

RIGHTS OF WAY COMMITTEE

12 September 2017

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

ALLEGED RESTRICTED BYWAYS Nos 1 & 10 & 30 PARISHES OF WOOLER, AKELD & 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 a route between the western end of the U1078 road west of Brown's Law and Commonburn House. Most of the route follows that of existing Public Bridleways Nos 1, 10 and 30 (Parishes of Wooler, Akeld and Kirknewton).

Recommendation

It is recommended that the Committee agree that:

- (i) there is sufficient evidence to indicate that, on a balance of probabilities, public vehicular rights exist over the route PP-EE;**
- (ii) there is sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the route EE-FF-CC-M;**
- (iii) there is sufficient evidence to indicate that, on a balance of probabilities, public vehicular rights exist over the route M-X-BB-GG-AA-W-L;**
- (iv) the Natural Environment and Rural Communities Act 2006 would appear to have extinguished the public's motorized vehicular rights over the route;**
- (iii) the route be included in a future Definitive Map Modification Order as restricted byways.**

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 provisions which apply where restricted byways are proposed to be added to the Definitive Map on the basis of historical documentary evidence, in part over the route of existing public bridleways, are Sections 53(3)(c)(i) and (ii) of the Wildlife and Countryside Act, 1981. They require 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 part of alleged Restricted Byway No 1 that is not the same as existing Public Bridleway No 1 (i.e. between the points marked M and EE). The ‘higher level’ Section 53(3)(c)(ii) “balance of probabilities” test needs to be applied to the remainder of the alleged restricted byway route, because these sections are already recorded on the Definitive Map as public bridleway.
- 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. PUBLIC EVIDENCE

- 2.1 In 2014, officers became aware of inclosure award evidence which appeared to indicate the existence of a public vehicular right of way over a 4 kilometre long route between Brown’s Law, Wooler and Commonburn House. Most of this route is already recorded on the Definitive Map as Public Bridleways Nos 1, 10 and 30 in the Parishes of Wooler, Akeld and Kirknewton, respectively.
- 2.2 In July 2014, the Council consulted known owners and occupiers of the land, the parish councils, path user organisations and the local County councillor regarding the alleged public right of way.
- 2.3 The Definitive Statements for the existing public bridleways do not identify any widths.

3. REBUTTAL / LANDOWNER EVIDENCE

3.1 By letter, dated 2nd April 2015, Bond Dickinson responded to the consultation on behalf of the Lilburn Estate, stating:

“Applications to modify the Definitive Map and Statement Addition to add a Restricted Byway and from points L to W to X to M to P to Q in the Parishes of Kirknewton (number 30), Akeld (number 10), Wooler (numbers 1 and 3)

“We refer to the above mentioned claims where the proposal is to upgrade existing Public Bridleways No 30, No 10, No 1 and existing Public Footpath No 3 on the Definitive Map and statement of Public Rights of Way to Restricted Byway status. We enclose a copy of the map which sets out in its totality the claimed route from point L to point Q. As you will be aware, we act on behalf of the Lilburn Estate and are submitting objections in relation to the above claims.

“We note that it is stated that the proposed claim is supported by documentary evidence primarily being

The Wooler and Humbleton Common Inclosure Award of 1869

1849 Tithe Award

Armstrong’s and Greenwood’s County Map of 1769 and 1828 respectively.

Ordnance Survey Maps relating to 1860s, 1890s and 1920s.

First, we have stated in earlier letters our position in relation to the weight to be given to Ordnance survey Maps. Rather than repeat our arguments we refer to the letters of 27th March in relation to the claimed routes for Byways Open to All Traffic.

“As regards the Greenwood’s map, it would appear that not all the routes the Council claim are on this particular map and the Council is put to proof as to the weight (if any) that this map should be given and the reasons why.

“The Armstrong Map cited does not appear to support the claimed route.

“The test that the Council has to consider as to whether or not to make an Order pursuant to Section 53(3)(c)(ii) is that “a highway shown in the map and statement is a highway of a particular description ought to be there shown as a highway of a different description;”.

“We submit that at this stage, the test to make an Order for a Restrictive Byway in this particular instance has not been made out and we look

forward to confirmation that an Order in relation to the above claimed route will not be made.”

4. CONSULTATION

4.1 In July 2014, the Council carried out a consultation with the Parish Councils, 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”. Five replies were received and are included below.

4.2 By letter, dated 17th October 2014, Ms E Bamford responded to the consultation, on behalf of the Ramblers’ Association, stating:

“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 Akeld Restricted Byway 10 No comment

“Parish of Kirknewton Restricted Byway 30 No comment

“Parish of Wooler Restricted Byway 1 No comment

4.3 By letter, dated 28th 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 route of alleged Restricted Byways Nos 1 and 10 (but not the RB 30 part) was one of the ones highlighted by Mr Roberts].

“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 email, on 28th October 2014, Ms S Rogers responded to the consultation, on behalf of the British Horse Society, stating:

“Wooler Parish

Proposed upgrade of bridleway 1 to restricted byway 1

This route shown on maps 22 & 23 is part of a rough stone track leading from point P to Commonburn House. Although already legally accessible to horses and used by local horse riders, it is clear that there is good documentary evidence in the inclosure award to show that it is an ancient public road so the appropriate status for the route is a restricted byway. The BHS would like to see it accurately recorded as such on the definitive map.”

- 4.5 By letter, dated 3rd November 2014, Ms S Rogers responded to the consultation, on behalf of the British Horse Society, stating:

“Kirknewton Parish

Proposed upgrade of BR 30 to Restricted Byway 28

“The BHS supports this upgrade needed to ensure consistency with the proposal for the upgrade of the long BR from Commonburn towards Wooler.

- 4.6 By email, on 6th November 2014, Ms S Rogers responded to the consultation, on behalf of the British Horse Society, stating:

“Akeld Parish

Proposed upgrade of BR 10 to Restricted Byway 10

“The BHS has no objection to the upgrading of this public bridleway to restricted byway as in the Wooler & Humbleton Inclosure Award of 1869 it is described as the ‘Wooler & Commonburn Road’, an ancient public road.”

5. DOCUMENTARY EVIDENCE

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

1769 Armstrong's County Map

There is some evidence of a track over the very western end of the alleged restricted byway (in the vicinity of Commonburn House) but none over the remainder of the route. Commonburn House would appear to lie close to the right-angle bend in the Yeavinger Bell - Newton Torr track shown on this map.

1820 Fryer's County Map

There is no evidence of a road / track resembling the route of the alleged restricted byways.

1820-32 Cary's Map

There is no evidence of a road / track resembling the route of the alleged restricted byways.

1828 Greenwood's County Map

There is clear evidence of a road / track resembling almost all of the route of alleged Restricted Byway No 1, but not of alleged Restricted Byways Nos 10 or 30.

1864/5 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an unenclosed road / track, over most (but not all) of the alleged restricted byway route. A significant part of the route appears to be on a parallel course, just north of the alleged restricted byway route.

1869 Wooler & Humbleton Common Inclosure Award

The Wooler section of the alleged restricted byways is clearly shown on the Award map (although a 510 metre long section of public road, south of Bells Valley, set out in the Award, does not match the route of the present day track or the route of existing Public Bridleway No 1). The western end is identified on the Award map as being "Ancient Public Road". Its westerly continuation, beyond the Award boundary, is labelled "From Common Burn", indicating that a route of some description must continue to this destination.

The, roughly, 2300 metre long section of alleged byway lying between alleged Public Bridleway No 40 (Point M) and the eastern end of alleged Restricted Byway No 1 (Point PP) is set out in the Inclosure Award as a thirty foot (i.e. 9.14 metre) wide public carriage road in the Inclosure Award. The westerly most 1750 metres of this length of road appears to run parallel to, but south of what was the existing track (over which public bridleway rights are currently recorded). The most easterly 550 metres matches the routes of both existing Public Bridleway No 1 and the modern day road.

1899 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an unenclosed road / track, over most (but not all) of the alleged restricted byway route. A significant part of the track (DD-M) appears to be on a parallel course, just north of the alleged restricted byway route.

1924 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an unenclosed road / track, over most (but not all) of the alleged restricted byway route. A significant part of the track (DD-M) appears to be on a parallel course, just north of the alleged restricted byway route.

1951 Survey Schedule & Map

There is clear evidence of an unenclosed track, over most (but not all) of the alleged restricted byway route, shown on the OS base map. The unenclosed track is identified for inclusion on the Definitive Map as public bridleway (No 1 in Wooler, No 1 in Akeld and unnumbered in Kirknewton). About 45% of Wooler Bridleway No 1 (between points marked DD and M) lies on a parallel route (typically 20 to 30 metres) to the north of the modern day alleged restricted byway route. One public bridleway (Wooler No 2) is identified as terminating on the Wooler section of bridleway (at point EE). The Akeld section of bridleway is identified as continuing in a northerly direction (not stopping at the Kirknewton parish boundary). Three unnumbered public footpaths terminate on the western end of the Kirknewton bridleway, at Commonburn (point L).

Draft Map

As with the Survey Map, there is clear evidence of an unenclosed track, over most (but not all) of the alleged restricted byway route, shown on the OS base map. The unenclosed track is identified on the Draft Map as public bridleway (No 1 in Wooler, No 1 in Akeld and No 1 in Kirknewton). About 45% of Wooler Bridleway No 1 (between points marked DD and M) lies on a parallel route (typically 20 to 30 metres) to the north of the modern day alleged restricted byway route. Again, one public bridleway (Wooler No 2) is identified as terminating on the bridleway (at point EE). One public footpath (Akeld No 2) is identified as terminating on the bridleway just east of point W and three more public footpaths (Kirknewton Nos 2, 7 and 9) terminate on the western end of the Kirknewton bridleway, at Commonburn (point L).

1957 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an unenclosed road / track, over most (but not all) of the alleged restricted byway route. A significant part of the route appears to be on a parallel course, just north of the alleged restricted byway route.

Provisional Map

As with the Draft Map, there is clear evidence of an unenclosed track, over most (but not all) of the alleged restricted byway route, shown on the OS base map. The unenclosed track is identified on the Provisional Map as public bridleway (No 1 in Wooler, No 1 in Akeld and No 1 in Kirknewton). About 45% of Wooler Bridleway No 1 (between points marked DD and M) lies on a parallel route (typically 20 to 30 metres) to the north of the modern day alleged restricted byway route. Again, one public bridleway (Wooler No 2) is identified as terminating on the bridleway (at point EE), one public footpath (Akeld No 2) is identified as terminating on the bridleway just east of point W, and three more public footpaths (Kirknewton Nos 2, 7 and 9) terminate on the western end of the Kirknewton bridleway, at Commonburn (point L).

Original Definitive Map

There is clear evidence of an unenclosed track, over most (but not all) of the alleged restricted byway route, shown on the OS base map. The unenclosed track is identified on the Definitive Map as public bridleway (No 1 in Wooler, No 10 in Akeld and No 30 in Kirknewton). Given the smaller scale of the mapping it is less obvious, but about 45% of Wooler Bridleway No 1 (between points marked DD and M) appears to lie on a parallel route (typically 20 to 30 metres) to the north of the modern day alleged restricted byway route. Wooler Public Bridleway No 2 terminates on the bridleway (at point EE), Akeld Public Footpath No 9 terminates on the bridleway just east of point W, and Kirknewton Public Footpaths Nos 24, 25 and 27 terminate on the western end of the Kirknewton Bridleway No 30, at Commonburn (point L).

1963 First Review Definitive Map

This Map shows the same as the original Definitive Map (see above).

1978/9 Ordnance Survey Map: Scale 1:10,000

There is clear evidence of a road / track over almost all of the restricted byway route. A roughly 200 metre long section of existing Public Bridleway / alleged Restricted Byway No 10 (between the points marked AA and BB) does not quite follow the follow the access road.

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

A publicly maintainable highway is identified over the U1078 road as far as the Humbleton Burn, then extending westwards, along the route of existing Public Bridleway No 1 / alleged Restricted Byway No 1, for a further 25 metres (i.e. west of the Humbleton Burn). Apart from this 25 metre section, no publicly maintainable highway was identified over the route on the List of Streets.

5.2 In the Wooler & Humbleton Common Inclosure Award (1869) text it states:

“And I further declare that I have diverted or altered the Public Road or way in the said parish of Wooler called the Wooler and Common Burn Road between the junction of the Common Burn and Humbleton Road at the point marked F on the said Map and the junction of the Ancient Public Bridle Road at the point marked K2 on the said Map and in lieu thereof I have set out the Public Roads hereinafter mentioned between the points marked F and K and K and K2 on the said Map.

“And I do hereby declare that I have set out and appointed and do hereby set out and appoint the following Public Carriage Road or Highway that is to say

“One Public Carriage Road or Highway of the width of thirty feet to be called the Wooler and Common Burn Road commencing at a point

marked F on the said Map and extending thence in a westerly direction to and terminating at a point marked K on the said Map.

“One other Public Carriage Road or Highway of the width of thirty feet also to be called the Wooler and Common Burn Road being a continuation of the road next hereinbefore set out commencing at the said point marked K and continuing thence in a Southwardly direction to a point marked K1 on the said Map and thence in a Westwardly direction to and terminating at a point marked K2 on the said Map.”

- 5.3 In a further page attached to the Wooler & Humbleton Common Inclosure Award (1869) it states:

“In the matter of the Inclosure of Wooler and Humbleton Common situate in the Township and Parish of Wooler in the County of Northumberland

“Whereas the valuer acting in the matter of the above mentioned Inclosure has set out and appointed amongst others the following Public Carriage Road or highway that is to say.

“One Public Carriage Road or Highway of the width of thirty feet to be called the Wooler and common Burn Road commencing at the point marked K and continuing thence in a Southwardly direction to a point marked K1 on the said Map and thence in a Westwardly direction to and terminating at a point marked K2 on the said Map.

“And whereas it appears to the Inclosure Commissioners for England and Wales that it is not necessary for public convenience that the said Public Carriage Road or Highway should be made of hard materials and certified by two Justices.

“Now we the said Inclosure Commissioners Do by this Order under our Hands and Seal by virtue of the power vested in us by “The Acts for the Inclosure Exchange and Improvement of Land” certify that the said Road is sufficiently formed having reference to the nature and situation thereof.”

- 5.4 The entry for the U1078 road, in the 1974 County Road Schedule is:

“U1078 Wooler - Pertersfield
From C48 at Wooler (NT 991280) south-westwards and westwards via Ramsey’s Lane, Common Road, and Petersfield to Ford at (NT 969271).

The length of the U1078 road is identified as being 1.72 miles.

6. SITE INVESTIGATION

- 6.1 From the western end of the U1078 road, at a culvert for the Humbleton Burn, (Point P), 510 metres west of Browns Law Cottage, a 2.7 to 3 metre wide

tarmac road within a 6.5 to 7 metre wide corridor proceeds in a westerly direction for a distance of 18 metres. Thereafter a 2.7 to 3 metre wide intermittently tarmac or stone surfaced road (unenclosed) proceeds in a general westerly direction for a distance of 585 metres to a cattle grid with field gate alongside (combined width 6.7 metres). Thereafter the 2.7 to 3 metre wide intermittently tarmac or stone surfaced road (unenclosed) continues in a general westerly direction for a further 2275 metres to another cattle grid with field gate alongside (combined width 6.7 metres). This is the Wooler - Akeld Parish boundary (Point X). Thereafter the 2.7 to 3 metre wide intermittently tarmac or stone surfaced road (unenclosed) continues in a general westerly direction for a further 1035 metres to another cattle grid with field gate alongside (combined width 7.3 metres). A 2.7 to 3 metre wide tarmac road (unenclosed) continues in a westerly direction for a further 35 metres, to the Akeld - Kirknewton Parish boundary (Point W). Then the 2.7 to 3 metre wide tarmac road (unenclosed) proceeds in a south-westerly direction for a distance of 70 metres. Thereafter a 2.7 to 3 metre wide tarmac road within an 8.5 metre wide corridor continues in a south-westerly direction for a further 25 metres. Finally, a 4 to 4.5 metre wide stone surfaced track (unenclosed) continues in a south-westerly direction for a further 40 metres to a field gate junction with existing Public Footpaths Nos 24 and 27, 35 metres north-west of Commonburn House (Point L).

7. COMMENTS RECEIVED ON THE DRAFT REPORT

- 7.1 In August 2017, a copy of the report was circulated to those landowners / occupiers who responded to the initial consultation for their comments. No additional comments have been received.

8. DISCUSSION

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

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

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

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

- 8.3 When considering an application / proposal for a modification order Section 32 of the Highways Act, 1980 provides for “any map, plan or history of the locality or other relevant document” to be tendered in evidence and such weight to be given to it as considered justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.
- 8.4 The representation of a path or track on an Ordnance Survey Map is not evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey.
- 8.5 All but the very western end of the route (or one closely resembling it) is identified on Greenwood’s County Map of 1828. The western end of the route (only) appears to be shown on Armstrong’s County Map of 1769 (being a part of the route shown between Yeavinger Bell and Newton Torr). The majority of the route (subject to the alignment issues between Points DD and M is clearly shown on the 1st Edition Ordnance Survey map of c.1864/5, the 2nd Edition Ordnance Survey map of 1899, the 3rd Edition Ordnance Survey map of 1924, the 6” Ordnance Survey Map of 1957 and (subject to the further alignment issue between Points AA and BB, referred to previously), also the 1:10,000 scale Ordnance Survey map of 1978 / 79.
- 8.6 The majority of this route was recorded as public bridleway on the Definitive Map on the basis of the evidence that was available during the 1950s and early 1960s. A route’s status on the Definitive Map is always without prejudice to any higher rights that may exist. Before making a definitive map modification order to show a route with a higher status, the Council must be satisfied that the available evidence has demonstrated that, on a balance of probabilities, those higher rights exist.
- 8.7 The main piece of evidence supporting the existence of public vehicular rights is the Wooler and Humbleton Common Inclosure award of 1869. This specifically set out the PP-M section as a 30 foot wide “Public Carriage Road or Highway”. It identified the section of alleged restricted byway west of point M (i.e. M to X) as existing “Ancient Public Road”. The continuation, beyond the Award boundary at Point X, says “From Common Burn”. This implies, strongly, that a highway of the same status continued at least as far as this destination.
- 8.8 In the absence of evidence that procedures to extinguish vehicular rights were carried out, any rights which previously existed must be presumed still to exist. In law, the maxim is ‘once a highway, always a highway’.
- 8.9 These investigations have thrown up two major and one minor alignment

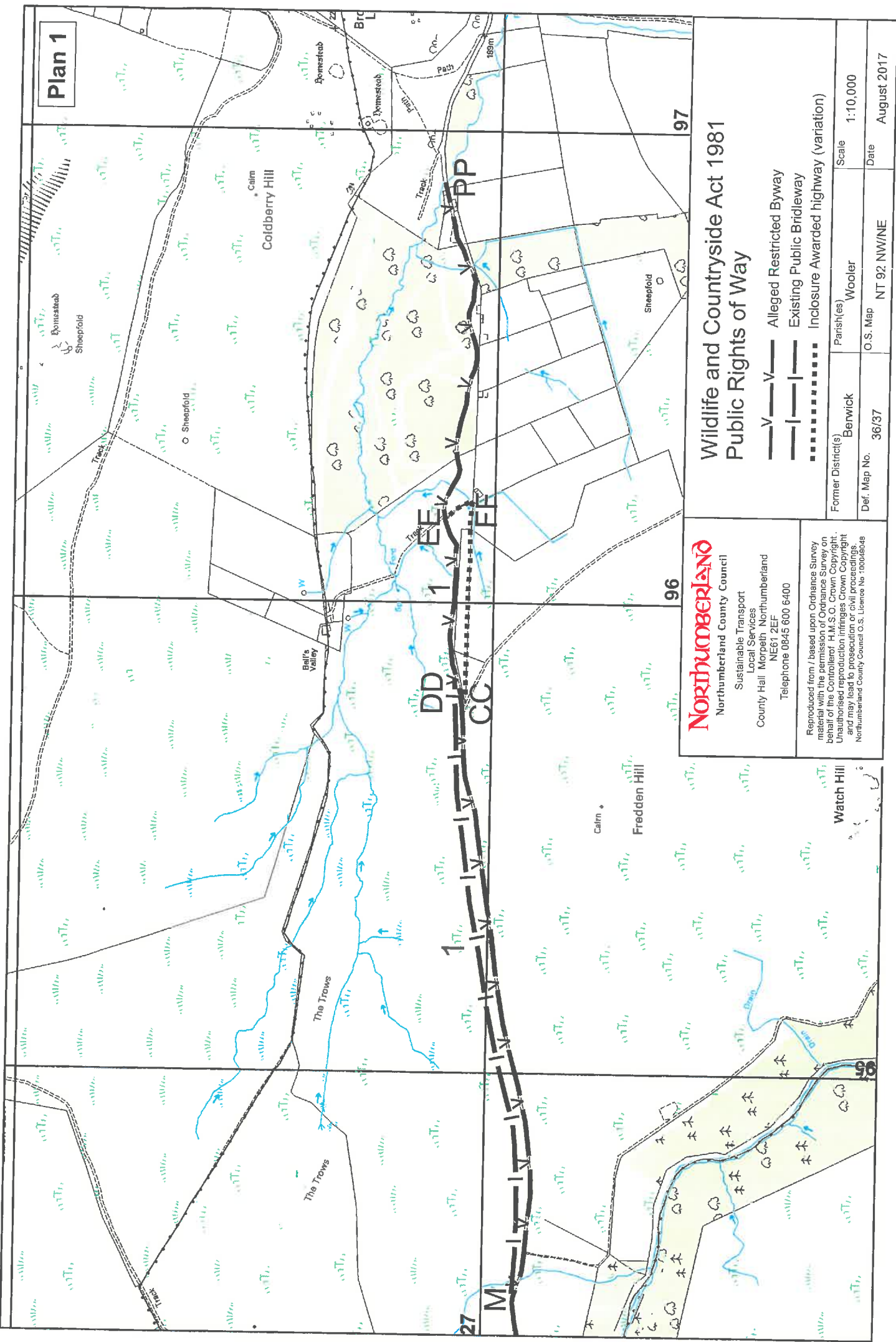
issues in relation to the route. Firstly, in relation to alleged Restricted Byway No1 (Parish of Wooler), between points EE and CC [415 metres] the 510 metre long inclosure awarded route differs from the existing public bridleway route (the 310 metre long EE-DD section of the public bridleway does follow the modern day road to Common Burn). The inclosure award set out the road immediately - it explicitly stated that no justices certificates, that the road had been satisfactorily constructed, were required. So, although the awarded EE-CC section does not appear to exist as a track on the ground (and is not shown on any of the Ordnance Survey maps), public vehicular rights are considered to exist over it. Secondly, in relation to alleged Restricted Byway No 1 (Parish of Wooler), between points CC and M [1280 metres] the inclosure awarded route (which does now correspond with the modern day road) still differs from the existing public bridleway route. It is the existing public bridleway route, not the inclosure awarded / modern day road route which is shown on Ordnance survey Maps from 1899 to 1957. It is not known why, of the two parallel routes, the older, more northerly, bridleway route was shown on subsequent Ordnance Survey maps whilst the newer, more southerly, inclosure award route was not. The inclosure award did not require the new EE to M part of the route to be physically constructed, so perhaps people simply continued using the old route. The effect of this could be that public vehicular (or, at least, public bridleway rights) were re-acquired over the old route, so that both routes are, in fact, restricted byways. Or it could be that the alignment did change and, although different editions of the Ordnance Survey maps were published, only partial resurveys were undertaken and these did not include the alignment of the track or did not detect that the track had shifted 20 to 30 metres further to the south. Thirdly, in relation to alleged Restricted Byway No 10 (Parish of Akeld), between points AA and BB) [200 metres] when the current Common Burn road was constructed (presumably by the landowner) this 195 metre section of road was constructed on a slightly different alignment to the existing public bridleway / alleged Restricted Byway. Possibly this route was slightly straighter or just easier / better ground to construct a road over. This is a relatively minor anomaly. The historical evidence would suggest that the old bridleway route should be the restricted byway route although, being realistic, most path users will probably elect to stay on the on the road route that they have already been travelling along, rather than taking the slightly longer moorland option. Although not a part of the definitive map modification order process, it is submitted that having parallel routes of identical or similar status, at this location, is unnecessary. If the landowners are agreeable, it is proposed that the restricted byway route be formalised along the present day road (PP to L) and that the EE to CC section of inclosure awarded road and the DD - M section of existing public bridleway (potential restricted byway) and AA-BB section of existing public bridleway / alleged restricted byway be extinguished.

- 8.10 The Natural Environment and Rural Communities Act 2006 (NERC Act 2006) had a major impact upon the recording of byways open to all traffic based upon historical documentary evidence. Under section 67 of the Act, any existing, but unrecorded, public rights of way for mechanically propelled vehicles were extinguished unless one of the 'saving' provisions applied. In brief, these saving provisions were: (a) if the main lawful public use between 2001 and 2006 was with motor vehicles; (b) if the route was on the List of Streets (on 2 May 2006) and not also on the Definitive Map as something less than a byway open to all traffic; (c) the route was legally created expressly for motor vehicular use; (d) the route was a road deliberately constructed for public motor vehicular use; or (e) the vehicular highway came about as a result of unchallenged motor vehicular use before December 1930.
- 8.11 Of the saving provisions above, (b) will not apply to the route. Most of the route was not identified on the List of Streets on 2 May 2006. Although the most easterly 25 metres of the route of alleged Restricted Byway No 1 was on the List of Streets on 2 May 2006 (probably by error since the earlier County Road Schedules indicate that the U1078 publicly maintainable road was considered to terminate at the Humbleton Burn ford), this section was also recorded on the Definitive Map as part of Public Bridleway No 1. Where 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.
- 8.12 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. Although the inclosure awarded section was expressly set out as a public vehicular highway in 1869, this pre-dates motor vehicular traffic, so this saving provision is not considered to apply.
- 8.13 Under section 67(2)(a) of NERCA 2006, the public's motor vehicular rights would not be extinguished if they are over a way whose main lawful use by the public during the period of 5 years between 2nd May 2001 and 2nd May 2006 was with mechanically propelled vehicles. The difficulty here is that the Council has no evidence regarding the balance of public user during this 5 year period. The road is not a through route for vehicles, though there are two public bridleways branching northwards from the route and three public footpaths continuing beyond its western terminus at Commonburn House. There are signs just west of Point P indicating that the track is a private road and that public vehicles are not permitted beyond that point. It will be difficult for someone to demonstrate that public motor vehicular use outweighed pedestrian (and equestrian and cycle use).
- 8.14 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.

- 8.15 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. Again, there are no grounds for believing that this section applies.
- 8.16 Bond Dickinson has raised several arguments rebutting the existence of higher rights over this route. Northumberland County Council's July 2014 consultation only identified the Tithe Award as having relevance to the Footpath No 3 route (previously considered, and now recorded on the Definitive Map as restricted byway), not the route covered by this report. Although the Ordnance Survey maps do show that, at the time they were surveyed, a track / path did physically exist over alleged restricted byway route, this does not mean this route was necessarily a public right of way (or one of a higher status than is currently recorded). Bond Dickinson is similarly dismissive of Greenwood's County Map, but officers consider (as, generally, do Inspectors appointed by the Secretary of State) that this Map does have some evidential value. Maps such as these were produced for commercial gain, and were typically sold to people travelling longer distances over unfamiliar territory. The routes shown on such maps were not exclusively public, nor exclusively vehicular, but the inclusion of a route is generally considered to be at least suggestive of a public vehicular right of way. Officers accept that Armstrong's Map does not show very much of the alleged restricted byway route, but do believe that the short Kirknewton Bridleway / Restricted Byway No 30 section may be depicted (as a small part of a longer north-south route). Bond Dickinson has not passed any comment on the Inclosure Award evidence - this is taken to mean they do not disagree with what it shows.
- 8.17 It is not at all uncommon for a public right of way to have been identified for recording (and then recorded) on the Definitive Map in the 1950s based on then current (or recent past) user evidence, despite there being historical documentary evidence which clearly demonstrates the existence of higher public rights over that route. This route may not have been used by the public, with vehicles, for many years but the absence of such use would not remove any rights which previously existed.
- 8.18 From the historical evidence available, the alleged restricted byway route would appear to have, at one time, formed part of a vehicular highway proceeding westwards from Wooler, at least as far as Commonburn House. Although the route subsequently appears to have fallen into disuse as a public vehicular route, there is no evidence to indicate that public vehicular rights

Plan 1



Wildlife and Countryside Act 1981 Public Rights of Way

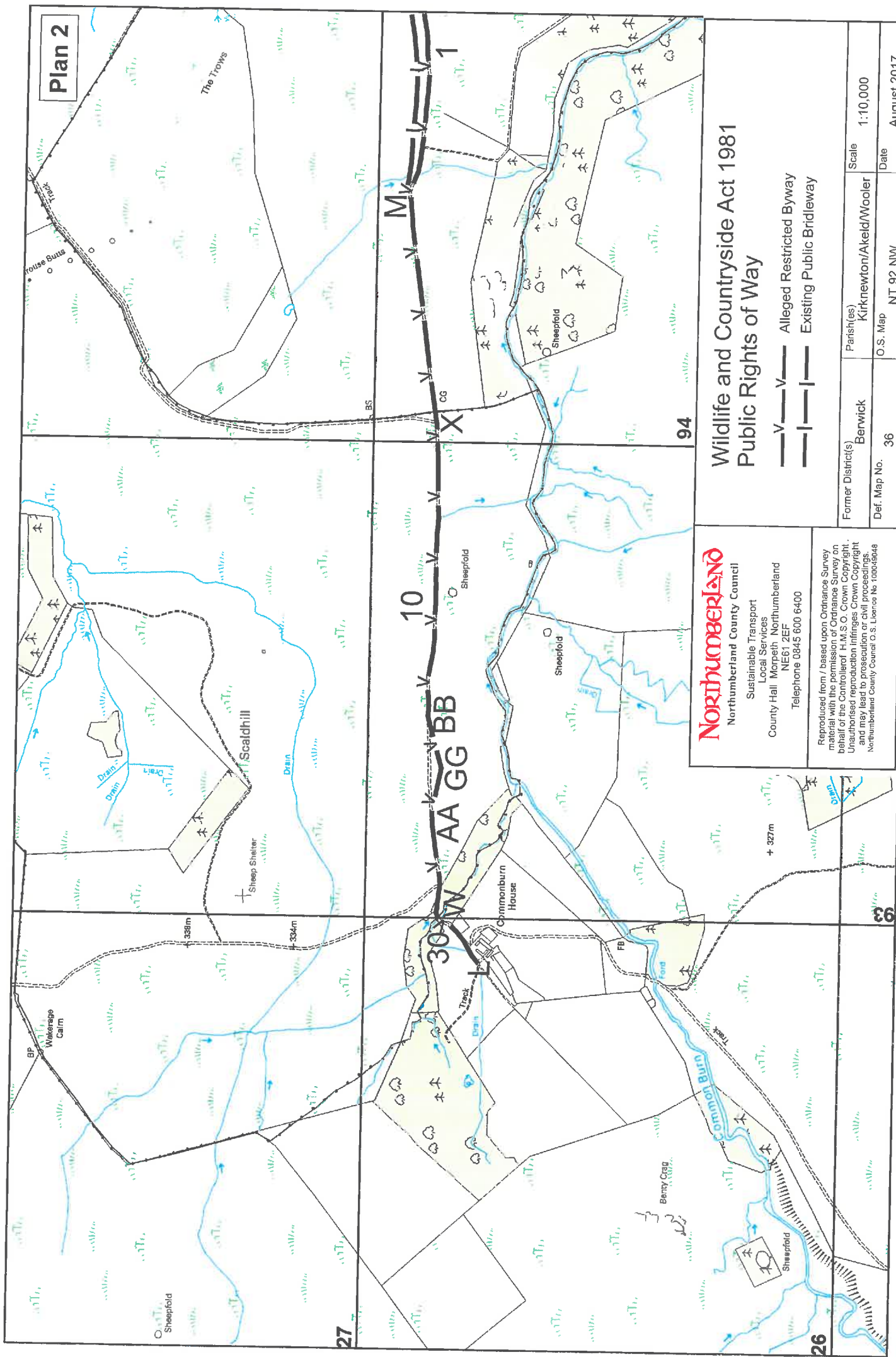
- Alleged Restricted Byway
- Existing Public Bridleway
- Inclosure Awarded highway (variation)

Former District(s)	Berwick	Parish(es)	Wooler	Scale	1:10,000
Def. Map No.	36/37	O.S. Map	NT 92 NW/NE	Date	August 2017

Northumberland
Northumberland County Council
Sustainable Transport
Local Services
County Hall Morpeth Northumberland
NE61 2EF
Telephone 0845 600 6400

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Plan 2



Northumberland
 Northumberland County Council
 Sustainable Transport
 Local Services
 County Hall, Morpeth, Northumberland
 NE61 2EF
 Telephone 0845 600 6400

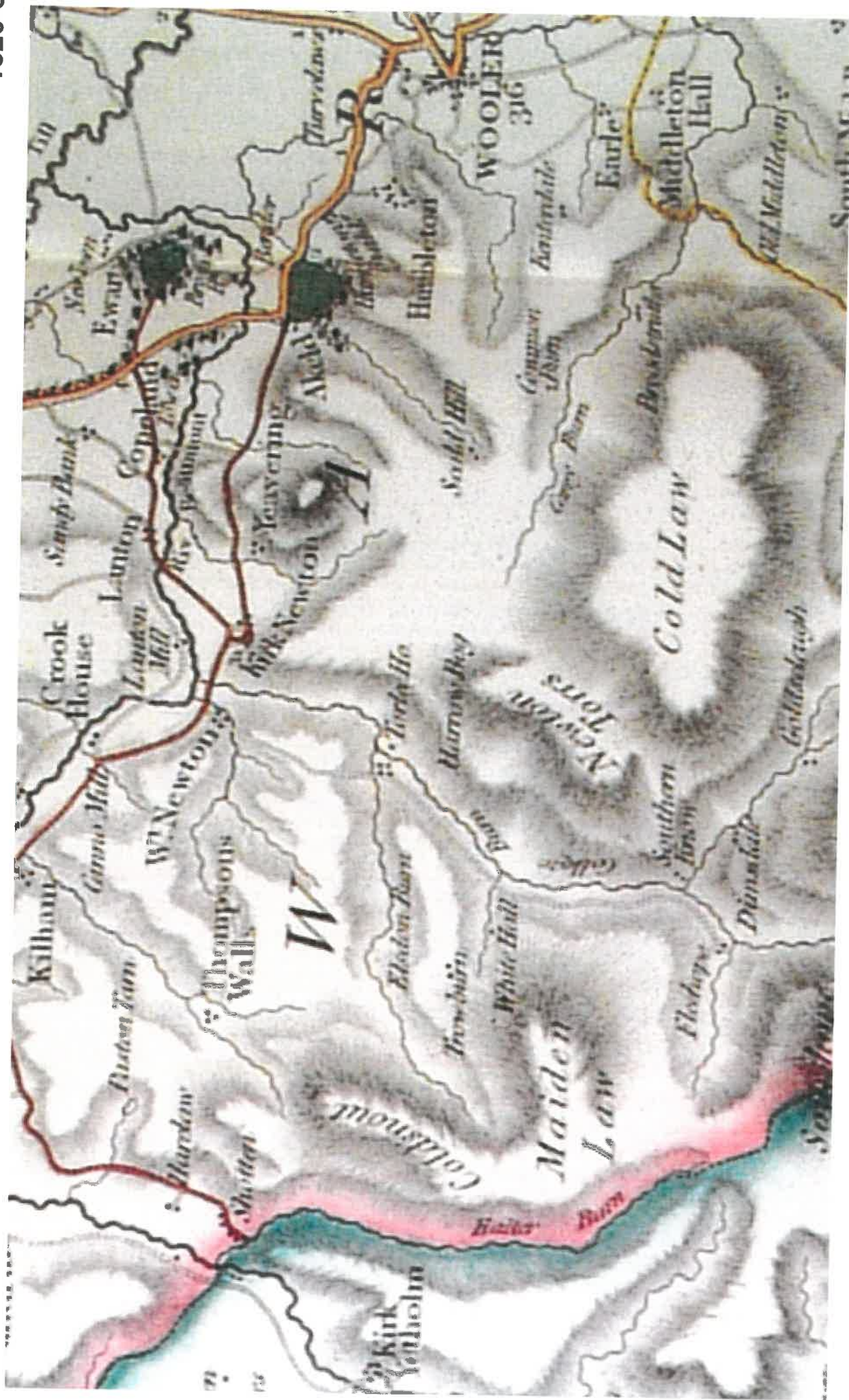
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**Wildlife and Countryside Act 1981
 Public Rights of Way**

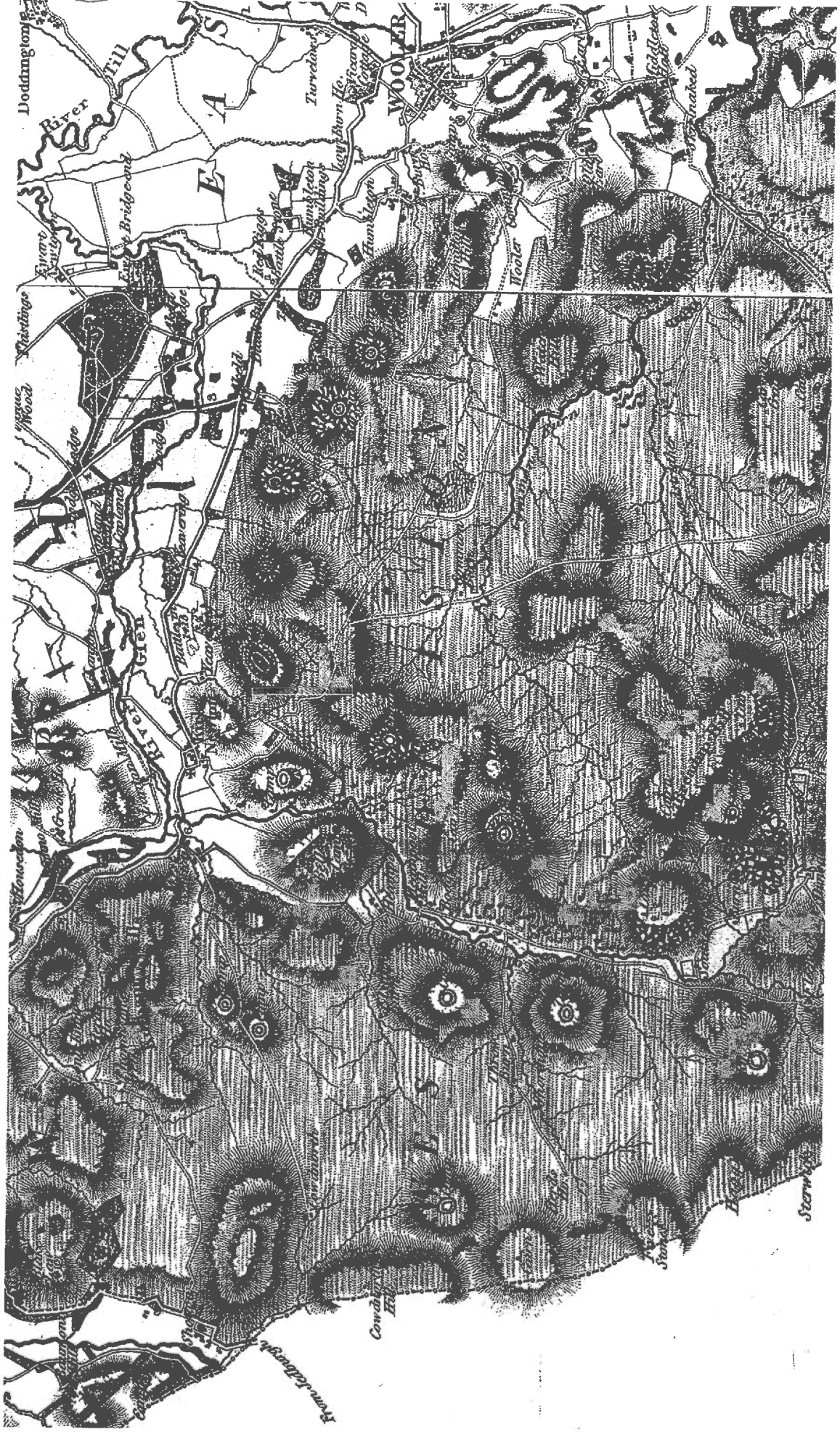
- Alleged Restricted Byway
- Existing Public Bridleway

Former District(s)	Berwick	Parish(es)	Kirknewton/Akeld/Wooler	Scale	1:10,000
Def. Map No.	36	O.S. Map	NT 92 NW	Date	August 2017

Cary's Map
1820-32



Greenwood's County Map
1828

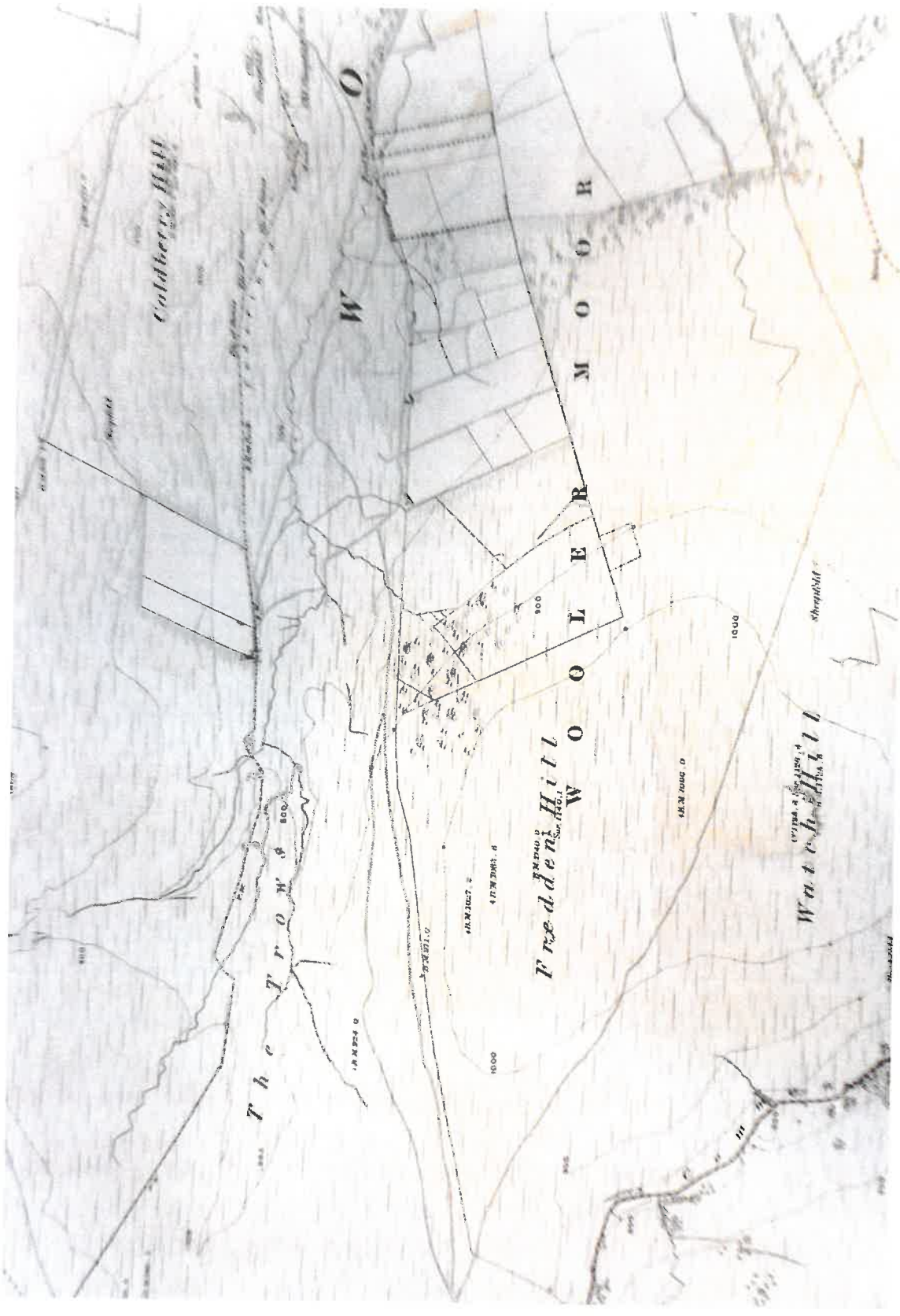


1st Edition 6" O.S. Map
C. 1864/65



(West end)

1st Edition 6" O.S. Map
c. 1864/65



(East end)

Wooler & Humbleton Common Inclosure Award
1869

To all to whom these Presents shall come

I Thomas Corrie of W^{ch} Easton Place Edinburgh of the Parish of Saint Cuthberts in the County of Edinburgh Land Surveyor Said Writing

Whereas the Inclosure of Wooler and Humbleton Common situate in the Township and Parish of Wooler in the County of Northumberland has been duly authorised under the provisions of the Acts for the Inclosure Exchange and Improvement of Land

And whereas William Clouston of W^{ch} Easton Place Edinburgh was duly appointed the Valuer in the matter of the said Inclosure and having made the declaration required by the said Acts duly did all necessary dealings

And whereas the said William Clouston has resigned his Office as such Valuer

And whereas I the said Thomas Corrie have been appointed the Valuer in the matter of the said Inclosure and having made the declaration required by the said Acts have duly held all necessary meetings and drawn up and sent to the Inclosure Commissioners for England and Wales my Report in writing in the matter of the said Inclosure with a Map therunto annexed and in all other respects complied with the provisions of the said Acts

And whereas all such objections as have been made to my said Report having been heard and all such inquiries having been made in relation thereto as the said Inclosure Commissioners have thought fit the said Inclosure Commissioners have authorised and directed me to cause to be drawn up and engrossed on Parchment my Award in the matter of such Inclosure

And whereas the said Inclosure Commissioners have by an Order under their seal by virtue of the powers vested in them in that behalf by the said Acts directed that the Lands in respect of which Allotments are hereby made shall not be compassed or shown on the map herewith annexed

Now Know Ye

that in pursuance of the provisions of the said Acts and by virtue of the powers and authorities in me vested I the said Thomas Corrie the Valuer as aforesaid do make and declare this to be my award in the matter of the said Inclosure and to this my Award I have annexed the map referred to by my said Report

And I further declare that I have diverted or altered the Public Road or Way in the said Parish of Wooler called the Wooler and Common Burn Road between the junction of the Common Burn and Humbleton Road at the point marked F on the said Map and the junction of the Ancient Public Biddle Road at the point marked K² on the said Map and in lieu thereof I have set out the Public Roads hereinafter mentioned between the points marked F and K and K and K² on the said Map

And I do hereby declare that I have set out and appointed and do hereby set out and appoint the following Public Carriage Road or Highway that is to say

One Public Carriage Road or Highway of the width of thirty feet to be called the Wooler and Common Burn Road commencing at a point marked F on the said Map and extending thence in a Westwardly direction to and terminating at a point marked K on the said Map

Wooler & Humbleton Common Inclosure Award 1869

One other Public Carriage Road or Highway of the width of thirty feet also to be called the Wooler and Common Burn Road being a continuation of the Road next heretofore set out commencing at the said point marked K and continuing thence in a Southwardly direction to a point marked K' on the said Map and thence in a Westwardly direction to and terminating at a point marked K'' on the said Map.

And I further declare that I have set out and appointed and do hereby set out and appoint the following Private Carriage and Occupation Roads that is to say.

One Private Carriage and Occupation Road of the width of Eighteen feet and numbered 63 on the said Map commencing at a point marked K and extending thence Northwardly to and terminating at a point marked L on the said Map which said road is set out for the use of the persons interested for the time being in the Allotments numbered 2^a 2^b 6 and 49.

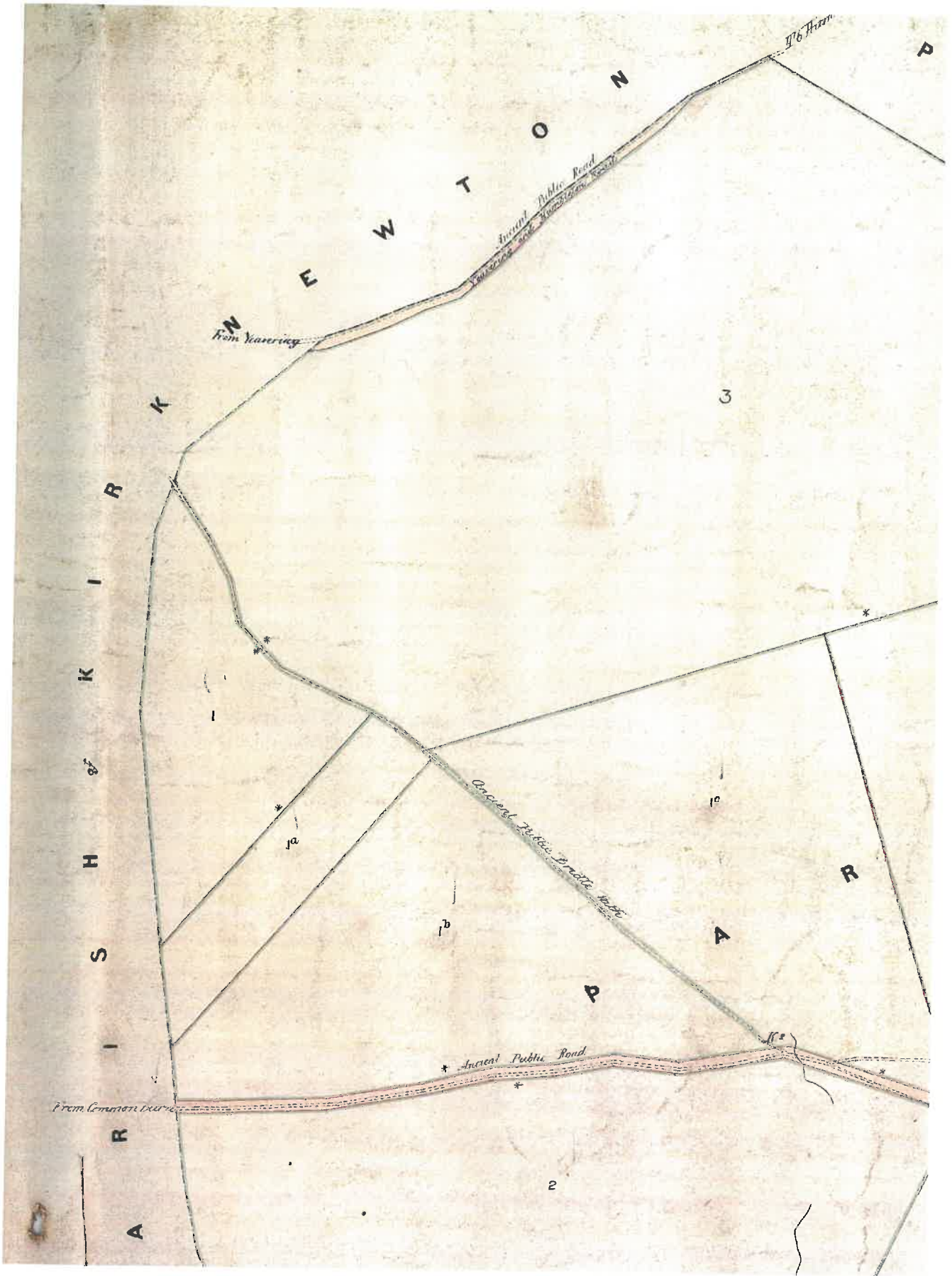
And I direct and appoint that the expense of maintaining and repairing the said Private Carriage and Occupation Road shall for ever hereafter be raised by rate to be levied on the said Allotments numbered 2^a 2^b 6 and 49 in the following proportions that is to say

No of Allotments	Proportion of rate to be levied on allotment		
	£	s	d
2 ^a 2 ^b			
6		15	6
49		2	9
		1	9
	1		

One other Private Carriage and Occupation Road of the width of 30 feet and numbered 66 on the said Map commencing at a point marked C on the said Map and extending thence in a westwardly direction to a point marked A thence in a southwardly direction to a point marked E and thence in a Southwardly direction to and terminating at a point marked D on the said Map which said road between the points C and A is set out for the use of the persons interested for the time being in the allotment numbered 8 on the said map and between the points A and D for the use of the persons interested for the time being in the allotments numbered 7 9 11 16 19 17 29 29 15 15 18 10 20 24 28 34 35 37 39 33 43 47 48 52 56 and 22 on the said map.

And I direct and appoint that the said Private Carriage and Occupation road shall for ever hereafter be maintained and repaired between the points C and A by the owner and proprietor of the said allotment numbered 8 and between the points A and D by the owner and proprietor of the said allotments numbered 7 9 11 16 19 17 29 29 15 15 18 10 20 24 28 34 35 37 39 33 43 47 48 52 56 and 22.

Wooler & Humbleton Common Inclosure Award 1869



Wooler & Humbleton Common Inclosure Award
1869

In the Matter of the Inclosure of Wooler and Humbleton Common situate in the
Baronship and Parish of Wooler in the County of Northumberland

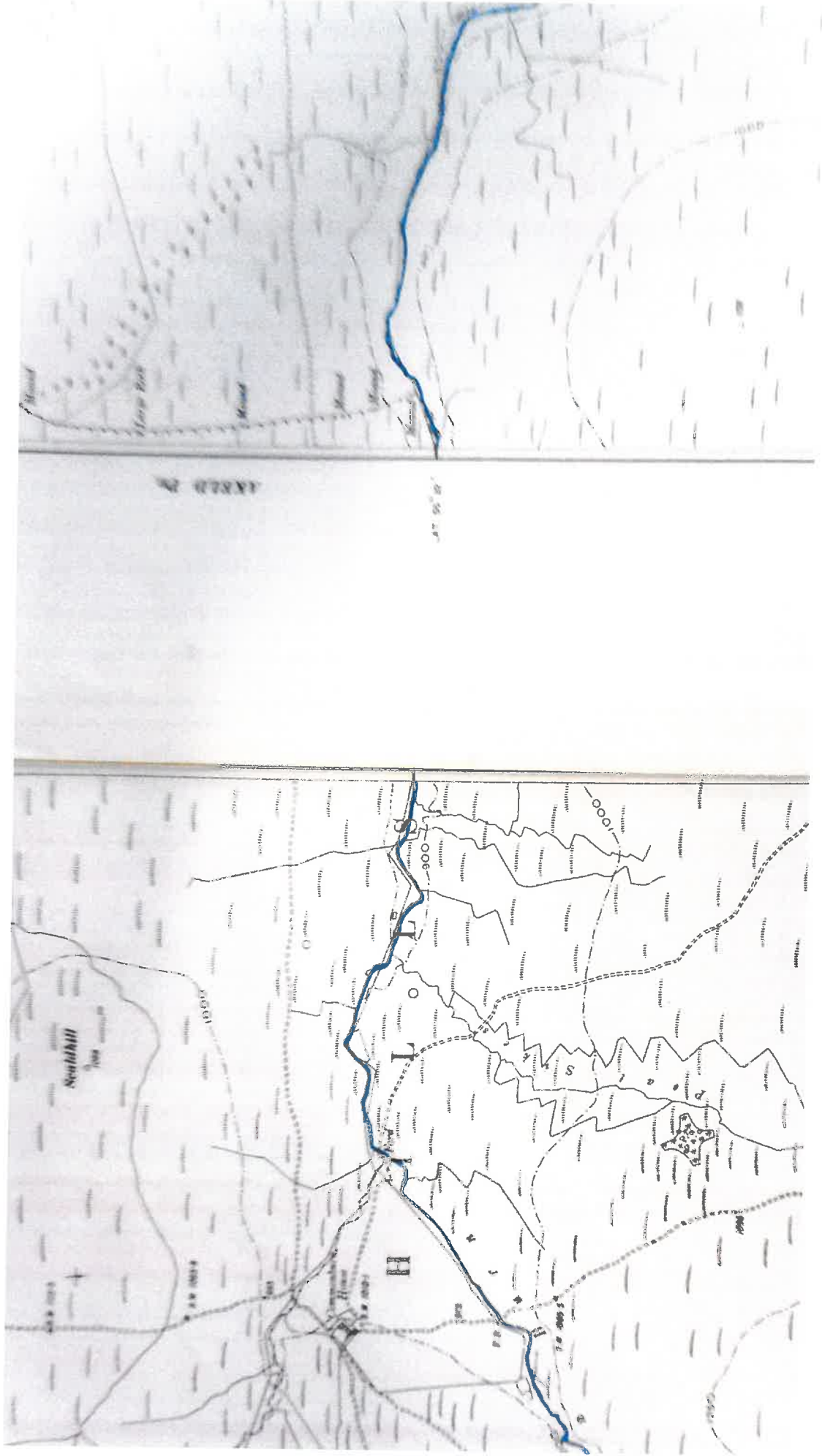
Whereas the Valuer acting in the matter of the above mentioned
Inclosure has set out and appointed amongst others the
following Public Carriage Road or Highway that is to say

One Public Carriage Road or Highway of the width of thirty feet to be called the Wooler
and Common Burn Road commencing at the point marked K and continuing thence in a
Southwardly direction to a point marked K¹ on the said Map and thence in a Westwardly
direction to and terminating at a point marked K² on the said Map

And whereas it appears to the Inclosure Commissioners for England and Wales that
it is not necessary for public convenience that the said Public Carriage Road or Highway should
be made of hard materials and certified by two Justices

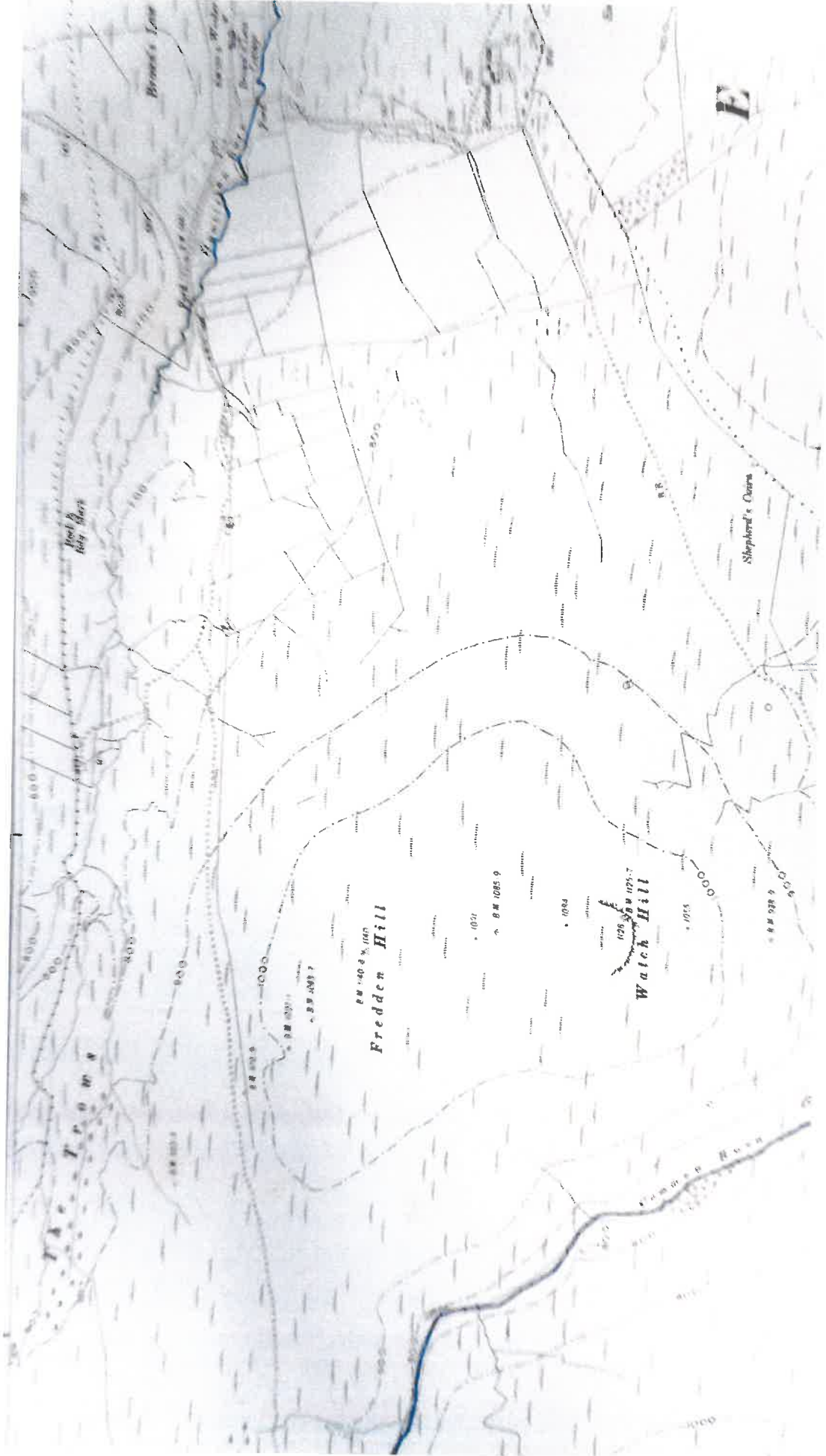
Now we the said Inclosure Commissioners Do by this Order under our Hands and
Seal by virtue of the power vested in us by "The Act for the Inclosure
Exchange and Improvement of Land" Certify that the said Road is sufficiently formed having
reference to the nature and situation thereof

2nd Edition 6" O.S. Map
1899



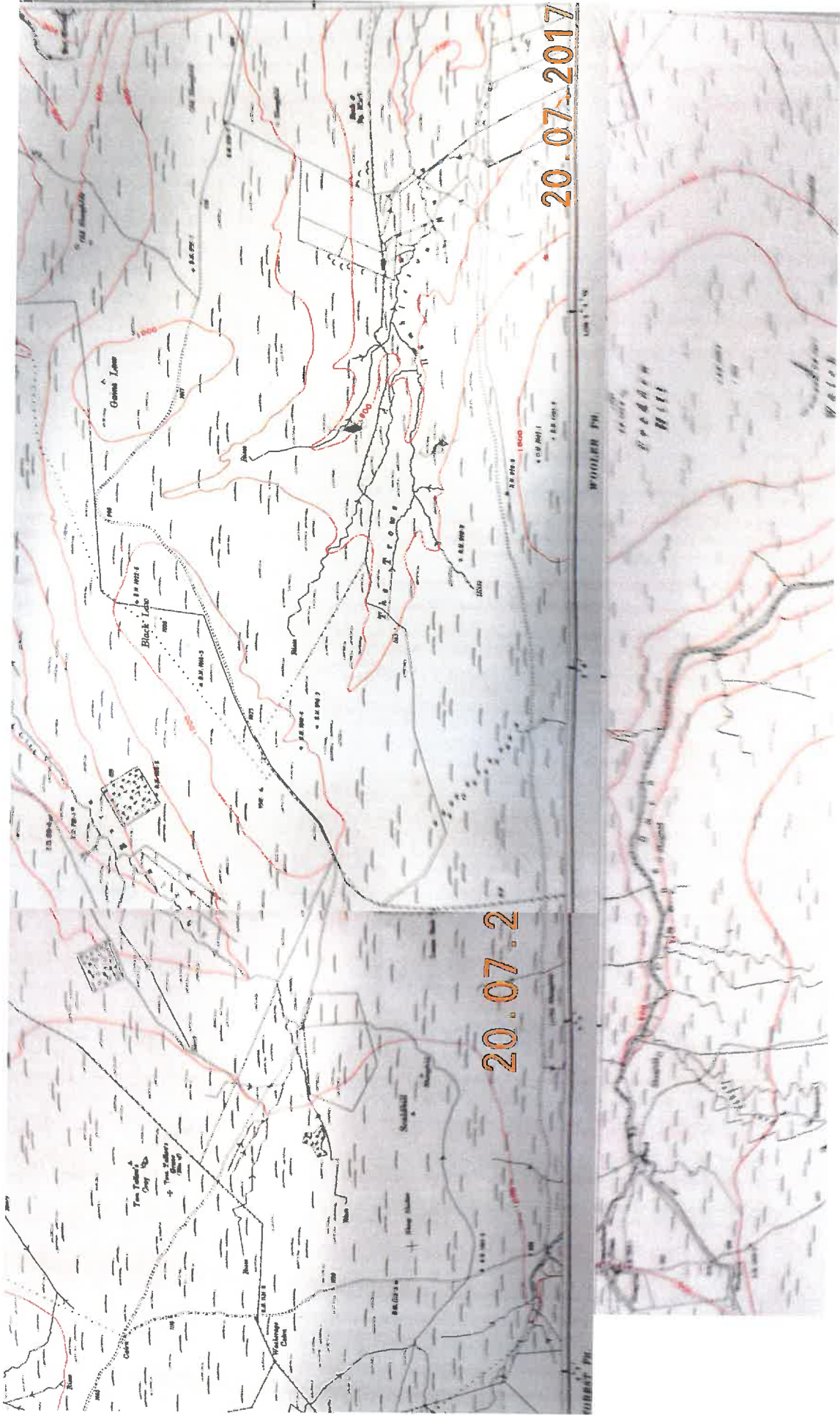
(Western end)

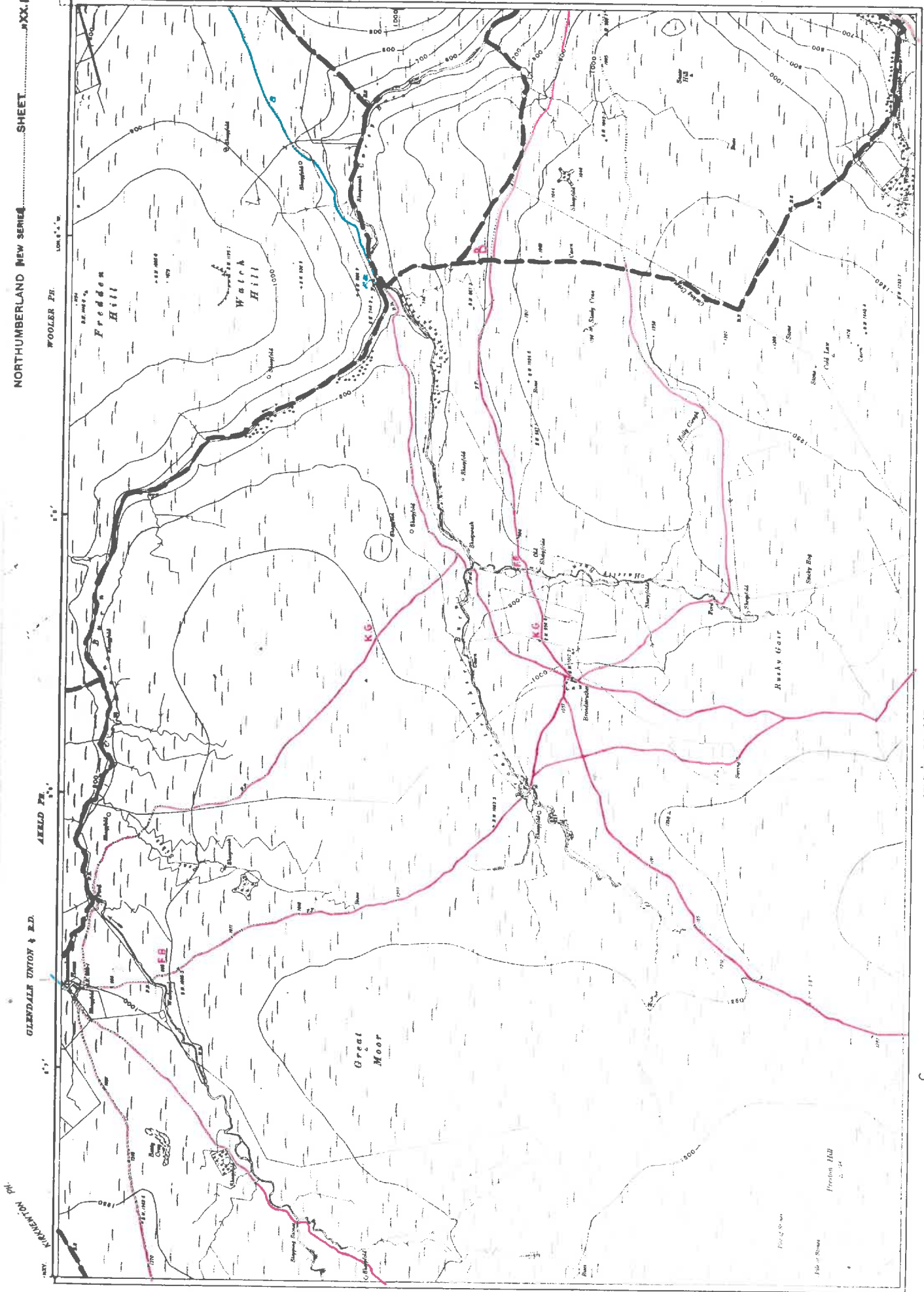
2nd Edition 6" O.S. Map
1899



(Eastern end)

3rd Edition 25" O.S. Map
1924





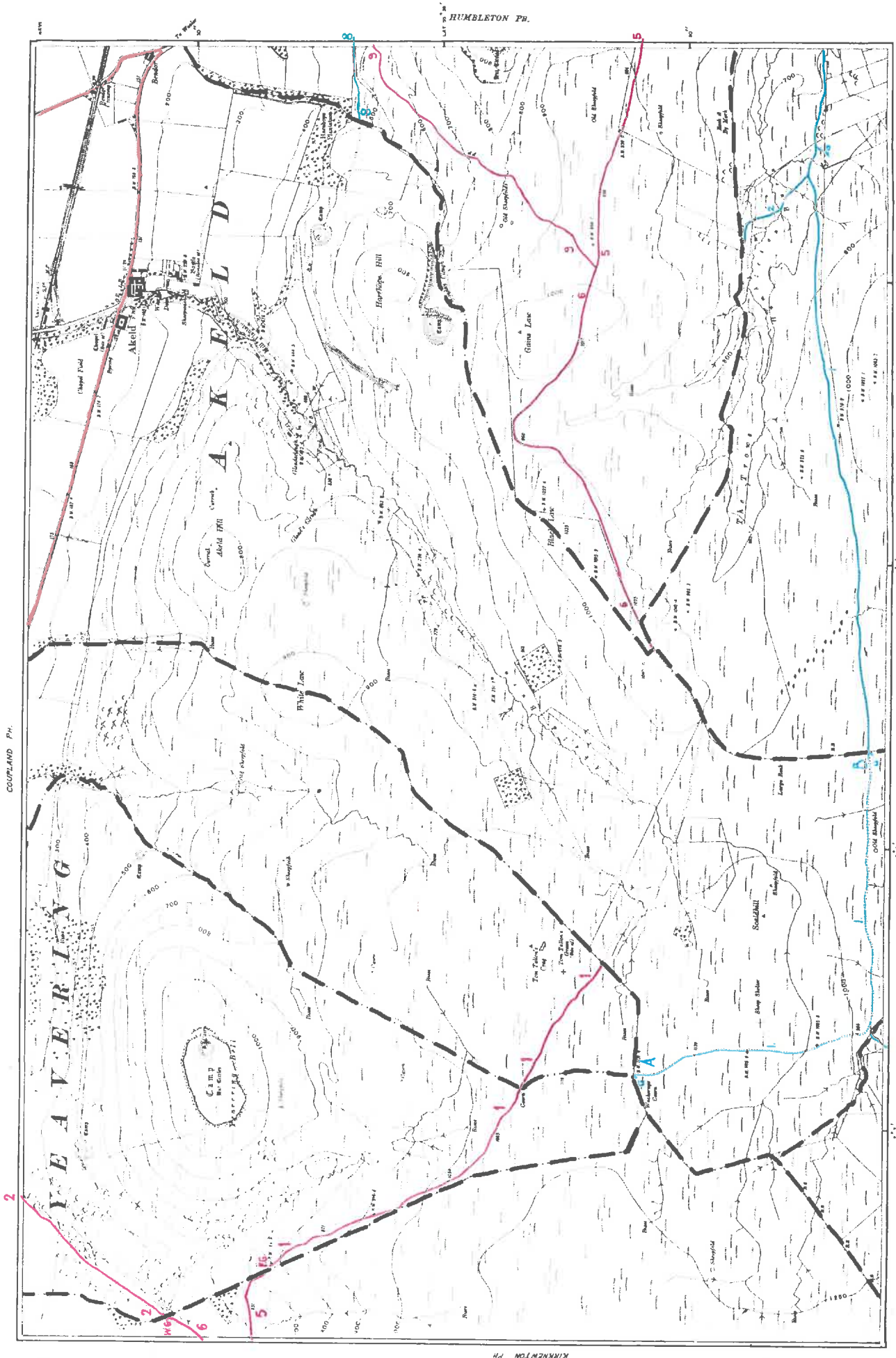
SELBY'S FOREST PH.

Survey

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

THUMBERLAND COUNTY COUNCIL

MAP [N.C.G.] No.



Parish of AKELD in the Rural District of

GLENDALE

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

1. Number of highway on Map 1
2. Kind of Path (i.e., F.P., B.R.) B.R.
3. Starts at A to B
4. Name of Path (if any) /
5. Is the Path well defined? YES
6. Is the Path metalled? If so, define length No
7. If its width can be stated, insert here 3'
8. What is the present condition of the path, stiles, etc.? POOR
GATE AT A+B
9. Is it subject to being ploughed out? No.
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known
NONE
11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant
12. Have persons been prevented using the highway? No.
13. Give particulars of any obstructions NONE
14. Names of owners of freehold and previous owners, if known, for past 30 years.
PRESENT OWNER: H. WARDALE PREVIOUS OWNER: T. CHARTERS
15. What maps have been consulted, and where are they deposited?
6" AT R.D.C. OFFICES WOODLER
16. What records have been consulted, and where are they deposited?
17. Any other relevant information

Surveyed by	Address	Dates of Survey
<u>H. WARDALE</u>	<u>AKELD</u>	<u>X</u>

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

Parish of Wooler in the Rural District of Colendale

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

1. Number of highway on Map. 1
2. Kind of Path (i.e., F.P., B.R.) B.R.
3. Starts at The Ford, east of Brambles to the Parish Boundary on the west.
4. Name of Path (if any) Commoners
5. Is the Path well defined? Yes
6. Is the Path metalled? If so, define length. No
7. If its width can be stated, insert here. _____
8. What is the present condition of the path, stiles, etc.? Gates in good repair
9. Is it subject to being ploughed out? No.
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known

None.

11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant

Usage.

12. Have persons been prevented using the highway? No.
13. Give particulars of any obstructions. None
14. Names of owners of freehold and previous owners, if known for past 30 years.

Present owners J. Smart. Church St. Wooler
J. H. Simpson. Park House, Wooler.
P. J. Grace. Accounts Dept. Jodbury

15. What maps have been consulted, and where are they deposited?
Ordnance Survey.
Wooler Parish Council.

16. What records have been consulted, and where are they deposited?
None.

17. Any other relevant information

Surveyed by	Address	Dates of Survey

Parish of Wooler in the Rural District of Skendale

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

1. Number of highway on Map _____
2. Kind of Path (i.e., F.P., B.R.) B.R.
3. Starts at Wooler, N.W. to cottage building known as the Valley to _____
4. Name of Path (if any) _____
5. Is the Path well defined? Yes
6. Is the Path metalled? If so, define length No
7. If its width can be stated, insert here _____
8. What is the present condition of the path, stiles, etc.? Path in good repair
9. Is it subject to being ploughed out? No
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known

_____ None _____

11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant

_____ None _____

12. Have persons been prevented using the highway? No
13. Give particulars of any obstructions. None
14. Names of owners of freehold and previous owners, if known, for past 30 years.
J. H. Simpson, York House, Wooler
P. J. Bruce, Melvin Law, Jedburgh

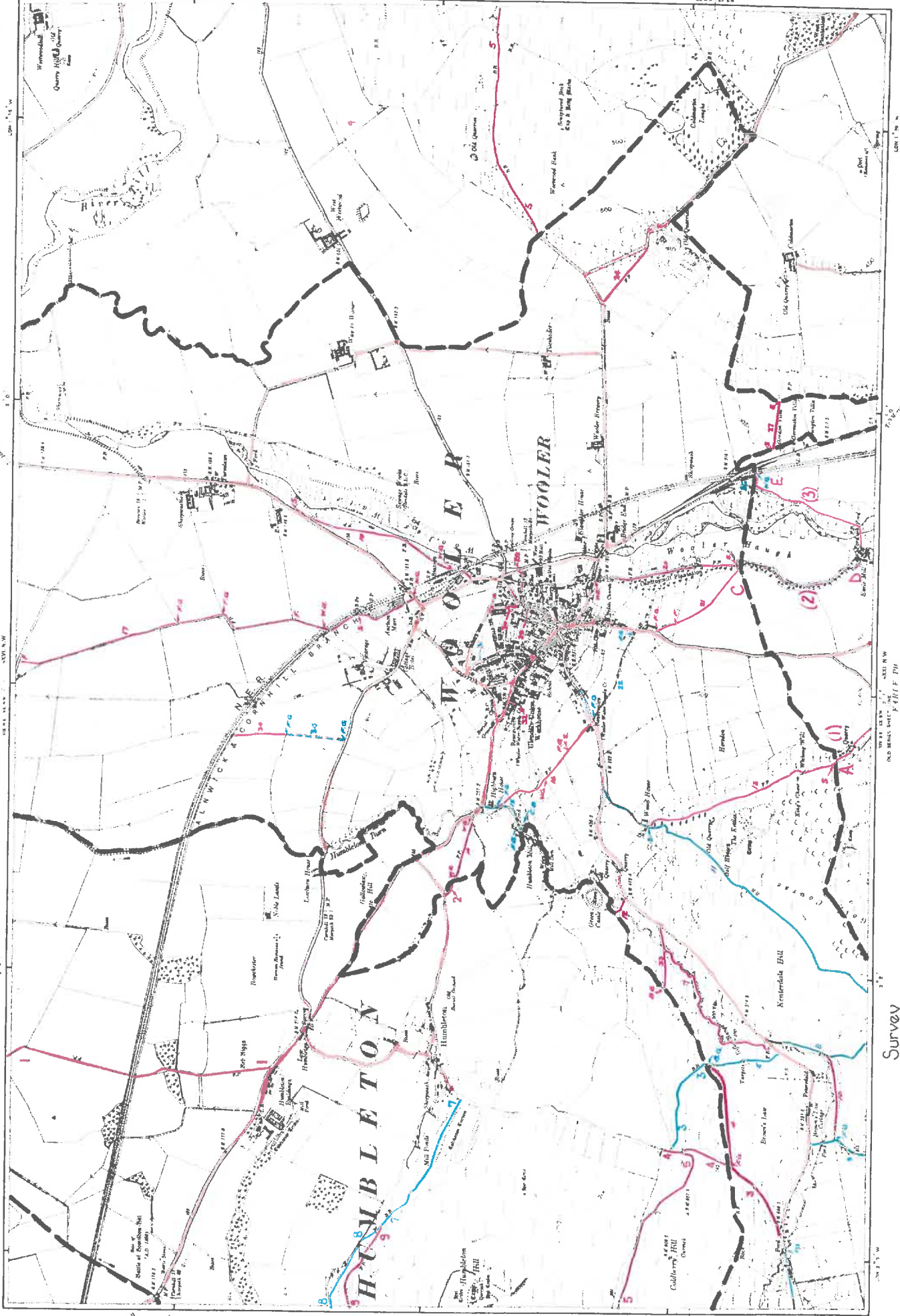
15. What maps have been consulted, and where are they deposited?
Ordnance Survey.

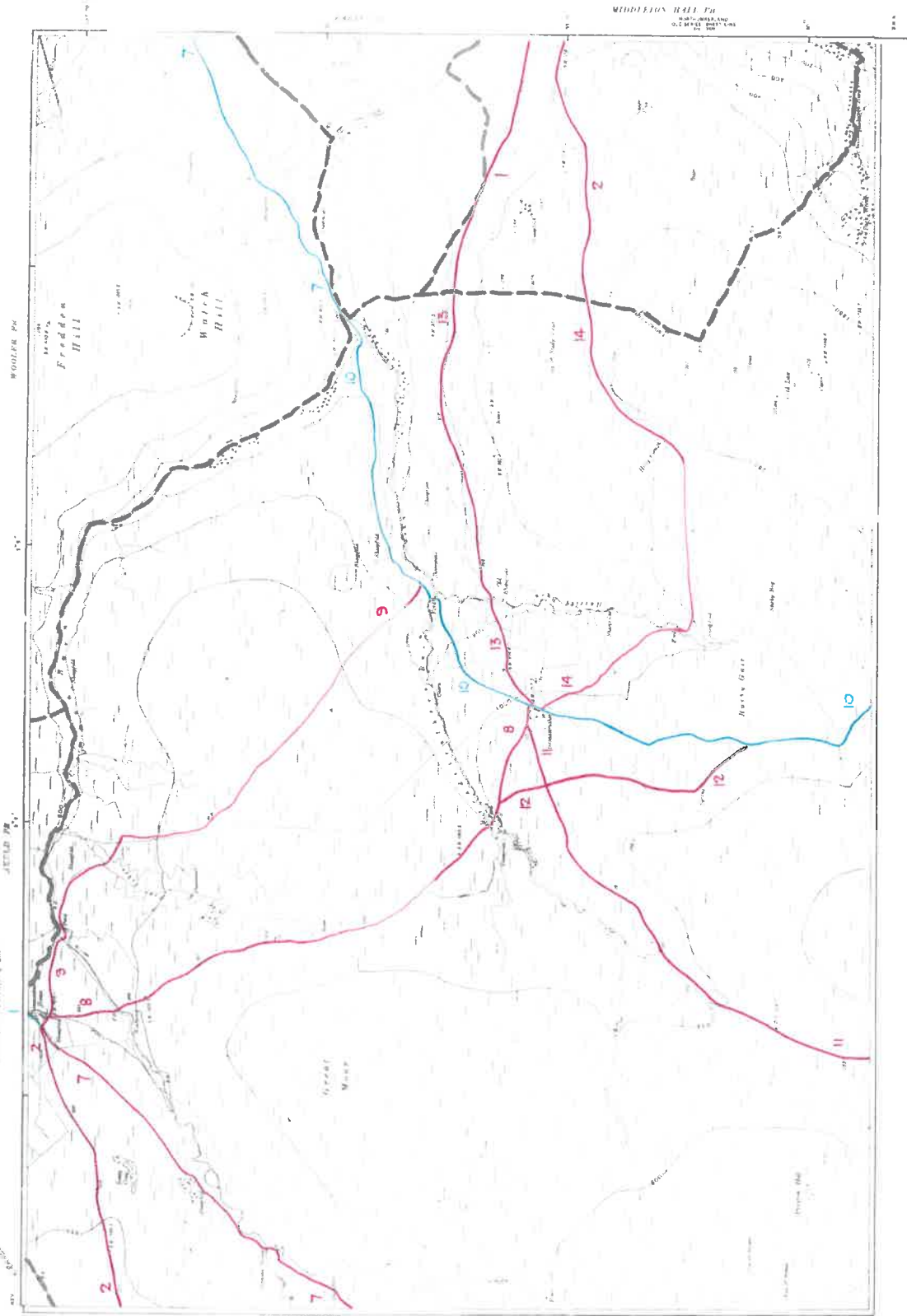
16. What records have been consulted, and where are they deposited?
None

17. Any other relevant information _____

Surveyed by	Address	Dates of Survey

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





NORTHUMBERLAND COUNTY COUNCIL

PARISH of **GLENDALE**
Rural District of

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

MAP REC'D No. **U 20 ME 38**

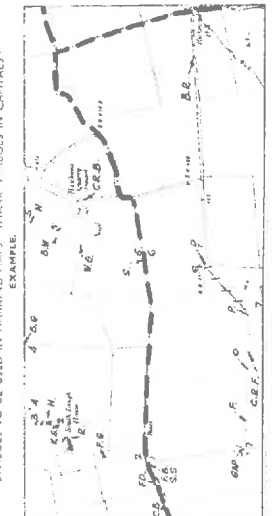
Screened by _____

Date _____

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

Kind of Path	Means of Passage
Public Path	Public Path
Public Path (crossing railway line)	Public Path (crossing railway line)
Public Path (crossing road)	Public Path (crossing road)
Public Path (crossing watercourse)	Public Path (crossing watercourse)
Public Path (crossing railway line)	Public Path (crossing railway line)
Public Path (crossing road)	Public Path (crossing road)
Public Path (crossing watercourse)	Public Path (crossing watercourse)
Public Path (crossing railway line)	Public Path (crossing railway line)
Public Path (crossing road)	Public Path (crossing road)
Public Path (crossing watercourse)	Public Path (crossing watercourse)

Obstruction	Notice Boards, Diversions
Service Road	D
British War	B.W.
Former course of path covered by clay	----



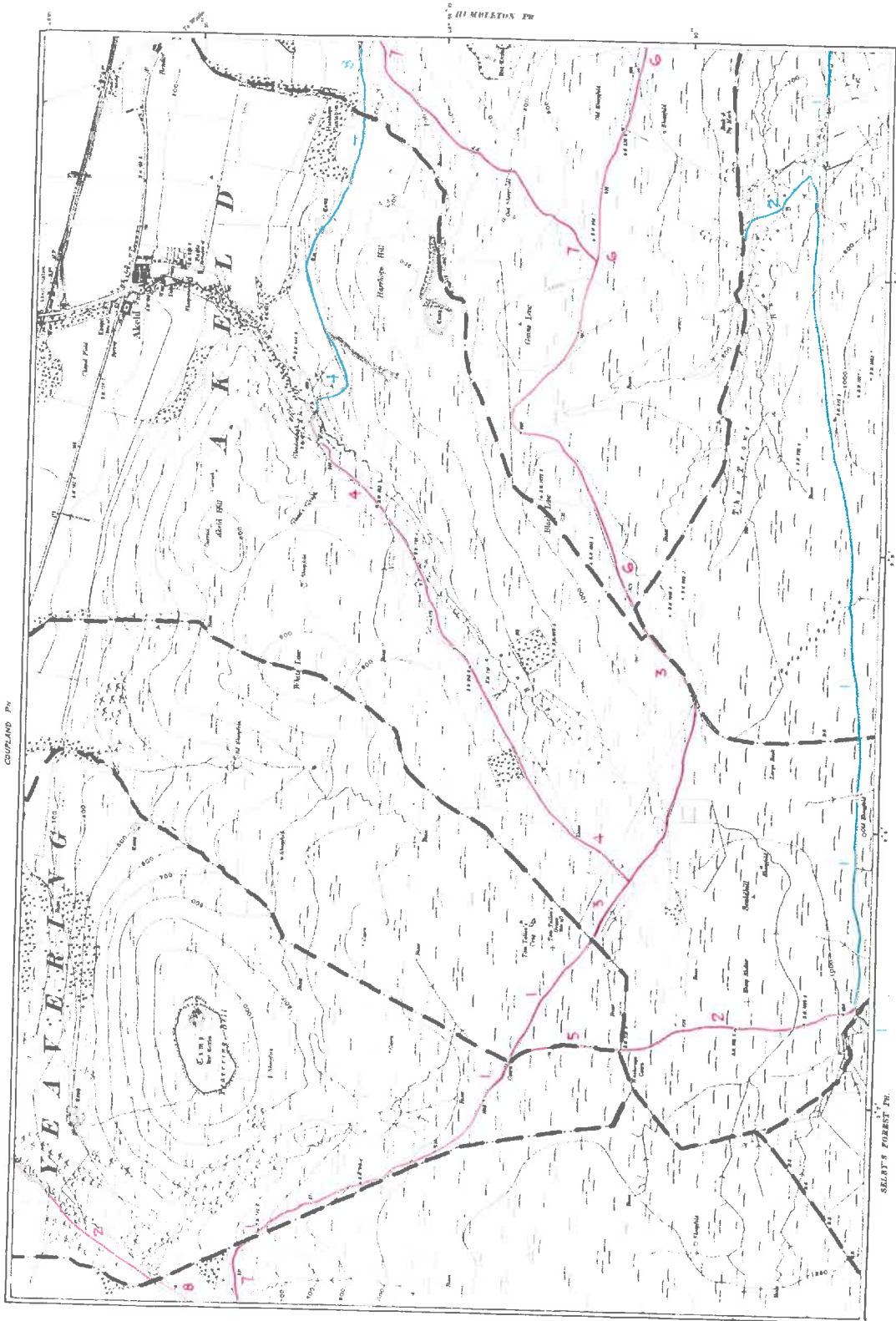
Ordinance Map covering Parish or District

PLAN

Drawn with the Ordnance Survey Map Controller at N.W. Stationery Office, Government Printer, London

TOTAL No. **58**

I CERTIFY that this Map, except the information required to be submitted by my Council under Sect. 23, Part IV, of the National Parks and Access to the Countryside Act, 1949, is a true and correct copy of the original.
 Chairman C.C.C.



MAP (RECT) No. U 15 SE 27
 Surveyed by _____ Date _____

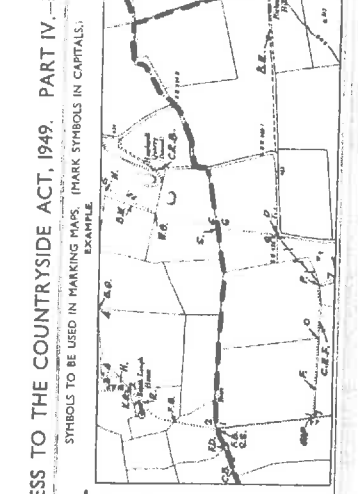
Position of person signing _____
 Datum _____

NOTES —

(1) Show Paths, etc., in solid black line.
 (2) Show former course of path or driveway connecting to existing path or driveway in dashed black line.
 (3) Where condition of path, stile, etc., is different from that shown on map, or in alternative condition, use appropriate (R.P.A.) or (S.P.A.) S. to be put in brackets.

OBSTRUCTIONS, NOTICE BOARDS, DIVERSIONS

Obstruction _____
 Notice Board _____
 Staked Wire _____
 Former course of path or driveway or road _____



Penit District boundaries shown that

Footpath	Bridle Road (including driveway for carts)	Cartpath	Stag path	Wicket Gate	Turnstile	Gate (in face of hedge)	Gate (in face of field)	Gate (in face of stream)	Gate (in face of wall)	Gate (in face of fence)	Gate (in face of bank)	Gate (in face of ditch)	Gate (in face of ditch)	Gate (in face of ditch)	Gate (in face of ditch)
Mark	Mark	Mark	Mark	Mark	Mark	Mark	Mark	Mark	Mark	Mark	Mark	Mark	Mark	Mark	Mark
F.P.	B.R.	C.P.	S.P.	W.G.	T.	G.	H.	N.	K.	F.O.	F.O.	F.O.	F.O.	F.O.	F.O.
...

NORTHUMBERLAND COUNTY COUNCIL

in the PARISH of **GLENDALE**

Rural District of **GLENDALE** of **GLENDALE** of **GLENDALE**

(Name whichever is applicable)

PLAN **DRAFT** **PROVISIONAL** **DEFINITIVE**

(Name whichever is applicable)

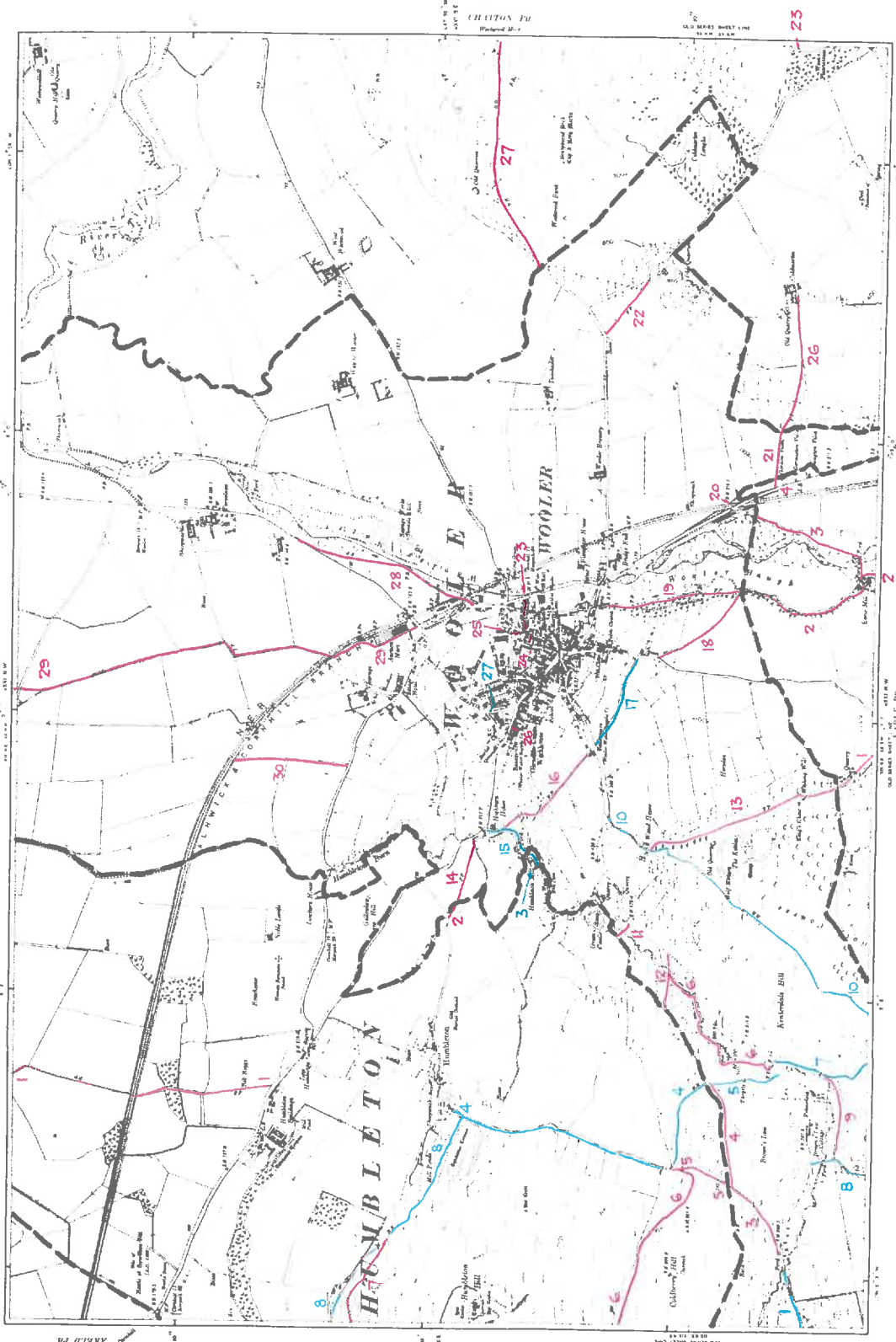
These are proposed to be taken under the right of way of the Statutory Order of 1938. Statutory Order of 1938. Statutory Order of 1938. Statutory Order of 1938. Statutory Order of 1938.

TOTAL No. 58

CERTIFICATE

I hereby certify that the above is a true and correct copy of the map as submitted by my Client under section 20 of the Statutory Order of 1938, and that the same is in accordance with the National Parks and Access to the Countryside Act, 1949.

 Chairman Clerk



NORTHUMBERLAND COUNTY COUNCIL
in the
Rural District of
GLENDALE

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949. PART IV. -PUBLIC RIGHTS OF WAY.
SYMBOLS TO BE USED IN MARKING MAPS. (MARK SYMBOLS IN CAPITALS)

Parish District Boundary shown that
 Footpath
 Public Road (including driveway for cattle)
 Public Carriage or Cartroad
 Creep Lane (unmetalled)
 (1) Footpath
 (2) Cartroad
 (3) Creep Lane

MEANS OF PASSAGE
 Gully
 Footbridge
 Railway
 Block of Hoarding Gate
 Swing Gate
 Sluice
 Gate in Fence or Hedge
 Gate in Boundary Post
 Gate in Boundary Wall
 Rail or Bus
 Ferry

Obstruction
 Notice Board
 Barbed Wire
 former course of path diverted or closed

NOTES -
 (1) Show Paths, etc., in solid black line.
 (2) Number each Path progressively commencing at 1 for each Parish or District.
 (3) Where condition of Path, Stillage, etc., is different from that shown on the map, the condition should be noted in the margin, e.g., E.P. 2, to be put in brackets (E.P. 2).

MAP No. U 16 SW 30
 Surveyed by
 Date

PLAN
 DRAFT
 PROVISIONAL
 BEHAVIOUR
 (Date whenever applicable)

Ordinance Maps covering Parish or District

Obstruction
 Notice Board
 Barbed Wire
 former course of path diverted or closed

NOTES -
 (1) Show Paths, etc., in solid black line.
 (2) Number each Path progressively commencing at 1 for each Parish or District.
 (3) Where condition of Path, Stillage, etc., is different from that shown on the map, the condition should be noted in the margin, e.g., E.P. 2, to be put in brackets (E.P. 2).

MAP No. U 16 SW 30
 Surveyed by
 Date

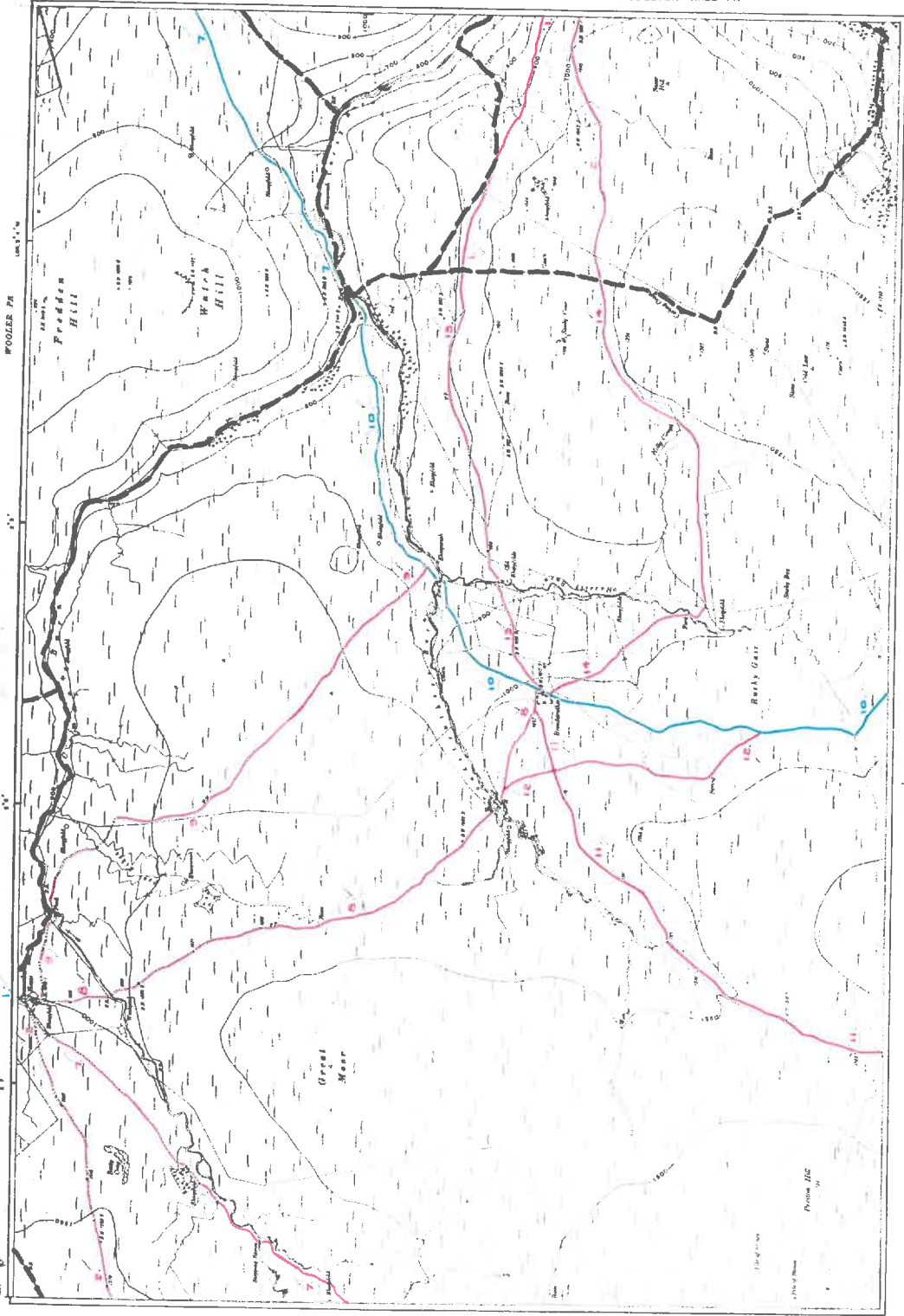
TOTAL No. 58

Obstruction
 Notice Board
 Barbed Wire
 former course of path diverted or closed

NOTES -
 (1) Show Paths, etc., in solid black line.
 (2) Number each Path progressively commencing at 1 for each Parish or District.
 (3) Where condition of Path, Stillage, etc., is different from that shown on the map, the condition should be noted in the margin, e.g., E.P. 2, to be put in brackets (E.P. 2).

MAP No. U 16 SW 30
 Surveyed by
 Date

Obstruction
 Notice Board
 Barbed Wire
 former course of path diverted or closed



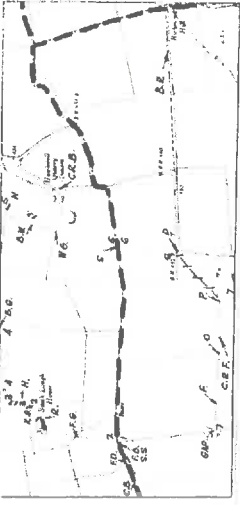
MAP REG. No. U. ZONE 475
 Surveyed by Address Date

NORTHUMBERLAND COUNTY COUNCIL
 in the
 PARISH of GLENDALE.
 Rural District of
 (Name of the Rural District)
 (Name of the Parish)
 PLAN PROVISIONAL DEFINITIVE
 (Date when made) 1949

These are proposed to be made permanent and to be submitted by my Council under Sect. 23, Part IV of the National Parks and Access to the Countryside Act, 1949.
 Chairman, Council

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

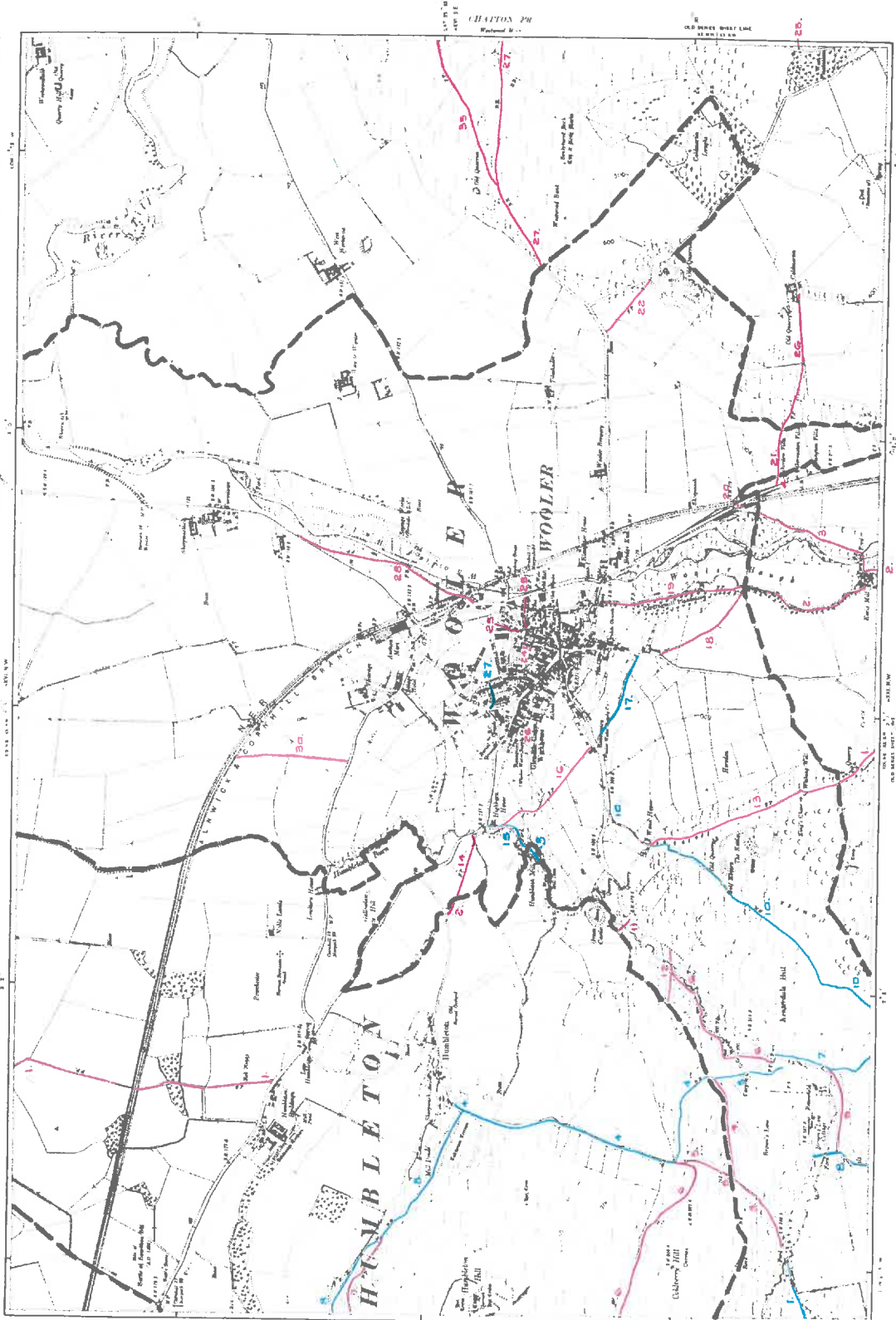
Kind of Path
 Means of Passage
 Obstructions, Notice Boards, Divisions
 NOTES



Kind of Path
 Means of Passage
 Obstructions, Notice Boards, Divisions
 NOTES

These are proposed to be made permanent and to be submitted by my Council under Sect. 23, Part IV of the National Parks and Access to the Countryside Act, 1949.
 Chairman, Council

TOTAL No. 58



NORTHUMBRIAND COUNTY COUNCIL
 in the
GLENDALE.

Rural District of
 Glandale
 Birth of Town
 Plans are marked with 'D' in the right hand corner
 Date when made: 1949

PLAN
 PROVISIONAL
 DEFINITIVE

Ordinance Maps cover the Parish or District

TOTAL No. **58**

MAP (NEED) No. 11, 16, 15, W., 47 D.

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

OBSTRUCTIONS, NOTICE BOARDS, DIVERSIONS

NOTES

- (1) Show Paths, etc. in solid black line.
- (2) Number each Path progressively commencing at the point where it enters the Parish or District.
- (3) Where conditions are such as to require identification in respect of paths, identified as in the 'Notes' (e.g. P.P. 5, to be put in brackets (P.P. 5)).



Original Definitive Map

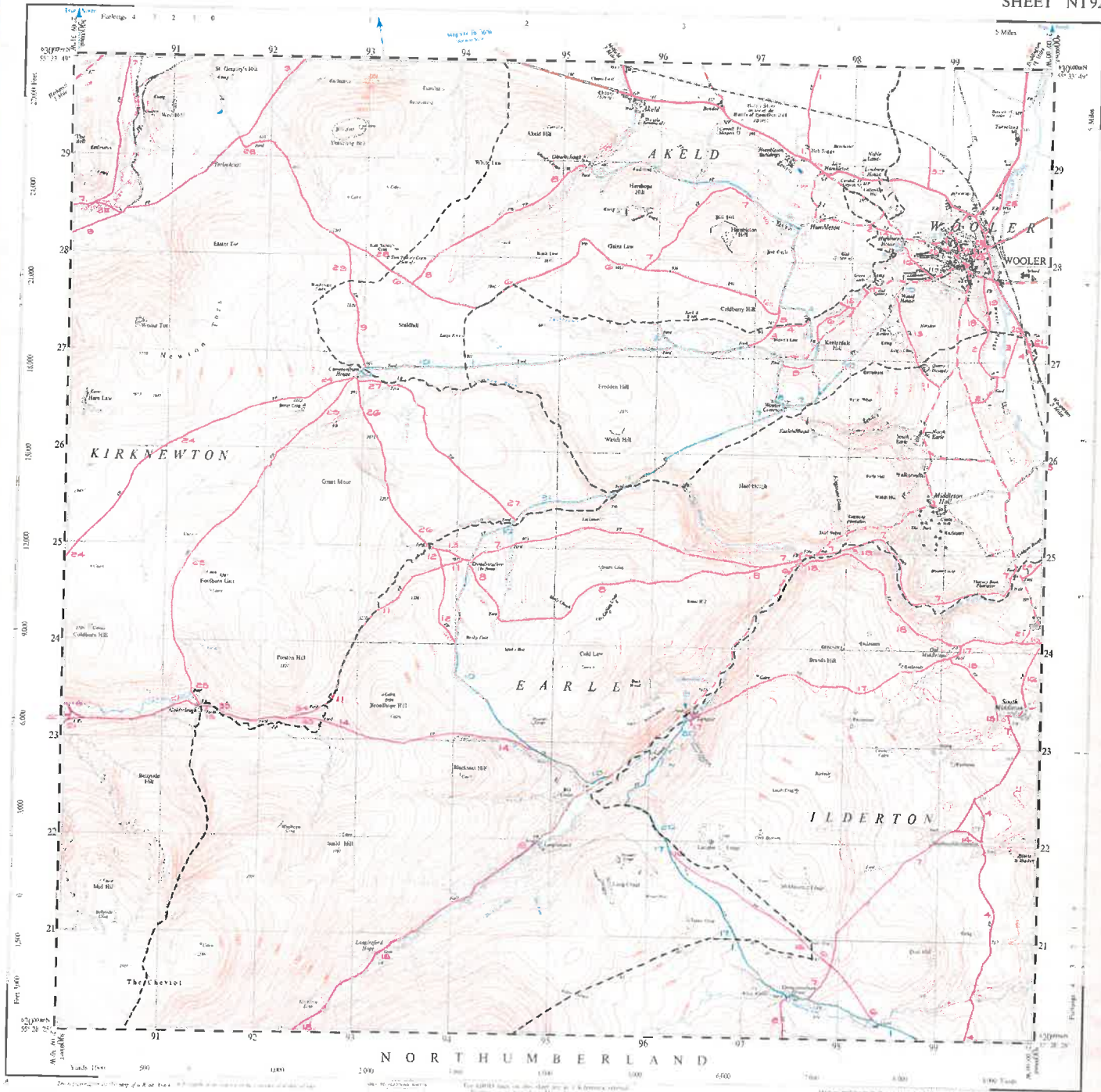
ORDNANCE SURVEY

Scale 1:25,000 or about 2½ Inches to 1 Mile

Provisional Edition

SHEET NT92

SHEET NT92



SHEET NT92

SHEET NT92

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NORTHUMBERLAND COUNTY COUNCIL.

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

PART IV.

PUBLIC RIGHTS OF WAY - STATEMENT.

1. ~~Borough~~
~~Urban District~~
Rural District **GLENDALE**

2. Parish **AKELD**

3. Number of Footpath on Map **9** ✓

4. Name of Path

5. Kind of Path (i.e. FP/BR) **F.P. width varies 2 feet**

6. General Description of Path **From B.R.10 north-east of Commonburn**
..House in a northerly direction to join F.P. 29 at the Kirknewton Parish
..boundary east of Wackarage Cairn,
.....
.....
.....

7. Other relevant information **Scheduled under the Rights of Way Act, 1932**
.....
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NORTHUMBERLAND COUNTY COUNCIL.

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

PUBLIC RIGHTS OF WAY - STATEMENT.

1. ~~Borough~~
~~Urban District~~
Rural District **GLENDALE**

2. Parish **WOOLER**

3. Number of Footpath on Map **1**

4. Name of Path **COMMONBURN**

5. Kind of Path (i.e. FP/BR) **B.R.**

6. General Description of Path **From the Public road south of Goldberry**
..... **Hill in a westerly direction to join B.R.10 at the Akeld Parish boundary.**
.....
.....
.....
.....

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

NORTHUMBERLAND COUNTY COUNCIL.

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

PUBLIC RIGHTS OF WAY - STATEMENT.

1. Borough
Urban District
Rural District GLENDALE
2. Parish WOOLER
3. Number of Footpath on Map 2
4. Name of Path
5. Kind of Path (i.e. FP/BR) B.R.
6. General Description of Path From the Akeld Parish boundary west of
Goldberry Hill in a south-easterly direction across the Humbleton Burn
to join B.R.1.
.....
.....
.....
7. Other relevant information

NORTHUMBERLAND COUNTY COUNCIL.

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

PART IV.

PUBLIC RIGHTS OF WAY - STATEMENT.

1. ~~Borough~~
~~Urban District~~
Rural District GLENDALE
2. Parish AKEID
3. Number of Footpath on Map 10 ✓
4. Name of Path
5. Kind of Path (i.e. FP/BR) B.R.
6. General Description of Path From B.R.1 at the Wooler Parish boundary
in a westerly direction to join B.R.30 at the Kirknewton Parish
boundary north of Commonburn House.
7. Other relevant information Scheduled under the Rights of Way Act, 1932.

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 24
4. Name of Path
5. Kind of Path (i.e. FP/BR) F.P.
6. General Description of Path From F.P.18 south-east of Southern Knowe
..... in a north-easterly direction by Benty Crag to join B.R.30 at Common burn
..... House.
.....
.....
.....
7. Other relevant information

NORTHUMBERLAND COUNTY COUNCIL.

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

PART IV.

PUBLIC RIGHTS OF WAY - STATEMENT.

1. ~~Borough~~
Urban District
Rural District GLENDALE
2. Parish KIRKSWATON
3. Number of Footpath on Map 25
4. Name of Path
5. Kind of Path (i.e. FP/BR) F.P.
6. General Description of Path From B.R.30 at Common Burn House
..... in a south-westerly and southerly direction by Foulburn Gair and across
..... Lambdon Burn to join F.P.21 at Goldsleugh.
.....
.....
.....
7. Other relevant information
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.....

NORTHUMBERLAND COUNTY COUNCIL.

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

PUBLIC RIGHTS OF WAY - STATEMENT.

1. ~~Borough~~
~~Urban District~~
Rural District **GLENDALE**

2. Parish **KIRKNEWTON**

3. Number of Footpath on Map **27** ✓

4. Name of Path

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

6. General Description of Path **From the junction of F.P.24 and B.R.30**
..... **at Commonburn House in a south-easterly direction across Peat Sikes**
..... **to join B.R.31.**
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7. Other relevant information

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NORTHUMBERLAND COUNTY COUNCIL.

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

PART IV.

PUBLIC RIGHTS OF WAY - STATEMENT.

1. ~~Borough~~
~~Urban District~~
Rural District GLENDALE

2. Parish KIRKNEWTON

3. Number of Footpath on Map 30

4. Name of Path

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

6. General Description of Path From F.P.24 at Commonburn House in a
..... north-easterly direction to meet B.R.10 at the Akeld Parish boundary.
.....
.....
.....

7. Other relevant information

First Review Definitive Map

ORDNANCE SURVEY

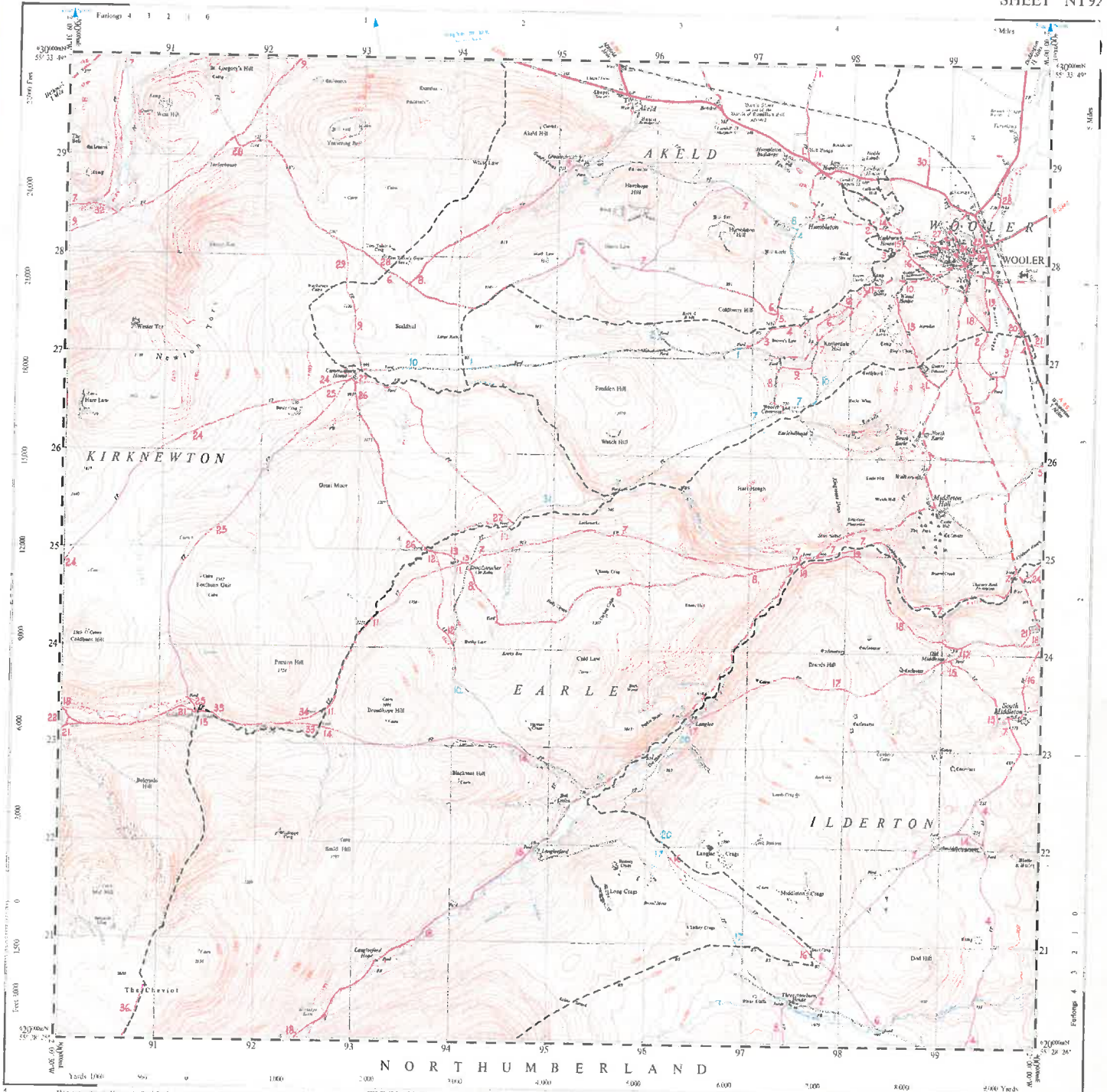
Scale 1:25,000 or about 2½ Inches to 1 Mile

Provisional Edition

PROVISIONAL EDITION
FIRST REVIEW DEFINITIVE MAP
RELEVANT DATE 1.11.1965

SHEET NT92

SHEET NT92



SHEET NT92

Grid North at the west of this sheet is 0° 03' 55" W. of True North
Magnetic Variation is 10° 30' W. of Grid North for June 1954
Annual Change 8. P.

1:25,000	1:50,000	1:100,000
1:250,000	1:500,000	1:1,000,000

The Grid lines on this sheet are in accordance with the
British system of Surveying. The Grid North is defined as the
direction of the mean magnetic meridian at the origin of the
system, which is in a constant direction.
To see how the reference tables of Fundamental
Sines are obtained. They are published separately.

Compiled from 67 sheets last fully revised 1956-1957
Other partial revisions through 1962 have been
incorporated.

SHEET NT92

1:10,000 scale O.S. Map
1978 / 79

