrace 82 yards Wheatriggs Avenue 186 yards	Wooler Division		0.32
U.1114	Ford-Westfield Farm Road.	From B.6353 half a mile south-west of Ford Village (NT.942372) in a south-westerly direction to the entrance to Ford Westfield Farm, including the loop road at the cottages. (NT.938365).	Wooler Division		0.62
U.1115	Weetwood Avenue, Wooler.	From B.6348 (NT.994282) southwards for a distance of 488 yards to join U.1063 (NT.996278) including cul-de-sac, 47 yards, and loop road, 81 yards.	Wooler Division		0.35
U.1116	Kypie Farm Road.	From B.6352 west of Flodden (NT.907345) south-eastwards for 569 yards towards Kypie Farm.	Wooler Division		0.32
U.1117	Phillips Place, Lowick.	From B.6353 near Lowick School (NU.016397) northwards for a distance of 95 yards.	Wooler Division		0.05
U.1118	Elsdonburn Road.	From U.1024 north of Hethpool (NT.894286) westwards to entrance gateway of Elsdonburn Farm Steading, (NT.874285) (2,487 yards)	Wooler Division		1.41

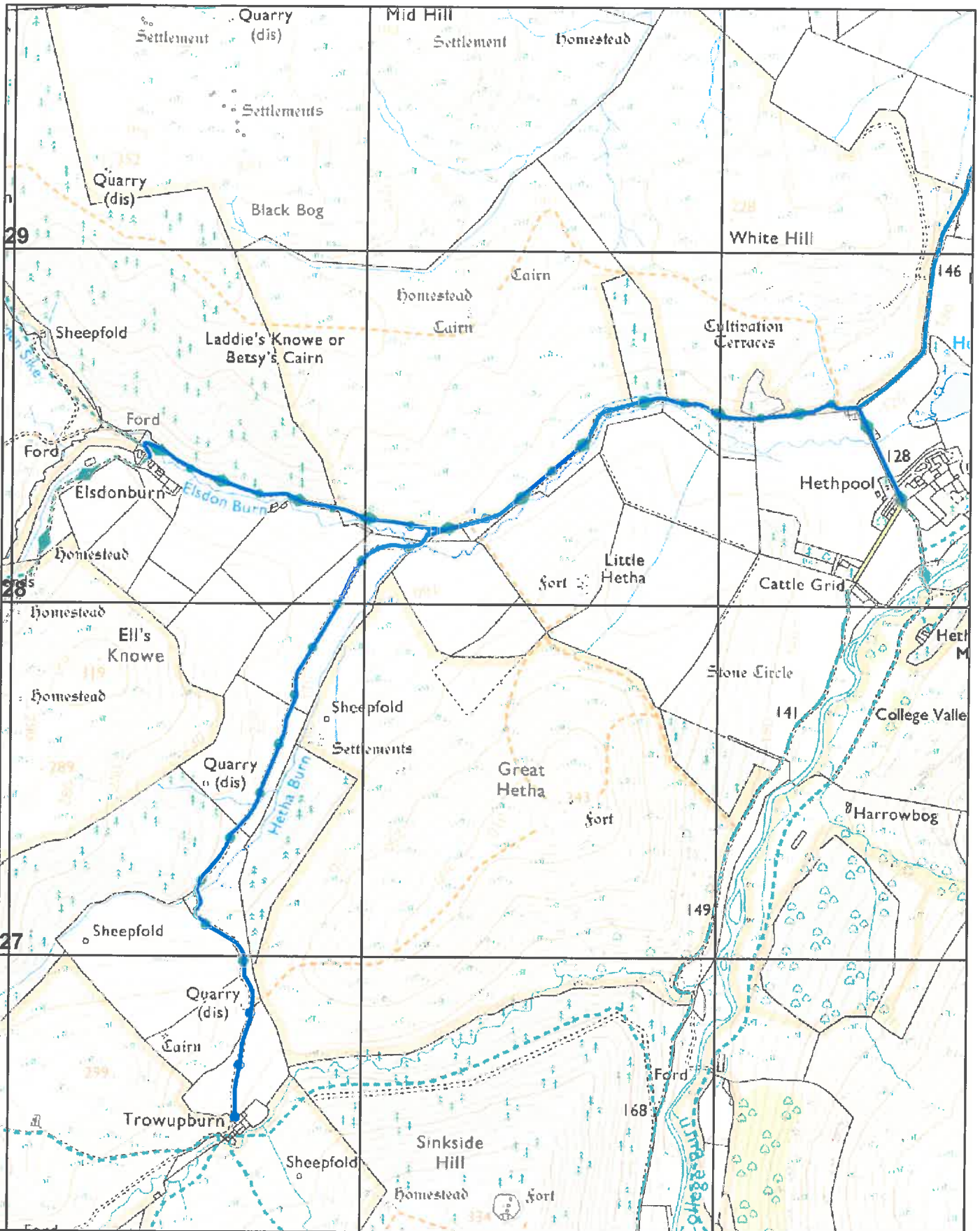
# 1974 County Road Schedule

Route No.	Name of Road	Description	Responsible Division or Authority	Mileage	Total Mileage
J.1119	Trowupburn Road.	From U.1118 approximately 920 yards east of Elsdonburn Farm (NT.883282) southwards to Trowupburn Farm, (NT.877265) including link road at junction with U.1118 and turning area within Trowupburn Farmyard, (2,280 yards).	Wooler Division		1.30
J.1120	Gallowlaw Road, Wooler.	From C.50 opposite its junction with U.1076 (NT.983285) in a north-easterly direction to form a cul-de-sac 120 yards in length.	Wooler Division		0.07
J.1121	Council Offices Road, Wooler.	From C.50 at Wooler opposite C.48 junction (NT.989282) southwards for 72 yards towards Council Offices.	Wooler Division		0.04
J.1122	Old Post Office Road, Ford.	From B.6353, some 90 yards north-east of Ford Village Road (U.1102), (NT.949376) northwards for 135 yards.	Wooler Division		0.08
J.1123	Heatheryhall Farm Road.	From B.6348 some 2 miles east of Wooler, (NU.022297) eastwards and northwards for 522 yards to Heatheryhall Farm.	Wooler Division		0.29
U.1124	Branxtonhill Farm Road.	From C.28 south of Branxton (NT.899367) south-westwards for 627 yards to Branxtonhill Farm (NT.893365)	Wooler Division		0.35
U.1125	Fordwood House Farm Road.	From C.34, approximately one mile north of Kimmerston (NT.962365) eastwards for 925 yards to Fordwood House.	Wooler Division		0.52









**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:	Date:	Scale:
AB	May 2017	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>U1115</b>		
	U1115 W/WOOD TO WEETWOOD CUL-DE-	42
	U1063 JCT TO B6348 JCT WOOLER	453
	U1115 W/WOOD (S) TO U1115 W/WOOD (N)	83
	<i>Total length for U1115</i>	<b>578</b>
<b>U1116</b>		
	B6352 JCT TO KYPIE FARM	522
	<i>Total length for U1116</i>	<b>522</b>
<b>U1117</b>		
	B6353 JCT TO PHILLIPS PLACE LOWICK	95
	<i>Total length for U1117</i>	<b>95</b>
<b>U1118</b>		
	U1119 JCT TO ELSDONBURN FARM GATE	945
	U1024 JCT TO U1119 JCT	1,332
	<i>Total length for U1118</i>	<b>2,277</b>
<b>U1119</b>		
	U1118/U1119 LINK ROAD	23
	U1118 JCT TO THROWUPBURN FARM	2,056
	<i>Total length for U1119</i>	<b>2,078</b>
<b>U112</b>		
	ROWNTREE AVENUE FOOTWAY	29
	ROWNTREE AVENUE FOOTWAY	75
	ROWNTREE AVENUE FOOTWAY	36
	ROWNTREE AVENUE FOOTWAY	23
	CROSSWAITHE TERRACE FOOTWAY	86
	ROWNTREE AVENUE	39
	CROSSWAITHE TERRACE FOOTWAY	11
	DOCK ROAD FOOTWAY	101