

## **RIGHTS OF WAY COMMITTEE**

14 November 2017

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### **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED RESTRICTED BYWAYS NOS 68 - 70 PARISH OF HAYDON**

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

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#### **Purpose of report**

In this report, the Committee is asked to give consideration to all the relevant evidence gathered in support and rebuttal of a proposal to add to the Definitive Map and Statement a restricted byway from the U8057 road west of Low Yexley Wood in a general northerly and north-easterly direction to a point north-west of Coastley Farm and also from the U8059 road west of the Coastley Farm in a general north-westerly and easterly direction to a point south-west of Common Cottages.

#### **Recommendation**

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

- i) there is sufficient evidence to indicate that restricted byway rights have been reasonably alleged to exist over the routes A - B, C - D and F - G;**
- ii) there is sufficient evidence to indicate that on the balance of probability restricted byway rights have been proven to exist over that part of existing Public Bridleway No 42 between points G - E;**
- iii) the routes should be included in a future Definitive Map Modification Order as a 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 to adding and upgrading a public right of way on the Definitive Map and Statement based on historical documentary evidence are Section 53(3)(c)(i) and (ii) of the Wildlife and Countryside Act, 1981, which 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;”

or

“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;”

- 1.3 All the relevant statutory provisions and competing rights and interests have been considered in making this report. The recommendation is in accordance with the law and proportionate, having regard to individuals' rights and the public interest.

## **2.0 PUBLIC EVIDENCE**

- 2.1 In April 2016, Janet Lennard of Hexham submitted an application to amend the Definitive Map and Statement to add a restricted byway from a point marked A on the U8057 road immediately to the west of Low Yexley Wood in a northerly direction for a distance of 665 metres to a point marked B on the C284 road south-east of Lowes Fell Farm, then continuing from a point marked C on the C284 road south-east of Lowes Fell Farm in a northerly and north-easterly direction for a distance of 2330 metres to a point marked D 475 metres north-west of Coastley Farm, then from a point marked F on the U8059 road immediately west of the Coastley farm buildings in a general north-westerly and easterly direction for a distance of 1380 metres, crossing the A69 Trunk Road then continuing over a length of existing Public Bridleway No 42 to a point marked E immediately south-west of Common Cottages.
- 2.2 The application is supported by historical evidence including the 1755 Hexham East & West Inclosure Award, Armstrong's Map of 1769, an 1819 plan for altering & diverting part of the Hexham Turnpike Road, Fryer's Map of 1820, Greenwood's Map of 1828, the 1830 plan of the Hexham Turnpike Road, the 1838 & 1841 Tithe Awards for Hexham and Hexham West Quarter, the 1864 Hexham & Allendale Railway Plan, the 1<sup>st</sup> Edition O.S. 25" plan of 1866 with the accompanying Book of Reference, the 2<sup>nd</sup> Edition O.S. 6" plan of 1898, the 1910 Finance Act records and the 3<sup>rd</sup> Edition O.S. 6" plan of 1924.

2.3 The application was also accompanied by the following submission:

### **The application route**

1. "At its south end, the line of the alleged route leaves the U8057 at GR 878635 (A), east of East Elrington. It goes in a north easterly direction and then makes a sharp bend to the right at (C) which lies south west of Glendue. It continues in a north easterly direction past where Coastely Fell House used to be before turning south east at (D) to finish at Coastely (E) on the U8299 road GR 899654.
2. "The branch to Greenshaw Plain goes in a north westerly direction from GR 895656 (D). It makes a sharp turn at point F to meet the A69 at GR 894662 on the opposite side of the road from the start of public bridleway 520/042. Historically the alleged route continues to Common House (G) which is on this bridleway, which is described in the inclosure award as Wharmley Road.
3. "Because of its length, various reference points (A - G) have been marked on a copy of the current OS map to aid identification.
4. "For its full length it is in the parish of Haydon today and is shown on the OS Explorer OL 43.
5. "For most of its length it is in a walled lane approximately 10 - 12 metres wide. Its surface is largely grass over stone. The presence of the grass over stone can be deduced from the evidence of impeded drainage illustrated by the growth of reeds on those sections visible from public roads today.
6. "There are sections which are unfenced, mainly south of (B) where the fence/wall on the west side of the alleged route no long remains and along the section called Greenshaw Bank. There are a number of gates along the route. These can be seen on Google Earth.
7. "Currently there is no recorded definitive right of way along it. No record of it having been stopped up has been found in the Quarter Sessions file.

*See map with points of reference marked. See also photographs of the route.*

### **Documentary evidence**

1. 1755 Hexham East & West Inclosure Award Ref of Plan ZGI XXXII/1-2

"This early inclosure award was made under the local act of 1747. It is a very large plan showing most of the current public roads to the south and west of Hexham but none of the roads are named. The plan shows the full length of the alleged route in the same manner as the surrounding network of public tarmac roads today. It is shown as a walled lane for most of its length. Adjacent land/farms present today on the OS, which are shown on this plan, include Elrington Ground, Longhope Ground and Coastley Ground. Mr Robert

Lowes is shown as the owner of the allotment where now there is a farm called Lowes Fell.

"The document has been digitised and can be seen at Woodhorn. The reference of the section showing the alleged route is ZGI 32/2 (full sheet). On it details can be seen which are hard to read on the original copy for example the line of the turnpike road which crosses the alleged route at (B) is shown as a faint double dash line.

The award is a separate document. Ref of award QRD 2/1

"This is a large volume containing this award along with other similar documents. The relevant part can be found on pages 130 -187.

On page 131 lower

*'And also that those Commissioners or any five or more of them should ascertain, set out and appoint proper **publick Highways and Roads** in upon and through those Commons to be inclosed with the size and breadth thereof'.*

"On page 134 lower

*'And we the Commissioners do hereby set out and award that it shall be lawful for all persons hereafter to pass and repass in through and along **all and every of these publick highways** known before us set out and appointed on foot on horseback or with any manner of carts and carriages and also to drive any and all manner of cattle along the same.'*

"From reading the details in the award, it can be seen that the alleged route is made up of **parts of three of the awarded public roads**. All three are described as being 12 yards wide. Frequently the description of a particular road refers to roads which have been awarded earlier on in the award.

"The public roads which make up the alleged route are:

- Woodshield Road
- Greenshawbank Road
- Road from Coastley West Gate

**Woodshield Road** (see page 138 upper)

"This awarded road starts at (A), the southernmost point on the alleged route. *'It leads from Elrington Road.... In a direction to the north east across the turnpike road.'* This is point B on the location plan.

"It continues *'until it crosses the road from Coastley West Gate nearly north'*. This takes the alleged route to (C) on the location plan.

"This awarded road (Woodshield Road) then continues in a general north westerly direction until it ends at Keepersshield Gate but this application is not concerned with the section of this road beyond (C) in that direction.

### **Road from Coastley West Gate** (see page 137 lower)

"This awarded road makes up the section of the alleged route E - D - C and is described as '*leading from Coastley West Gate westwards to the south end of Greenshawbank Road (E - D).*' It then continues in the same direction '*until it enters the turnpike road.....east of Woodhall Gate.*'

"This describes the full length of this awarded road but this application is only concerned with the section to (C). The part continuing south west beyond (C) in the direction of Woodhall Gate is not part of the application.

### **Greenshaw Bank Road** (see page 137 lower)

"This awarded road makes up the section of the alleged route G - F - D. It is described as being '*from Wharmley Gate .... Winding south eastwards up Greenshaw Bank, then nearly south until it enters the highway set out and called by the name of the Road from Coastley Westgate*'. The junction between these two highways is at point (D).

"At the bottom of Greenshaw Bank, there is a label indicating the presence of **Greenshawbank Well** (see location plan) which would have been an important facility on a route used for driving cattle as the term 'drift road' on the Tithe Award plan suggests. (see below)

*See extracts from the plan and the sketch map.*

### 2. 1769 Armstrong's Map of Northumberland

"The point where the alleged route crosses the C284 (B) near Langhope is shown clearly on this map but the full length of the route is not shown. From the key it can be seen that it is shown in the manner of a 'country road', the same as other minor public tarmac roads in the area.

*See extract from this map.*

### 3. 1819 Plan for Altering & Diverting part of the Hexham Turnpike Road Ref NRO 317/26

"In 1819, the road that is today the C284 was the turnpike from Hexham going west towards Carlisle, with the toll bar at Summerrods.

"The plan shows the intersection between the turnpike and the alleged route at point (B). It is labelled 'awarded road', referring to the plan of the inclosure award described above. It is unlikely that it would have been necessary to show this intersection if the alleged route had not been public at that time. It also labels as 'drift road' the road described in the inclosure award as 'Oxen Road'. This today is a public bridleway known as Cushat lane (524/029).

*See extract from this plan showing the intersection.*

#### 4. 1820 Fryer's Map of Northumberland

"The full length of the alleged route (A - E) and its branch (D - G) is shown along with the farm names of Longhope, Coastley and East Elrington. It is shown as a walled road throughout. From the key it can be seen that it is shown in the manner of 'other roads', the same as many minor public tarmac roads in the area today.

*See extract from this map*

#### 5. 1828 Greenwood's Map of Northumberland

"The full length of the alleged route to Coastley can be seen. It is shown as a walled road except for the section on Greenshaw Bank which is shown as unfenced. From the key it can be seen to be shown in the manner of a 'cross road', the same as many minor country roads in the area.

*See extract from this map*

#### 6. 1830 Plan of the Hexham Turnpike Road

"This later plan of the Hexham Turnpike also shows the intersection of the alleged road with the turnpike at (B)..

*See extract from the plan*

#### 7. 1839/1841 Tithe Awards

"The tithe plan covering **West Quarter Township Ref: DT 242 M** shows the full length of the alleged route clearly with each of the roads being labelled as follows:

"Point (A) is shown to be on a road labelled 'Road from Elrington'

"Point (B) is shown to be on a road labelled 'Road from Haydon Bridge'

"Beyond point (C) **the label on the alleged route itself is 'Road to West Boat'** [there used to be a ferry across the Tyne from West Boat.]

"At point (F), the road coming in from the west is labelled 'Road from Haydon Bridge'

"Point (G) is at the junction of the two roads, one labelled 'Road from Wharmley' and the other 'To West Boat' (BR 520/024).

"The unfenced section of the alleged route to Coastely (E) is shown, as is the road from there up the hill past Hackford (BR 524/003), which is labelled 'Road to Low Gate and Hexham'.

"This shows that the alleged route is treated in the same manner as other roads in the area which carry public rights today.

"The tithe plan covering **Hexham Township Ref: DT 241 L** shows the alleged route from point (A) to a point beyond (C) close to Glendue, where the township boundary crosses the alleged route. **It is labelled 'drift road'** which suggests that the public rights to drive cattle mentioned in the Inclosure Award were the main use for the route. This is backed up by the presence of a Greenshawbank Well, a little further on towards F, which is marked on the inclosure award and on the 1<sup>st</sup> ed OS map (see below).

"The junction at (B) where the alleged route crosses the turnpike road, labelled 'to Hexham' to the east and 'to Haydon Bridge' to the west, can be clearly seen. It is unlikely that there would have been a need to show this junction if the alleged route had been private.

"The distinctive bend in the alleged route at point (F) is also shown, as is the continuation down past Greenshaw Plain House to Common House at G.

"There is no mention of any roads in the award itself.

*No extracts from these plans are provided as permission to photograph them was withheld as the documents belong to the church.*

8. 1864 Hexham & Allendale Railway Plan Ref: Q/R/UP 114 a&b

"On sheet no 1. The alleged route is shown crossing the zone of deviation for the railway in the parish of Hexham. Plot 43 is described as 'public road' belonging to the Commissioners of Greenwich Hospital and the Highways Board for Hexham.

"In addition, to the south of the line of the proposed railway, the road pattern of the alleged route is shown with the junction at (D) and the sharp bend at (F). This is beyond the zone of variations so does not have a plot number in the Book of Reference for Hexham parish.

*See extracts from the plan and the Book of Reference.*

9. 1865 OS ed. Scale 1:2,500. 25" Sheets XCIII/4, XCIII/8 & XCIV/1

"The section of the alleged route from A just north of Langhope is shown on Sheet XCIII/8 to be in **plot 90 lying in the Parish of Hexham, Township of Hexham**. In the Book of Reference for this parish and township, **plot 90 is described as 'public road'**.

"The alleged route continues on sheet XCIII/4 with the **same plot number (90)** to the point where the township boundary crosses it as it turns north. This occurs beyond point (C) and south east of Glendue.

"After that the alleged route continues past Coastley Fell House, still on Sheet XCIII/4. But now it has passed into the **Parish of Hexham, Township of West Quarter detached no 1**. It is labelled with the **plot number 45**.

"The alleged route then continues, still as plot number 45, to D but it is now on Sheet XCIV/1. The section labelled 'Greenshaw bank' leading down to

Coastley (E) is unfenced but it is shown with a broken brace and is again labelled as **plot 45** so it is clearly a **continuation of the same public road**. In the Book of Reference for this parish and township, **plot 45 is described as 'public road'**

"The branch to Greenshaw Plain (D - F) is fenced with the first part before it crosses the township boundary having the **plot number 7**. This section is still in **Hexham Parish, West Quarter Township detached no 1**. In the Book of Reference **plot 7 is described as 'public road'**."

"Beyond the parish boundary, this leg of the alleged route passes back into **Hexham Parish, Hexham Township with the plot number being 24**. This plot number is also **described as 'public road'** in the Book of Reference for this parish and township."

*See extracts from this OS series and from the Book of Reference*

10. 1898 2<sup>nd</sup> ed OS scale 1:10,560 Sheets XCIII NE & XCIV NW

"The alleged route and the branch to Greenshaw Plain are clearly shown. The southern section, from (A) to just past Coastley Fell House, not far from (D) is on sheet XCIII NE. The more northerly part both to Coastley and to Greenshaw Plain is shown on sheet XCIV NW

"The section between Coastley (E) and the junction at (D) is labelled 'Greenshaw Bank'. This section is unfenced and has the label 'BR' against it. No such label is to be found elsewhere on the alleged route or the branch."

*See extracts from this OS series.*

11. 1910 Finance Act plan Sheets XCIII/4, XCIII/8 & XCIV/1

Book of Reference Ref: NRO 2000/77 & 2000/75

"On the Finance Act plan for this area the township boundaries are highlighted with a wide yellow band which makes it difficult to see the underlying colours used to indicate the landownership boundaries. But it would appear, if the plan is examined with a magnifying glass, that the alleged route is shown as a **'white road'** for much of its length indicating that is not in the ownership of the adjacent landholders."

"Using the Book of Reference **NRO 2000/77 for the West Quarter Township** it can be seen that none of the adjacent properties - Langhope (plot 206). Coastley Fell House (plot 210), Coastley (plot 204) are aware deductions for public rights of way which is what you would expect if the alleged route was considered to be a public road and therefore would not have been included in any of these plots."

"Similarly in the Book of Reference **NRO 2000/75 for Hexham Township**, it can be seen that there is no deduction for other adjacent properties - Greenshaw Plain House, Common House, Lowes Fell (plot 2125) and Glendue (plot 2017)."



"It should be noted that there is also no deductions for two further awarded roads in the area - Wharmley Road and Oxen Road, which today are public bridleways 520/042 and 524/029.

"However the section from D - E which is shown as being unfenced, is included in the land holding of plot 204 attached to Coastley.

*See extracts from the plans*

12. 1924 3<sup>rd</sup> ed OS. Scale 1:10,560 Sheet 91 SE

"The alleged route and the branch to Greenshaw Plain are shown in a similar manner to that on the 2nd ed OS. However by this time the wall either side on the section (A) - (B) is no longer complete. The western side has disappeared for about two thirds of this section. However the two walls remain intact for the rest of the alleged route and branch with the exception of Greenshaw Bank as described above as far as one can see from a public road or bridleway.

*See extracts from this OS series*

#### Conclusion

"It would appear that this well documented ancient public highway was omitted from the definitive map in the 1950s. Please can you investigate whether it should be added now as a restricted byway?"

### 3. LANDOWNER EVIDENCE

3.1 By email received 13th April 2017 Peter Combe of Land Factor, agent to James Straker responded with the following comments.

- i) "All of the land in question is owned by James Straker That is a. A - B on your plan b. C - D on your plan. c. D - F on your plan d. D - E on your plan (other than the A69 which is understood to be owned by Highways England).
- ii) "Mr Straker's starting point is to refute the claimed right of way.
- iii) "Mr Straker wishes to have a researcher look at the historic evidence set out in the 3<sup>rd</sup> paragraph of your letter of 6<sup>th</sup> April 2017. He is currently seeking to find such a person and engage them.
- iv) "I note your request for information by 30<sup>th</sup> June 2017 and an intended late 2017/early 2018 Rights of Way Committee consideration of the matter. We will do what we can at this end to comply but as you will be aware good researchers tend to be busy."

#### 4. CONSULTATION

- 4.1 In January 2017, the Council carried out a consultation with the Parish Council, known owners and occupiers of the land and the local representatives of the “prescribed and local organisations” listed in the Council’s “Code of Practice on Consultation for Public Path Orders”.
- 4.2 By letter in May 2017 the County Access & Bridleways Officer for the British Horse Society responded to the consultation with the following comments:

“This proposal has its origins in the Inclosure Award of 1755 in which public highways were laid out as a result of an Act of Parliament. The fact that this network of ‘old roads’ is backed up by later documents shows that the routes came into being and were recognised as public roads over a long period of time.

“This significant addition of off-road routes in an area where the roads are increasingly busy will be of great benefit to the safety of all vulnerable road users - walkers, cyclists and horse riders alike.”

#### 5. DOCUMENTARY EVIDENCE

- 5.1 A search has been made, relating to historical evidence and the following copies of O.S. Maps are enclosed for consideration.

1753      An Act for Inclosing and dividing Wastes and Common in the Manor of Hexham in the County of Northumberland.

*The said Commissioners or any five or more of them shall and may ascertain set out and appoint proper publick highways and roads in upon and through the said commons so to be inclosed.*

1755      Hexham East Common & West Common Inclosure Award

The Award sets out ‘Public Highways & Roads’ described thus:

Greenshaw Bank Road

*And we do also set out and appoint a public Highway 12 yards in breadth through the said West Common as the same is now propt and staked and set out leading out of the Wharnley Road at about nine chains south from Wharnley Gate in a direction west for the space of 20 Chains and a half or thereabouts to Greenshaw Bank and thence winding south-eastward up Greenshaw Bank for the space of 6 chains or thereabouts and thence in a direction nearly south till it enters the highway next hereinafter set out and called by the name of the Road from Coastley West Gate. Which last described Highway we shall hereinafter refer to & call by the name of the Greenshaw Bank Road.*

## Road from Coastley West Gate

*And we do also set out & appoint a public Highway 12 yards in breadth through the said West Common leading from Coastley West Gate westward to the South end of the Greenshaw Bank Road and from thence west till it enters the Turnpike Road from Glenwhelt to Shildon at about 10 yards east of Woodhall Gate as the same is now propt staked & set out. Which said last described Highway we shall hereinafter refer to and call by the name of the Road from Coastley Westgate.*

## Woodshields Road

*"And we do also set out and appoint a Public Highway 12 yards in breadth through the said west Common leading out of the Elrington Road at about 10 chains east of Elrington Gate in a direction to the north-east across the Turnpike Road and thence in the same direction for the space of 46 chains or thereabouts from the Turnpike Road until it crosses the road from Coastley West Gate and thence nearly north for the space of 26 chains or thereabouts and thence in a direction inclining eastward for the space of 9 chains or thereabouts and thence north-westwards for the space of 9 chains or thereabouts to the Brow of the Hill and thence winding north-eastwards and northwards to the Foot of the Hill and from thence northwards till it joins the inclosed lands of Wharnley and thence westward by the south side of the said inclosed lands for the space of 3 chains and from thence in the same direction for the space of 1½ chains and thence in a direction more to the north for the space of 1½ chains and thence branching westward to Little Side and northwestward to Keepersshield Gate as the same is now propt, staked and set out which last described Highway shall hereafter refer to and call by the name of Woodshields Road.*

*And we the said Commissioners do hereby Direct and Award that it shall and may be lawful for all persons hereafter to pass and repass in through and along all and every of the said respective public Highways herein by us set out & appointed through the said West Common on foot on horseback or with any manner of Carts & Carriages and also to drive any and all manner of cattle along the same.*

### 1769 Armstrong's County Map

There is evidence of a spur off the Hexham to Haydon Bridge road to the west of Langhope.

### 1820 Fryer's County Map

There is evidence of a track over the entire length of the claimed routes with the section at Coastley annotated with dashed lines.

- 1828      Greenwood's County Map
- There is evidence of a track over the entire length of the claimed routes with the section at Coastley annotated with dashed lines.
- 1820-32      Cary's Map
- There is evidence of a track approximating the entire length of the claimed route.
- 1839      West Quarter Township Tithe Award DT 242M (No Plan)
- The entire section of the claimed route through West Quarter township is identified on the plan and annotated 'Road from Elrington' and 'Road from Haydon Bridge and 'Road to West Boat'.
- 1841      Hexham Township Tithe Award (No Plan) DT 241L (No Plan)
- The section of the route within the Hexham township is annotated as 'drift road'.
- 1864      Deposited Plan: Hexham & Allendale Railway
- The section of the route to immediately to the south of the current A69 Trunk Road is annotated with the number 43 and described in the accompanying schedule as a 'Public Road'.
- 1865      1<sup>st</sup> Edition O.S. Map: Scale 1:10,560 (reduced)
- There is evidence of an enclosed track over the majority of the claimed route. The section to the west of Coastley is depicted as a double dashed line.
- 1898      2<sup>nd</sup> Edition O.S. Map: Scale 1:10,560 (reduced)
- There is evidence of an enclosed track over the majority of the claimed route except the section to the north-west of Coastley. (though still labelled Greenshaw Bank).
- 1924      3<sup>rd</sup> Edition O.S. Map: Scale 1:10,560
- There is evidence of an enclosed track over the majority of the claimed route but not all of the section to the south of the C284 road. The section to the north-west of Coastley is depicted as a double dashed and solid line with the addition of 'bench marks' and labelled Greenshaw Bank.

1952      O.S. Map: Scale 1:10,560

There is evidence of an enclosed track over the majority of the claimed route but not all of the section to the south of the C284 road. The section to the north-west of Coastley is depicted as a double dashed and solid line with the addition of 'bench marks' and labelled Greenshaw Bank.

1958      Bridges & Roads Committee Minutes

The alleged routes were not included on the 'draft' definitive map but were added as footpaths to the 'draft' (modified) map following representations.

## **6.      SITE INVESTIGATION**

6.1      To date no site visit has been conducted.

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

7.1      In August 2017, a draft copy of the report was circulated to all of the interested parties that responded to the consultation.

7.2      In October 2017 Land Factor, Solicitors responded by email on behalf of the Leazes Estate to indicate that they were considering the matter but were currently minded to object to the claimed public rights of way.

## **8.      DISCUSSION**

8.1      Section 53(3)(c)(i) and (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 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; or

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.

8.2      When considering an application or proposal for a modification order, Section 32 of the Highways Act, 1980 provides for "any map, plan or history of the locality or other relevant document" to be tendered in evidence and such weight to be given to it as considered justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and

the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.

- 8.3 The representation of a path or track on an Ordnance Survey Map is not conclusive evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey.
- 8.4 The 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. None of the above saving provisions apply to the claimed route therefore, if the track were to be recorded as a restricted byway, it would be an offence for any member of the public to use the route with a mechanically propelled vehicle without the landowner's permission.
- 8.5 The County Maps of Armstrong, Fryer, Greenwood and Cary appear to depict a track over all or part of the claimed route. If the purpose of the maps was to depict commercial travel routes throughout the County then it is reasonable to assume that the route carried higher rights than public footpath.
- 8.6 All of the Ordnance Survey plans from the 1st Edition map c1860 to the plan in 1952 depict a track over the majority of the claimed route. It is noted that on the more modern O.S. maps the route between points D - F is annotated with 'Bench Marks'.
- 8.7 The Hexham East & West Inclosure Award sets out all of the claimed route A - B - C - D - G - E as 'Public Highways 12 yards in breadth. Although the middle and eastern section of the route between points D - F (Greenshaw Bank), is outwith the land to be Inclosed it is reasonable to assume that the evidence is sufficient to support an assertion that a route continued over Greenshaw Bank to Coastley and that the status of the route would reflect the same status as the Inclosure awarded highways.
- 8.8 The Hexhamshire West Quarter Tithe Award depicts tracks over the entire length of the claimed route and is identified as 'Road to West Boat' with the road to the south-east of Coastley identified as 'Road to Lowgate and Hexham'. The annotation would suggest that the route is part of the highway network and is likely that the meaning of the word 'road' would have directed to all manner of traffic including carts and carriages.
- 8.9 The 1st Edition Ordnance Survey 'Book of Reference' and the Railway deposited plan both depict parts of the route as 'Public Roads', including the section over Greenshaw Bank.

- 8.10 Upon inspection of the documents for the preparation of the Definitive Map and Statement the alleged routes were not identified on the 'survey' or 'draft' map. The Ramblers' Association made a representation to the Draft Map seeking their inclusion as public footpaths (most likely on the basis of user evidence). The landowner, C B Straker, Esq objected to the paths being included on the Definitive Map and following a hearing it was determined that the paths should not be added. The County Council is unaware of the nature of the evidence produced at the Hearing either by the Ramblers' Association or the landowner.
- 8.11 In the light of the evidence submitted it appears that the historical evidence is sufficient to support an assertion that, public vehicular rights have been reasonably alleged to exist over the route and exist on the balance of probabilities for the section currently recorded as Public Bridleway No 42.
- 8.12 Advice from the Planning Inspectorate states that it is important to have the correct width, where known, recorded in the definitive statement. It is considered appropriate therefore, that if the route were to be included in any future modification order as a restricted byway, the width should be recorded as 10.97 metres to reflect the width of 12 yards as set out in the Inclosure Award.

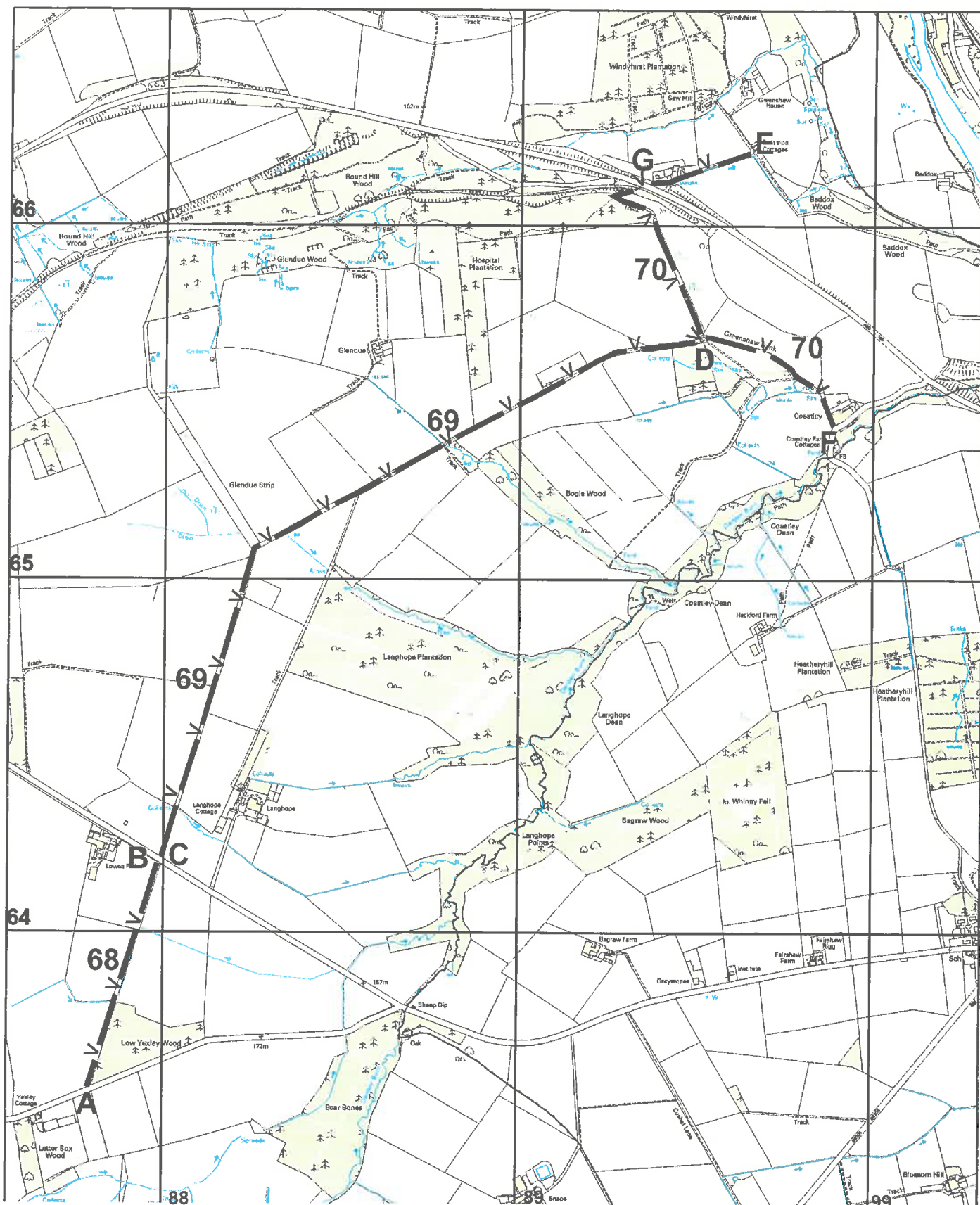
## **9. CONCLUSION**

- 9.1 In the light of the evidence submitted it appears that, restricted byway rights have been reasonably alleged to exist over the route.
- 9.2 In the light of the evidence submitted it appears that restricted byway rights have, on the balance of probabilities been shown to exist over that part of existing Parish of Haydon Public Bridleway No 42 between the A69 Trunk road and Common Cottages.

## **BACKGROUND PAPERS**

Local Services Group File E/20/68-70z

Report Author      John McErlane – Definitive Map Officer  
                             (01670) 624136  
                             [John.McErlane@northumberland.gov.uk](mailto:John.McErlane@northumberland.gov.uk)



# **Northumberland**

Northumberland County Council

Infrastructure  
Local Services  
County Hall Morpeth Northumberland  
Telephone 0345 600 6400 NE61 2EF

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

Alleged Restricted Byway



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O.S. Map NY 86 NE/SE

Definitive Map No 195/207

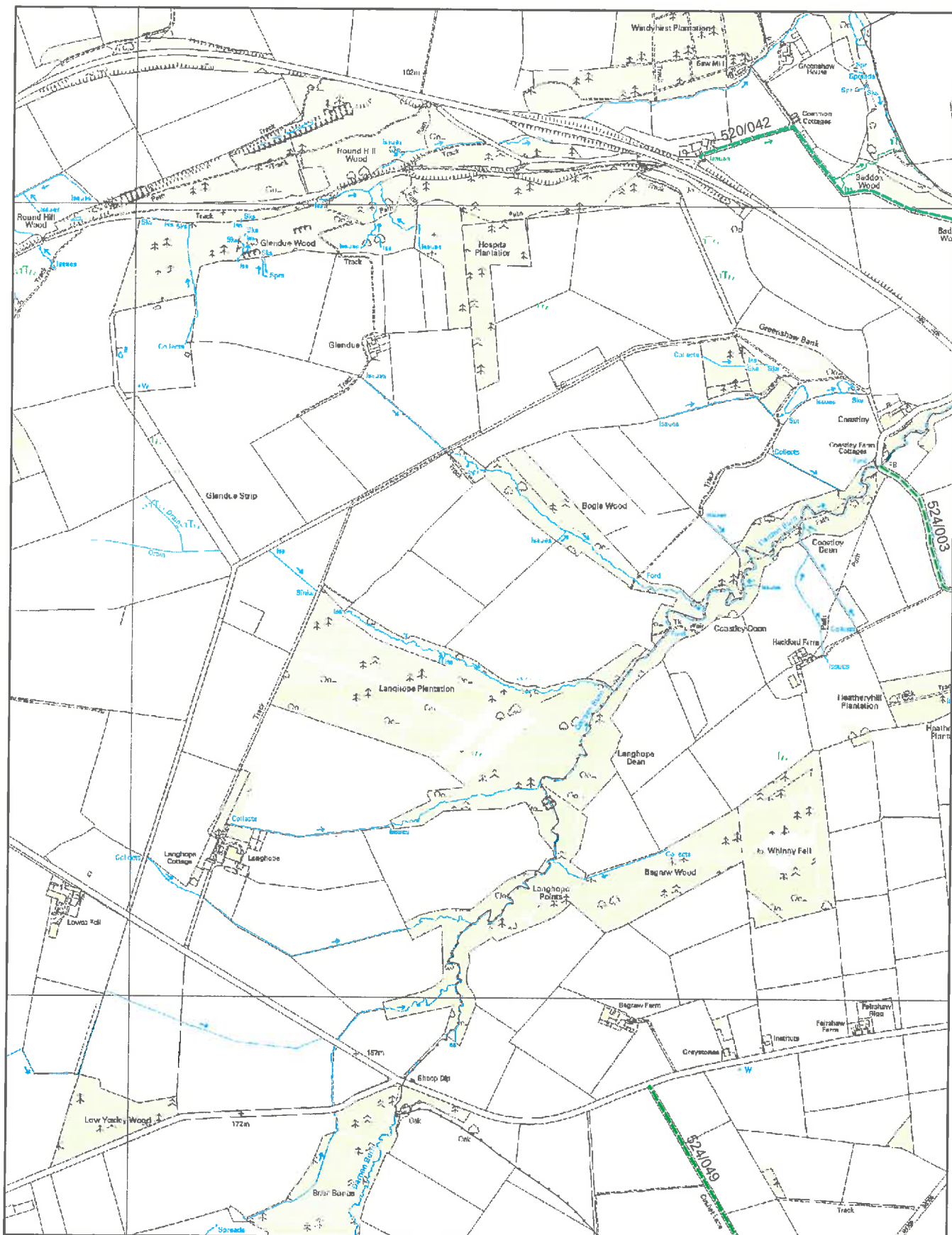
Scale: 1/15,000

Former District(s) Tynedale

Parish(es) Haydon

Date: March 2017





**Northumberland**

Northumberland County Council  
Sustainable Transport

Contact: John McErlane  
Telephone: 01670 624136  
Email: John.McErlane@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: 1:13,000

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## PUBLIC RIGHTS OF WAY

WILDLIFE AND COUNTRYSIDE ACT 1981, PART III  
DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF NORTHUMBERLAND

## APPLICATION FOR MODIFICATION ORDER

Former Borough/District TYNE DALEParish HAYDON Rights of Way No. —  
(on Definitive Map)To: Asset & Infrastructure Manager  
Northumberland County Council  
County Hall  
Morpeth  
Northumberland  
NE61 2EFI/We JANET LENNARD (Name)of 2 ST NICHOLAS PLACE (Address)HEXHAM, NE4 6 2EZ

hereby apply for an order, under Section 53 (2) of the Wildlife and Countryside Act 1981, modifying the Definitive Map and Statement for the County of Northumberland, by:-

1. Adding the (footpath) (~~bridleway~~) (restricted byway) (~~byway open to all traffic~~) (*Delete whichever is inapplicable*)from GR 878 635to GR 899 654 with a branch to GR 894 6622. (Upgrading) (downgrading) to a (footpath) (bridleway) (restricted byway) (byway open to all traffic) the (footpath) (bridleway) (restricted byway) (byway open to all traffic) (*Delete whichever is inapplicable*)

from .....

to .....

3. Deleting the (footpath) (bridleway) (restricted byway) (byway open to all traffic) (*Delete whichever is inapplicable*)

from .....

to .....


4. (Varying) (adding to) the particulars relating to the (footpath) (bridleway) (restricted byway) (byway open to all traffic) (*Delete whichever is inapplicable*)

from .....

to .....

by providing that .....  
as shown on the plan attached.

I/We attach copies of the following documentary evidence (including statements of witness) set out overleaf in support of this application.

Dated 25 - 4 - 2016 Signed 

NOTE: This application must be accompanied by a map showing the right(s) of way applied for. Legally such a map must be at a scale of not less than 2½" to 1 mile, but 6" to 1 mile (being the scale at which the Definitive Map is to be prepared and maintained) will normally be preferable.

## PUBLIC RIGHTS OF WAY

WILDLIFE AND COUNTRYSIDE ACT 1981, PART III  
DEFINITIVE MAP AND STATEMENT FOR THE COUNTY OF NORTHUMBERLANDCERTIFICATE OF SERVICE OF NOTICE OF  
APPLICATION FOR MODIFICATION ORDERFormer Borough/District ..... TYNEDALE .....Parish ..... HAYDON .....To: Asset & Infrastructure Manager  
Local Services Group  
Northumberland County Council  
County Hall  
Morpeth  
NE61 2EFI/We ..... JANET LENNARD ..... (Name)of ..... 2 ST NICHOLAS PLACE ..... (Address)..... HEXHAM, NE46 2EZ .....

hereby certify that the requirements of Paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with, and each of the following landowners and occupiers affected by the claim have been notified.

Name	Address
..... <u>Mr J A J Straker</u> .....	..... <u>Greenshaw House, Hexham, NE46 2PJ</u> .....
..... <u>Mr W. Mew</u> .....	..... <u>Glendine Farm, Hexham, NE46 2PP</u> .....
..... <u>Mr R. Smith</u> .....	..... <u>Lower Fell, Hexham</u> .....
..... <u>The Occupier</u> .....	..... <u>Langhope, Hexham</u> .....
.....	.....
.....	.....
.....	.....

Dated ..... 25-4-2016 ..... Signed .....  .....



# The Road to Coastley with a branch to Greenshaw Plain

## The Alleged Route

1. At its south end, the line of the alleged route leaves the U 8057 at GR 878635 (A), east of East Elrington. It goes in a north easterly direction crossing the C 284 near Langhope (B). It continues in that direction and then makes a sharp bend to the right at (C) which lies south west of Glendue. It continues in a north easterly direction past where Coastley Fell House used to be before turning south east at (D) to finish at Coastley (E) on the U 8299 at GR 899654.
2. The branch to Greenshaw Plain goes in a north westerly direction from GR 895656 (D). It makes a sharp turn at point F to meet the A69 at GR 894662 on the opposite side of the road from the start of public bridleway 520/042. Historically the alleged route continues to Common House (G) which is on this bridleway, which is described in the inclosure award as Wharmley Road..
3. Because of its length, various reference points (A – G) have been marked on a copy of the current OS map to aid identification.
4. For its full length it is in the parish of Haydon today and is shown on OS Explorer OL 43.
5. For most of its length it is in a walled lane approximately 10 - 12 metres wide. Its surface is largely grass over stone. The presence of the stone can be deduced from the evidence of impeded drainage illustrated by the growth of reeds on those sections visible from public roads today.
6. There are sections which are unfenced, mainly south of (B) where the fence/wall on the west side of the alleged route no longer remains and along the section called Greenshaw Bank. There are a number of gates along the route. These can be seen on Google Earth.
7. Currently there is no recorded definitive right of way along it. No record of it having been stopped up has been found in the Quarter Sessions file.

*See map with points of reference marked. See also photographs of the route*

## Documentary Evidence

1. 1755 Hexham East & West Inclosure Award Ref of Plan ZGI XXXII/1-2  
This early inclosure award was made under the local act of 1747. It is a very large plan showing most of the current public roads to the south and west of Hexham but none of the roads are named. The plan shows the full length of the alleged route in the same manner as the surrounding network of public tarmac roads today. It is shown as a walled lane for most of its length. Adjacent land/farms present today on the OS, which are shown on this plan, include Elrington Ground, Longhope

## The Road to Coastley with a branch to Greenshaw Plain

Ground and Coastley Ground. Mr Robt Lowes is shown as the owner of the allotment where now there is a farm called Lowes Fell.

This document has been digitised and can be seen at Woodhorn. The reference of the section showing the alleged route is ZGI 32/2 (full sheet). On it details can be seen which are hard to read on the original copy for example the line of the turnpike road which crosses the alleged route at (B) is shown as a faint double dash line.

The award is a separate document

Ref of award QRD/2/1

This is a large volume containing this award along with other similar documents. The relevant part can be found on pages 130-187.

On page 131 lower

*'And also that those Commissioners or any five or more of them should ascertain, set out and appoint proper **publick Highways and Roads** in upon and through those Commons to be inclosed with the size and breadth therof.'*

On page 134 lower

*'And we the Commissioners do hereby set out and award that it shall be lawful for all persons hereafter to pass and repass in through and along **all and every of these publick highways** known before by us set out and appointed on foot on horseback or with any manner of carts or carriages and also to drive any and all manner of cattle along the same.'*

From reading the details in the award, it can be seen that the alleged route is made up of **parts of three of the awarded public roads**. All three are described as being 12 yards wide. Frequently the description of a particular road refers to roads which have been awarded earlier on in the award.

The public roads which make up the alleged route are:

- Woodshield Road
- Greenshawbank Road
- Road from Coastley West Gate

## **The Road to Coastley with a branch to Greenshaw Plain**

### **Woodshield Road (see page 138 upper)**

This awarded road starts at (A), the southernmost point on the alleged route. *'It leads from Elrington Road ..... in a direction to the north east across the turnpike road.'* This is point B on the location plan.

It continues *'until it crosses the road from Coastley West Gate nearly north'*. This takes the alleged route to (C) on the location plan.

This awarded road (Woodshield Road) then continues in a generally north westerly direction until it ends at Keepersfield Gate but this application is not concerned with the section of this road going beyond (C) in that direction.

### **Road from Coastley West Gate (see page 137 lower)**

This awarded road makes up the section of the alleged route E – D - C and is described as *'leading from Coastley West Gate westwards to the south end of Greenshawbank Road (E – D).'* It then continues in the same direction *'until it enters the turnpike road ..... east of Woodhall Gate.'*

This describes the full length of this awarded road but this application is only concerned with the section to (C). The part continuing south west beyond (C) in the direction of Woodhall Gate is not part of this application.

### **Greenshawbank Road (see page 137 lower)**

This awarded road makes up the section of the alleged route G – F - D  
It is described as being *'from Wharmley Gate .....winding south eastwards up Greenshaw Bank, then nearly south until it enters the highway set out and called by the name of the Road from Coastley Westgate'*. The junction between these two highways is at point (D).

At the bottom of Greenshaw Bank, there is a label indicating the presence of **Greenshawbank Well** (see location plan) which would have been an important facility on a route used for driving cattle as the term 'drift road' on the Tithe Award plan suggests. (see below)

*See extracts from the plan and the sketch map.*

## The Road to Coastley with a branch to Greenshaw Plain

### 2. 1769 Armstrong's Map of Northumberland

The point where the alleged route crosses the C 284 (B) near Langhope is shown clearly on this map but the full length of the route is not shown. From the key it can be seen that it is shown in the manner of a 'country road', the same as other minor public tarmac roads in the area.

*See extract from this map.*

### 3. 1819 Plan for Altering & Diverting part of the Hexham Turnpike Road

ref: NRO 317/26

In 1819, the road that is today the C 284 was the turnpike from Hexham going west towards Carlisle, with the toll bar at Summerrods.

The plan shows the intersection between the turnpike and the alleged route at point (B). It is labelled 'awarded road', referring to the plan of the inclosure award described above. It is unlikely that it would have been necessary to show this intersection if the alleged route had not been public at that time.

It also labels as 'drift road' the road described in the inclosure award as 'Oxen Road'. This today is a public bridleway known as Cushat Lane (524/029).

*See extract from this plan showing the intersection.*

### 4. 1820 Fryer's Map of Northumberland

The full length of the alleged route (A – E) and its branch (D – G) is shown along with the farm names of Longhope, Coastley and East Elrington. It is shown as a walled road throughout. From the key it can be seen that it is shown in the manner of 'other roads', the same as many minor public tarmac roads in the area today.

*See extract from this map*

### 5. 1828 Greenwood's Map of Northumberland

The full length of the alleged route to Coastley can be seen. It is shown as a walled road except for the section on Greenshaw Bank which is shown as unfenced. From the key it can be seen to be shown in the manner of a 'cross road', the same as many minor country roads in the area.



## The Road to Coastley with a branch to Greenshaw Plain

*See extract from this map*

### 6. 1830 Plan of the Hexham Turnpike Road

Ref: NRO 317/29

This later plan of the Hexham Turnpike also shows the intersection of the alleged route with the turnpike at (B).

*See extract from the plan*

### 7. 1839/1841 Tithe Awards

The alleged route is shown on two tithe awards for Hexham Parish, one for each township.

The tithe plan covering **West Quarter Township Ref: DT 242 M** shows the full length of the alleged route clearly with each of the roads being labelled as follows:

Point (A) is shown to be on a road labelled 'Road from Elrington'

Point (B) is shown to be on a road labelled 'Road from Haydon Bridge'

Beyond point (C) **the label on the alleged route itself is 'Road to West Boat'** [there used to be a ferry across the Tyne from West Boat.]

At point (F), the road coming in from the west is labelled 'Road from Haydon Bridge'

Point (G) is at the junction of two roads, one labelled 'Road from Wharmley' and the other 'To West Boat' (BR 520/024).

The unfenced section of the alleged route to Coastley (E) is shown, as is the road from there up the hill past Hackford (BR 524/003), which is labelled 'Road to Low Gate and Hexham'.

This shows that the alleged route is treated in the same manner as other roads in the area which carry public rights today.

The tithe plan covering **Hexham Township Ref: DT 241 L** shows the alleged route from point (A) to a point beyond (C) close to Glendue, where the township boundary crosses the alleged route. **It is labelled 'drift road'** which suggests that the public rights to drive cattle mentioned in the Inclosure Award were the main use for the route. This is backed up by the presence of a Greenshawbank Well, a little further on towards F, which is marked on the inclosure award and on the 1<sup>st</sup> ed OS map (see below).

## The Road to Coastley with a branch to Greenshaw Plain

The junction at (B) where the alleged route crosses the turnpike road, labelled 'to Hexham' to the east and 'to Haydon Bridge' to the west, can be clearly seen. It is unlikely that there would have been a need to show this junction if the alleged route had been private.

The distinctive bend in the alleged route at point (F) is also shown, as is the continuation down past Greenshaw Plain House to Common House at G.

There is no mention of any roads in the award itself.

*No extracts from these plans are provided as permission to photograph them was withheld as the documents belong to the church.*

### 8. 1864 Hexham & Allendale Railway Plan Ref: Q/R/UP 114 a&b

On sheet no 1. the alleged route is shown crossing the zone of deviation for the railway in the parish of Hexham. Plot 43 is described as 'public road' belonging to the Commissioners of Greenwich Hospital and the Highways Board for Hexham.

In addition, to the south of the line of the proposed railway, the road pattern of the alleged route is shown with the junction at (D) and the sharp bend at (F). This is beyond the zone of variation so does not have a plot number in the Book of Reference for Hexham parish.

*See extracts from the plan and the Book of Reference.*

### 9. 1865 OS 1<sup>st</sup> ed. scale 1:2,500, 25" Sheets XCIII/4, XCIII/8 & XCIV/1

The section of the alleged route from A to just north of Langhope is shown on Sheet XCIII/8 to be in **plot 90 lying in the Parish of Hexham, Township of Hexham**. In the Book of Reference for this parish and township, **plot 90 is described as 'public road'**.

The alleged route continues on sheet XCIII/4 with the **same plot number (90)** to the point where the township boundary crosses it as it turns north. This occurs beyond point (C) and south east of Glendue.

After that the alleged route continues past Coastley Fell House, still on Sheet XCIII/4. But now it has passed into the **Parish of Hexham, Township of West Quarter detached no 1**. It is labelled with the **plot number 45**.

## The Road to Coastley with a branch to Greenshaw Plain

The alleged route then continues, still as plot number 45, to D but it is now on Sheet XCIV/1. The section labelled 'Greenshaw Bank' leading down to Coastley (E) is unfenced but it is shown with a broken brace and is again labelled as **plot 45** so it is clearly a **continuation of the same public road**. In the Book of Reference for this parish and township, **plot 45 is described as 'public road'**.

The branch to Greenshaw Plain (D – F) is fenced with the first part before it crosses the township boundary having the **plot number 7**. This section is still in **Hexham Parish, West Quarter Township detached no 1**. In the Book of Reference **plot 7 is described as 'public road'**.

Beyond the parish boundary, this leg of the alleged route passes back into **Hexham Parish, Hexham Township with the plot number being 24**. This plot number is also **described as 'public road'** in the Book of Reference for this parish and township.

*See extracts from this OS series and from the Book of Reference*

### 10. 1898 2<sup>nd</sup> ed OS scale 1:10,560

Sheets XCIII NE & XCIV NW

The alleged route and the branch to Greenshaw Plain are clearly shown. The southern section, from (A) to just past Coastley Fell House, not far from (D) is on sheet XCIII NE. The more northerly part both to Coastley and to Greenshaw Plain is shown on sheet XCIV NW.

The section between Coastley (E) and the junction at (D) is labelled 'Greenshaw Bank'. This section is unfenced and has the label 'BR' against it. No such label is to be found elsewhere on the alleged route or the branch.

*See extracts from this OS series.*

### 11. 1910 Finance Act plan

Sheets XCIII/4, XCIII/8 & XCIV/1

Book of Reference

Ref: NRO 2000/77 & 2000/75

On the Finance Act plan for this area the township boundaries are highlighted with a wide yellow band which makes it difficult to see the underlying colours used to indicate the landownership boundaries. But it would appear, if the plan is examined with a magnifying glass, that the alleged route is shown as a **'white road'** for much of its length indicating that is not in the ownership of the adjacent landholders.

## The Road to Coastley with a branch to Greenshaw Plain

Using the Book of Reference **NRO 2000/77 for the West Quarter Township**, it can be seen that none of the adjacent properties – Langhope (plot 206), Coastley Fell House (plot 210), Coastley (plot 204) are awarded deductions for public rights of way which is what you would expect if the alleged route was considered to be a public road and therefore would not have been included in any of these plots.

Similarly in the Book of Reference **NRO 2000/75 for Hexham Township**, it can be seen that there is no deduction for other adjacent properties – Greenshaw Plain House, Common House, Lowes Fell (plot 2125) and Glendue (plot 2017).

It should be noted that there is also no deductions for two further awarded roads in the area – Wharmley Road and Oxen Road, which today are public bridleways 520/042 and 524/029.

However the section from D – E which is shown as being unfenced, is included in the land holding of plot 204 attached to Coastley.

*See extracts from the plans*

### 12. 1924 3<sup>rd</sup> ed OS. Scale 1:10,560

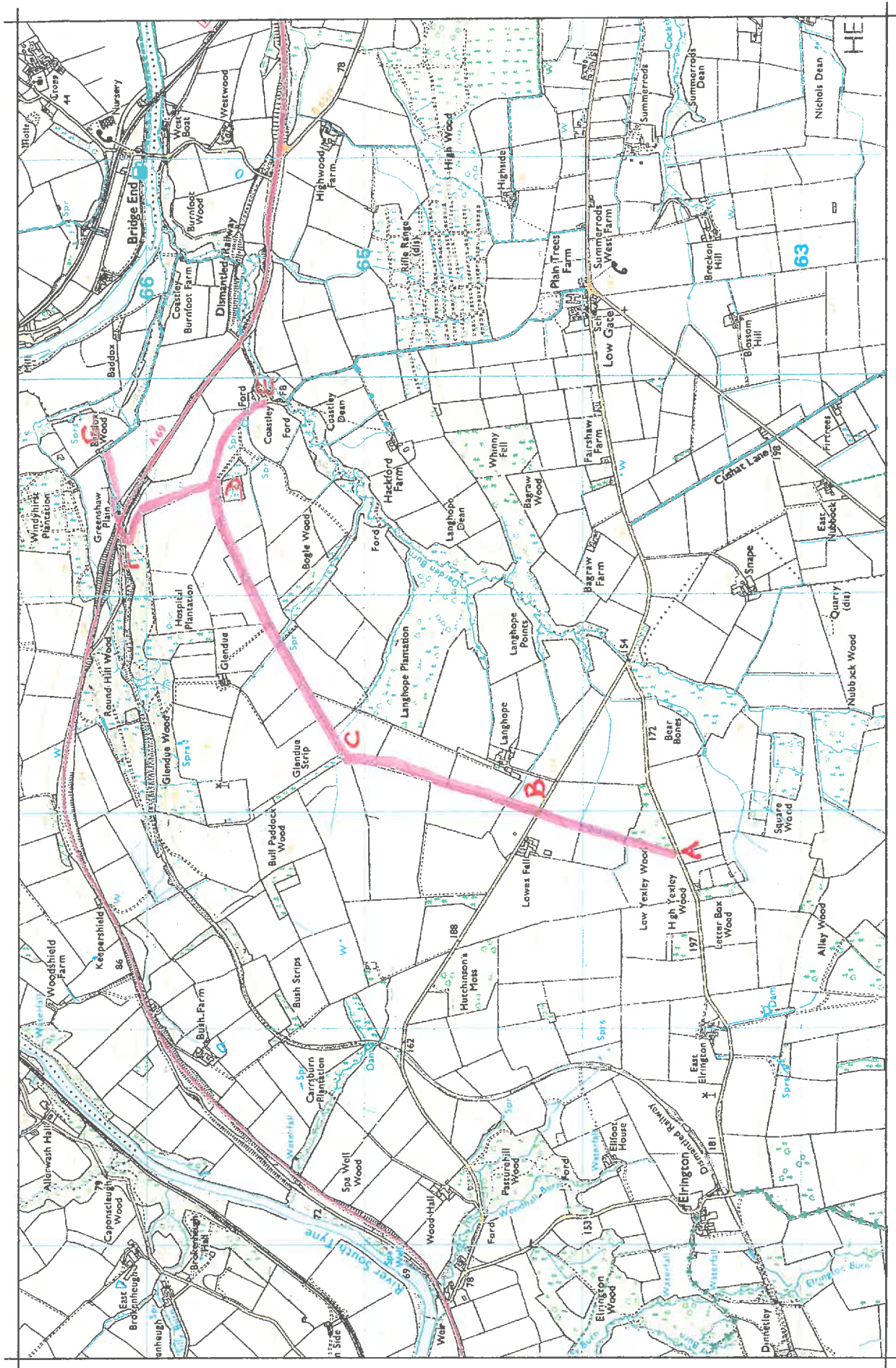
Sheet 91 SE

The alleged route and the branch to Greenshaw Plain are shown in a similar manner to that on the 2<sup>nd</sup> ed OS. However by this time the wall either side on the section (A) – (B) is no longer complete. The western side has disappeared for about two thirds of this section. However the two walls remain intact for the rest of the alleged route and branch with the exception of Greenshaw Bank as described above as far as one can see from a public road or bridleway.

*See extracts from this OS series.*

### Conclusion

It would appear that this well documented ancient public highway was omitted from the definitive map in the 1950s. Please can you investigate whether it should be added now as a restricted byway?



Map Scale 1:25,000

# LOCATION PLAN

1 of 1

Alleged route

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Looking North from A — note reeds on old road



Looking North from B — note walled lane  
& fence on East side

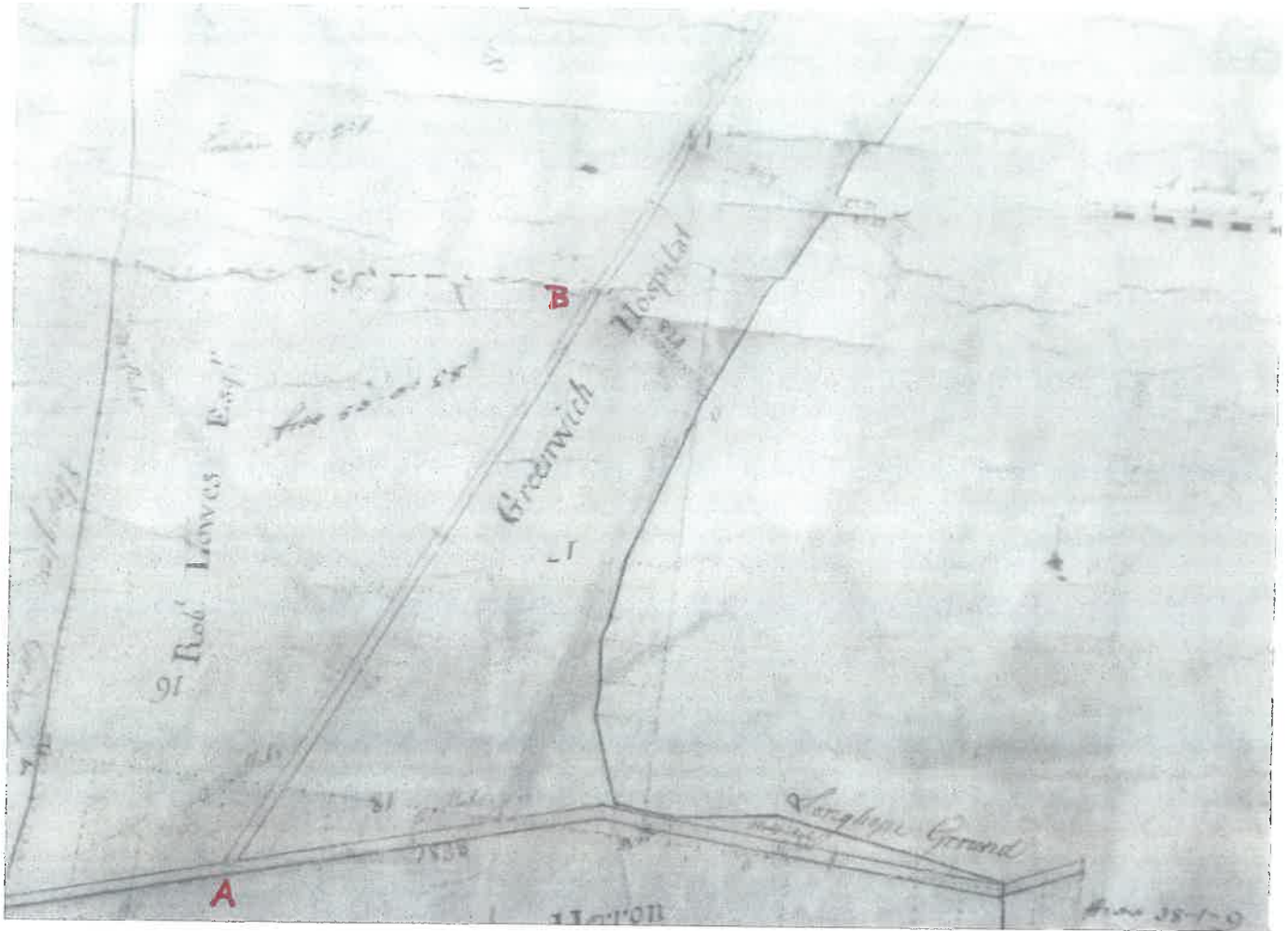


Looking North West from E

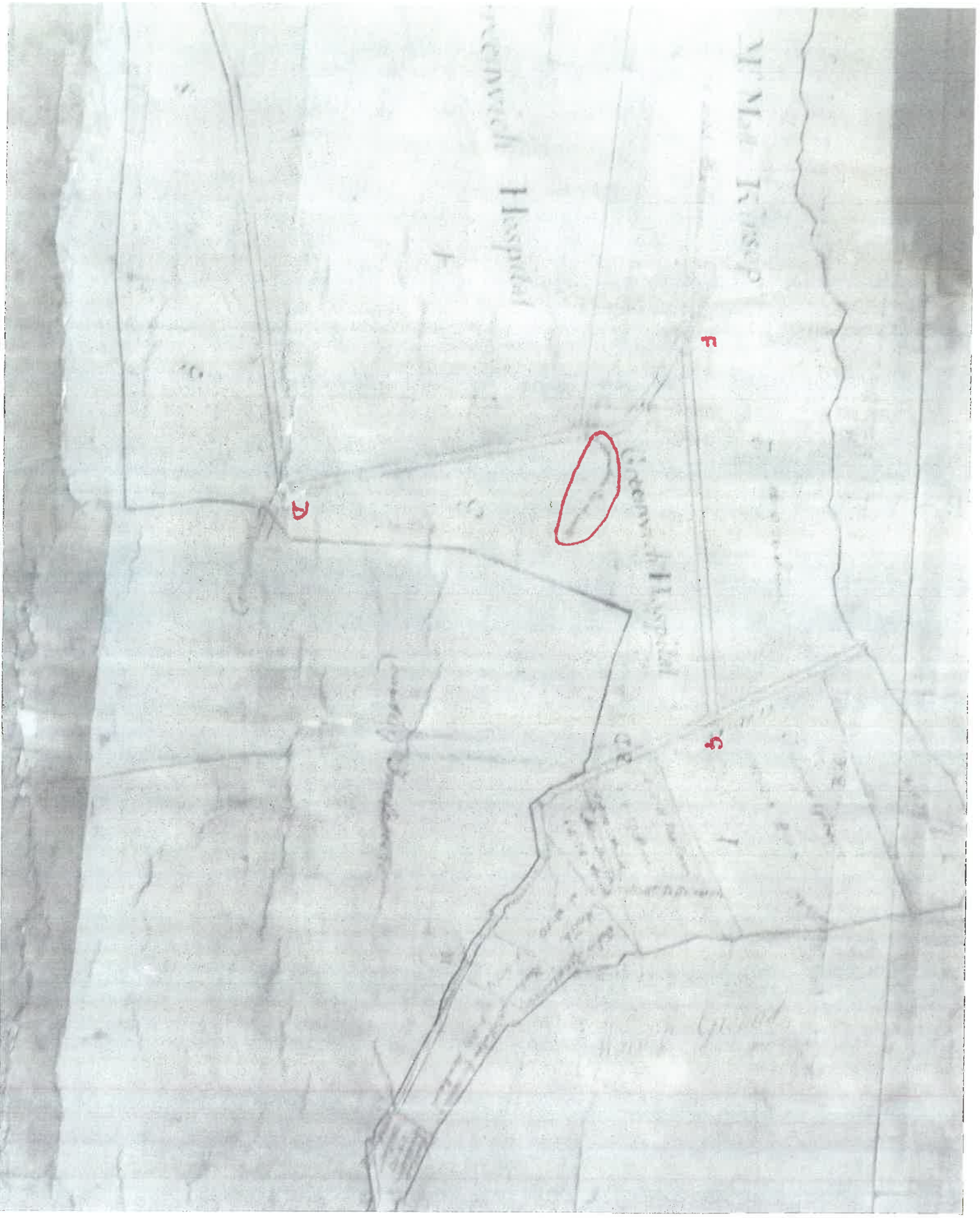


Looking towards F from the North side of the A69

# 1755 Inclusive Award Plan







1755  
Incorporation  
Award  
Plan

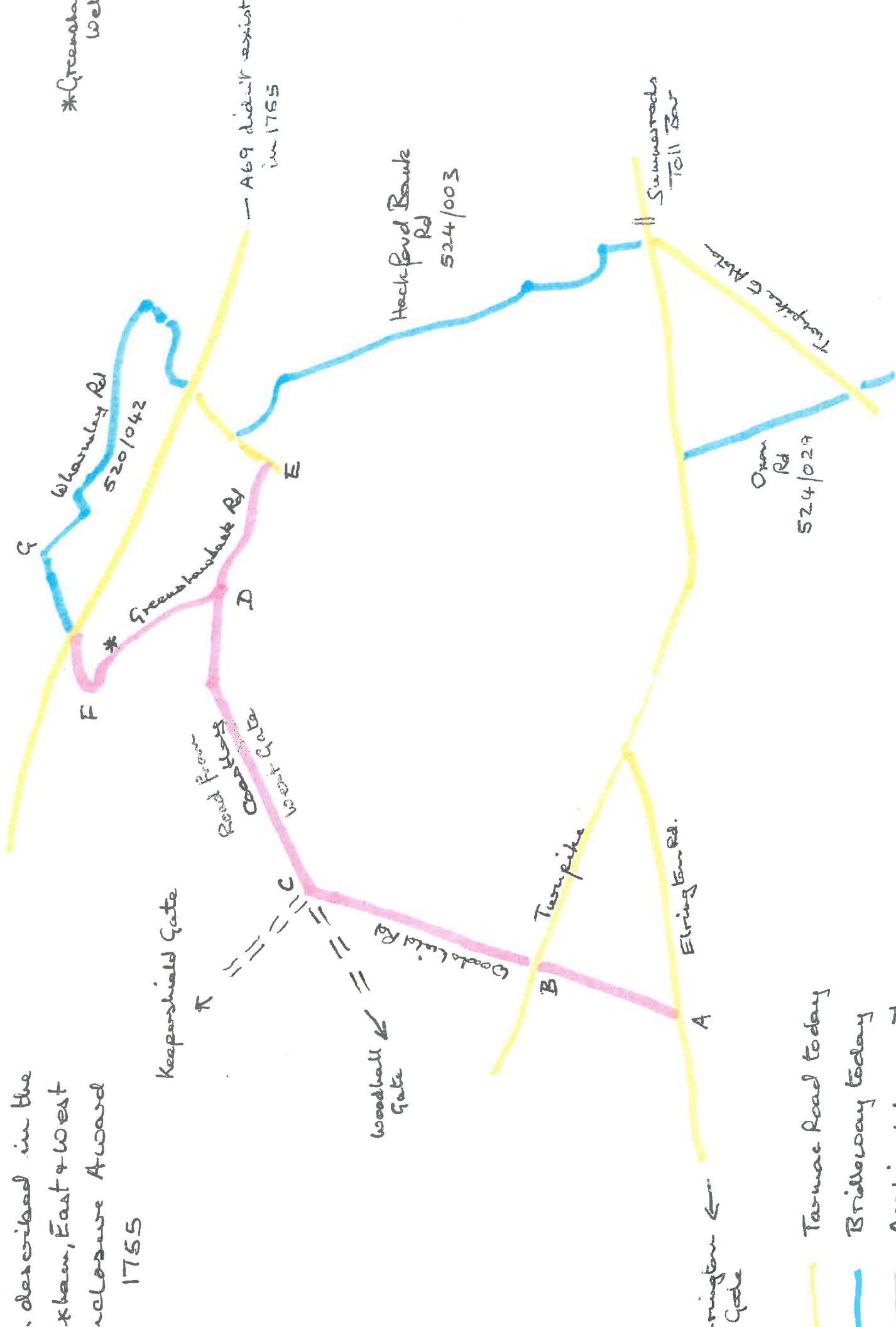
# Public Roads

described in the  
Kham, East & West  
enclosure Award

1755

\*Greenstead Bar  
Well

A69 didn't exist  
in 1755

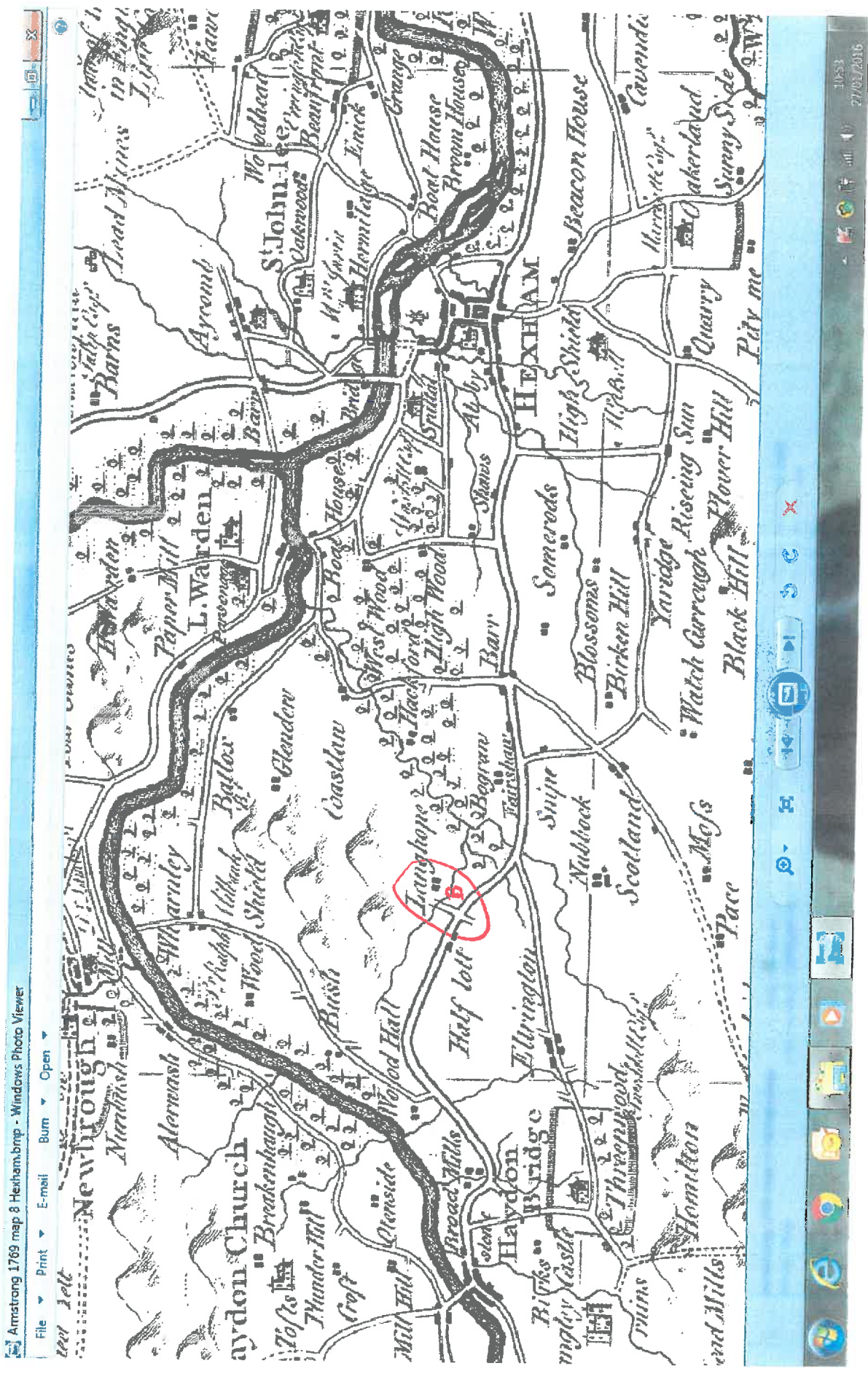


Tarnac Road today

Bridleway today

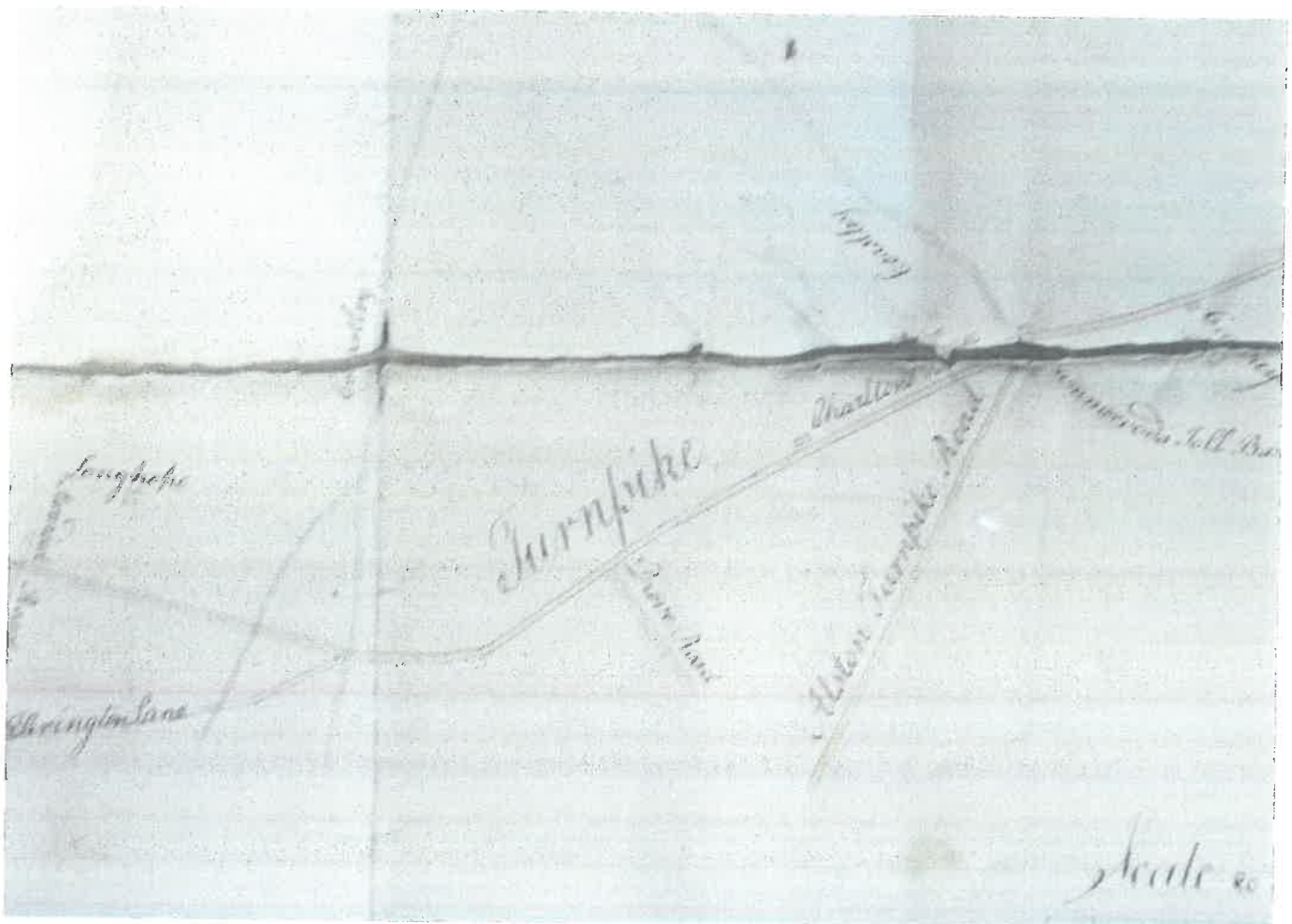
Application route

Armstrong 1769





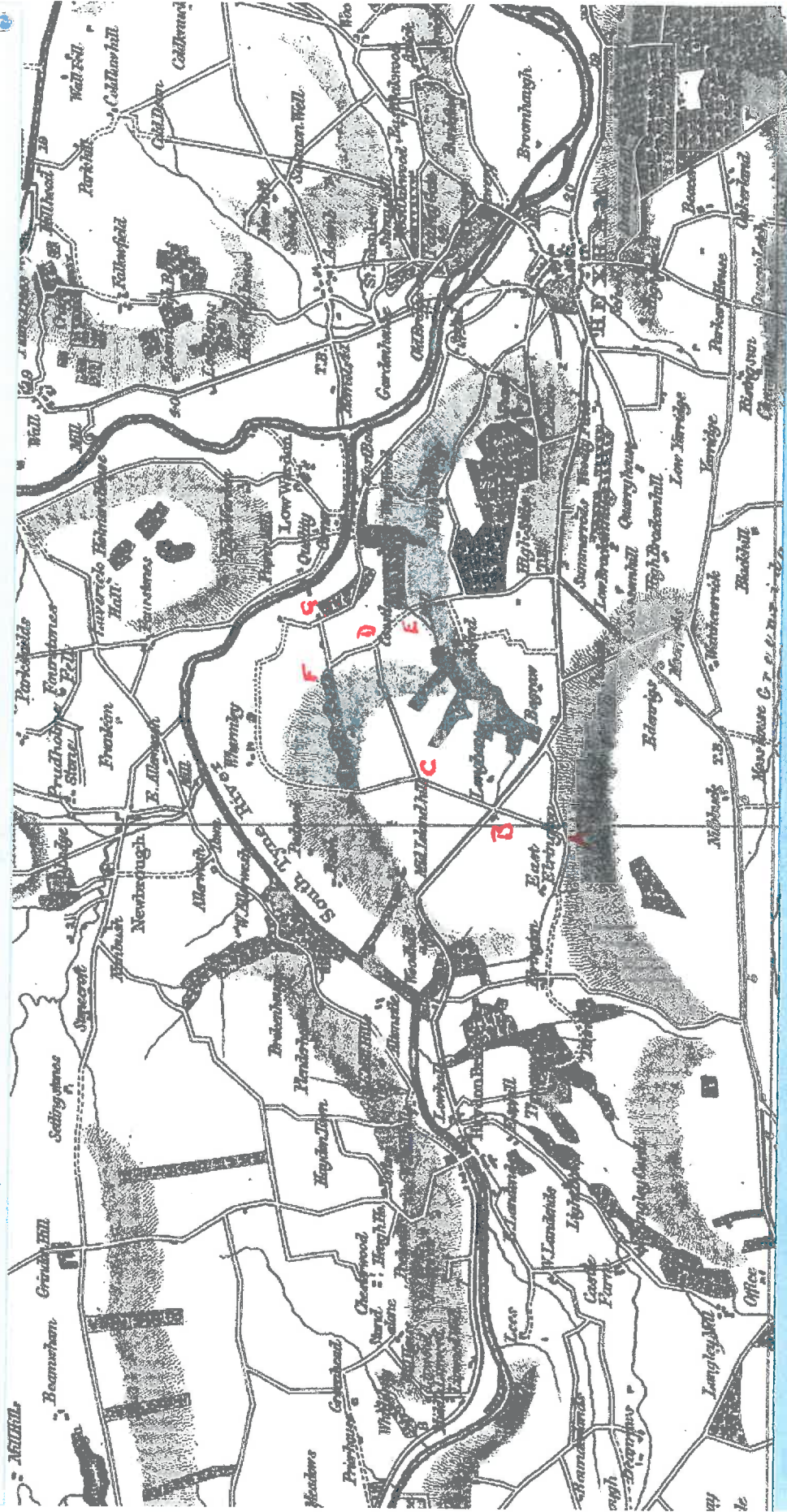
1819 Turnpike Plan



Fryer 1820

Fryer 1820 No 5 Allendale.tif - Windows Photo Viewer

File Print E-mail Sum Open



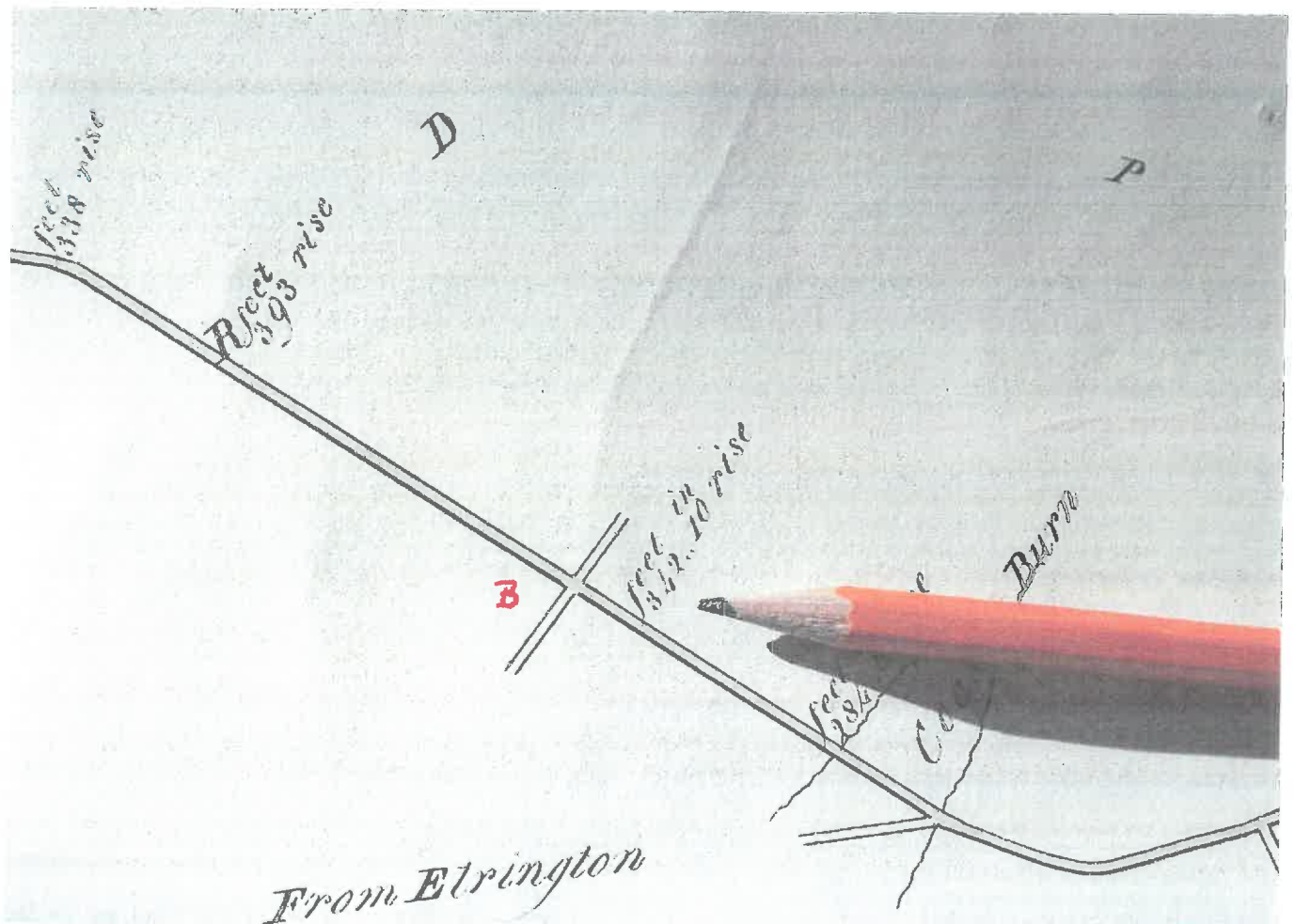
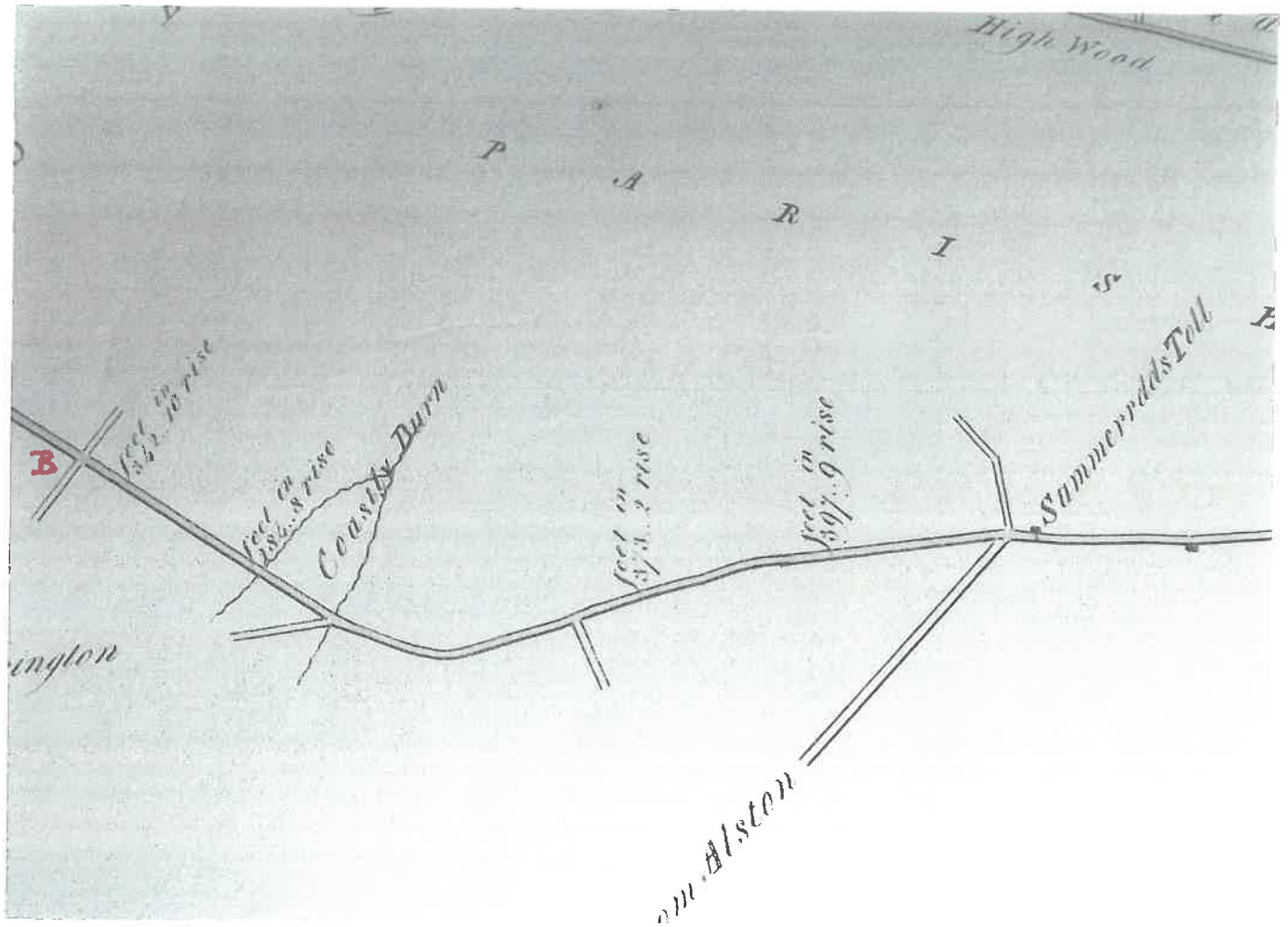
1094  
27/03/2016



 Greenwood 1828 No 5 Allendale.tif - Windows Photo Viewer

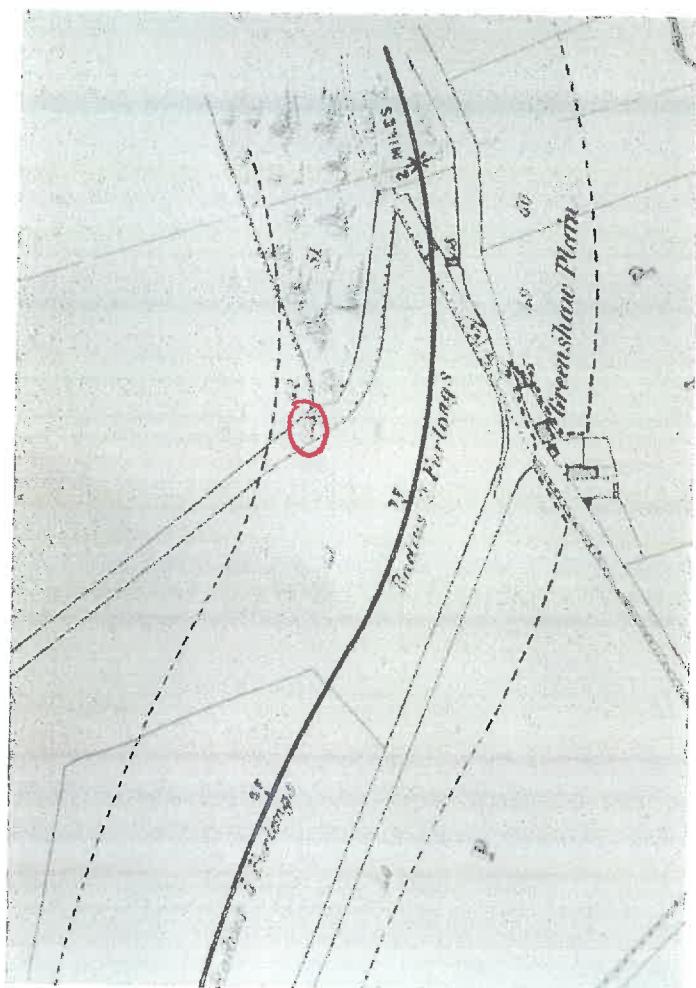
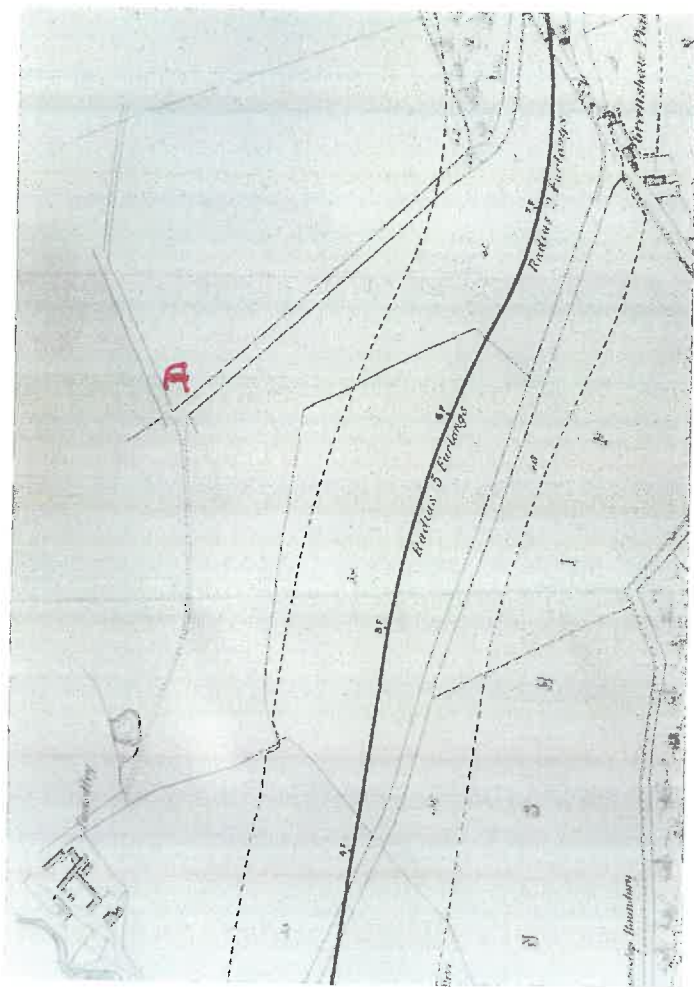


# 1830 Turnpike Plan





# 1864 Hexham & Alendale Railway Plan

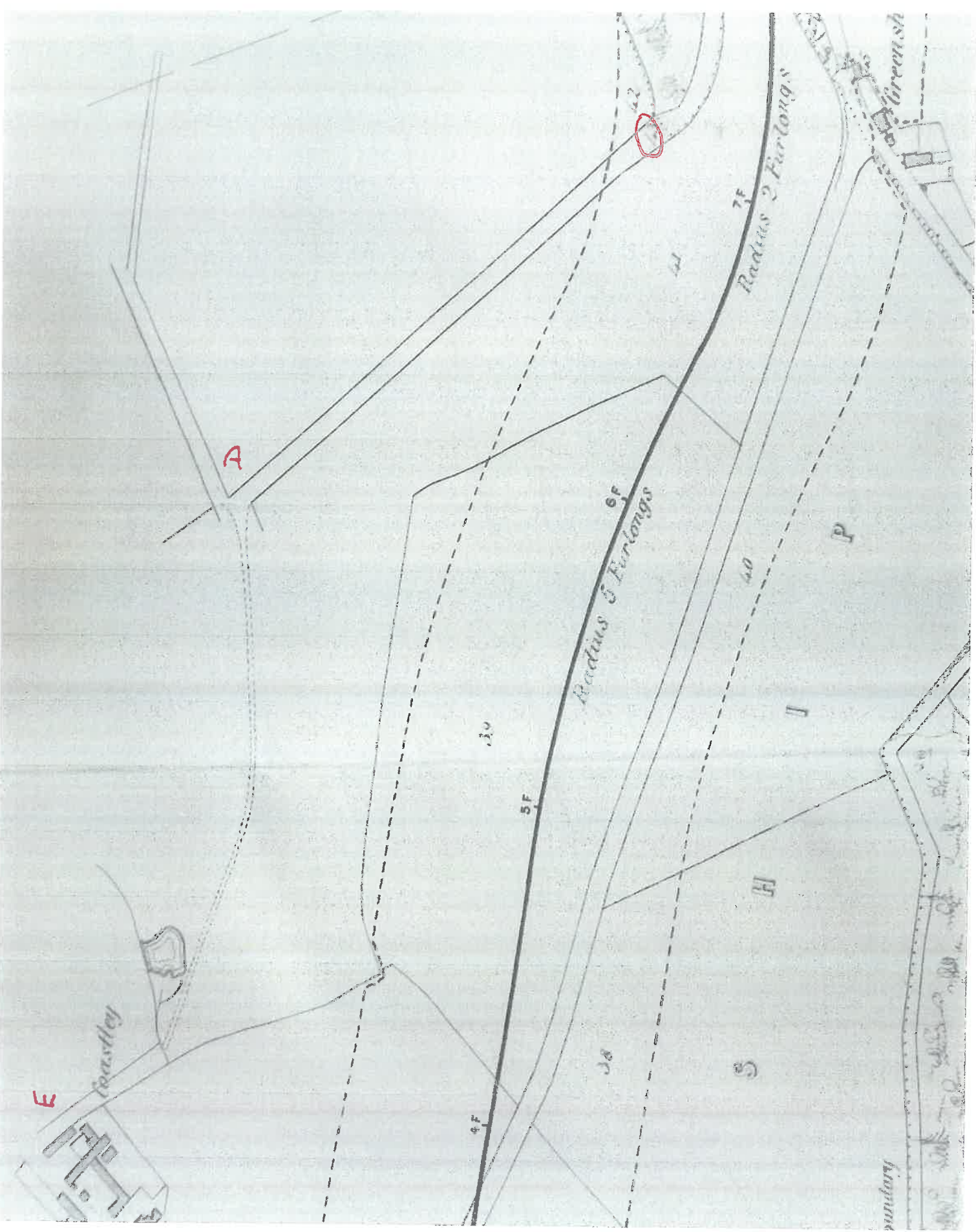


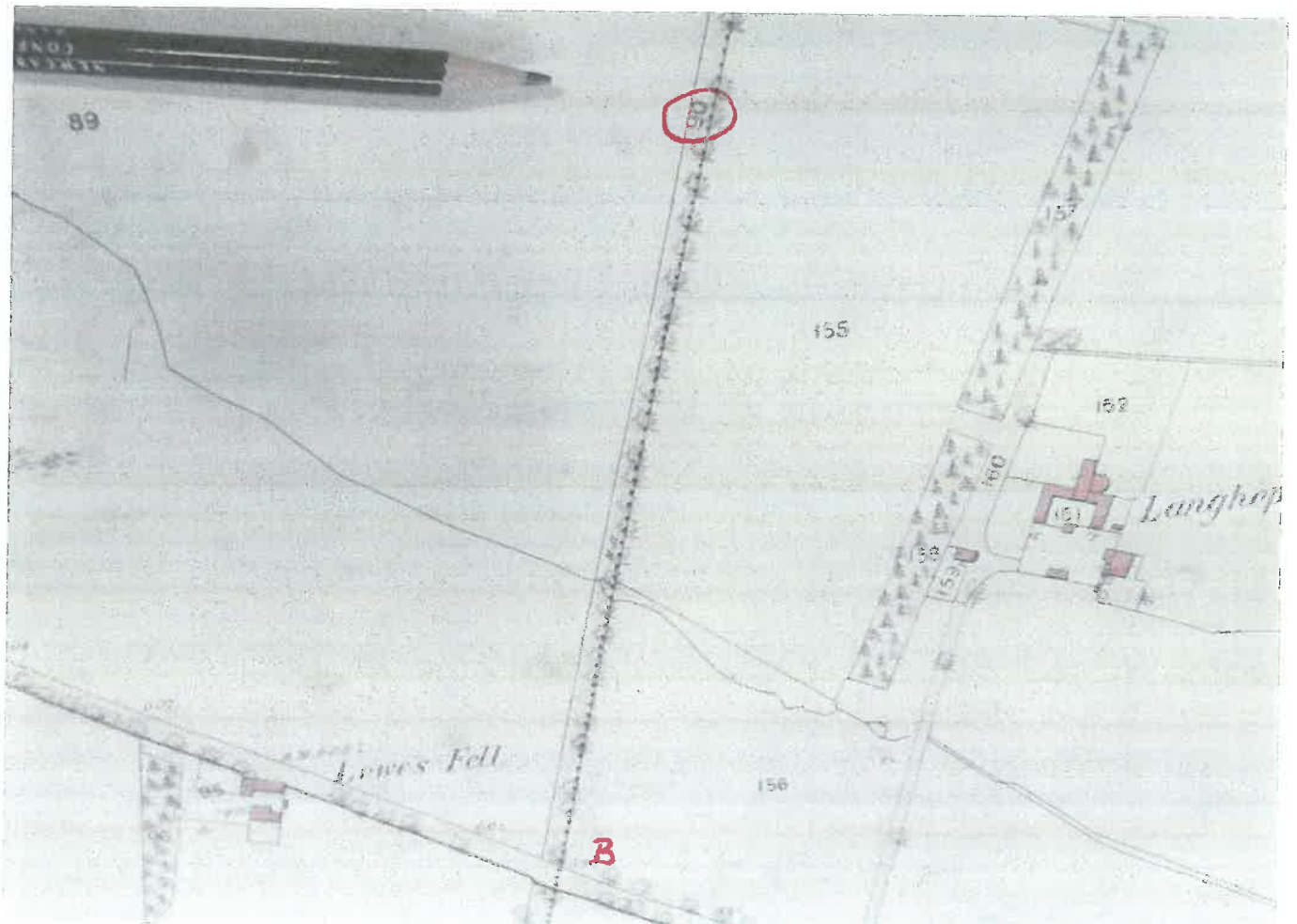
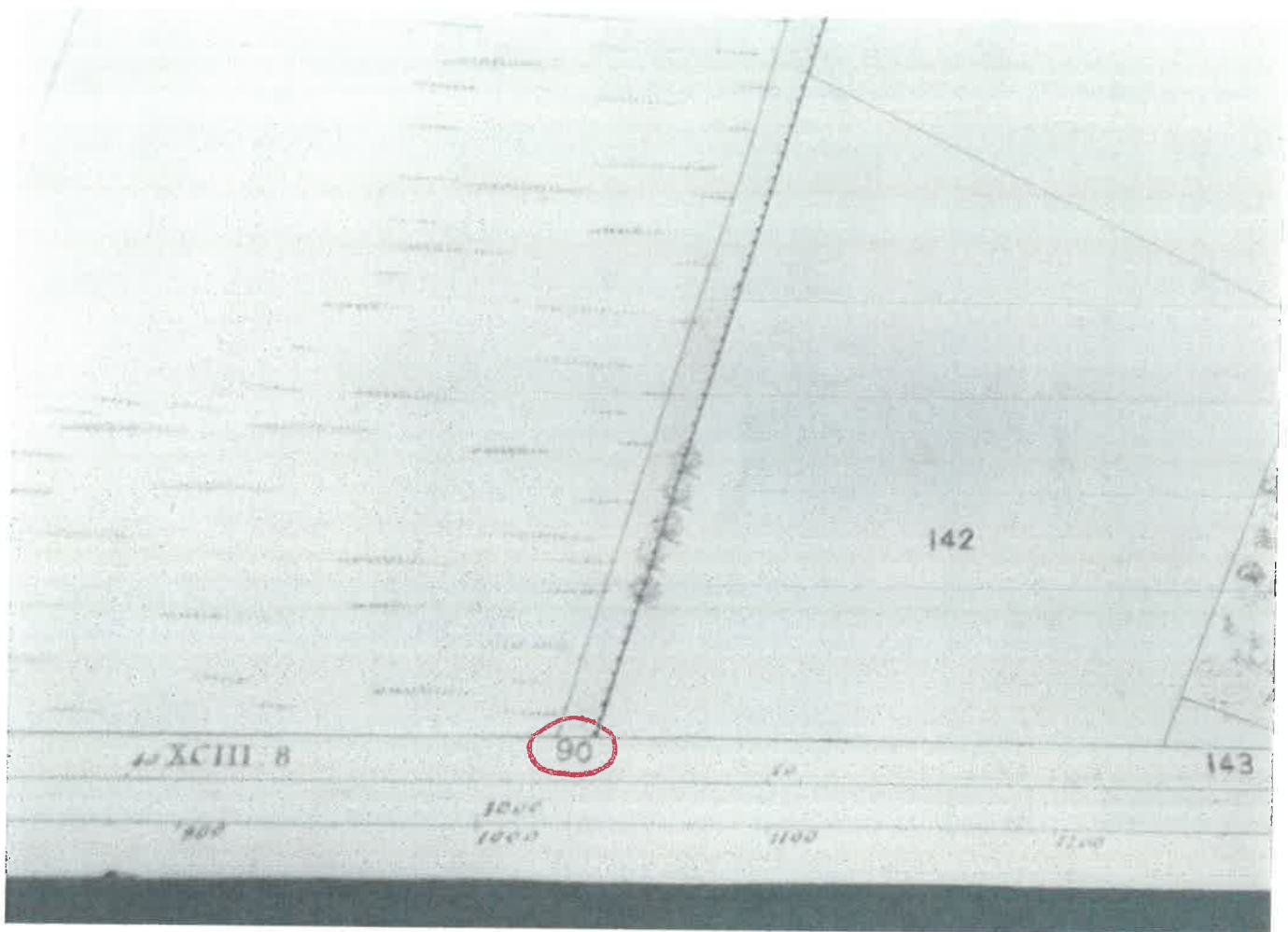
THE PARISH OF HEXHAM, IN THE COUNTY OF NORTHUMBRIA.

Number of the Property	Particulars of the Property	Particulars of the Person or Persons to whom the Property is or are to be sold	Particulars of the Person or Persons to whom the Property is or are to be sold
36	Arable field	The Commissioners of the Greenwich Hospital	Robert Edward Coulson
37	Arable field	The Commissioners of the Greenwich Hospital	Robert Edward Coulson
38	Arable field	The Commissioners of the Greenwich Hospital	Robert Edward Coulson
39	Arable field	The Commissioners of the Greenwich Hospital	Robert Edward Coulson
40	Meadow field	The Commissioners of the Greenwich Hospital	Robert Edward Coulson
41	Pasture field	The Commissioners of the Greenwich Hospital	Robert Edward Coulson
42	Arable field	The Commissioners of the Greenwich Hospital	Robert Edward Coulson
43	Public road	The Commissioners of the Greenwich Hospital and the Highway Board for the Hexham district	Robert Edward Coulson

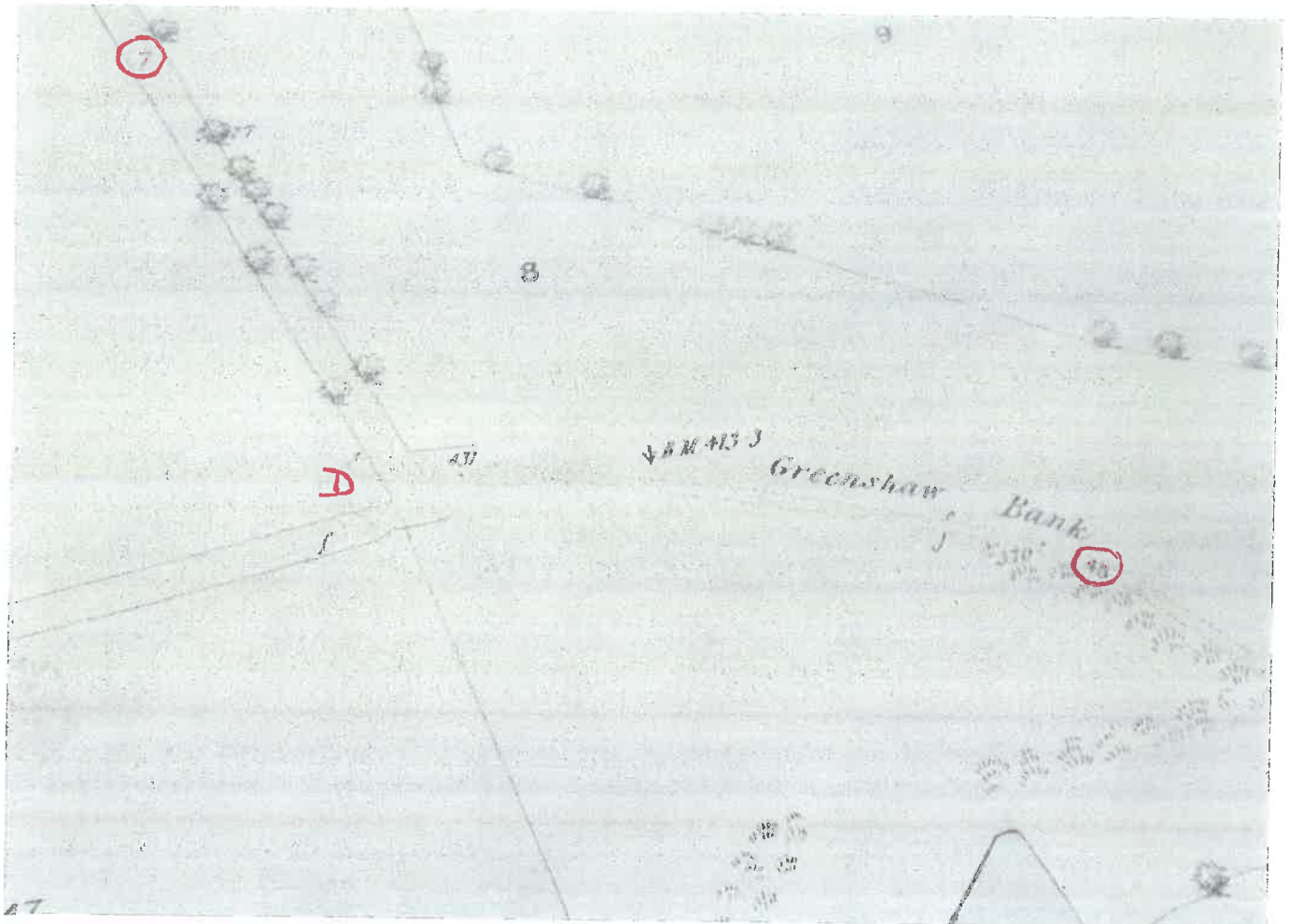
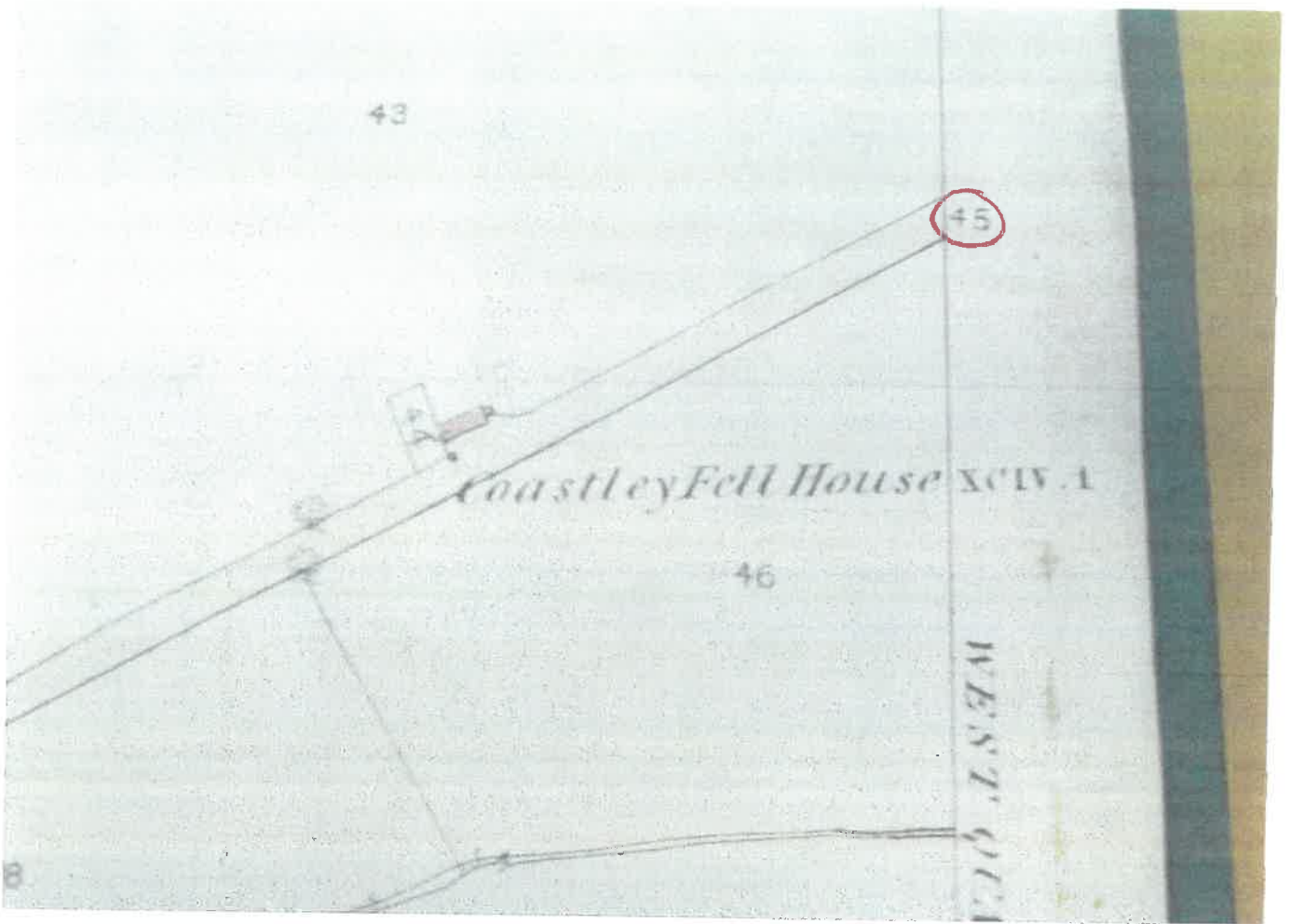


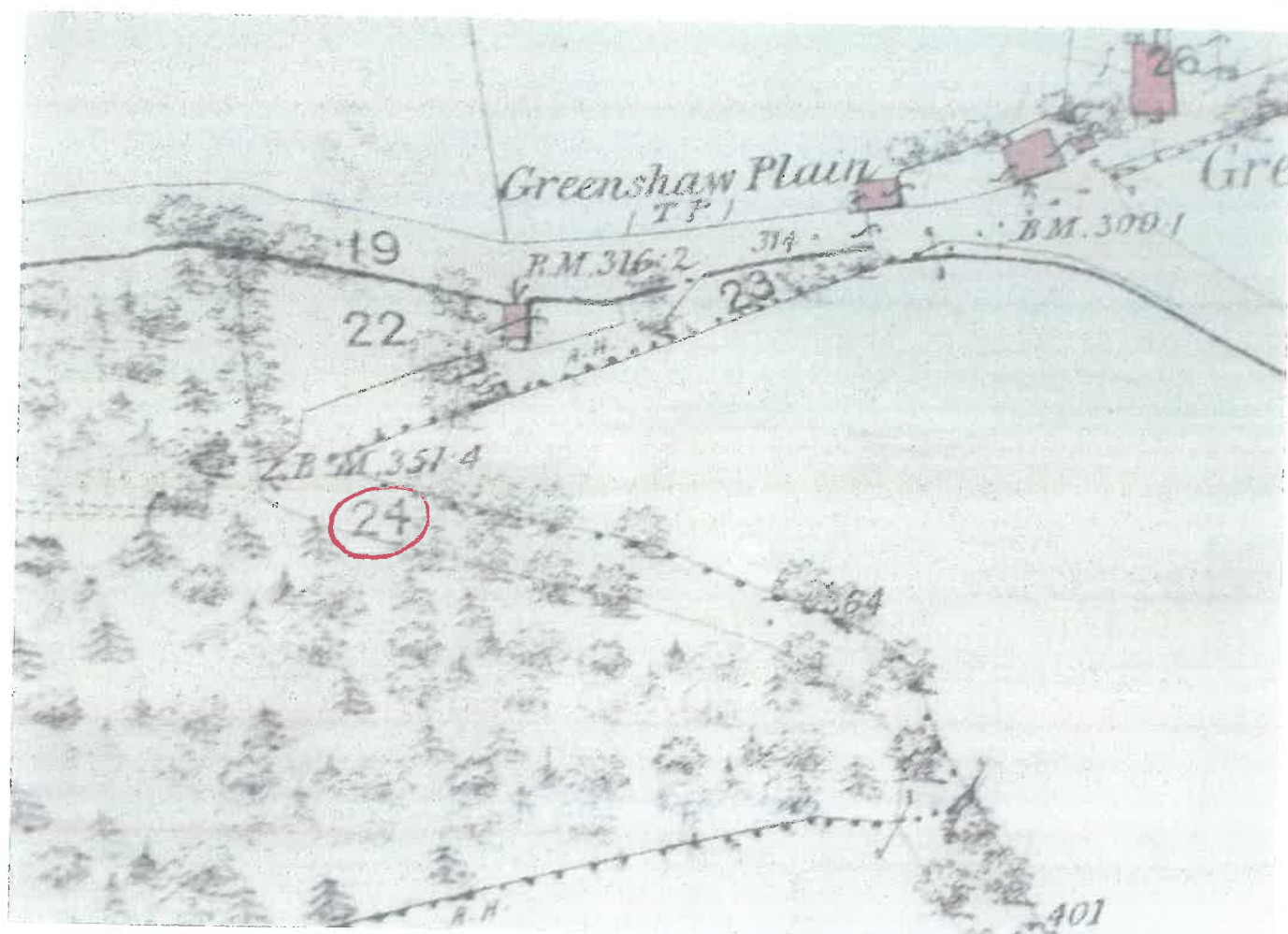
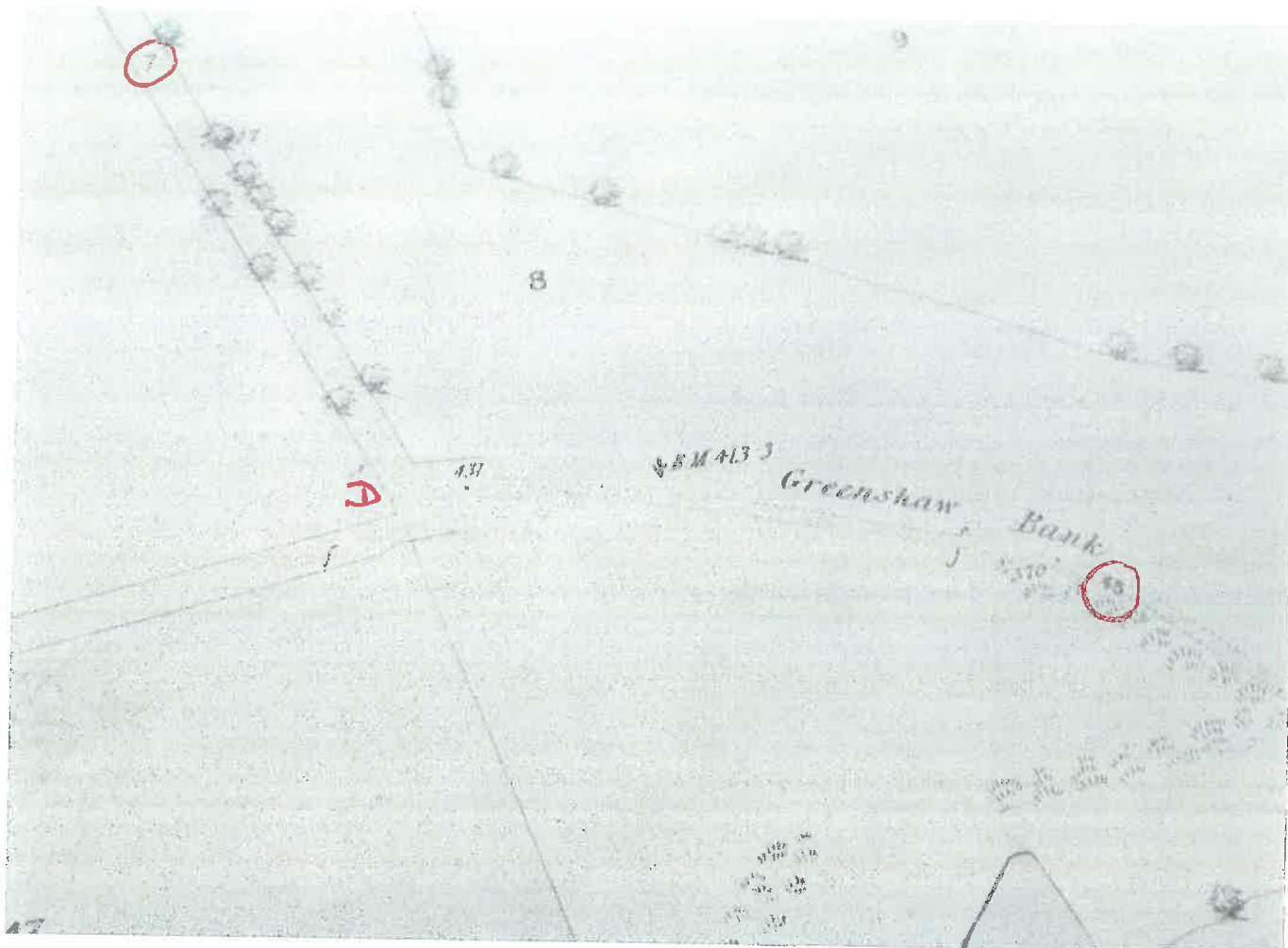
Railway  
Plan  
enlarged













No. of Sheet.	No. on Plan.	Area in Acres.	Description.
XCIV. 1.	40	209-690	<i>Brought forward.</i>
"	41	140	Railway (Newcastle & Carlisle).
XCIV. 2.	42	2-243	Arable.
XCIII. 4.	43	0-68	Public road.
"	44	71-329	River (South Tyne).
"	45	8-861	Pasture, quarry, trees, &c.
"	46	981	Pasture.
"	47	100	Arable.
"	48	4-041	Wood.
"	49	20-506	Pasture.
"	50	646	Pasture.
"	51	19-215	Rough pasture & ponds.
"	52	3-062	Wood.
"	53	18-190	Rough pasture.
"	54	11-196	Pasture, &c.
"	55	9-627	Wood, &c.
"	56	12-898	Pasture, &c.
"	57	450	Glendue, houses, yards, &c.
"	58	1-526	Pasture, &c.
XCIV. 2.	59	21-131	Pasture, &c.
"	60	9-181	Arable.
"	61	192	Kingshaw Green, houses, yards, &c.
"	62	5-140	Garden.
"	63	13-711	Arable, &c.
"	64	1-705	Pasture, &c.
"	65	780	Pasture, &c.
"	66	2-488	Wood, &c.
"	67	1-081	Public road.
"	68	397	Public road.
"	69	169	Railway.
"	70	2-428	Pasture, trees, &c.
"	71	0-24	Houses.
"	72	1-964	Garden.
"	73	0-88	Houses & yards.
"	74	2-185	Garden.
"	75	0-67	Houses, yards, &c.
"	76	116	Wood.
"	77	191	Houses, yards, & wood.
"	78	4-569	Rough pasture.
"	79	151	Houses, yards, & gardens.
XCIV. 6.	80	15-321	Pasture, &c.
XCIII. 4.	81	1-538	Island.
"	82	11-254	Rough pasture, &c. } Land liable for floods.
"	83	2-203	Rough pasture, &c. }
"	84	6-751	Pasture, &c. }
"	85	20-400	Pasture.
"	86	288	Wood, &c.
"	87	895	Wood.
"	88	370	Bush Fell, houses, yard, & garden.
"		36-517	Pasture & furze.
"		69-993	Rough pasture, &c.
		627-952	<i>Carried forward.</i>

No. of Sheet.	No. on Plan.	Area in Acres.	Description.
XCIII. 8.	89	627-952	<i>Brought forward.</i>
"	90	48-400	Pasture, &c.
"	91	6-500	Public road.
"	92	2-283	Wood.
"	93	8-496	Pasture.
"	94	2-268	Public road.
"	95	35-348	Pasture, trees, pond, &c.
"	96	416	Lowes Fell, houses, yards, &c.
"	97	843	Wood.
XCIV. 5.	98	9-865	Pasture.
"	99	321	Wood.
"	100	7-118	Pasture, &c.
"	101	8-608	Rough pasture, &c.
"	102	6-132	Pasture.
"	103	2-221	Public road.
"	104	6-050	Arable.
"	105	6-050	Pasture.
"	106	0-89	Wood.
"	107	1-103	House & garden (Mewburns Fell).
"	108	11-281	Arable, &c.
"	109	6-368	Arable.
"	110	6-641	Pasture, &c.
"	111	4-917	Pasture, &c.
"	112	308	Fair Shaw, houses, yards, &c.
"	113	6-826	Pasture, &c.
"	114	12-059	Arable, old quarry, &c.
"	115	3-030	Arable.
"	116	698	Pasture.
"	117	344	Houses, yards, &c. } Low Gate.
"	118	230	Houses, yards, &c. }
"	119	6-524	Pasture.
"	120	6-107	Arable, &c.
"	121	3-765	Pasture.
"	122	145	Fern Cottage, garden, &c.
"	123	4-952	Pasture.
"	124	4-698	Pasture.
"	125	4-021	Arable.
"	126	0-42	House, &c. (Duke Willy).
"	127	4-921	Arable.
"	128	5-154	Pasture, &c.
"	129	2-918	Pasture, trees, &c.
"	130	241	Summerrods Ridge, houses, &c.
"	131	1-102	Pasture, &c.
"	132	1-121	Pasture, &c.
"	133	987	Pasture, &c.
"	134	942	Pasture, &c.
"	135	6-434	Arable, &c.
XCIV. 6.	136	1-928	Arable, &c.
XCIV. 2.	137	923	Arable, &c.
"	138	991	Arable.
"		5-434	Pasture.
		894-774	<i>Carried forward.</i>

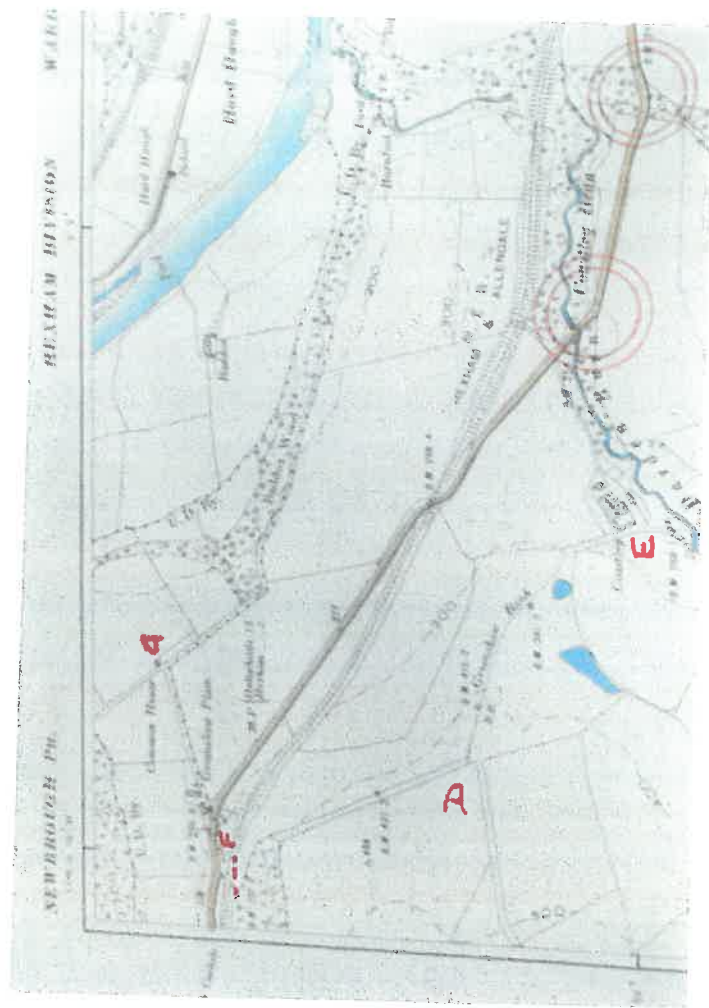
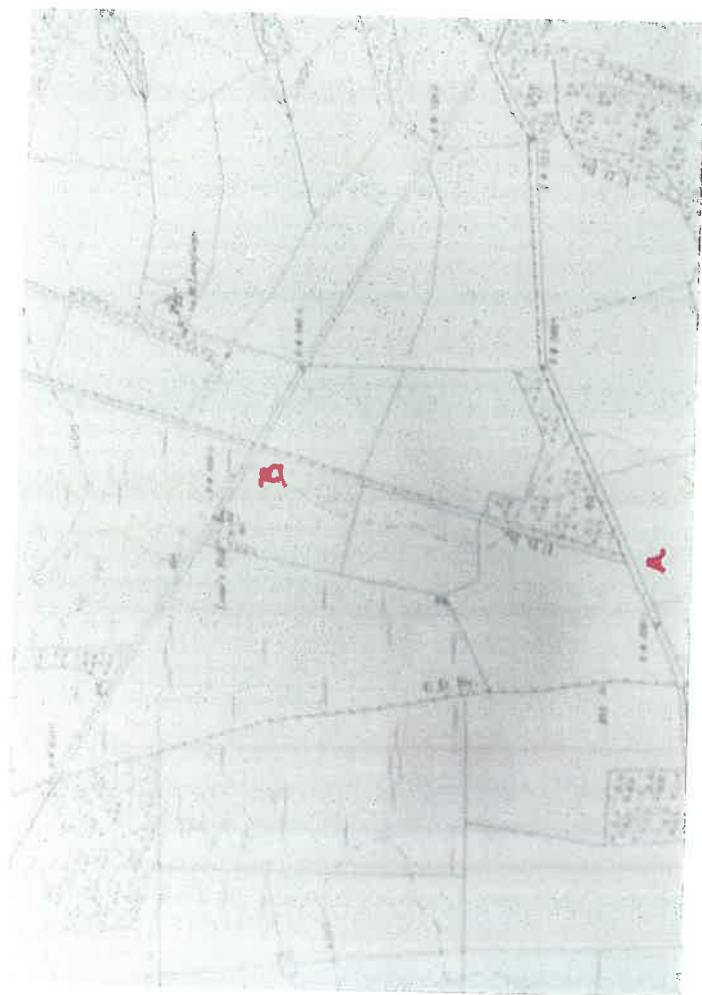
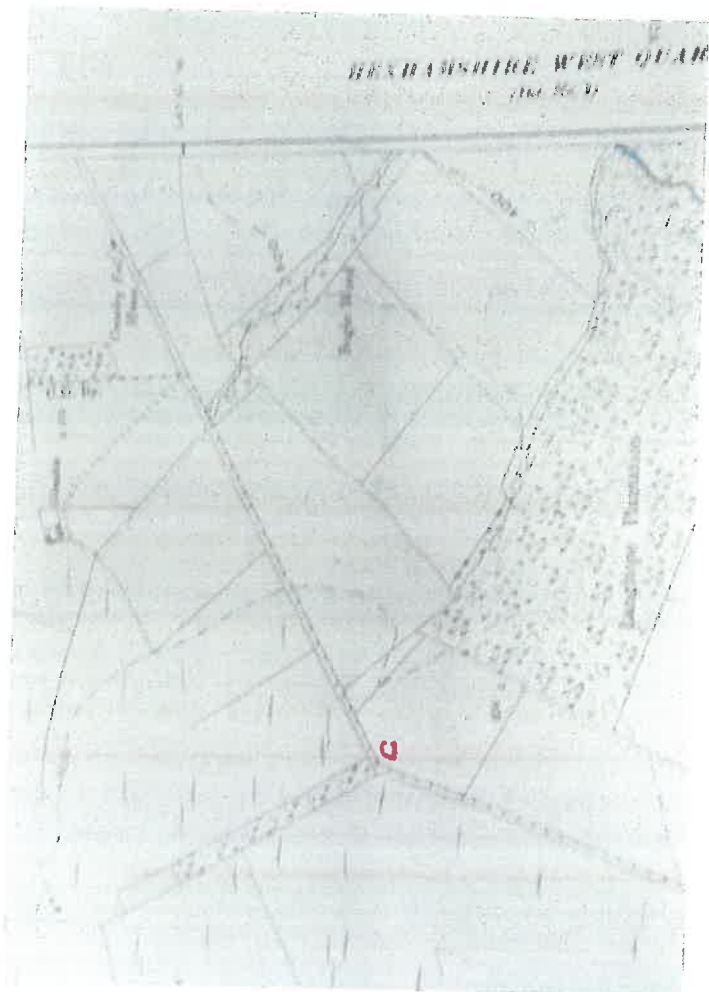
## WEST QUARTER TOWNSHIP (DET., No. 1).

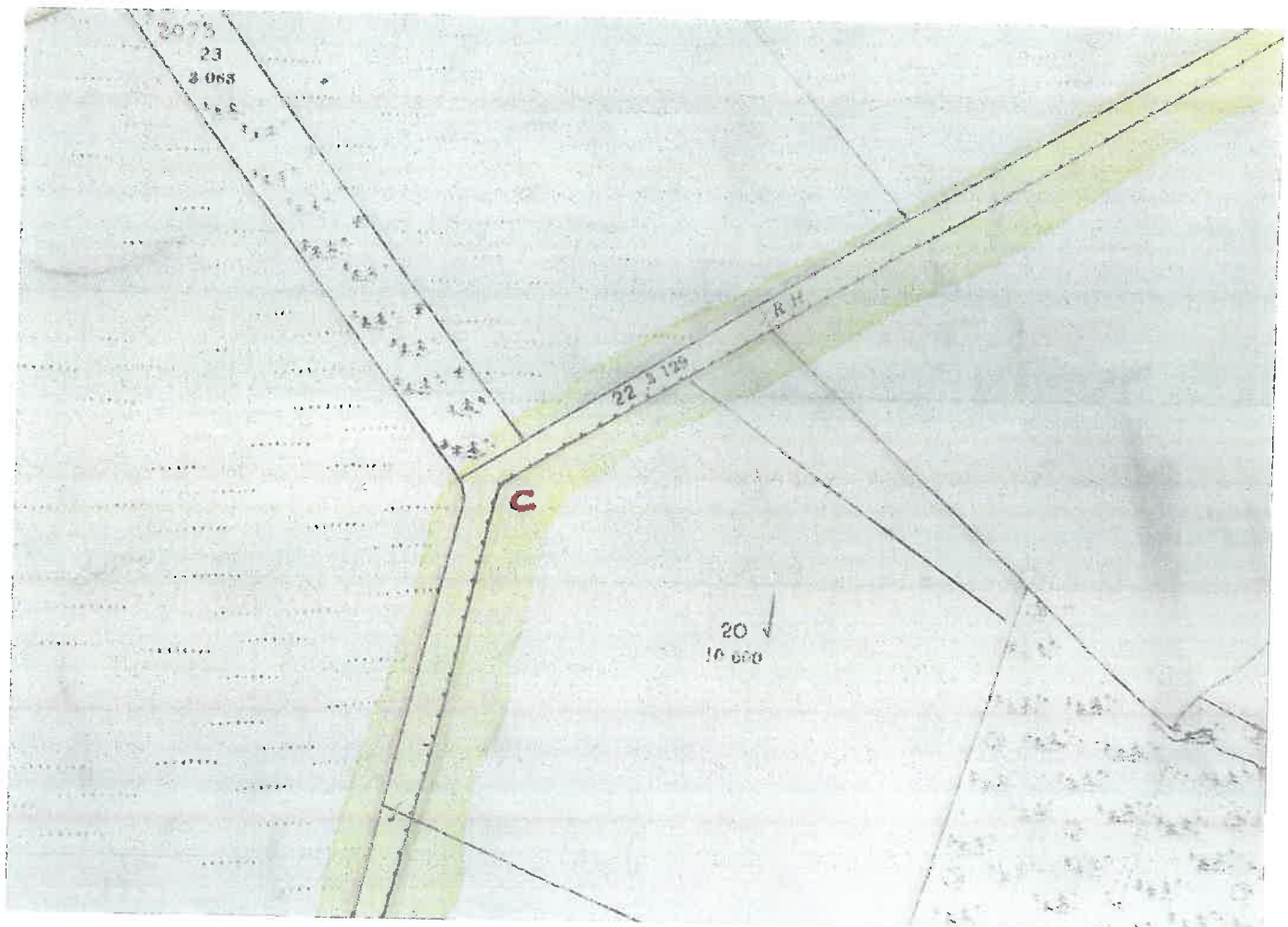
No. of Sheet.	No. on Plan.	Area in Acres.	Description.
XCIII. 4.	1	.720	Wood.
"	2	.132	Wood.
XCIV. 1.	3	14.729	Arable, &c.
"	4	24.152	Arable.
"	5	.185	Pasture.
"	7	1.089	Public road.
"	8	28.422	Pasture, &c.
"	9	15.422	Arable.
"	10	14.391	Arable, &c.
"	11	15.746	Arable.
"	12	8.274	Arable.
"	13	11.327	Pasture.
"	14	5.559	Arable.
"	15	2.050	Wood.
"	16	2.332	Pasture.
"	17	.301	Burnfoot, houses, gardens, &c.
"	18	1.879	Arable.
"	19	2.142	Arable.
"	20	.739	Arable.
"	21	.863	Pasture, &c.
"	22	1.178	Pasture, &c.
"	23	8.430	Burnfoot Wood, &c.
"	24	10.618	Arable.
"	25	8.047	Pasture, &c.
"	26	.101	Westboat T.P., houses, gardens, &c.
"	27	.067	Wood.
"	28	1.21	Public road.
"	29	1.451	Public road.
"	30	.447	Arable.
"	31	1.369	Pasture.
"	32	.230	Houses, yards, &c.
"	33	.649	Houses, yards, &c. } West Boat.
"	34	.101	Houses, yards, &c. }
"	35	6.430	Arable, &c.
"	36	10.932	Arable.
"	37	4.026	Arable.
"	38	5.186	Arable.
XCIV. 2.	39	20.154	Arable.
XCIV. 1.	40	2.049	Public road.
"	41	2.441	Newcastle & Carlisle Railway.
		232.481	Carried forward.

No. of Sheet.	No. on Plan.	Area in Acres.	Description.
XCIII. 4.	42	232.481	Brought forward.
"	43	2.248	Wood.
XCIV. 1.	44	18.559	Pasture, &c.
XCIII. 4.	45	.082	Coastley Fell House & yard.
XCIV. 1.	46	4.513	Public road.
"	47	7.501	Pasture, &c.
"	48	11.011	Pasture, &c.
"	49	15.085	Arable, &c.
"	50	.642	Pond.
"	51	.188	Pond.
"	52	11.556	Arable.
"	53	11.898	Arable.
"	54	1.025	Houses, yards, &c. } Coastley.
"	55	.176	House, yard, &c. }
"	56	.127	House, yard, garden, &c.
"	57	2.549	Pasture.
"	58	.246	Gardens.
"	59	2.001	Pasture.
"	60	2.325	Wood.
"	61	14.577	Arable.
"	62	.541	Township road.
"	63	12.938	Wood, &c. (Coastley Dean).
"	64	1.624	Pasture.
"	65	12.327	Arable.
"	66	8.699	Arable.
"	67	.129	Westwood Cottages, gardens, &c.
"	68	.143	Garden.
"	69	.972	Arable.
"	70	1.283	Westwood, houses, yards, &c.
"	71	11.386	Pasture, &c.
"	72	7.700	Pasture & pond.
"	73	11.990	Arable, &c.
"	74	6.435	Arable.
"	75	4.104	Pasture, &c.
XCIV. 2.	76	8.257	Wood, &c. (Bogwood Camb).
XCIII. 4.	77	14.351	Arable.
"	78	.899	Furze, &c.
"	79	4.744	Arable, &c.
"	80	5.981	Bogle Wood, &c.
"	81	18.842	Arable.
"	82	12.916	Arable, &c.
"	83	10.099	Arable, &c.
"	84	10.087	Arable.
"	85	7.960	Arable.
"	86	16.398	Pasture.
"	87	8.496	Arable.
"	88	2.292	Wood, &c.
"	89	14.832	Pasture, &c.
"	90	13.836	Pasture, &c.
"	91	15.871	Arable.
		8.450	Pasture, &c.
		592.803	Carried forward.

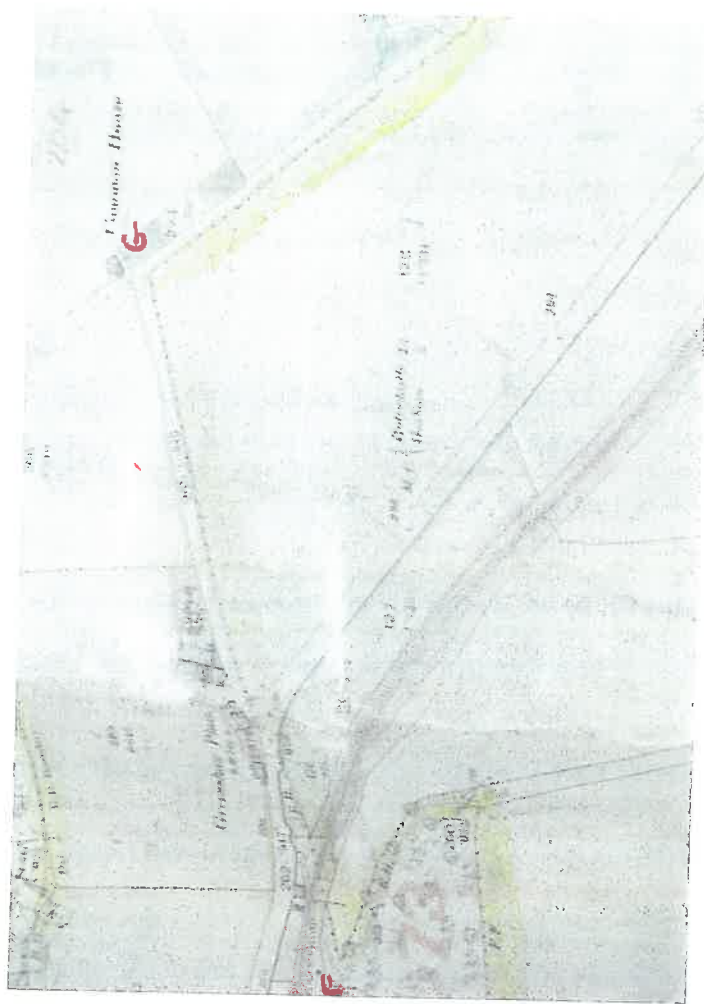
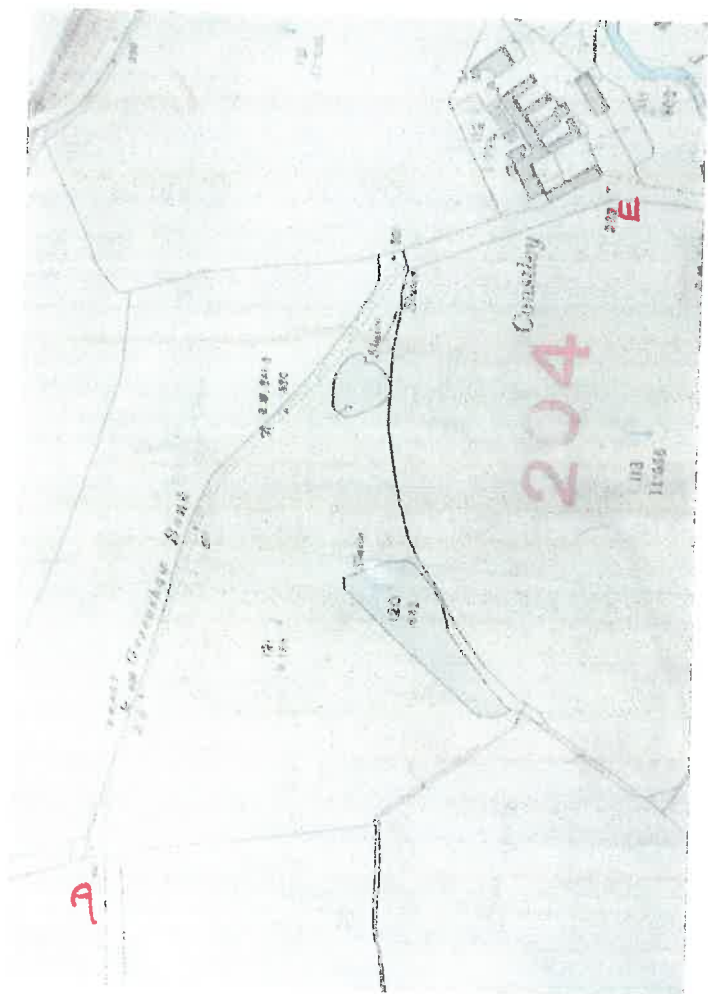


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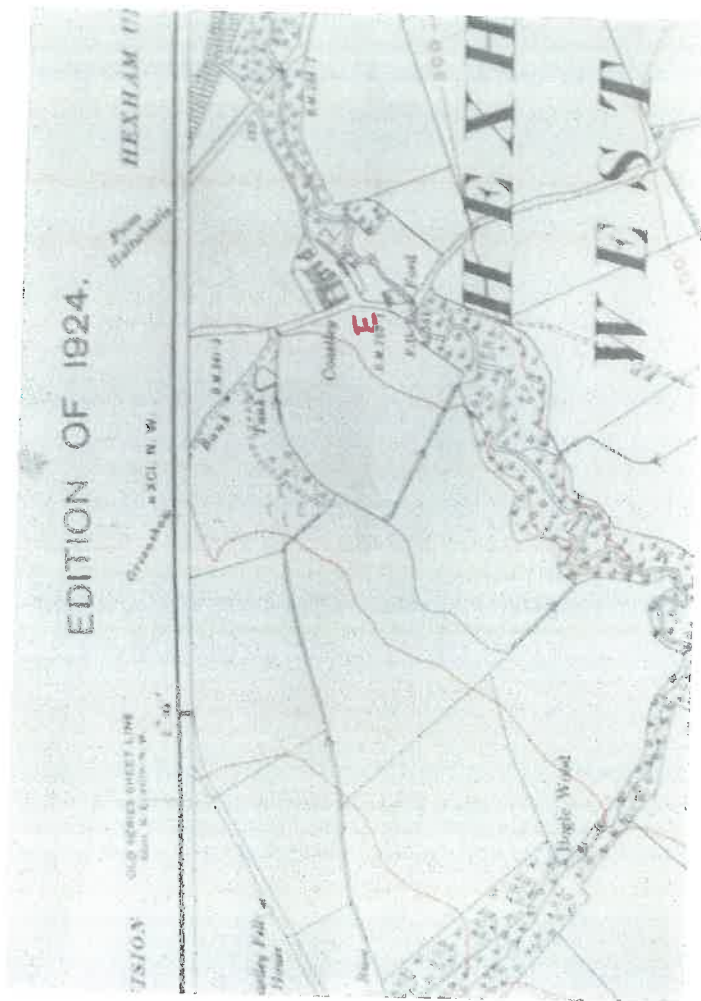
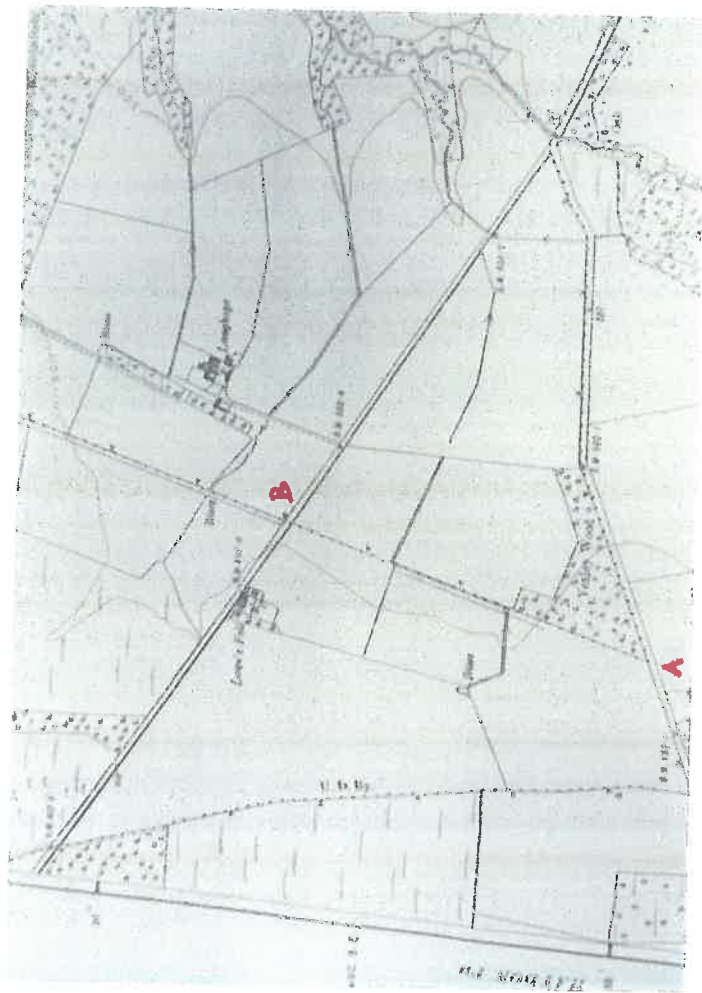
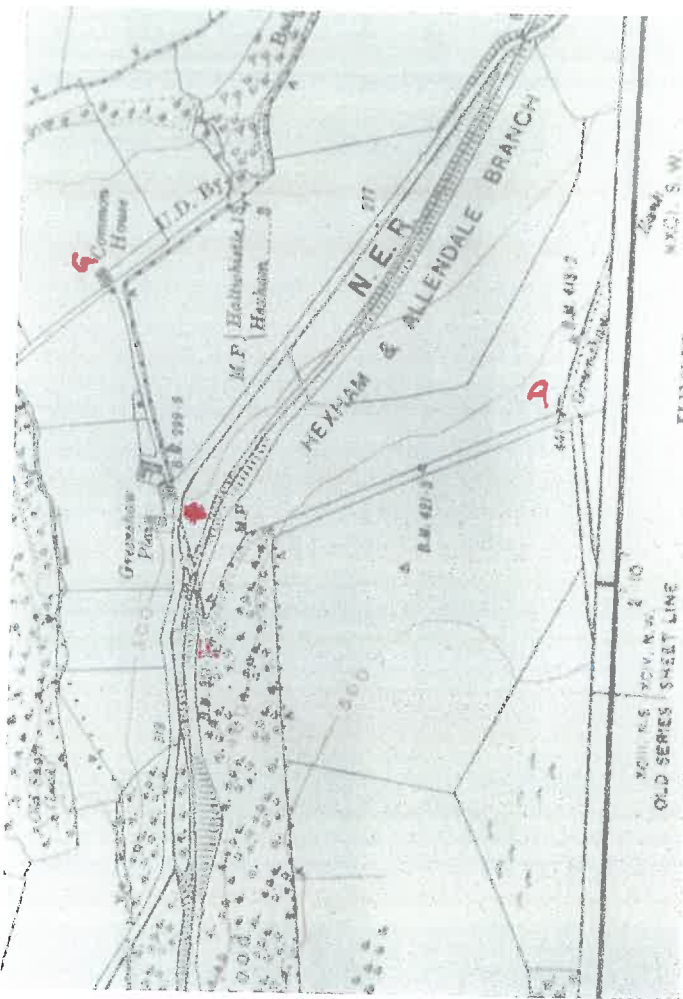
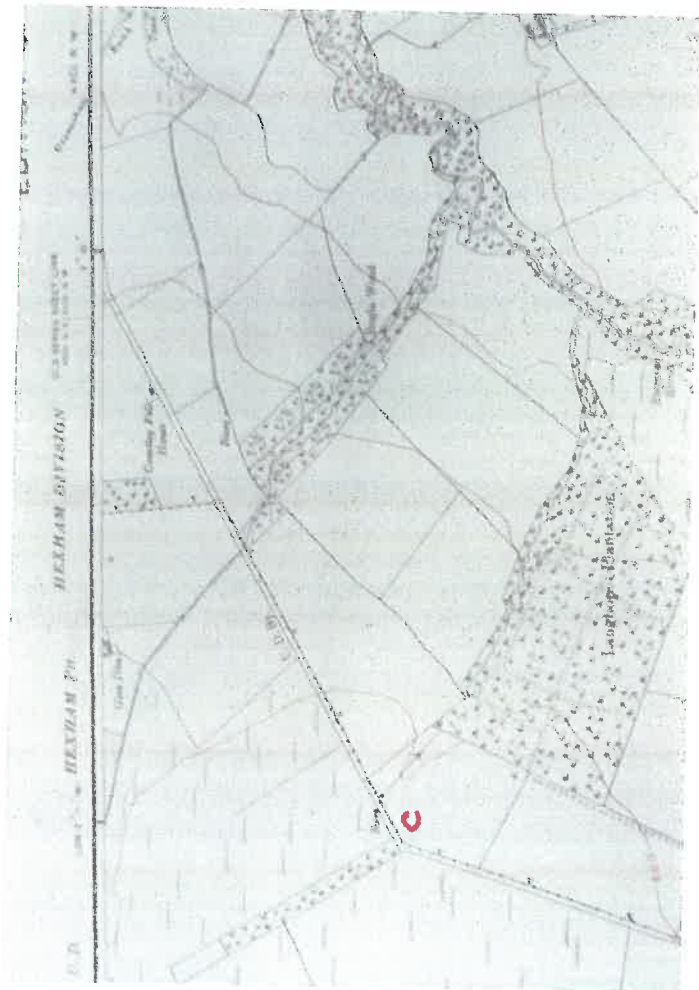


# 1910 Finance Act Plan





US 50 edition 1924



71

An Act for inclosing and  
dividing certain Wastes and Common  
in the Manor of Hexham in the County  
of Northumberland.

1/2/3.

May 26 1794

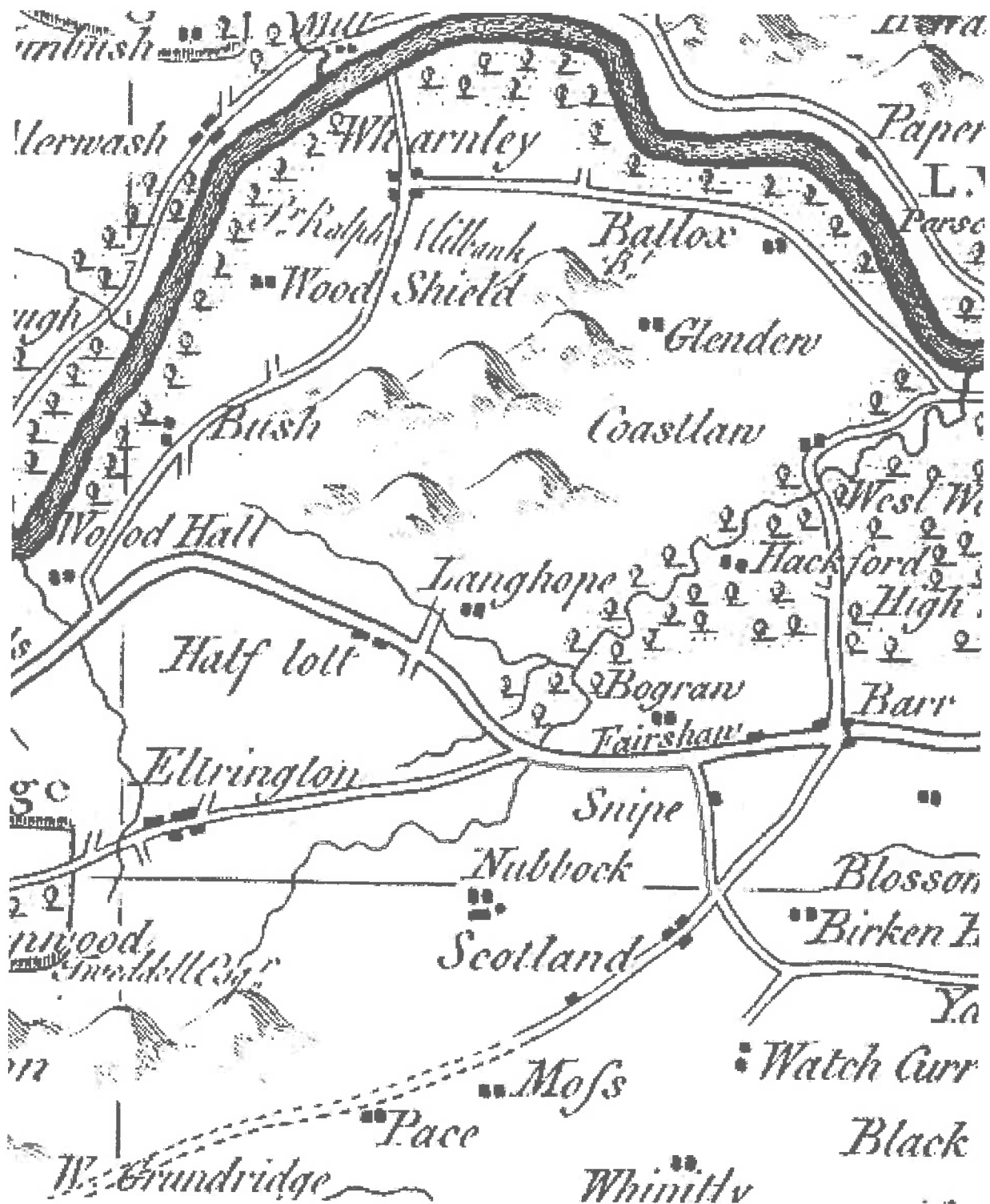
not any undue preference to the parties interested in the said intended Division or inclosure but that the said Commissioners shall have a due regard as well to the Quality as the Quantity of the Lands and Grounds so to be divided and allotted as aforesaid and shall set out and allot the Lands and Grounds to be allotted to the said Sir Walter Blackett over and above his said Sixteenth part in one entire plot or parcel and contiguous to the Lands and Grounds so to be set out and allotted to him as and for his said Sixteenth part and shall also set out and allot the share of each other person respectively in one entire plot or parcel and as near to each particular persons own Lands Tenements and farmholds respectively as the same can be conveniently done Provided and it is hereby Declared and Enacted that

7 The said Commissioners or any five or more of them shall and may ascertain set out and appoint proper public Digeways and roads in upon and through the said Commons so to be inclosed with the assize and breadth thereof and also private ways roads and passages and waters



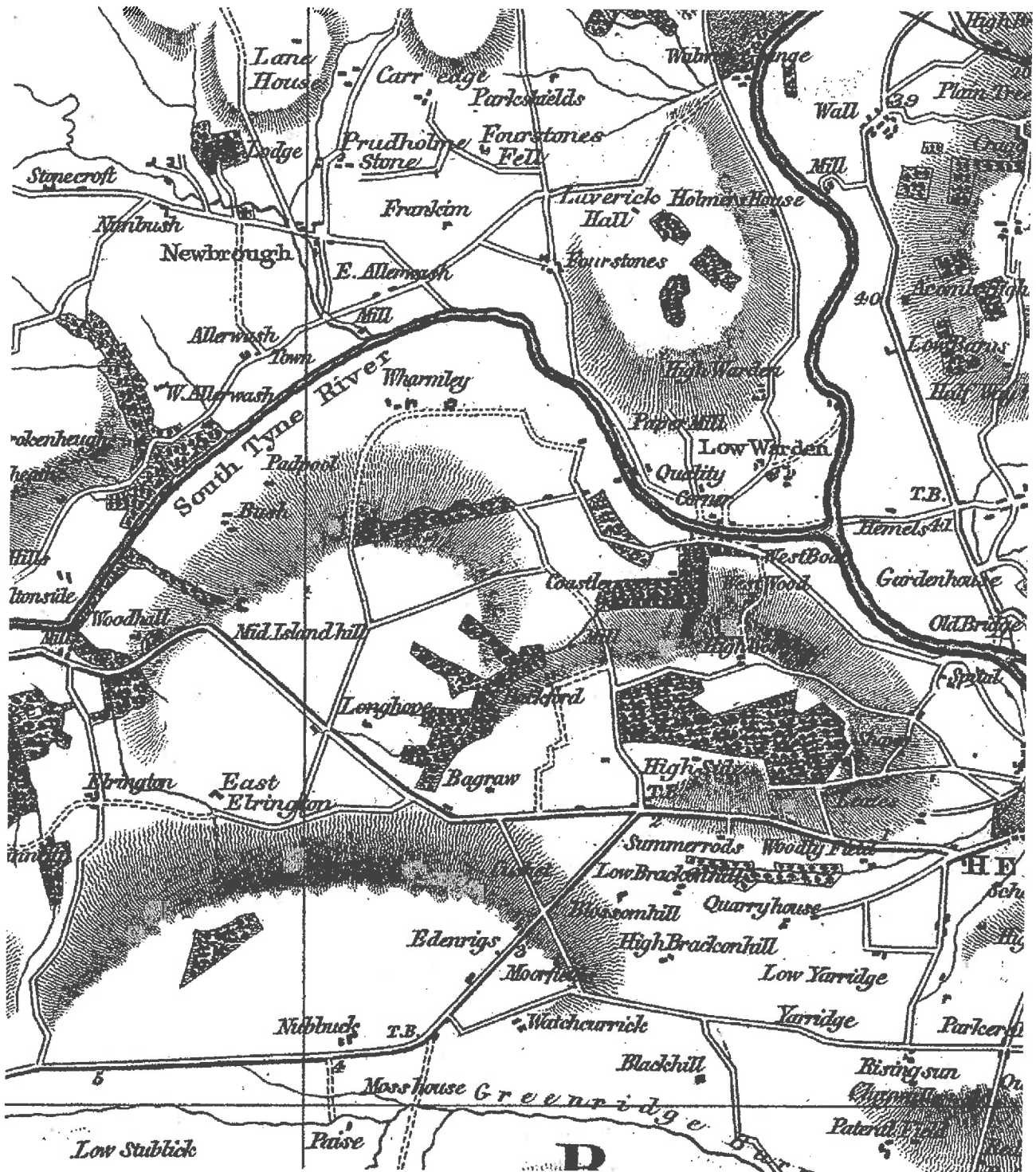


ARMSTRONG'S COUNTY MAP  
1769



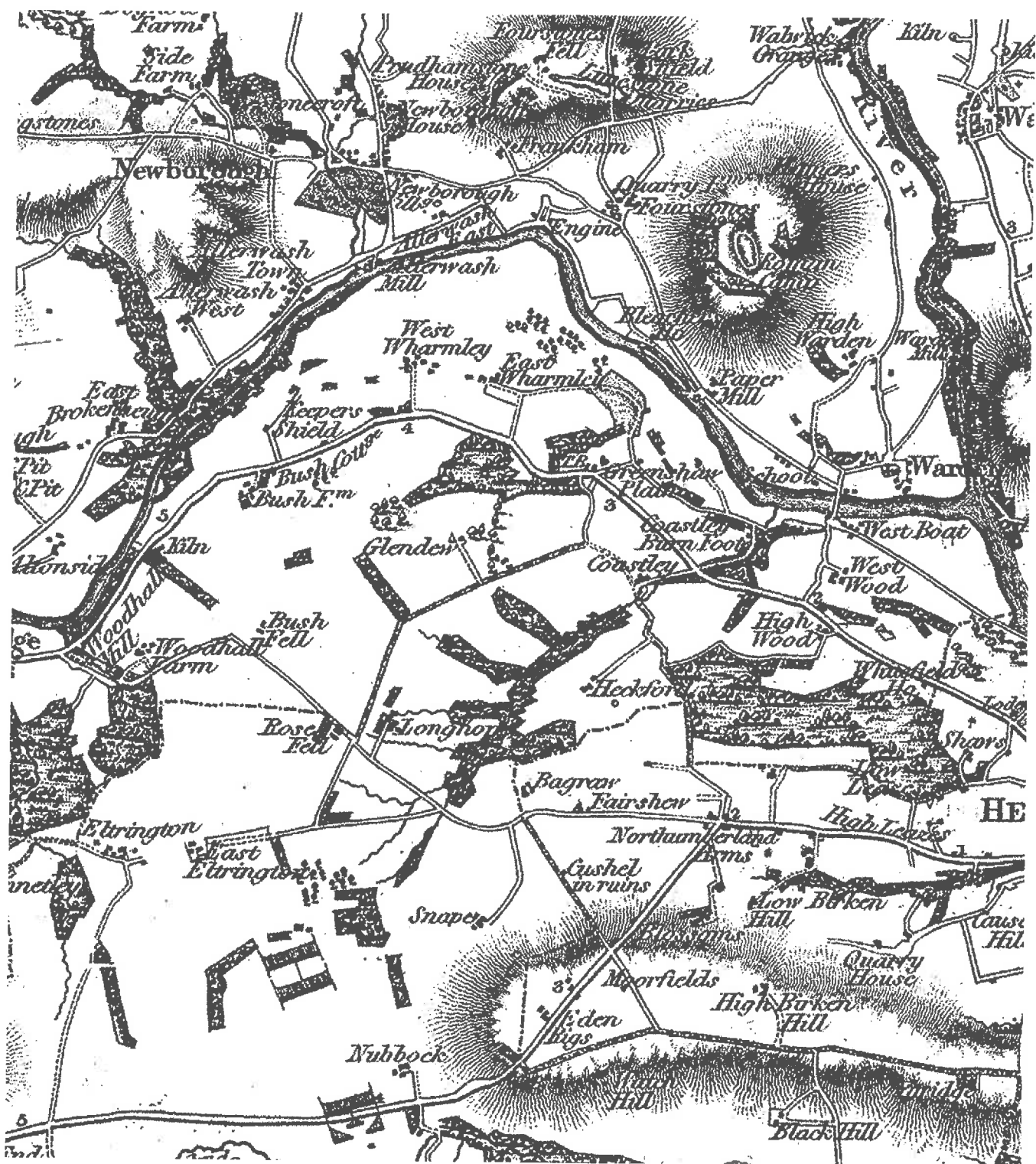


FRYER'S COUNTY MAP  
1820



# GREENWOOD'S COUNTY MAP

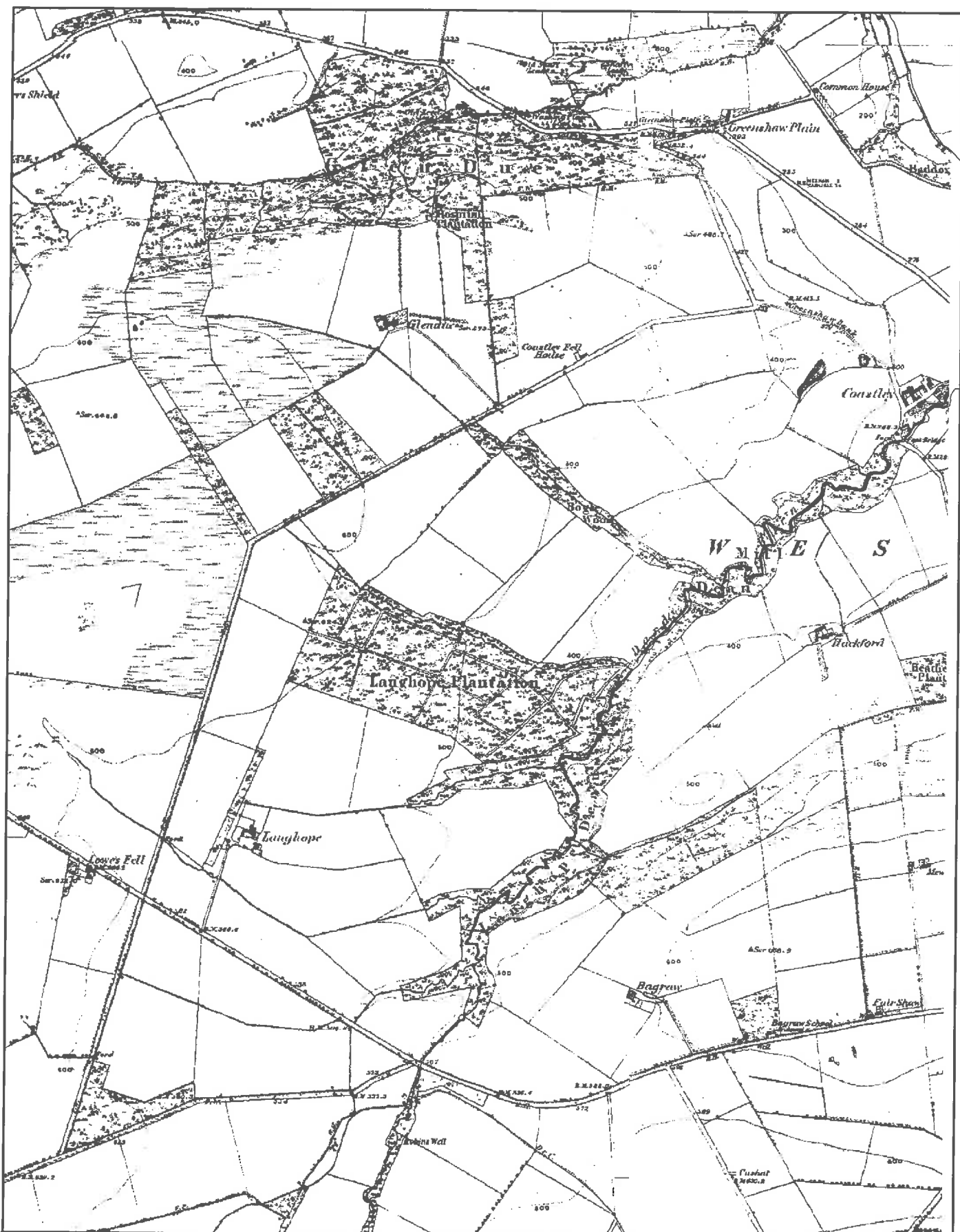
## 1828



**CARY'S COUNTY MAP  
1820-32**







# **NORTHUMBERLAND**

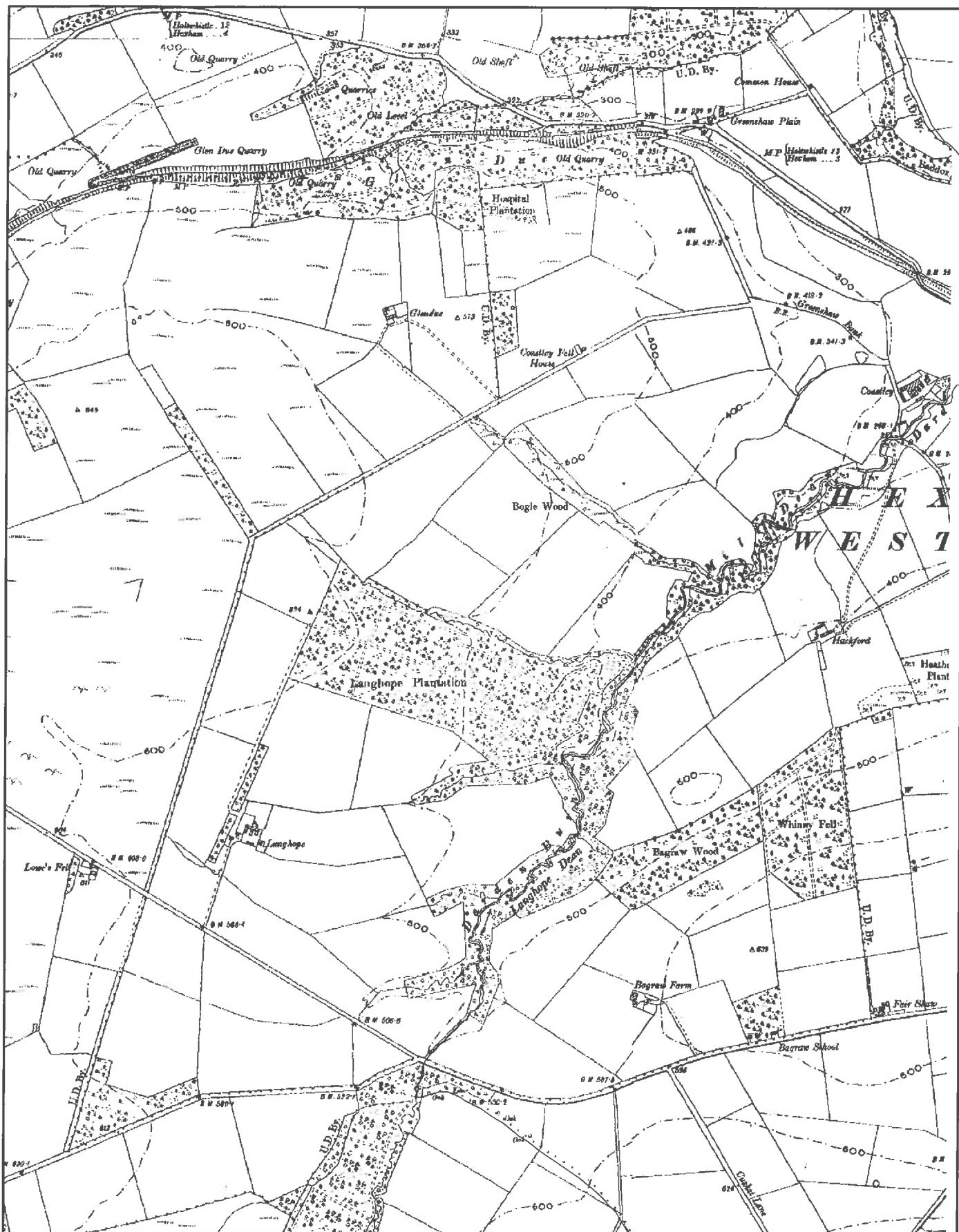
Northumberland County Council

## **Ordnance Survey Map 1865**

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Scale 1:13,000





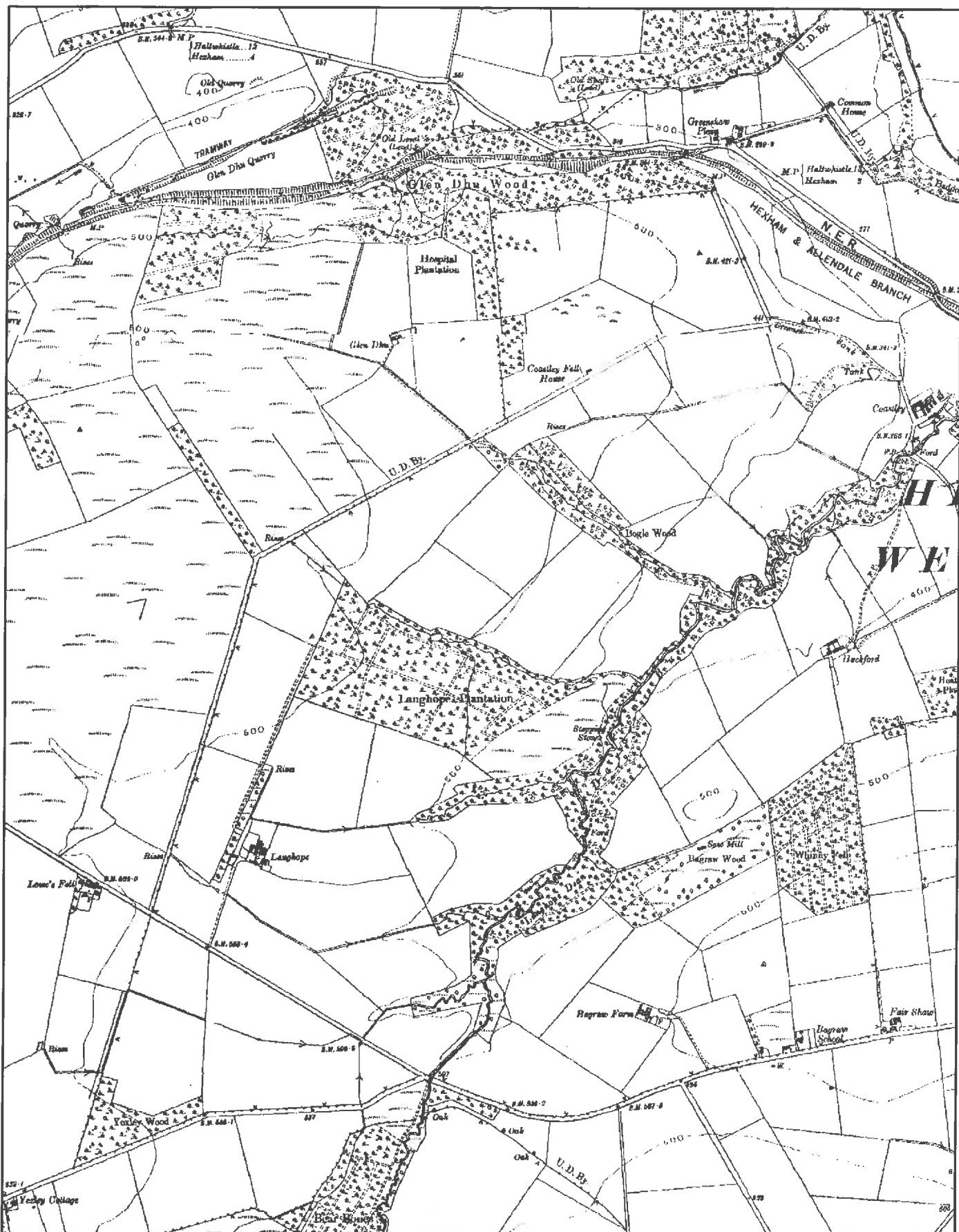
**NORTHUMBERLAND**

Northumberland County Council

**Ordnance Survey Map 1898**

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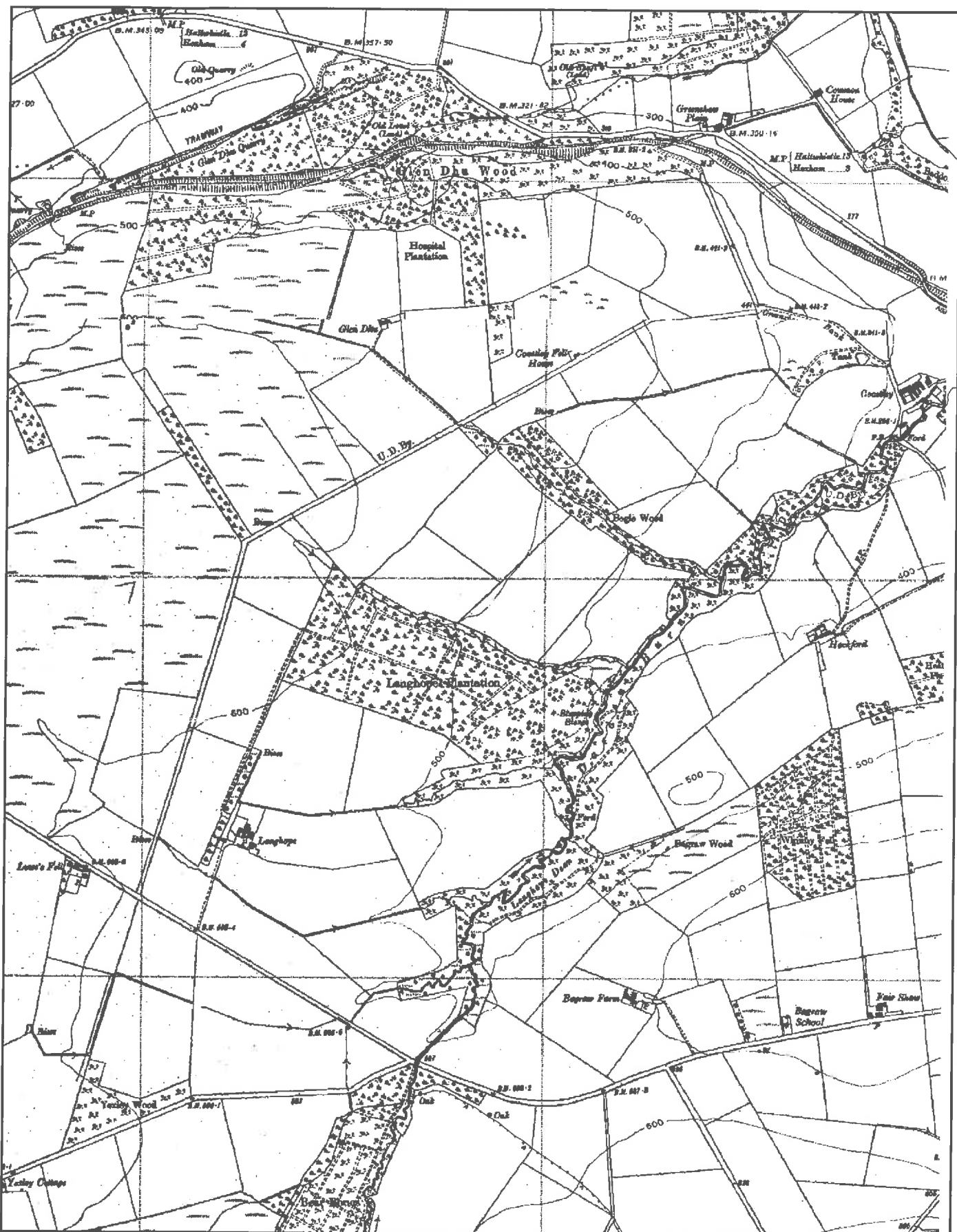
**Northumberland**

Northumberland County Council

**Ordnance Survey Map 1924**

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**NORTHUMBERLAND**

Northumberland County Council

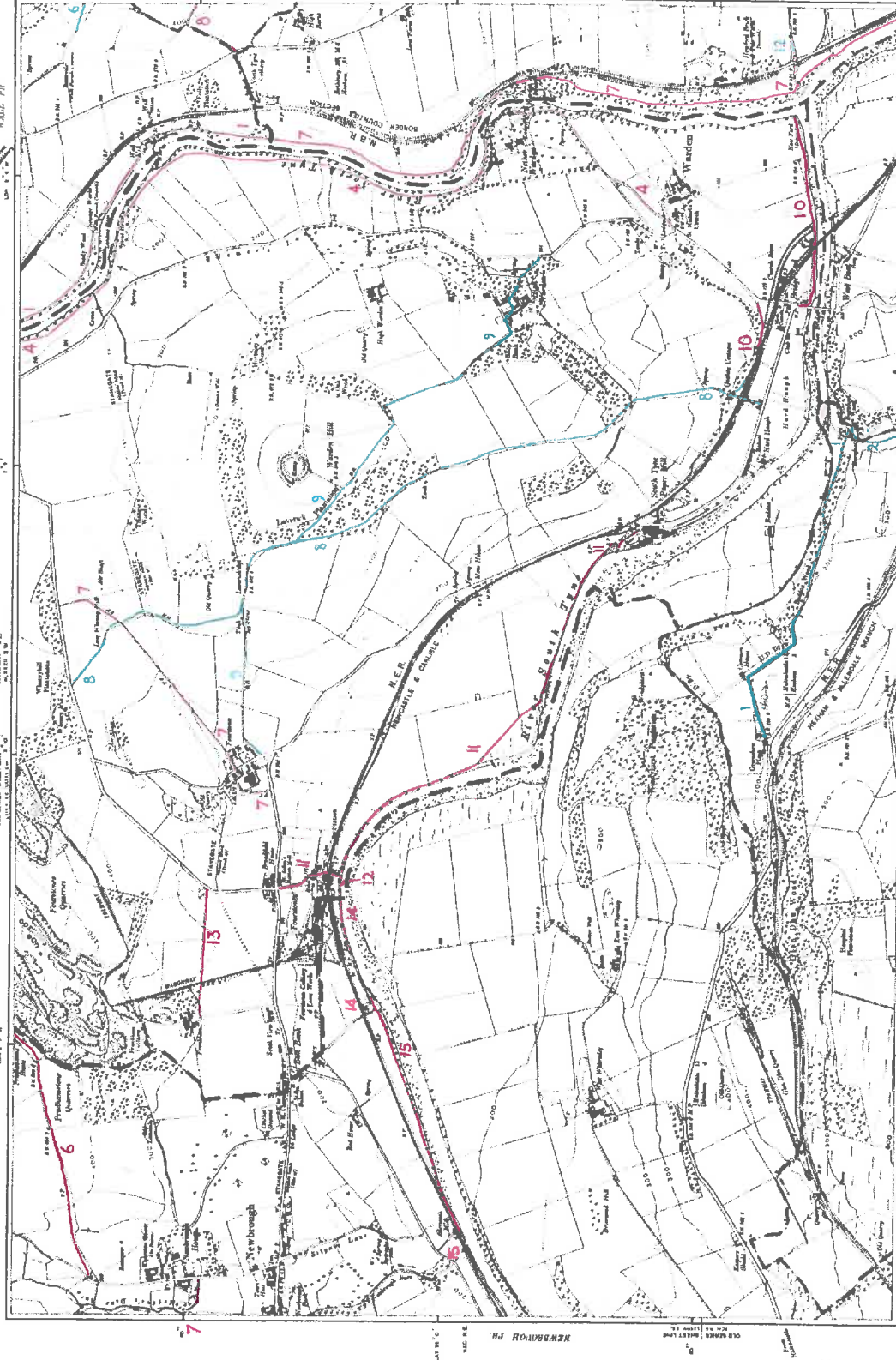
**Ordnance Survey Map 1952**

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Path No.	Representation made by.	Objector.	Previous recommendation.	Recommendation.
Espershields 6	The Ramblers' Association	Mr. and Mrs. Clive Cookson	That the paths be included on the Draft Map	That the path be deleted. (Objector's case heard by Mr. J. D. B. Richardson).
Broomley 21	Do.	C. S. Richardson, Esq.	Do.	That the path be deleted.
Chollerton 39	Do.	Chollerton Parish Council and W. Percy Hedley, Esq.	Do.	Do.
Allendale 76	Do.	The Bowshott Estates Co.	Do.	Do.
Chollerton 38	Do.	J. C. W. Riddell, Esq.	Do.	Do.
Healey 10	Do.	Chollerton Parish Council	Do.	That the path be re-routed along the eastern and northern boundaries of the field north of Healey Wood. (Objector's case heard by Mr. J. D. B. Richardson).
Healey 11 and 12	Do.	Col. W. St. A. Warde-Aldam	Do.	That the paths be deleted. (Objector's case heard by Mr. J. D. B. Richardson).
Hexham Low Quarter 11	Do.	Do.	Do.	That the path be deleted. (Objector's case heard by Mr. W. Steer).
Dilston 8	Do.	R. B. Charlton, Esq.	Do.	Do.
Slaley 24	Do.	Do.	Do.	Do.
Dilston 9	Do.	Mrs. E. M. Dodds R. B. Charlton, Esq.	Do.	Do.
Allendale 93	Do.	The Duke of Northumberland Allendale Settled Estates	Do.	That the path be deleted.
Hexham West Quarter 3	Do.	Whitfield Estates	Do.	That the path remain as shown. (Objector's case heard by Mr. J. A. Baldwin).
Hexham West Quarter 4	Do.	C. B. Straker, Esq.	Do.	That the section of path from Greenshaw Plains to Coastley be deleted. (Objector's case heard by Mr. W. Steer).
Cocklaw 7	Do.	Do.	Do.	That the path be deleted. (Objector's case heard by Mr. W. Steer).
Cocklaw 6	Do.	Major J. A. Straker	Do.	That the path be deleted.
	Do.	C. B. Straker, Esq.	Do.	Do.

Path No.	Representation made by.	Objector.	Previous recommendation.	Recommendation.
Hexham West Quarter 7	The Ramblers' Association	J. J. Straker, Esq.	That the paths be included on the Draft Map	That the path be deleted. (Objector's case heard by Mr. W. Steer).
Haydon 38	Do.	Do.	Do.	That the path be deleted.
Hexham West Quarter 6	Do.	C. B. Straker, Esq. British Transport Commission	Do.	That the path be deleted. (Objector's case heard by Mr. W. Steer).
Dilston 7	Do.	Trustees of the Allendale Settled Estates	Do.	That the section of path from the point where it turns eastwards in Park Wood to Path No. 6 be deleted and that the path be extended in a northerly direction to join Path No. 1 at Fivegates. (Objector's case heard by Mr. W. Steer).
Shotley Low Quarter 24, 26	Do.	Mr. and Mrs. Clive Cookson	Do.	That the paths be deleted.
Haughton 8	Do.	Haughton Castle Estate	Do.	That the path be deleted.
Hexhamshire West Quarter and Detached 5	Do.	The Trustees of the Allendale Settled Estates	Do.	That the path be deleted. (Objector's case heard by Mr. W. Steer).
Lands common to Allendale and West Allen 29	Do.	J. J. Straker, Esq.	Do.	That the path be deleted.
Lands common to Allendale and West Allen 35, 37, 38, 39, 43	Do.	Do.	Do.	That the paths be deleted. (Objector's case heard by Mr. J. A. Baldwin).
Allendale 75, 77, 80	Do.	Do.	Do.	That the paths be deleted.
Allendale 81, 82, 84, 85	Do.	Do.	Do.	That the paths be deleted. (Objector's case heard by Mr. J. A. Baldwin).
Allendale 86, 87	Do.	Do.	Do.	That the paths remain as shown. (Objector's case heard by Mr. J. A. Baldwin).
Allendale 88	Do.	Do.	Do.	That the path be deleted.
Allendale 89, 90	Do.	Do.	Do.	That the paths be deleted. (Objector's case heard by Mr. J. A. Baldwin).
Allendale 92, 49	Do.	Do.	Do.	Do.



PARISH of \_\_\_\_\_ In the  
District of \_\_\_\_\_ HEXHAM

PLAN

~~SURVEY~~  
DRAFT  
~~PROVISIONAL~~  
~~DEFINITIVE~~

*(This page contains information which is exempt from release under E.O. 13526)*

TOTAL No.	74
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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.)

MAPS.

[illegible]

INSTRUCTIONS, NOTICE BOARD, DIVERSIONS				
Obstruction	...	...	...	O.
Notice Board	...	...	...	N.
Searchd Wire	...	...	...	B.W.
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 Paths, Sides, etc., is defined or in defective condition, the appropriate lettering, e.g., P.P., S., to be put in brackets.

I CERTIFY that this Map records 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.









