



Northumberland County Council

TYNEDALE LOCAL AREA COUNCIL
13 November 2018

REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED PUBLIC FOOTPATH NO 66 HEXHAM TOWN

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

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 public right of way from a spur of the U8291 road south-east of Prospect House in a general north-westerly direction for a distance of 65 metres to join the U8291 road (Hallstile Bank) north of Prospect House.

Recommendation

It is recommended that the Committee agree that:

- i) there is insufficient evidence to justify that a public right of way has been reasonably alleged to exist over the route G - F.**
- ii) there is sufficient evidence to justify that a public right of way has been reasonably alleged to exist over the route E - G.**
- iii) the route E - G be included in a future Definitive Map Modification Order as a Public Footpath.**

1.0 BACKGROUND

- 1.1** The relevant statutory provisions which apply to adding a public right of way to the Definitive Map and Statement based on 20 years user evidence are Sections 53(3)(b) and 53(3)(c)(i) of the Wildlife and Countryside Act, 1981,

which require the County Council (as Surveying Authority) to modify the Definitive Map and Statement following:

“The expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path or restricted byway” [s53(3)(b)]

or

“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;” [s53(3)(c)(i)]

1.2 It is an unresolved question whether it is permissible to invoke section 53(3)(c)(i) in a case to which section 53(3)(b) applies. There is a case (Bagshaw), which is indirect authority to the effect that in any case of deemed dedication reliance on paragraph (c)(i) is perfectly acceptable. Members are therefore invited to apply the lower test.

1.3 Section 31 of the Highways Act 1980 (HA80) provides for the presumption of dedication of a public right of way following 20 years continuous use. Sub-section (1) states:

“Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.”

1.4 It is necessary to show that there has been uninterrupted use, as of right, by the public over a period of 20 years or more. ‘As of right’ means openly, not secretly, not by force and not by permission. The public must have used the way without hindrance (e.g. objections, verbal / written warnings, etc) or permission from the landowner or his agents. The 20 year period may be shown at any time in the past and is generally taken to run backwards from the date when the use of the path was first “brought into question”, whether by a notice or otherwise.

1.5 The Committee must consider whether there is sufficient evidence to allege that the presumption is raised. The standard of proof is the civil one that is the balance of probabilities. Members must weigh up the evidence and if, on balance, it is reasonable to allege that there is a public right of way, then the presumption is raised. The onus is then on the landowner to show evidence that there was no intention on their part to dedicate.

- 1.6 Such evidence may consist of notices or barriers, or by the locking of the way on one day in the year, and drawing this to the attention of the public, or by the deposit of a Statutory Declaration under section 31(6) HA80 to the effect that no additional ways (other than any specifically indicated in the Declaration) have been dedicated as highways since the date of the deposit.
- 1.7 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 June 2017, Richard Simons on behalf of the Hexham Civic Society, submitted an application to add to the Definitive Map and Statement a public footpath from a point marked E on a spur of the U8291 road south-east of Prospect House in a general north-westerly direction for a distance of 65 metres to a point marked F on the U8291 road (Hallstile Bank) north of Prospect House. One of the evidence providers submitted evidence in support of the alleged path continuing to point G. The application is supported by 'user evidence' forms completed by 21 local people, 17 of whom claim to have used the route on foot for periods in excess of 20 years. The application is also supported by Woods 1826 Map of Hexham, the 1860 25" Ordnance Survey plan, the 1865, 1924 & 1952 6" Ordnance Survey Plans, 5 Hexham 'visitors walk guides' published in 1974, 1981, 1992, 2001 and 2003, photographs showing obstructions on the route, photographs of information panels and two statements titled 'Bank Head Footpath Claim' and 'Considerations and Conclusions'.

2.1.1 BANK HEAD FOOTPATH CLAIM

- i) "THE APPROACH TO THE EVIDENCE SUPPORTING THIS CLAIM WHICH IS PARTLY RELATED JUST TO THE PROSPECT HOUSE PATH AND PARTLY TO EVIDENCE IN COMMON WITH THE BANK HEAD PUBLIC RIGHT OF WAY CLAIM BEING ALSO PURSUED BY HEXHAM CIVIC SOCIETY.
- ii) "As the above heading indicates, Hexham Civic Society is simultaneously claiming as public rights of way two closely related footpaths, one at Prospect House and one at Bank Head, on the eastern edge of Hexham Town centre.
- iii) "The details in plan form of the Prospect House path being claimed and its context are in Document 2 of this claim and the details of the Bank Head path being claimed and its context are attached to this part (Document 1) of the Prospect House claim.
- iv) "Part of the evidence for this Prospect House path claim relates solely to Prospect House path data. This is that which arises from the completed 'UEF' evidence forms forwarded by individual witnesses who have used this path in the past. However, there is also a wide base of evidence for

the claiming of this path, which is linked to common ground and recent usage and history shared by the Prospect House and Bank Head paths.

- v) “First of all, it appears material that both the Prospect House claim and the Bank Head claim literally have common ground. Hence, both paths share the same link of claimed path from the eastern end of the adopted highway between Prospect House and the Old Gaol (Manor Office) to the point where the paths diverge. So the paths overlap and are physically linked.
- vi) “Secondly, and fundamentally since 1974, when Hexham Civic Society published what appears to be the first walking guide for Hexham town centre, the sequential linkage between these paths has been clearly established. All the subsequent written guides by all parties (which are detailed in the claim) have confirmed the same close and sequential relationship between the two paths, a relationship which was, from the 1980’s onwards, repeated by actual guided walks (which are detailed in this claim). Hence, walkers are directed to the southern end of the Bank Head path where the iconic Old Grammar School (granted by a charter of Queen Elizabeth First of 1599) is located. From here the walkers are directed to walk northwards, through what was until late 2016 a delightful ‘backwater’ area, to Prospect House. The idiosyncratic house, which was enlarged in the late Victorian period, and the outstanding Prospect of the wider Tyne Valley, which can be viewed from here, are of real interest to most visitors. In addition, and last but not least, both paths have their own public notices explaining features of most interest, the Old Grammar School on Bank Head and the Prospect at Prospect House.
- vii) “In conclusion, it is considered that these two paths stand together physically and in their operation and significance. Thus, any considerations of these paths in the context of these rights of way claims should take account of this fact.
- viii) “There appears both individual and joint evidence that this is relevant in the consideration of the claims of these rights of way.”

2.1.2 **CONSIDERATIONS AND CONCLUSIONS**

- i) “Based on the evidence, there are the following notable points which support the need and case for the Hexham Civic Society to claim the public right of way status for these paths:
- ii) **“The Need to Act to Protect the Continued Existence of Both Paths Being Claimed.**
There is no evidence that current landowners / occupiers intend to dedicate the two paths being claimed at Bank Head and Prospect House. With regard to the Bank Head path, the evidence of the periodic padlocking/chaining shut of the southern gate as witnessed since the summer of 2016 gives no indication that the ownership involved wishes to support a right of way. Document 7, with recent photographs and

comments on the southern access point to the Bank Head path, confirms this position. Similarly, the comprehensive fencing off of the Prospect House site in late 2016 (with notices stating 'Private Property No Access') demonstrates a similar ownership position of evidently being against public access across the site. This, document 7 also confirms with recent photographs and comments the fencing and notices deterring access to the Prospect House path. As a result, Hexham Civic Society has resolved to claim both footpaths as rights of way to maintain their existence and amenity and wider social value.

- iii) "Amenity and Historic, Social and Tourism Value of these Paths
It may be subjective, but the character and attractiveness of the Bank Head and Prospect House area was notable until the situation illustrated by Document 7 came to pass. It is also a location with a notable local historic importance which should not be shut off or deterred from being viewed by the general public. It has now been on show for centuries and should not now be lost to public view. Notably the Old Grammar School was instituted by a charter from Queen Elizabeth I in 1599, though not finally built till the 1680's, and is one of only four buildings in Hexham which exhibits interesting seventeenth century architectural features including 'bolection' moulding, as well as having a considerable level of social interest associated with it. Similarly, Prospect House is a building of architectural interest with its Flemish gables and an Elizabethan style chimney and other features. Also, notably, the viewing point over the wide Tyne Valley landscape to the north, the Prospect, is a rare and attractive view out of the town to extensive countryside. All these interests and attractions give this locality and these paths not only local value but real visitor and tourism value, a very important consideration for the economic viability of the town. This continued value depends on the long-term retention, not the current loss, of full public access to these areas.
- iv) "Like the Bank Head Path, the Prospect House path was a through route.
It should be noted that the Prospect House path was a through route and carried on northwards from the prospect viewing point, down stone steps to Hallstile Bank. The Prospect House path evidence form of Rosemary Bowyer states, 'At some point between 1995 - 2003 used the footpath and steps to Hallstile Bank' and 'I think the steps were closed off towards the end of the above period - not certain.
- v) "Significance of the Completed User Evidence Forms (Documents 3 and 4)
We will leave it to the Council's rights of way experts to judge the content of these forms. It is noted in this context however, that section 31 of the highways Act 1980, states that if a route is enjoyed by the public for 20 years or more, as of right and without interruption, a path is 'to be deemed to have been dedicated as a highway' unless there is sufficient evidence that there was no intention during that period to dedicate it. It is our opinion, on the evidence of Tynedale Council and Hexham Town Council's walk guide of April 1992, that there was no Council intention at that time other than that the paths should be used

and retained. Also the completed User Evidence Forms appear to demonstrate evidence of public use for twenty years or more, (and continued use by others for lesser periods).

"We have submitted additional evidence which we consider material in demonstrating public use and the apparent right of way status of these paths is considered below.

vi) "Mapping continuity of two-ended Bank Head road / right of access since 1826. (Document 5)

To put the five historic plans in context, it is material that they appear to show that between 1826 and 1952 there were no gates or other obstructions affecting free movement around the full curve of the Bank Head route. Most notably, perhaps, is that there is no gate indicated on the southern end of the Bank Head where the current gate, which is being chained and padlocked is located. For the duration of these plans, 126 years, there appears to have been free movement down this access. Taking account of the events of 2016, it was only then that the southern gate, which appears to be a later addition, was used on a number of occasions to bar this route (and the northern gate was, we are told, also locked once). Thus, there has been a demonstrable period of some 190 years of no obstruction followed, from the summer of 2016, by evident obstruction.

"The span of time involved of unhindered free movement on the Bank Head route for nearly two centuries appears a material consideration for the Bank Head right of way claim (as well as for the small 'common section' of the Prospect House right of way claim).

vii) "The Five Hexham Visitors' / Walk Guides Which Include Both the Bank Head and Prospect House Rights of Way Being Claimed. (Document 6)

These five visitors' walk guides were freely available to be purchased and their routing directions followed. The confidently stated position in all of these guides is that the routes shown or described to be followed are considered accepted rights of way because of their long presence and usage. That is certainly the case with Bank Head. In addition, our understanding is that none of these publications have ever been formally legally challenged, including the Bank Head or Prospect House paths which Hexham Civic Society is now claiming as rights of way. The various guides have been available to purchase from different local sources since 1974, for some 42 years up to 2016. Notably, the availability of these guides to the public since 1974 must be an indication that at least hundreds if not thousands of people will have followed the directions of these guides down the Bank Head and Prospect House paths over the last 42 years.

viii) "Evidence from five Hexham walk guides supporting the public right of way status of footpaths at Bank Head and Prospect House, Hexham (Document 6)

The conclusion of this document is repeated here:- On the evidence of the above guided walk documents dating back to 1974 and notably including the Tynedale Council / Hexham Town Council walk guide of 1992, all the indications are that these documents provide material support to the claims that both the Bank Head and Prospect House footpaths (shown on the claim plans) are public rights of way. Notably and put simplistically, if a council with the authority to identify and to all appearances, define rights of way on its own land, does so, those rights of way must continue to exist. This is despite a subsequent council (NCC), apparently ignorant of their existence, selling on land at the Old Grammar School and Prospect House, over twenty years after the 1992 council guide was published and made public.

“Northumberland County Council’s actions following Tynedale Council’s abolition appear material in the context of the established status of these paths. The County Council, as the new landowner as well as the highway authority, has allowed the use of the Bank Head footpath up until May 2012 (when the Old Grammar School was auctioned). And the sale of Prospect House land by NCC was not until 2016. Hence, for over 20 years, two landowning councils have supported, or not objected to, the existence of these footpaths.

- ix) “Public Information Signs on the Bank Head and the Prospect House path Provided by Tynedale Council and Retained by Northumberland County Council (when in their ownership). (Document 8)
These public information signs, still in place in 2017, raise a key question. Why are such public information signs located on these two paths? The only answer to that question is that the body which installed them, Tynedale District Council, (in conjunction with Hexham Town Council) did so because it believed that these were established public rights of way to which the public would come and benefit from such signage. The conclusions above, including that two landowning councils have supported, or not objected to, the existence of these public rights of way for over twenty years are reinforced by the retention by NCC of this public information signage when the land was in their ownership.
- x) “The significance of General Public Use of the Bank Head and Prospect House paths as a Result of Annual Guided Walks in Central Hexham Since the 1980’s (Document 9)
Since the 1980’s through to 1994, Hexham Civic Society members led guided walks for the public around Hexham including along Bank Head to view the Old Grammar School and on to Prospect House to see the view from the northern viewing point and also to see the house itself. The Civic Society guided walk notes were written by Colin Dallison. Since 1994, the Mayor of Hexham’s Guild of Guides, established by the late Tom Corfe, has provided this service over the months of June to September on every Tuesday and Sunday at 2pm starting from outside the Hexham Abbey shop. A notice board is placed at the starting point on Tuesdays and Sundays advertising the walks. The Tourist Office

also provides information about the walks. Tom Corfe produced a number of detailed guide notes for the Guild, the guide notes of 2005 being the definitive ones which are still in regular use. An extract from these 2005 notes which relates to the Old Grammar School (on Bank Head) and to the house and viewpoint at Prospect House are included in document 9.

“There are no records available from the early years of people attending the guided walks around central Hexham. However, a recent sample of people attending walks on an annual basis is set out below. But first it is necessary to differentiate between ‘programmed walks’ (which are currently run from June to September and can be attended by anyone turning up outside the Abbey Gift Shop at 2pm on any Sunday or Tuesday) and ‘booked walks’ (which can be arranged at a time to meet the needs of the groups including school classes, student groups, specialist groups including local magistrates and tourists on commercial tours.

SAMPLE GUIDED WALK NUMBERS

<u>YEAR</u>	<u>PROGRAMMED WALK ATTENDANCE</u>	<u>BOOKED WALK ATTENDANCE</u>	<u>TOTAL</u>
2006	72		72
2007	90		90
2010	159	159	318
2011	126	189	315
2012	138	94	232
2013 - 2016 ARE COMBINED FIGURES			
2013 (June, July nos. only)			32
2014			270
2015			123
2016			151

“Hence, over time, the numbers add up for the usage of the Bank Head and Prospect House paths. However, it is as much the qualitative as well as the quantitative significance of these paths which should be noted. Anyone who had seen it would have been impressed by the imagination brought to life by a junior school teacher and her class, positioned behind the castellated parapet on top of the old town walling which supports the Prospect house viewpoint, acting out repelling the Scots’ invasion of Hexham in 1296. Bringing history to life is invaluable in learning. Losing these paths would reduce the quality and value of historic Hexham in many ways.”

3. LANDOWNER EVIDENCE

3.1 By email dated 10th May 2018, James Harley of Cockerton Green Developments Limited responded with the following comments:

- i) “Regarding the application across our land, which was purchased from Northumberland County Council in 2016. We were not made aware of any prehistoric rights of access to the general public through this land by Northumberland County Council. Nor did they come up on any search.
- ii) “We also have a photograph (see attached) taken prior to the vandalism on 13/1/2016 by our architect. This clearly shows the fence line intact and no damage nor access through this site. Where you have stated people have used this for 20 years, this is incorrect as this fence at point F has not been touched since it was installed, which looking at its construction, must be in excess of 50 years ago, if not more.
- iii) “We dispute this right in its entirety.
- iv) “We will install temporary hoarding to return our properties sealed up boundary. Thus discouraging any more vandalism to our building, as it has been broken into on **four** occasions now.
- v) “Please can you confirm that you have received this information and knowledge that this application is in dispute. Also, clarify what the next course of action is to defend the claim.”

4. CONSULTATION

4.1 In April 2018, the County 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 email dated 11th April 2018, the Clerk to Hexham Town Council responded to the consultation with the following comment:

- i) “This has been considered by the Council’s Planning & Infrastructure Committee. The relevant minute states:
- ii) “ALLEGED PUBLIC FOOTPATHS AT HALLSTILE BANK AND PROSPECT HOUSE: It was AGREED to support the creation of both these public rights of way but to note that the exit from behind Prospect House to Hallstile Bank has been blocked off for some time and that both routes are currently shut off.”

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.

1826 Woods Map of Hexham (Applicants copy)

There is evidence that route is open without barriers or gates.

1860 O.S. Map: Scale 1:2,500

There is evidence that route is open without barriers or gates

1865 O.S. Map: Scale 1:10,560

There is evidence that route is open without barriers or gates.

1924 O.S. Map: Scale 1:10,560

There is evidence that route is open without barriers or gates.

1952 O.S. Map: Scale 1:10,560

There is evidence that route is open without barriers or gates.

6. SITE INVESTIGATION

- 6.1 From the U8291 road south-east of Prospect House the path is currently obstructed by palisade fencing. Beyond the fencing the path crosses an open area towards the Interpretation Panel mentioned in the evidence. The path then descends some narrow stone steps and follows a narrow sloping trod to further steps accessing Hallstile Bank at the former location of a gate blocked with metal bars.

7. COMMENTS RECEIVED ON THE DRAFT REPORT

- 7.1 In September 2018 a draft copy of the report was circulated to the applicant and owners / occupiers of the land who responded to the consultation.

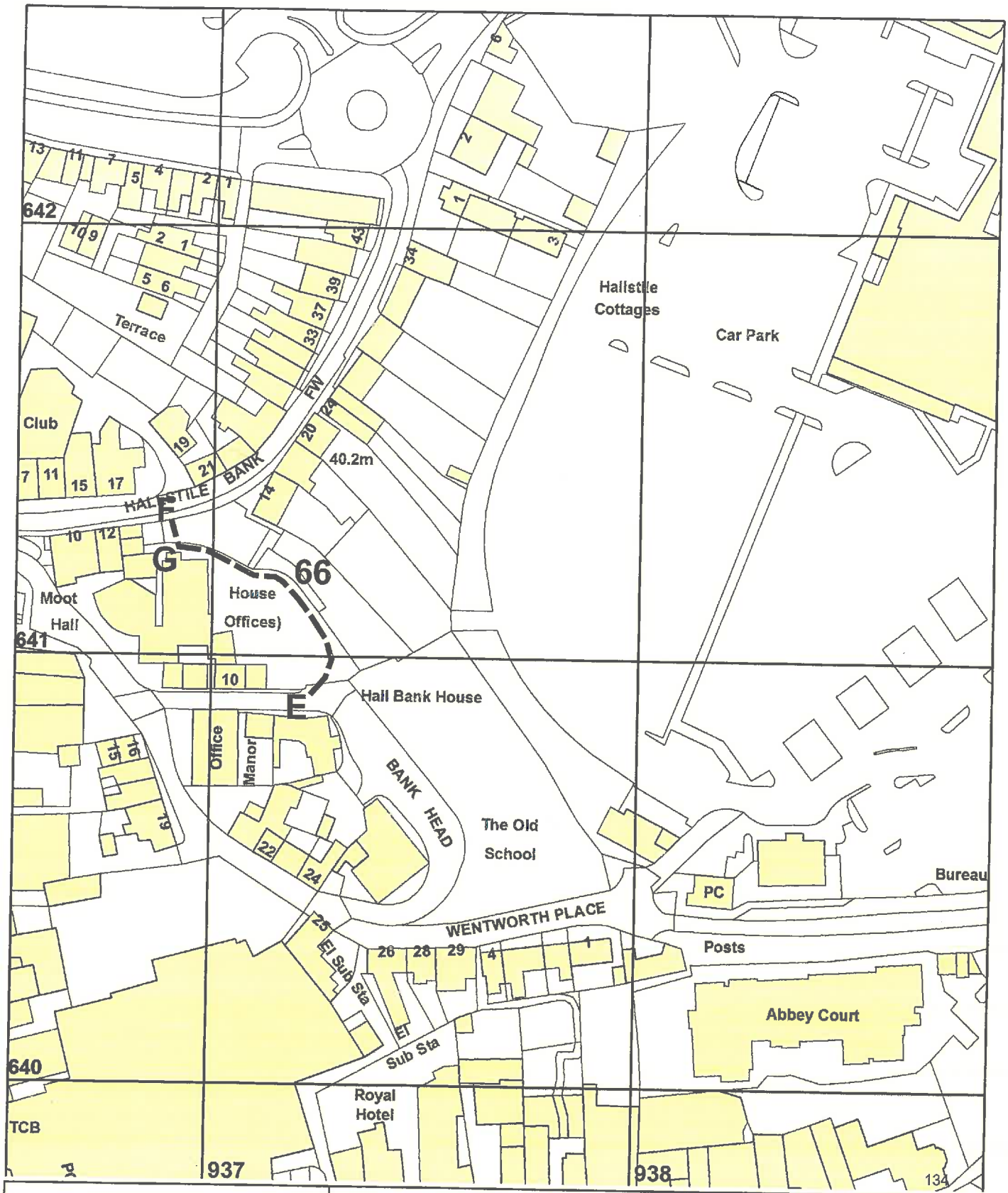
8. DISCUSSION

- 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 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.
- 8.3 Under Section 31 of the Highways Act 1980, a particular way may be presumed to be a highway if it can be shown that there has been twenty years uninterrupted use by the public, as a right of way, and that the landowners have not taken steps to rebut this presumed dedication during that twenty year period.
- 8.4 The application is supported by evidence of use from 21 local people, 17 of whom claim to have used the path for periods in excess of 20 years. That use varies from once or twice a year to twelve times a year, during the relevant period. The majority of the use appears to be on foot although at least one of the evidence providers state they used the route with a car.
- 8.5 A number of the evidence providers acknowledge that the route was blocked off at the southern end in 2016 with metal railings. Prior to 2016 none of the evidence providers witness any obstructions on the path from the south of Prospect House to the location of the Interpretation Panel (Viewpoint). One of the evidence providers gives evidence of continuing beyond that point and using the stone steps to gain access to Hallstile Bank although it would appear that access to this section of path was interrupted circa 2003 because of the dangerous condition of the steps. The action in 2016 blocking the southern entrance of the path, which is acknowledged by the majority of evidence providers is considered to be sufficient to show that the landowner had no intention to dedicate public rights over the route of the alleged path, at that date.
- 8.6 If the date the public's right to use the path was called into question is taken to be August 2016, then 16 of the 21 user evidence providers can still claim to have walked the paths for periods in excess of 20 years, prior to this date. The frequency and purpose of this use is considered to be sufficient to raise a presumption of dedication during the relevant period between 1996 to 2016.
- 8.7 Although none of the evidence providers appear to have been given express permission to use the path, two of the evidence providers were former Tynedale District Councillors and one was employed by Tynedale District Council between 1974 and 1990. At least six of the evidence providers suggest that the nature of their use of the route was associated with leading 'Guided Walks' to show visitors to Hexham some of the historic aspects of the town from the vantage of the Interpretation Panel.
- 8.8 The statement from the current landowner Cockerton Green Developments Limited regarding vandalism to their property although of concern is not considered relevant in determining whether public rights have been reasonably alleged to exist over the route.



Northumberland

Northumberland County Council

Infrastructure Records

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 Public Footpath

Former District(s) Tynedale	Parish(es) Hexham	Scale 1:1250
Def. Map No. 208	O.S. Map NY 96 SW	Date September 2018

HEXHAM TOWN FP 66 (PROSPECT HOUSE)

	1960	1970	1980	1990	2000	2010	Frequency and Type of Use	For what purpose
A Atkinson							Once or twice a year on foot	To the viewing point
C Atkinson							Once or twice a year on foot	To show friends the view
R Bowyer							Hundreds of times on foot	To use or cross car park
P Caris							6-8 times a year on foot	To look at view
C N Dallison							20 times a year of foot	Guided Walks
D DeStefoano							Several times a year on foot	Historical tour
J M DeStefano							Several times a year on foot	Guided tours
E Elliott							6-8 times a year on foot	Visiting Council Office
N Gray							6-10 times a year on foot	Using vantage point
M Moffitt							10 times a year on foot	Show valley & explain history
M Robnson							12 times a year on foot	Professional & recreational
L Robson							5 times a year on foot	Walking dog & showing visitors round
G Simons							5-8 times a year on foot	Social & historic
R Simons							5-10 times a year on foot	Leading Guided Walks
K Tatman							2 times a year on foot	To viewpoint & information board
T C Tatman							2 times a year on foot	Show hexham to visitors
A Venables							12 times a year on foot	As a Town Guide
P Wharrier							6 times a year on foot	Leisure & view Information board
H Richardson							Often on foot	To Council meetings
C Coxon							10 times a year on foot	On Guided Walks
W Breach							50 times a year on foot	To enjoy the view
G Logan							5 times a year on foot	Guided walk to enjoy panorama

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 TYNEDALE DISTRICT COUNCIL

Parish HEXHAM

To: Asset & Infrastructure Management
Local Services Group
Northumberland County Council
County Hall
Morpeth
Northumberland
NE61 2EF

I/~~we~~ RICHARD SIMONS (Name)

of HEXHAM CIVIC SOCIETY, 24 HACKWOOD PARK, (Address)
HEXHAM, NORTHUMBERLAND, NE46 1AX

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 adding the footpath:

~~from~~ PROSPECT HOUSE PATH

~~to~~ _____

* as shown on the plan attached.

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

List of Documents

SEE ATTACHED LIST

Dated 4th June 2017 Signed R. Simons

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 1:10,000 scale (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 NORTHUMBERLAND**

**CERTIFICATE OF SERVICE OF NOTICE OF
APPLICATION FOR MODIFICATION ORDER**

Former Borough/District TYNEDALE DISTRICT COUNCIL

Parish HEXHAM

To: Asset & Infrastructure Management
Local Services Group
Northumberland County Council
County Hall
Morpeth
NE61 2EF

I/we RICHARD SIMONS, HEXHAM CIVIC SOCIETY, (Name)

of 24, HACKWOOD PARK, HEXHAM, NE46 1AX (Address)

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.

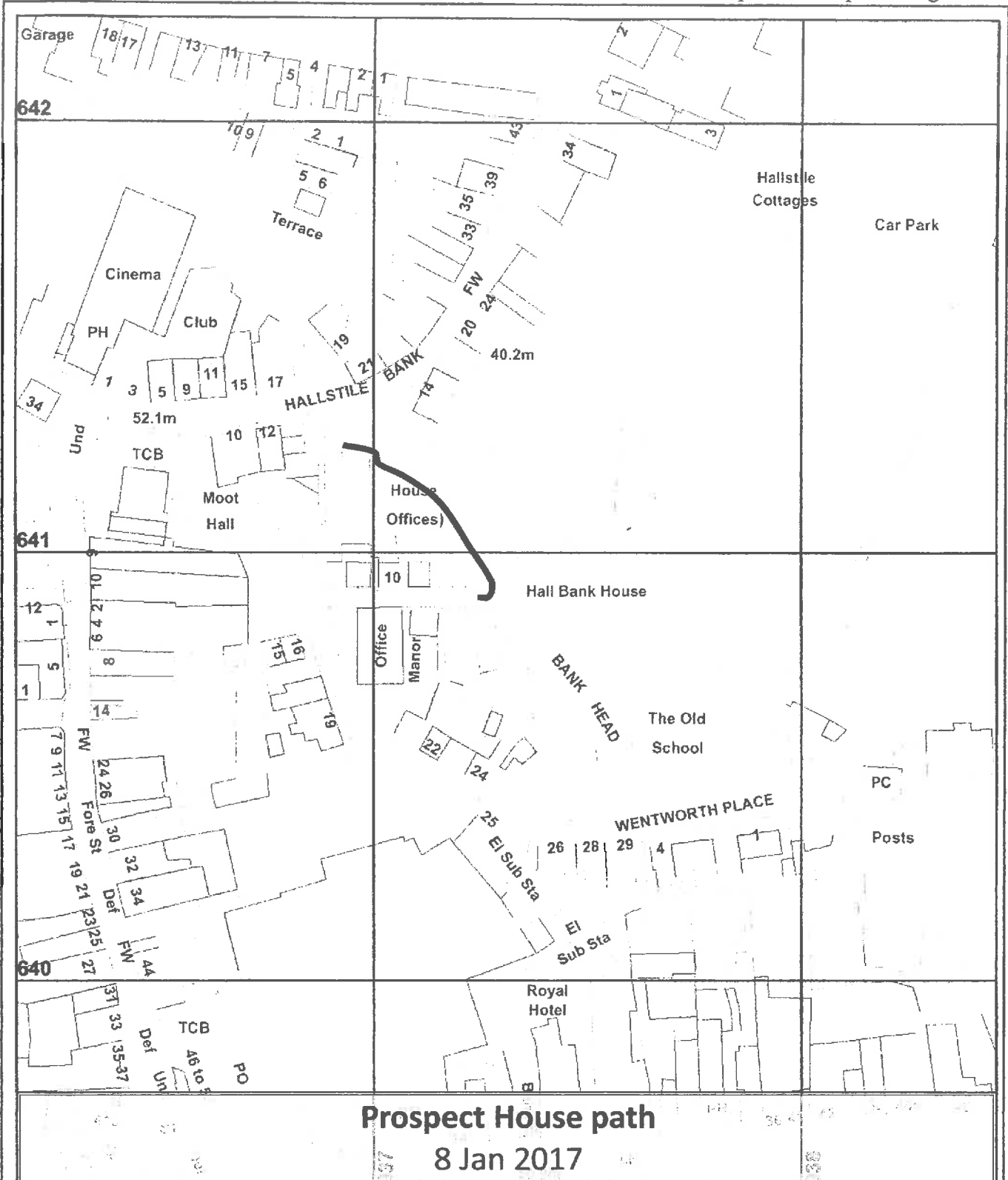
Name

Address

- HENRY RICHARD GEERS C/O BOND DICKINSON LLP, ONE
- COTTERELL, WILLIAM TRINITY GARDENS, BROAD CHARE,
- HENRY VAN CUTSEM, NEWCASTLE UPON TYNE, NE1 2HF
- and MICHAEL THOMAS
- WATER HOUSE (Ref: _____
- SRK/ALL/1/466 (HEXHAM))
- Title Number ND174850
- COCKERTON GREEN 14, HALEGROVE COURT, CYGNET DRIVE,
- DEVELOPMENTS STOCKTON-ON-TEES, CLEVELAND.
- TS18 3DB.

Dated 5th June 2017

Signed R. Simons



Prospect House path

8 Jan 2017

NORTHUMBERLAND

Northumberland County Council

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

Wildlife & Countryside Act, 1981

————— Claimed Public Right of Way

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Former District **Tynedale**

Parish **Hexham**

Scale **1:1250**

Def. Map. No. **208**

O.S. Map **NY 96 SW**

Date **October 2016**

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: Tynedale District Council

Parish: Hexham

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)

Foot path No. of path (if known) _____

IMPORTANT NOTE

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Name of witness Ann Atkinson

Address 9 Cockshaw, Hexham Northumberland

Postcode NE46 3QS

Date of birth 11/12/56 Occupation Development officer

Description of path (with grid references if known):

From As shown on the plan & photos for the Prospect House path with the claim
to _____

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	Yes
2	How wide is the path?	Up to 3 metres
3	During which years have you used it? (e.g. 1975-1995)	1984 - 2014 approx
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	a) To the viewing point b) To see the view c) once or twice a year d) on foot
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	Yes

6	Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	No stiles or gates on the path
7	(a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	NIA
8	Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? If so, state when this took place and give particulars.	Never
9	Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	Never
10	Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	Never
11	Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	Never
12	Have you ever been given permission to use the path?	Never
13	Can you give any further particulars?	
14	Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	Not that I am aware of.
15	Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	No

To the best of my knowledge and belief the facts that I have stated are true.

Dated 19/02/17

Signed Ann Atkinson

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: Tynedale District Council

Parish: Hexham

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)

Footpath

No. of path (if known)

IMPORTANT NOTE

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Name of witness C.M. Atkinson

Address 9 Cockshaw, Hexham, Northumberland,

Postcode NE46 3QS

Date of birth 27/12/1956 Occupation Self-employed

Description of path (with grid references if known):

From As shown on the plan ^{CMA} & photos for the Prospect House path with this claim

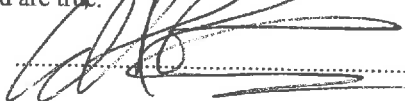
to

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	Yes
2	How wide is the path?	up to 3.00 metres
3	During which years have you used it? (e.g. 1975-1995)	Approx. 1984-2014
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	a). I have walked this entire route b). to show friends the view over lower Hexham & Alemouth Road area c). varying over the years but approx once or twice yearly d). by foot
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	Yes, apart from parked cars in the car park

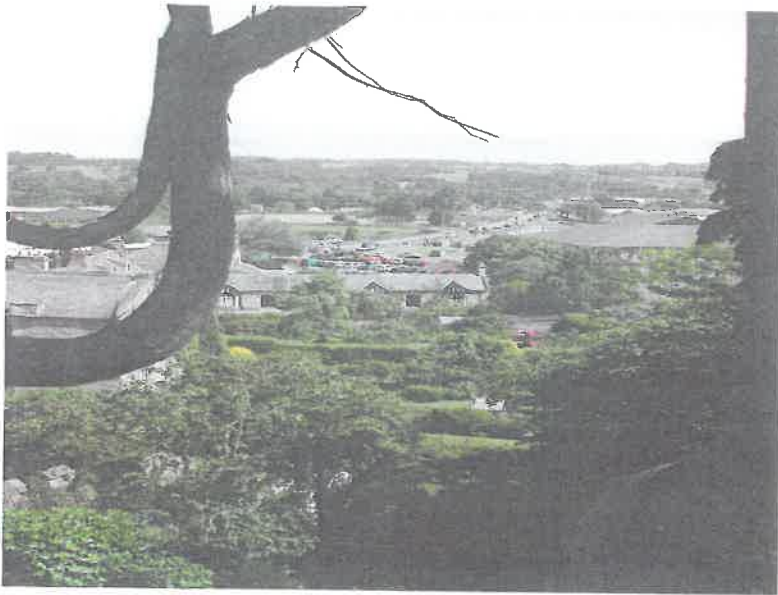
6	Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	There has been no gate across the route during the time that I have walked it
7	(a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	N/A
8	Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? Is so, state when this took place and give particulars.	Never
9	Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	Never, in fact use of the route was encouraged by Tynedale District Council as part of accessing the viewpoint towards the Tyne Bridge
10	Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	Never
11	Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	Never
12	Have you ever been given permission to use the path?	Never, it was a path / route across the car park to the viewpoint
13	Can you give any further particulars?	
14	Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	Not to my knowledge
15	Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	Possibly

To the best of my knowledge and belief the facts that I have stated are true.

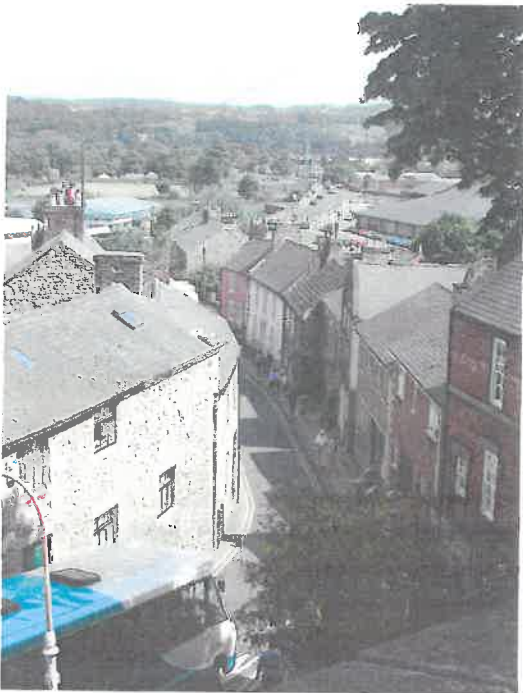
Dated 10 FEB 2017 Signed 

Infrastructure Records
Local Services Group
Northumberland County Council
County Hall, Morpeth
Northumberland NE61 2EF

PHOTOGRAPHS TAKEN FROM THE PROSPECT HOUSE PATH



June 2002



June 2002

From viewpoint at end of path



Feb 2006

From viewpoint at end of path

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: TYNEDALE

Parish: HEXHAM

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)

FOOTPATH

No. of path (if known)

IMPORTANT NOTE

The object of this form is simply to provide a factual statement about the matter. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is of particular importance if the information is to be of real value in establishing the status of the path. (The term "path" is used throughout this evidence form, whatever the status, i.e. footpath, bridleway, restricted byway or byway open to all traffic)

Name of witness ROSEMARY BOWYER

Address MOORFIELD, CAUSEY HILL, HEXHAM

Postcode NE46 2DW

Date of birth 27. 3. 1947 Occupation RETIRED TEACHER

Description of path (with grid references if known):

From The road that runs between Prospect House & the Old Gosel
to the steps & path down to Hallstile bank

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	Yes
2	How wide is the path?	full car park width at start narrow at end
3	During which years have you used it? (e.g. 1975-1995) ¹⁾	At some point between - 1995 + 2008 used the footpath + steps to Hallstile bank 2) 1976 - 2012 used car park. hundreds of times
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	a) Prospect House car park used to park and use car park or occasionally cutting through to Hallstile bank via steps from parking in council car park. c) one or two times only for path steps but hundreds of times in car park or to cross it d) Foot (+ parking in car park)
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	It would be the steps were closed off towards the end of the above period - not certain

6	Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	gate above steps
7	(a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	Yes - was a councillor Taken by another councillor who had used it often.
8	Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? Is so, state when this took place and give particulars.	No
9	Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	No - out of office hours it was a public car park at the top end
10	Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	No - I just have a slight recollection of being told the steps were no longer considered safe (might have been temporary)
11	Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	No - there was a restriction on parking in office hours but not to pedestrians.
12	Have you ever been given permission to use the path?	Implied.
13	Can you give any further particulars?	No
14	Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	Not to my knowledge
15	Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	No - memory too uncertain re details & dates

To the best of my knowledge and belief the facts that I have stated are true.

Dated Rosemary Bourne

Signed Rosemary Bourne

16/3/2017

Infrastructure Records
Local Services Group
Northumberland County Council
County Hall, Morpeth
Northumberland NE61 2EF

PROSPECT HOUSE PATH

UEF

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: TYNEDALE

Parish: HEXHAM

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)

FOOT PATH No. of path (if known)

IMPORTANT NOTE

The object of this form is simply to provide a factual statement about the matter. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is of particular importance if the information is to be of real value in establishing the status of the path. (The term "path" is used throughout this evidence form, whatever the status, i.e. footpath, bridleway, restricted byway or byway open to all traffic)

Name of witness PAT PARIS

Address 12 WHITBY AVENUE

HEXHAM Postcode NE46 3JJ

Date of birth 15.10.1947 Occupation RETIRED

Description of path (with grid references if known):

From AS SHOWN ON THE PLAN OF THE
to PROSPECT HOUSE PATH WITH THIS CLAIM

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	YES
2	How wide is the path?	3 metres at least
3	During which years have you used it? (e.g. 1975-1995)	1984 - 2016
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	FROM THE MARKET PLACE TO LOOK AT THE VIEW FROM PROSPECT HOUSE 6-8 times a year generally BY FOOT
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	YES

6	Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	NO
7	(a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	NO
8	Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? If so, state when this took place and give particulars.	NO
9	Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	NO
10	Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	NO
11	Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	NO
12	Have you ever been given permission to use the path?	NO
13	Can you give any further particulars?	WHEN USING THIS PATH I HAVE NEVER BEEN OBSTRUCTED
14	Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	NOT TO MY KNOWLEDGE
15	Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	YES

To the best of my knowledge and belief the facts that I have stated are true.

Dated 9 MARCH 2017 Signed Pak bari

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: Synedale District Council

Parish: Hexham

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)
Footpath No. of path (if known) _____

IMPORTANT NOTE

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Name of witness COLIN W. DALLISON

Address 1 St. ACCA'S COURT
HEXHAM Postcode NE46 3ST

Date of birth 2 MAY 1930 Occupation Retired

Description of path (with grid references if known):
From at the rear of Prospect House to the viewpoint at the north
to then back as shown on the plan with this claim.

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	Yes
2	How wide is the path?	At least 3 metres
3	During which years have you used it? (e.g. 1975-1995)	1980. to 1990.
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	a) from the Old Grammar School to the view-point and back to Hallgate. b) guided walks, to show those on the walks the view to the north west. c) 20 d) Foot
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	Yes

6	Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	No
7	(a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	No N/A
8	Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? If so, state when this took place and give particulars.	No
9	Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	No
10	Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	No
11	Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	No
12	Have you ever been given permission to use the path?	No
13	Can you give any further particulars?	A popular route for beach and visitors
14	Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	Not to my knowledge
15	Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	Yes

To the best of my knowledge and belief the facts that I have stated are true

Dated 15 February 2017 Signed [Signature]

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: TYNEDALE DISTRICT COUNCIL

Parish: HEXHAM

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)

ACCESS PATH No. of path (if known) _____

IMPORTANT NOTE

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Name of witness DOROTHY DESTEFANO

Address BRIDGE BROOK, CATTON

NORTHUMBERLAND Postcode NE27 9QS

Date of birth 25-01-1934 Occupation HOUSEWIFE

Description of path (with grid references if known):

From PROSPECT HOUSE TO ULEWPOINT AS SHOWN ON
to THE PLAN AS PROSPECT HOUSE PATH WITH THIS
CLAIM

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	YES
2	How wide is the path?	3 m
3	During which years have you used it? (e.g. 1975-1995)	1990 TO SALE OF LAND
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	HISTORICAL TOUR SEVERAL FOOT
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	YES

6	Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	HAVE NOT NOTICED
7	(a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	NO NO
8	Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? If so, state when this took place and give particulars.	NO
9	Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	NO
10	Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	NO
11	Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	NOT THAT I AM AWARE
12	Have you ever been given permission to use the path?	YES
13	Can you give any further particulars?	THE COUNCIL PUT UP AN INFORMATION BOARD FOR PUBLIC USE
14	Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	NOT TO MY KNOWLEDGE NO
15	Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	

To the best of my knowledge and belief the facts that I have stated are true.

Dated 20/03/2017 Signed [Signature]

Infrastructure Records
Local Services Group
Northumberland County Council
County Hall, Morpeth
Northumberland NE61 2EF

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: TYNEDALE DISTRICT COUNCIL

Parish: HEXHAM

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)

FOOTPATH No. of path (if known)

IMPORTANT NOTE

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Name of witness J.M. DESTEFANO

Address BRIDGEBROOK, CATTON, HEXHAM,
NORTHUMBERLAND Postcode NE 47 9 0S

Date of birth 2ND MAY 1934 Occupation RETIRED

Description of path (with grid references if known):

From AS SHOWN ON THE PLAN FOR THE PROSPECT
to HOUSE PATH WITH THIS CLAIM

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	YES
2	How wide is the path?	3 METRES
3	During which years have you used it? (e.g. 1975-1995)	1992 - 2016
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	ABBAY TO COUNCIL VIEWPOINT. UTILISE VIEWPOINT AS PART OF TOWN TOUR. SEVERAL, DEPENDANT OF VISITORS REQUIRING GUIDED TOUR FOOT
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	YES

6	Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	YES, ENTRANCE TO COUNCIL CAR PARK
7	(a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	NO -
8	Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? If so, state when this took place and give particulars.	NO
9	Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	NO
10	Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	ONLY AFTER SALE OF PROSPECT HOUSE.
11	Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	ONLY AFTER SALE OF PROSPECT HOUSE.
12	Have you ever been given permission to use the path?	YES. TOWN GUIDES IN CO-OPERATION WITH TYNEDALE DISTRICT COUNCIL
13	Can you give any further particulars?	THE MAYOR OF HEXHAM'S TOWN GUIDES LIAISED CLOSELY WITH T.D.C.
14	Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	NO
15	Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	YES

To the best of my knowledge and belief the facts that I have stated are true.

Dated 18/2/2017 Signed [Signature]

Infrastructure Records
Local Services Group
Northumberland County Council
County Hall, Morpeth
Northumberland NE61 2EF

PROSPECT HOUSE PATH

UEF

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: TYNDALE

Parish: HEXHAM

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)

FOOTPATH

No. of path (if known) _____

IMPORTANT NOTE

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Name of witness RIVEN ELLIOTT

Address 1 MILKMAN CORBRIDGE

NORTHUMBERLAND

Postcode NE45 5TG

Date of birth 21.08.46 Occupation _____

Description of path (with grid references if known):

From AS SHOWN ON THE PLAN OF THE PROSPECT HOUSE PATH
to WITH THIS CLAIM.

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	YES
2	How wide is the path?	AT LEAST 3 METRS.
3	During which years have you used it? (e.g. 1975-1995)	1972 - 2017
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	USE NORTH OR CAR PARK TO MIL SQ A PRIEST-POLDS VISITING COUNCIL OFFICE & ATTENDING MEETINGS AT SAME. - PLANNING - ETC COUNCIL MEETINGS (PUBLIC ACCESS) VAIRED FROM YEAR TO YEAR APPROX 6-8 TIMES. - FOOT & ALSO AS A FOOTPATH
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	YES THIS RIGHT OF WAY WAS CELEBRATED IN THE PAST (CHIEF HERALDY PERSON) & & THE PUBLIC WON!!

I HAVE IN THE DISTANCE PAST NEARBY
A CAR AROUND THIS AREA, BUT I HAVE
ALWAYS WALKED THIS ROUTE OVER MANY
YRS.

6 Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	NO
7 (a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	NO
8 Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? Is so, state when this took place and give particulars.	NO
9 Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	NO
10 Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	NO
11 Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	NO *SEE QUESTION NOS ANSWER
12 Have you ever been given permission to use the path?	NO
13 Can you give any further particulars?	NO
14 Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	*SEE QUESTION NOS ANSWER
15 Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	YES

To the best of my knowledge and belief the facts that I have stated are true.

Dated 24.03.2017

Signed [Signature]

Infrastructure Records
Local Services Group
Northumberland County Council
County Hall, Morpeth
Northumberland NE61 2EF

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: TYEDALE DISTRICT COUNCIL

Parish: HEXHAM

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)

FOOTPATH No. of path (if known)

IMPORTANT NOTE

The object of this form is simply to provide a factual statement about the matter. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is of particular importance if the information is to be of real value in establishing the status of the path. (The term "path" is used throughout this evidence form, whatever the status, i.e. footpath, bridleway, restricted byway or byway open to all traffic)

Name of witness NIGEL GRAY

Address 16 CRANESHAUGH CLOSE, HEXHAM

Postcode NE46 2PG

Date of birth 09-06-1952 Occupation RETIRED

Description of path (with grid references if known):

From AS SHOWN ON THE PLAN FOR THE PROSPECT HOUSE
to PATH WITH THIS CLAIM

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	YES
2	How wide is the path?	GOES ACROSS CAR PARK
3	During which years have you used it? (e.g. 1975-1995)	1958 - 2016 c
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	VIEWING USING VANTAGE POINT 6-10 FOOT
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	YES

6	Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	NO
7	(a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	NO
8	Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? If so, state when this took place and give particulars.	NO
9	Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	NO
10	Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	BARRIERS ERECTED CIRC 2016
11	Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	YES - WHEN BARRIERS ERECTED
12	Have you ever been given permission to use the path?	NO
13	Can you give any further particulars?	
14	Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	NO AWARE OF ANY
15	Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	YES

To the best of my knowledge and belief the facts that I have stated are true.

Dated 21-05-2017

Signed

N. Gray

PROSPECT HOUSE PATH

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: TYNEDALE

Parish: Hexham

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)
Footpath No. of path (if known) _____

IMPORTANT NOTE

The object of this form is simply to provide a factual statement about the matter. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is of particular importance if the information is to be of real value in establishing the status of the path. (The term "path" is used throughout this evidence form, whatever the status, i.e. footpath, bridleway, restricted byway or byway open to all traffic)

Name of witness Margaret Moffitt

Address 7 Monks Meadows
Hexham Postcode NE46 1LF

Date of birth 23-05-1935 Occupation Retired

Description of path (with grid references if known):
From Refer to plan of Prospect House Path
to with this claim.

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	<u>YES</u>
2	How wide is the path?	<u>at least 3 metres</u>
3	During which years have you used it? (e.g. 1975-1995)	<u>1995 - 2016</u>
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	<u>To the View point</u> <u>To show valley & explain</u> <u>history</u> <u>10 times</u> <u>on foot</u>
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	<u>Yes</u>

6	Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	No
7	(a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	No No
8	Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? If so, state when this took place and give particulars.	No
9	Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	No
10	Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	No
11	Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	No
12	Have you ever been given permission to use the path?	No
13	Can you give any further particulars?	I have walked this path & never been obstructed
14	Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	Not to my knowledge
15	Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	Yes

To the best of my knowledge and belief the facts that I have stated are true.

Dated 16-02-2017 Signed Mr. Moffett

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: TYNEDALE

Parish: HEXHAM

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)

FOOTPATH No. of path (if known) _____

IMPORTANT NOTE

The object of this form is simply to provide a factual statement about the matter. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is of particular importance if the information is to be of real value in establishing the status of the path. (The term "path" is used throughout this evidence form, whatever the status, i.e. footpath, bridleway, restricted byway or byway open to all traffic)

Name of witness MARTIN ROBINSON

Address COFFS BANK COTTAGE, HAYDON BRIDGE,
HEXHAM, NORTHUMBESLAND Postcode NE 47 6ND

Date of birth 26. 01. 1970 Occupation RETO. ENV. CONSULTANT.

Description of path (with grid references if known):

From AS SHOWN ON THE PLAN OF THE PROSPECT HOUSE
to PATH WITH THIS CLAIM

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	<u>YES</u>
2	How wide is the path?	<u>OVER 3M.</u>
3	During which years have you used it? (e.g. 1975-1995)	<u>1978 - 2016.</u>
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	<u>TYNEDALE DC + RECREATION WALK.</u> <u>PROFESSIONAL + RECREATIONAL.</u> <u>MORE THAN 12 TIMES.</u> <u>FOOT.</u>
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	<u>YES.</u>

6	Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	NO
7	(a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	YES - TUNSTALL DC 1974 - 1990 N/C
8	Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? If so, state when this took place and give particulars.	NO
9	Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	NO
10	Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	NO
11	Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	NO - IN FACT A PUBLIC INFO SIGN WAS ERECTED NEAR BATTLEMENTS VIEW POINT BY TUNSTALL DC.
12	Have you ever been given permission to use the path?	YES
13	Can you give any further particulars?	SIGN EMPLOYED BY TUNSTALL DC.
14	Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	NO
15	Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	NO

To the best of my knowledge and belief the facts that I have stated are true.

Dated 30.04.2017 Signed Mark E. Platt

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: TYNEDALE

Parish: HEXHAM

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)

FOOTPATH No. of path (if known) _____

IMPORTANT NOTE

The object of this form is simply to provide a factual statement about the matter. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is of particular importance if the information is to be of real value in establishing the status of the path. (The term "path" is used throughout this evidence form, whatever the status, i.e. footpath, bridleway, restricted byway or byway open to all traffic)

Name of witness Mr M Robson

Address 133 Hallstile Bank

Hexham Postcode NE46 3PA

Date of birth _____ Occupation Retired

Description of path (with grid references if known):

From Shannon Plan of Prospect House Path
to included with this claim

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	YES
2	How wide is the path?	Approx 3 1/2 ft
3	During which years have you used it? (e.g. 1975-1995)	1992 - 2017
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	To & from home walking dog & showing visitors around Approx 5 foot
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	YES

6 Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	NO
7 (a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	NO NO
8 Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? Is so, state when this took place and give particulars.	NO
9 Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	NO
10 Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	NO
11 Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	NO
12 Have you ever been given permission to use the path?	NO
13 Can you give any further particulars?	Nothing to obstruct you.
14 Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	Not as far as I am aware
15 Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	Yes

To the best of my knowledge and belief the facts that I have stated are true.

Dated 20/11/17 Signed [Signature]

Infrastructure Records
Local Services Group
Northumberland County Council
County Hall, Morpeth
Northumberland NE61 2EF

PROSPECT HOUSE PATH



PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: TYNEDALE COUNCIL

Parish: HEXHAM

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)

FOOTPATH No. of path (if known)

IMPORTANT NOTE

The object of this form is simply to provide a factual statement about the matter. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is of particular importance if the information is to be of real value in establishing the status of the path. (The term "path" is used throughout this evidence form, whatever the status, i.e. footpath, bridleway, restricted byway or byway open to all traffic)

Name of witness RICHARD SIMONS

Address 24 HACKWOOD PARK, HEXHAM, NORTHUMBERLAND

Postcode NE46 1AX

Date of birth 29/12/1946 Occupation RETIRED

Description of path (with grid references if known):

From AS SHOWN ON THE PLAN OF THE PROSPECT HOUSE

to PATH WITH THIS CLAIM

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	YES
2	How wide is the path?	AT LEAST 3 METRES WIDE GENERALLY. AT THE VIEWING AREA THE PATH SHOULD BE FROM THE CRENELATED RETAINING WALL TO THE HOUSE WALL. GROUPS FILL THIS AREA.
3	During which years have you used it? (e.g. 1975-1995)	1981 - 2016
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	TO THE REAR (CAR PARK AREA) OF PROSPECT HOUSE AND TO THE NORTHERN EDGE VIEWING POINT. - LEADING GUIDED WALKS TO THE LOCATION TO SHOW THE TYNE VALLEY VIEW, DETAILS OF HALLSTILE BANK BELOW, AND POINT OUT INTERESTING FEATURES ON PROSPECT HOUSE. - GENERALLY FROM 5 TO 8 TIMES A YEAR - FOOT
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	YES

6 Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	NO
7 (a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	NO NO
8 Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? Is so, state when this took place and give particulars.	NO
9 Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	NO
10 Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	NO LOCKED GATES, BUT SINCE OCTOBER/NOVEMBER A STEEL SECTION FENCE IN CONCRETE BLOCKS HAS BEEN ERECTED WHICH OBSTRUCTS THE PATH FROM THE REAR (CAR PARK AREA) OF PROSPECT HOUSE.
11 Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	NO, TO THE CONTRARY TYNEDALE COUNCIL IN 2002/3 ERECTED A LARGE VIEWING BOARD AT THE VIEWING POINT TO ASSIST VISITORS WITH INTERPRETING THE VIEW.
12 Have you ever been given permission to use the path?	NO
13 Can you give any further particulars?	I HAVE WALKED THIS PATH AND NEVER BEEN OBSTRUCTED UNTIL THE ERECTION OF THE FENCING NOTED IN 10TH 2016.
14 Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	NO
15 Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	YES

To the best of my knowledge and belief the facts that I have stated are true.

Dated 19th February 2017 Signed R. Simon

Infrastructure Records
Local Services Group
Northumberland County Council
County Hall, Morpeth
Northumberland NE61 2EF

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: TYNEDALE DISTRICT COUNCIL

Parish: HEXHAM

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)

FOOTPATH No. of path (if known) _____

IMPORTANT NOTE

The object of this form is simply to provide a factual statement about the matter. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is of particular importance if the information is to be of real value in establishing the status of the path. (The term "path" is used throughout this evidence form, whatever the status, i.e. footpath, bridleway, restricted byway or byway open to all traffic)

Name of witness KAREN TATMAN

Address 23 KENCOTES

HEXHAM Postcode NE46 2EQ

Date of birth 06/08/44 Occupation HOUSEWIFE

Description of path (with grid references if known):

From As shown on the plan for the PROSPECT
to HOUSE PATH with their claim

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	<u>YES</u>
2	How wide is the path?	<u>VERY - ACROSS CAR PARK</u>
3	During which years have you used it? (e.g. 1975-1995)	<u>1986 - 2016</u>
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	<u>a) TO VIEWPOINT AND INFORMATION BOARD b) HISTORIC VIEW WITH VISITORS c) 2 d) FOOT</u>
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	<u>YES</u>

6	Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	NO
7	(a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	NO
8	Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? Is so, state when this took place and give particulars.	NO
9	Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	NO
10	Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	YES - BARRIER ERECTED FOLLOWING SALE BY LOCAL COUNCIL. 2016
11	Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	YES PUT ON ABOVE BARRIER PRIVATE NO ENTRY
12	Have you ever been given permission to use the path?	NONE EVER REQUIRED
13	Can you give any further particulars?	CROSSES CAR PARK OWNED BY LOCAL COUNCIL
14	Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	NONE KNOWN
15	Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	YES

To the best of my knowledge and belief the facts that I have stated are true.

Dated 10/05/17

Signed [Signature]

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: TYNEDALE DISTRICT COUNCIL

Parish: HEXHAM

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)

OPEN ACCESS VIA CAR PARK No. of path (if known) _____

IMPORTANT NOTE

The object of this form is simply to provide a factual statement about the matter. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is of particular importance if the information is to be of real value in establishing the status of the path. (The term "path" is used throughout this evidence form, whatever the status, i.e. footpath, bridleway, restricted byway or byway open to all traffic)

Name of witness TIMOTHY CHRISTOPHER TATMAN

Address 23 HENCLOTES

HEXHAM Postcode NE46 2EQ

Date of birth 01/04/40 Occupation RETIRED

Description of path (with grid references if known):

From AS SHOWN ON THE PLAN OF THE PROSPECT
to HOUSE PATH SUBMITTED WITH THIS CLAIM

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	YES
2	How wide is the path?	VERY. ACROSS CAR PARK
3	During which years have you used it? (e.g. 1975-1995)	1986 - 2016
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	TO VIEW POINT SHOW HEXHAM TO VISITORS 2 FOOT
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	YES. SHOWN IN WALKING GUIDES TO HEXHAM

6	Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	NO
7	(a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	NO
8	Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? If so, state when this took place and give particulars.	NO
9	Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	NO
10	Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	NEVER UNTIL SALE BY LOCAL AUTHORITY
11	Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	SIGNS AND BARRIERS PUT UP AFTER SALE BY LOCAL AUTHORITY 2016 "PRIVATE PROPERTY - NO ACCESS"
12	Have you ever been given permission to use the path?	NONE NECESSARY OR SOUGHT
13	Can you give any further particulars?	INFORMATION BOARD AT VIEW POINT. PREVIOUS ACCESS VIA COUNCIL CARTAGE
14	Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	NONE KNOWN
15	Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	YES

To the best of my knowledge and belief the facts that I have stated are true.

Dated 09/02/2017 Signed 

Infrastructure Records
Local Services Group
Northumberland County Council
County Hall, Morpeth
Northumberland NE61 2BF

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: TYNEDALE

Parish: HEXHAM

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)

FOOTPATH No. of path (if known) _____

IMPORTANT NOTE

The object of this form is simply to provide a factual statement about the matter. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is of particular importance if the information is to be of real value in establishing the status of the path. (The term "path" is used throughout this evidence form, whatever the status, i.e. footpath, bridleway, restricted byway or byway open to all traffic)

Name of witness ANNE VENABLES

Address 57 HACKWOOD PARK, HEXHAM
Northumberland Postcode NE46 1AZ

Date of birth 19.02.1938 Occupation RETIRED

Description of path (with grid references if known):

From REFER TO MAP OF PROSPECT HOUSE PATH

to _____

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	YES
2	How wide is the path?	More than 3 metres.
3	During which years have you used it? (e.g. 1975-1995)	1995 - 2016.
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	To the view point. To show visitors the geography of the Tyne Valley & various points of interest. About 12 times with groups. ON FOOT
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	YES

6 Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	No.
7 (a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	No No.
8 Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? Is so, state when this took place and give particulars.	No.
9 Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	No.
10 Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	No.
11 Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	No.
12 Have you ever been given permission to use the path?	No.
13 Can you give any further particulars?	I have walked this path with interested groups with no obstructions.
14 Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	Not that I know of.
15 Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	Yes.

To the best of my knowledge and belief the facts that I have stated are true.

Dated 26.1.2017 Signed Juanne Venables.

Infrastructure Records
Local Services Group
Northumberland County Council
County Hall, Morpeth
Northumberland NE61 2EF

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: Tynedale District Council.

Parish: Hexham.

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)

Footpath No. of path (if known) _____

IMPORTANT NOTE

The object of this form is simply to provide a factual statement about the matter. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is of particular importance if the information is to be of real value in establishing the status of the path. (The term "path" is used throughout this evidence form, whatever the status, i.e. footpath, bridleway, restricted byway or byway open to all traffic)

Name of witness Paul Wharfedale

Address 27 Haslemoor Park

Hexham Postcode NE46 1AX

Date of birth 12.9.1945 Occupation Retired

Description of path (with grid references if known):

From As shown on the plan for the
to Proposed House path with its drains.

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	<u>Yes</u>
2	How wide is the path?	<u>0.63m.</u>
3	During which years have you used it? (e.g. 1975-1995)	<u>1991 to date of closure - 2013?</u>
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	<u>Hallgate to N.E. edge of spare leisure to look at information board installed by Council & public viewing area. Foot</u>
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	<u>Yes</u>

6	7	No.
8	(a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	No.
9	8	No. between the dates shown on P.I.
10	9	No
11	10	No between the dates shown on P.I.
12	11	No between the dates shown on P.I.
13	12	No
14	13	No
15	14	No to my knowledge
	15	Yes

To the best of my knowledge and belief the facts that I have stated are true.

Dated 23/2/17 Signed [Signature]

Infrastructure Records
Local Services Group
Northumberland County Council
County Hall, Morpeth
Northumberland NE61 2EF

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: TynesdaleParish: Askrham

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)

Footpath No. of path (if known)

IMPORTANT NOTE

The object of this form is simply to provide a factual statement about the matter. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is of particular importance if the information is to be of real value in establishing the status of the path. (The term "path" is used throughout this evidence form, whatever the status, i.e. footpath, bridleway, restricted byway or byway open to all traffic)

Name of witness HAZEL RICHARDSONAddress 1 GLADSTONE BUILDINGS, TEAROT ST, NORTH-SATTLEWELLS TDS 8PH PostcodeDate of birth Occupation Retired

Description of path (with grid references if known):

From As shown on the plan with this claim

to

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	Yes
2	How wide is the path?	At least 3 metres
3	During which years have you used it? (e.g. 1975-1995)	1999 - 2003
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	The council chamber + offices meetings. often Foot
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	I believe so

6	Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	No
7	(a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	No No
8	Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? Is so, state when this took place and give particulars.	No
9	Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	No
10	Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	No
11	Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	No
12	Have you ever been given permission to use the path?	No
13	Can you give any further particulars?	No
14	Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	Not that I'm aware of
15	Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	No

To the best of my knowledge and belief the facts that I have stated are true.

Dated 27-03-2017 Signed Hayel Reheal

Infrastructure Records
Local Services Group
Northumberland County Council
County Hall, Morpeth
Northumberland NE61 2EF

PROSPECT HOUSE PATH

19
UEF

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: TYNEDALE

Parish: HEXHAM

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)

FOOTPATH No. of path (if known) _____

IMPORTANT NOTE

The object of this form is simply to provide a factual statement about the matter. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is of particular importance if the information is to be of real value in establishing the status of the path. (The term "path" is used throughout this evidence form, whatever the status, i.e. footpath, bridleway, restricted byway or byway open to all traffic)

Name of witness CHARLOTTE COXON

Address S BISHOPTON WAY

HEXHAM Postcode NE46 2LR

Date of birth 3/1/48 Occupation RETIRED

Description of path (with grid references if known):

From As shown on the plan of the Prospect House
to path with this claim.

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	YES
2	How wide is the path?	At least 3 metres
3	During which years have you used it? (e.g. 1975-1995)	2005-2016
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	A) To the view point B) To explain the history of Hexham from Iron Age Fens to the present day C) About 10 times per year D) Foot
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	YES

6	Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	No
7	(a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	No No
8	Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? Is so, state when this took place and give particulars.	No
9	Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	No
10	Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	No
11	Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	No
12	Have you ever been given permission to use the path?	No
13	Can you give any further particulars?	This is an important place to tell visitors about our history
14	Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	No. Not to my knowledge
15	Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	YES

To the best of my knowledge and belief the facts that I have stated are true.

Dated 11/3/17 Signed [Signature]

Infrastructure Records
Local Services Group
Northumberland County Council
County Hall, Morpeth
Northumberland NE61 2EF

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: Tynedale District Council

Parish: Hexham

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)
Footpath No. of path (if known) no number

- IMPORTANT NOTE

The object of this form is simply to provide a factual statement about the matter. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is of particular importance if the information is to be of real value in establishing the status of the path. (The term "path" is used throughout this evidence form, whatever the status, i.e. footpath, bridleway, restricted byway or byway open to all traffic)

Name of witness WENDY BREACH

Address BRIDGE HOUSE, HEXHAM

Postcode NE46 3DE

Date of birth 1st AUG 1952 Occupation B & B owner

Description of path (with grid references if known):

From in front of Hall Bank Guest House
to Hallstile Bank as shown on the plan of the Prospect House path with this claim.

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	Yes
2	How wide is the path?	Quite wide since it skirts the the car park to the rear of the Prospect House
3	During which years have you used it? (e.g. 1975-1995)	2008 - 2016
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	to access the viewpoint above Hallstile Bank to enjoy the view 50 Foot
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	Since I have lived in Hexham (2008) it has not been possible to access the steps down to Hallstile Bank as the footpath is degraded here.

6	Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	There is a gate which leads on to Hallstile Bank
7	(a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	No.
8	Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? Is so, state when this took place and give particulars.	No - it has the land has been in full use as an NCC employee car park until 2016.
9	Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	No
10	Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	The gates at the top and bottom of the path are locked / not operable
11	Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	Since 2016, the way into the footpath has been barred by galvanised steel construction-site barriers.
12	Have you ever been given permission to use the path?	It was NCC land until recently, so no permission needed.
13	Can you give any further particulars?	Prospect House has been sold, and since then, access to the rear of the House has not been possible.
14	Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	Not that I am aware,
15	Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	Yes

To the best of my knowledge and belief the facts that I have stated are true.

Dated 23 February 2017 Signed Wendy Breach

PUBLIC RIGHTS OF WAY

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

EVIDENCE FORM

Former Borough/District: TYNEDALE

Parish: HEXHAM

Believed status of path (i.e. footpath, bridleway, restricted byway or byway open to all traffic)
FOOTPATH No. of path (if known)

IMPORTANT NOTE

The object of this form is simply to provide a factual statement about the matter. Witnesses are therefore asked to answer the questions as fully as possible and not to keep back any information, whether for or against the public claim. This is of particular importance if the information is to be of real value in establishing the status of the path. (The term "path" is used throughout this evidence form, whatever the status, i.e. footpath, bridleway, restricted byway or byway open to all traffic)

Name of witness Graeme Logan

Address 19 Pleasant View, Medonley, Consett,
Co. Durham. Postcode DHP 6RE

Date of birth 1/10/1950 Occupation TOUR GUIDE P/T.

Description of path (with grid references if known):

From Refer to plan of Prospect House Path.

to with this claim.

If necessary continue your answers on an additional sheet of paper.

1	Have you used the above path?	<u>YES</u>
2	How wide is the path?	<u>3 metres →</u>
3	During which years have you used it? (e.g. 1975-1995)	<u>2011 - 2016</u>
4	(a) Where were you going to and from? (b) For what purpose? (c) How many times a year? (Please give an approx. number) (d) By what means (foot, horseback, etc.)?	<u>To the View Point</u> <u>Guided Walk to observe</u> <u>panorama</u> <u>5 times</u> <u>on foot</u>
5	Has the path always run over the same route? If not give particulars and dates of any changes which have occurred.	<u>Yes</u>

6	Have there to your knowledge ever been any stiles or gates on the path? If so, please state location and dates	No
7	(a) If you were working for any owner or occupier of land crossed by the path at the time when you used it, or were then a tenant of any such owner, give the particulars and dates. (If not, write "No"). (b) If so, did you ever receive any instructions from him/her as to the use of the path by the public. If so what were they?	No No
8	Have you ever been stopped or turned back when using this path, or do you know or have you heard of anyone else being turned back? If so, state when this took place and give particulars.	No
9	Were you ever told by any owner or tenant of the land crossed by the path, or by anyone in their employment, that the path was not public? If so, state when and give particulars and dates.	No
10	Have you ever known any locked gates or other obstruction to the path? If so state when and give particulars.	No
11	Have you ever seen any notices such as "Private", "No Road", "No Thoroughfare" or "Trespassers will be Prosecuted", on or near the path? If so, what did the notices say? Please give dates.	No
12	Have you ever been given permission to use the path?	No
13	Can you give any further particulars?	I have never been obstructed
14	Have legal or other proceedings been taken about the path at any time? If so, full details should be given.	Not to my knowledge
15	Would you be willing to attend a hearing, public inquiry or court to give evidence in this matter, if this should prove to be necessary?	Yes

To the best of my knowledge and belief the facts that I have stated are true.

Dated 23 / 2 / 17 Signed G. Lopez

DOCUMENT 4

Summary of Prospect House Path Evidence Forms Covering, in Alphabetical Surname Order, Evidence on the Number of Years since the Path was First Walked, Dates of Walking, Annual Walking Frequency and Path Width Estimates

<u>NAME</u>	<u>DATES of WALKING</u>	<u>APPROXIMATE ANNUAL WALKING FREQUENCY</u> (Unless otherwise stated)
<u>20 YEARS AGO or MORE</u>		
A. Atkinson	1984-2014 approx.	Once or twice
C. Atkinson	1984-2014	Once or twice
R. Bowyer	1995 to 2003	One or two times used path to steps to Hallstile Bank.
P. Caris	1984-2016	6 to 8 times
C. N. Dallison	1980's to 1990's	20
D. DeStefano	1990- sale of (Prospect House) land	Several
J. M. DeStefano	1992-2016	Several
E. Elliott	1972-2017	At least a dozen times
N.Gray	1958-2016	6 to 10
M. Moffitt	1995-2016	10 times
M. Robinson	1974-2016	More than 12 times
L.Robson	1992-2017	Approx. 5
R. Simons	1981-2016	Generally from 5 to 8 times
K. Tatman	1986-2016	2
T. C. Tatman	1986-2016	2
A. Venables	1995-2016	12 times
P. Wharrier	1991-2015?	6
<u>15 UP to 20 YEARS AGO</u>		
H. Richardson	1999-2003	Often
<u>10 UP to 15 YEARS AGO</u>		
C. Coxon	2005-2016	10 times
<u>5 UP to 10 YEARS AGO</u>		
W. Breach	2008-2016	50
G. Logan	2011-2016	5 times

- PATH WIDTH ESTIMATES** - UP TO 3 METRES – 2
 - 3 METRES OR MORE – 18
 - "Goes across car park" – 1

LIST OF DOCUMENTS ASSOCIATED WITH THE PROSPECT HOUSE PATH BEING CLAIMED AS A PUBLIC RIGHT OF WAY

1. THE APPROACH TO THE EVIDENCE SUPPORTING THIS CLAIM WHICH IS PARTLY RELATED JUST TO THE PROSPECT HOUSE PATH AND PARTLY TO EVIDENCE IN COMMON WITH THE BANK HEAD PUBLIC RIGHT OF WAY CLAIM BEING ALSO PURSUED IN PARALLEL BY HEXHAM CIVIC SOCIETY.
2. PLAN OF THE PROSPECT HOUSE RIGHT OF WAY BEING CLAIMED AND ITS ADOPTED HIGHWAY AND AERIAL PHOTOGRAPH CONTEXT
3. THE ORIGINAL COMPLETED USER EVIDENCE FORMS FOR THE PROSPECT HOUSE RIGHT OF WAY BEING CLAIMED
4. SUMMARY OF USER EVIDENCE FORMS FOR THE PROSPECT HOUSE RIGHT OF WAY BEING CLAIMED
5. "MAPPING CONTINUITY OF TWO ENDED BANK HEAD ROAD / RIGHT OF ACCESS SINCE 1826" INCLUDING:-

1826 Woods Map of Hexham
1860 OS First Edition
1865 OS 6" England and Wales
1924 OS 6" England and Wales
1952 OS 6" England and Wales

6. THE FIVE HEXHAM VISITORS' WALK GUIDES WHICH INCLUDE BOTH THE BANK HEAD FOOTPATH (PAST THE OLD GRAMMAR SCHOOL) AND PROSPECT HOUSE FOOTPATH AND COMMENTS:-

- 1974, an extract from "Hexham A Visitors' Guide", a copyright publication of Hexham Civic Society, 30p.
- 1981, an extract from "Hexham A Visitors' Guide", a copyright publication of Hexham Civic Society, unpriced.
- April 1992 (Dated in pen when first issued) "A Walk Around Hexham", published by Tynedale Council in conjunction with Hexham Town Council, 30p.
- 2001, "A Walk around Hexham", a copyright publication of Tom Corfe with a revised text, 50p.
- Published from 2003, an extract from "A Walk Back in Time A Guide to Hexham by John Chapman", unpriced.
- Commenting on the above there is:-
"Evidence from five Hexham walk guides, supporting the public right of way status of footpaths at Bank Head and Prospect House, Hexham"

DOCUMENT 1

PROSPECT HOUSE FOOTPATH CLAIM

1. THE APPROACH TO THE EVIDENCE SUPPORTING THIS CLAIM WHICH IS PARTLY RELATED JUST TO THE PROSPECT HOUSE PATH AND PARTLY TO EVIDENCE IN COMMON WITH THE BANK HEAD PUBLIC RIGHT OF WAY CLAIM BEING ALSO PURSUED BY HEXHAM CIVIC SOCIETY.

As the above heading indicates, Hexham Civic Society is simultaneously claiming as public rights of way two closely related footpaths, one at Prospect House and one at Bank Head, on the eastern edge of Hexham town centre.

The details in plan form of the Prospect House path being claimed and its context are in Document 2 of this claim and the details of the Bank Head path being claimed and its context are attached to this part (Document 1) of the Prospect House claim.

Part of the evidence for this Prospect House path claim relates solely to Prospect House path data. This is that which arises from the completed "UEF" evidence forms forwarded by individual witnesses who have used this path in the past. However, there is also a wide base of evidence for the claiming of this path, which is linked to common ground and recent usage and history shared by the Prospect House and Bank Head paths.

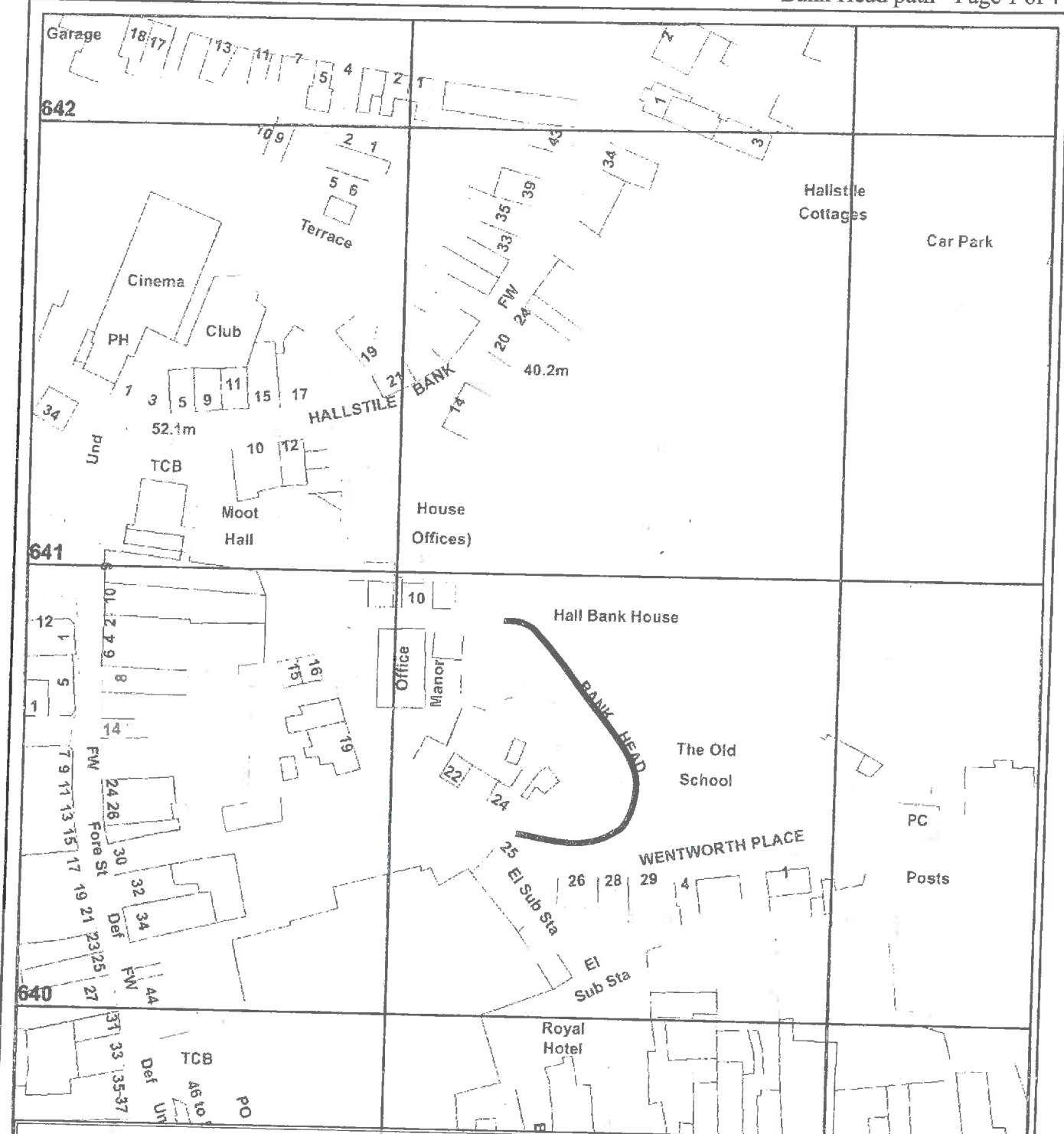
First of all, it appears material that both the Prospect House claim and the Bank Head claim literally have common ground. Hence, both paths share the same link of claimed path from the eastern end of the adopted highway between Prospect House and the Old Gaol (Manor Office) to the point where the paths diverge. So the paths overlap and are physically linked,

Secondly, and fundamentally since 1974, when Hexham Civic Society published what appears to be the first walking guide for Hexham town centre, the sequential linkage between these paths has been clearly established. All the subsequent written guides by all parties (which are detailed in this claim) have confirmed this same close and sequential relationship between the two paths, a relationship which was, from the 1980's onwards, repeated by actual guided walks (which are also detailed in the claim). Hence, walkers are directed to the southern end of the Bank Head path where the iconic Old Grammar School (granted by a charter of Queen Elizabeth First of 1599) is located. From here the walkers are directed to walk northwards, through what was until late 2016 a delightful "backwater" area, to Prospect House. The idiosyncratic house, which was enlarged in the late Victorian period, and the outstanding Prospect of the wider Tyne valley, which can be viewed from here, are of real interest to most visitors. In addition, and last but not least, both paths have their own public notices explaining features of most interest, the Old Grammar School on Bank Head and the Prospect at Prospect House.

In conclusion, it is considered that these two paths stand together physically and in their operation and significance. Thus, any consideration of these paths in the context of these rights of way claims should take account of this fact.

DOCUMENT 1

There appears both individual and joint evidence that is relevant in the consideration of the claims of these rights of way.



Bank Head path
8 Jan 2017

NORTHUMBERLAND
Northumberland County Council

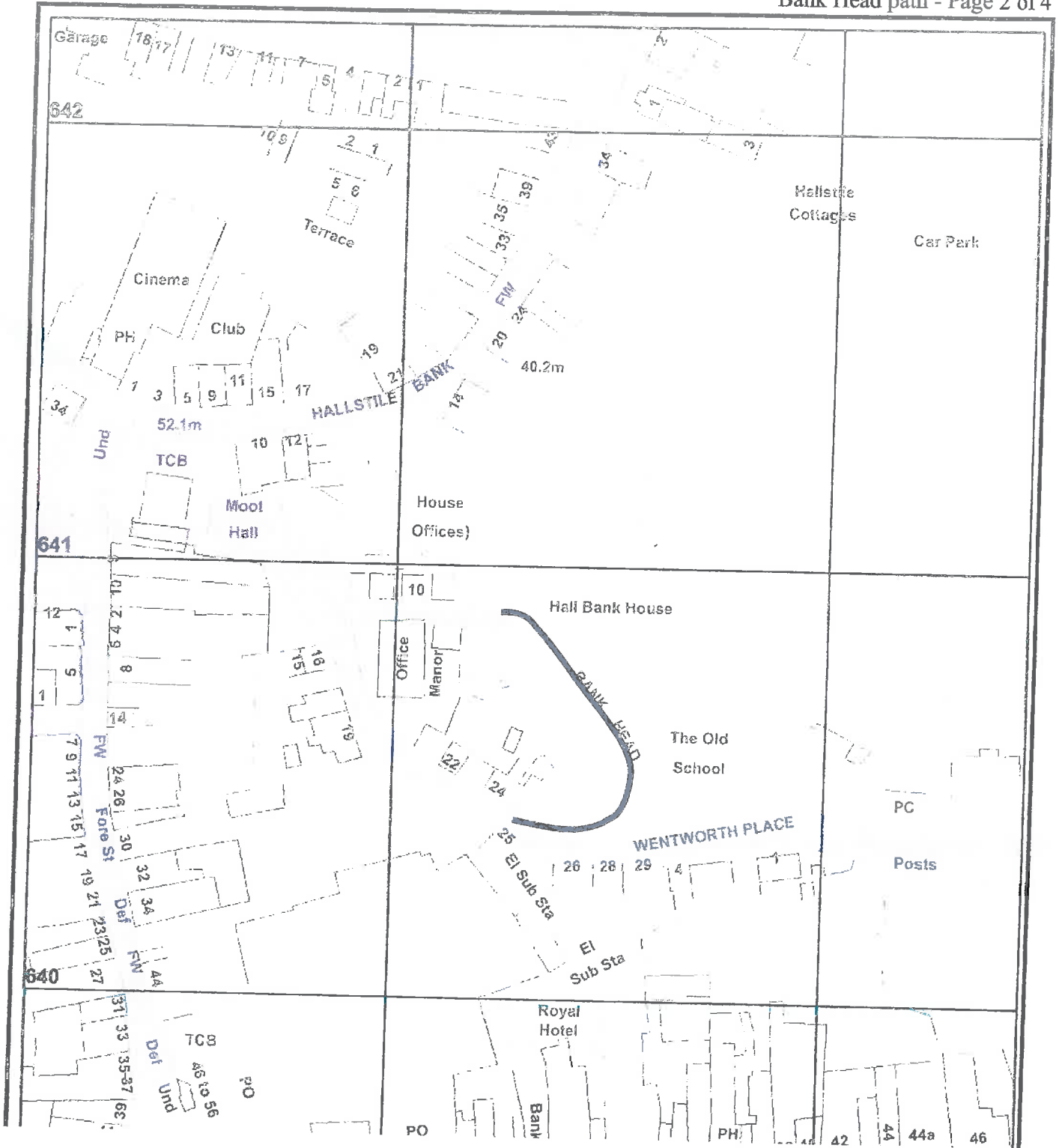
Wildlife & Countryside Act, 1981

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

————— Claimed Public Right of Way

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Former District	Tynedale	Parish	Hexham	Scale	1:1250
Def. Map. No.	208	O.S. Map	NY 96 SW	Date	October 2016

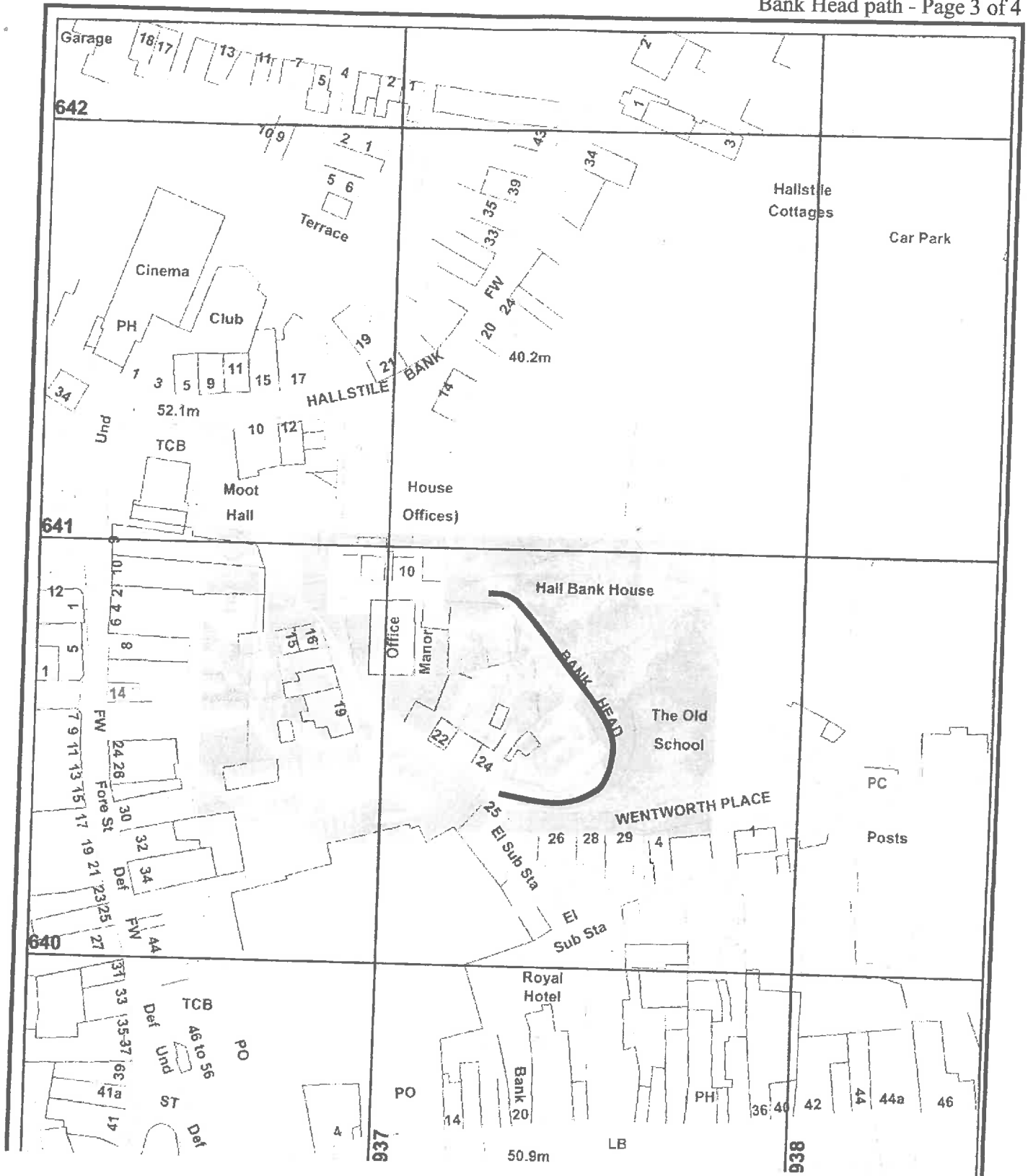


Overlay: NCC Adopted Highways - Recorded Extent

This shows the approximate (allowing for mapping variances) recorded extent of NCC Adopted Highways and Maintainable Highways using map copied from the NCC website

<http://map.northumberland.gov.uk/adoptedHighways/>

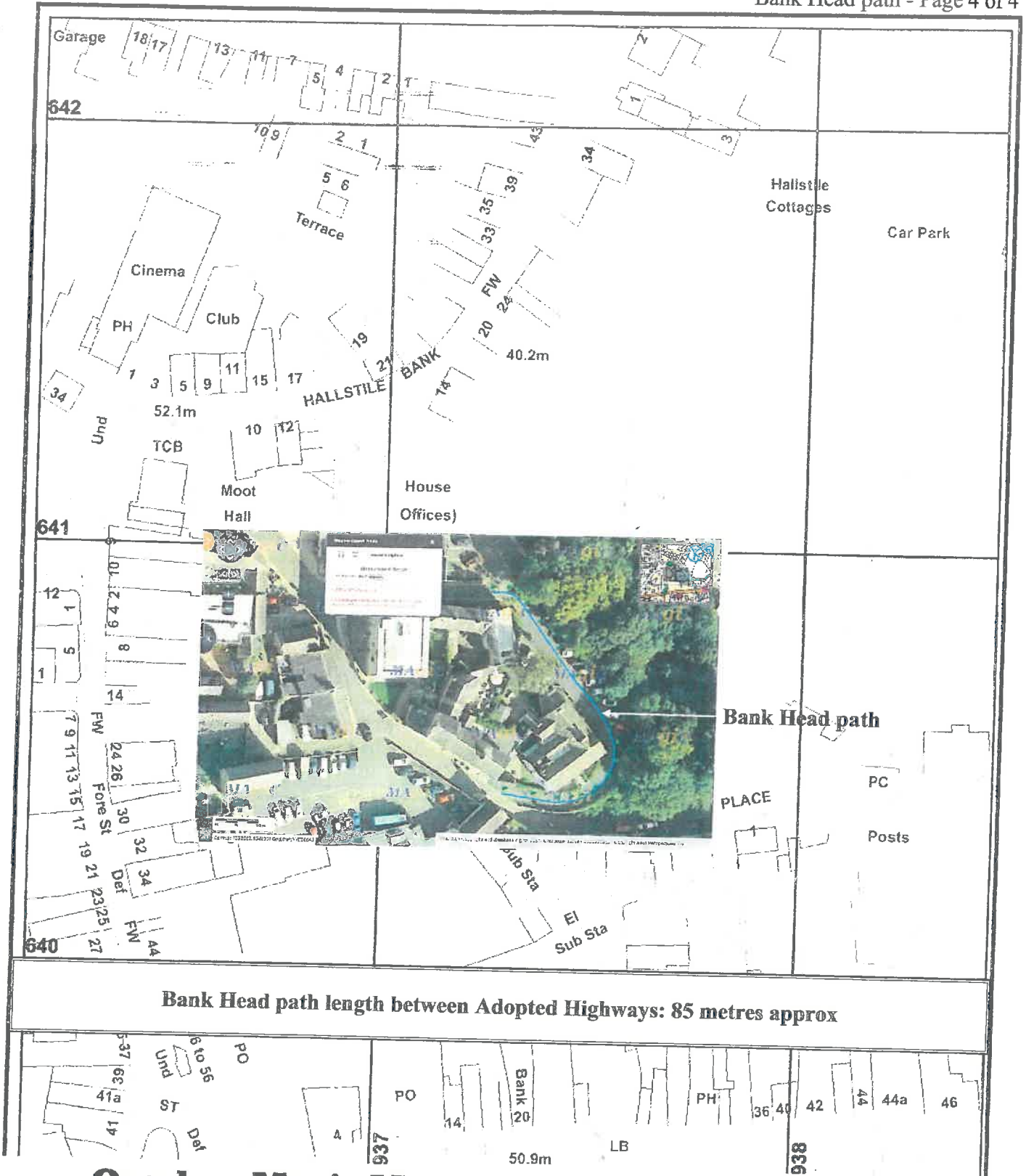
8 Jan 2017



Overlay: Magic Map - semi-transparent Aerial View

This shows the approximate (allowing for oblique tilt) aerial view of the car parking and access routes using map copied from the Defra website <http://magic.defra.gov.uk/MagicMap.aspx>

8 Jan 2017



Bank Head path length between Adopted Highways: 85 metres approx

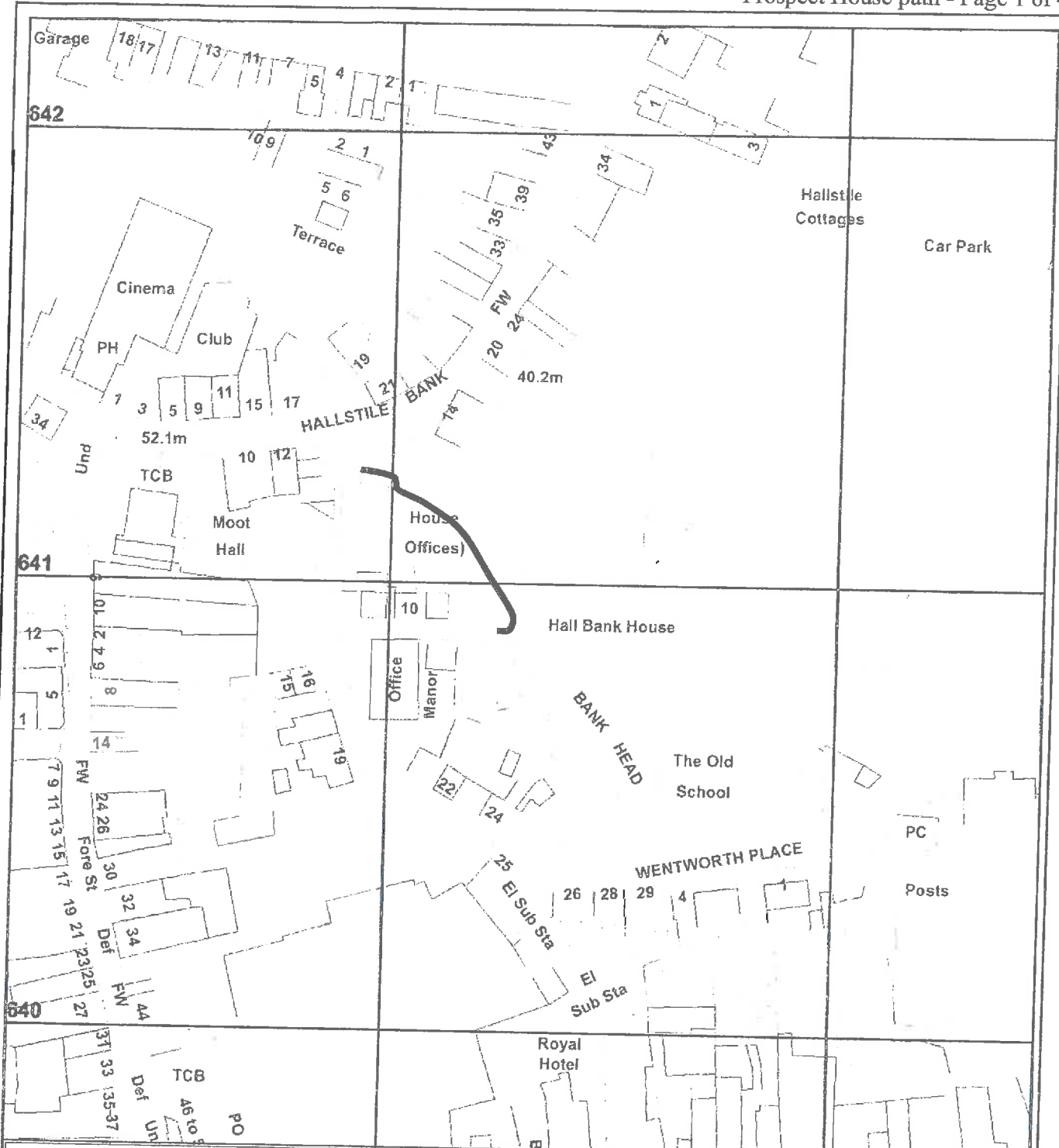
Overlay: Magic Map - Aerial View photograph

This shows the detailed aerial view of the roads and car parking. The claimed public access route is shown as the blue line with green flags - these start & finish at the NCC Recorded Extent of Adopted Highway.

Using aerial view map copied from the Defra website

<http://magic.defra.gov.uk/MagicMap.aspx>

8 Jan 2017



Prospect House path
8 Jan 2017

Northumberland
Northumberland County Council

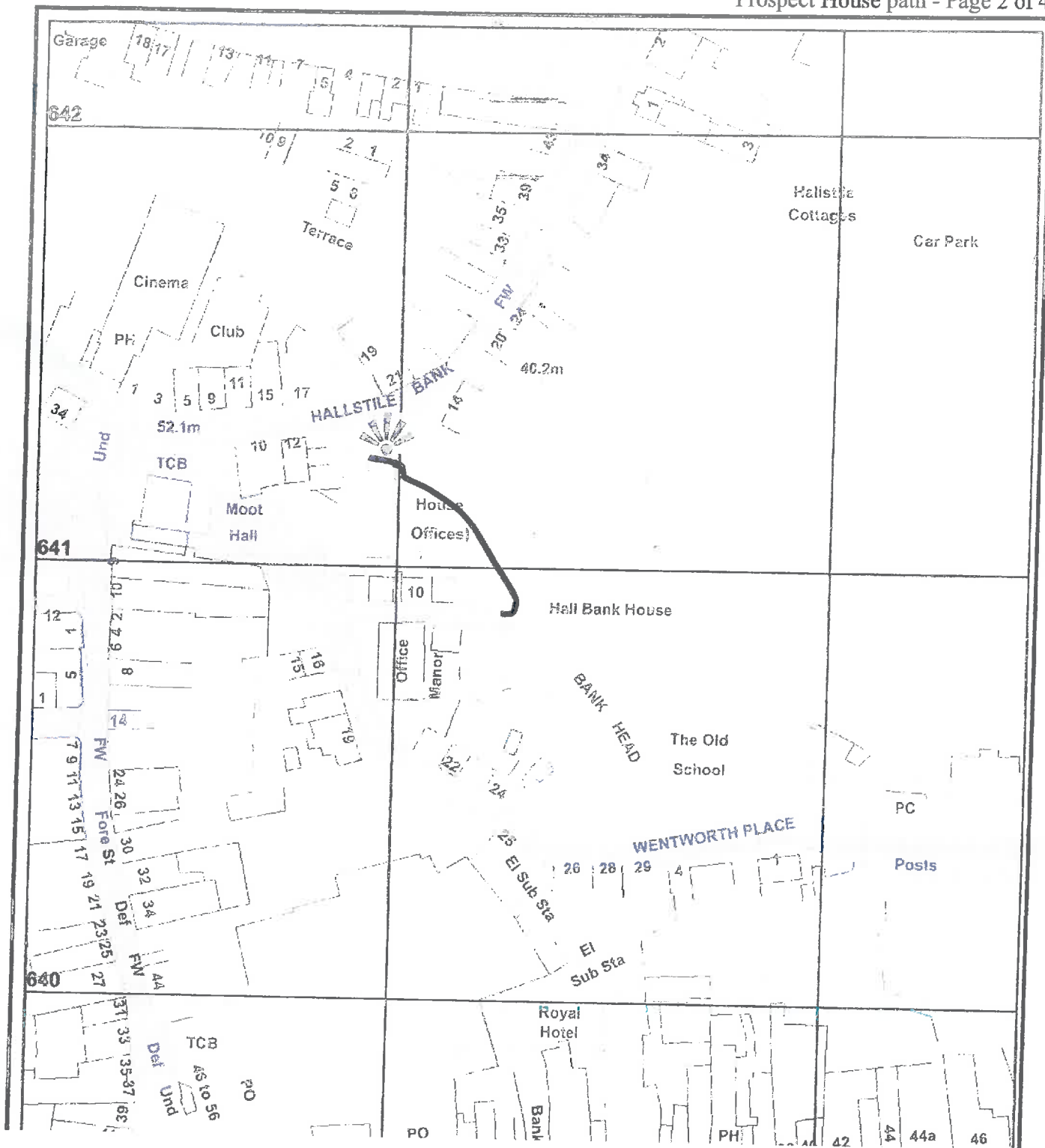
Wildlife & Countryside Act, 1981

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

Claimed Public Right of Way

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Former District	Tynedale	Parish	Hexham	Scale	1:1250
Def. Map. No.	208	O.S. Map	NY 96 SW	Date	October 2016

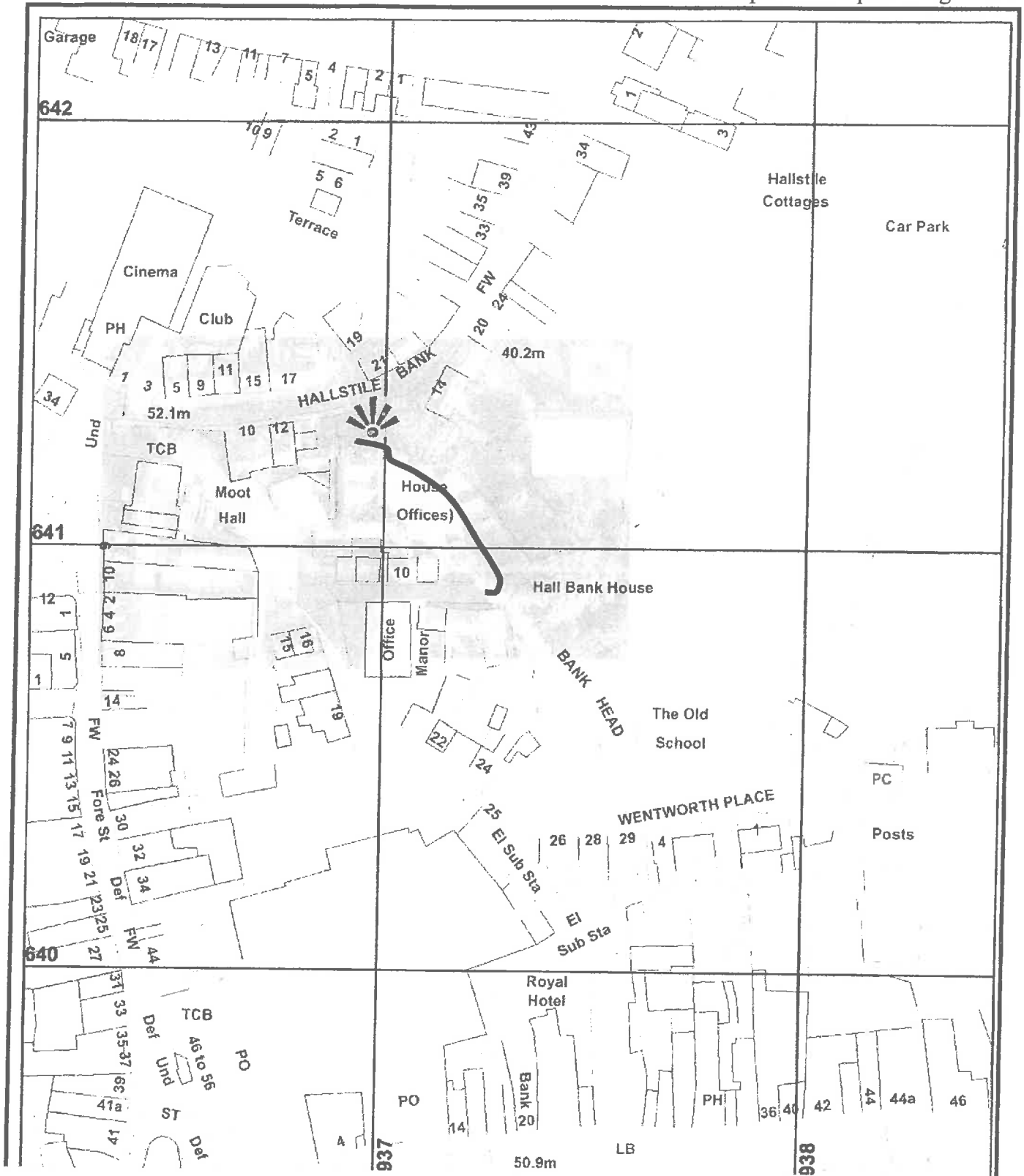


Overlay: NCC Adopted Highways - Recorded Extent

This shows the approximate (allowing for mapping variances) recorded extent of NCC Adopted Highways and Maintainable Highways using map copied from the NCC website

<http://map.northumberland.gov.uk/adoptedHighways/>

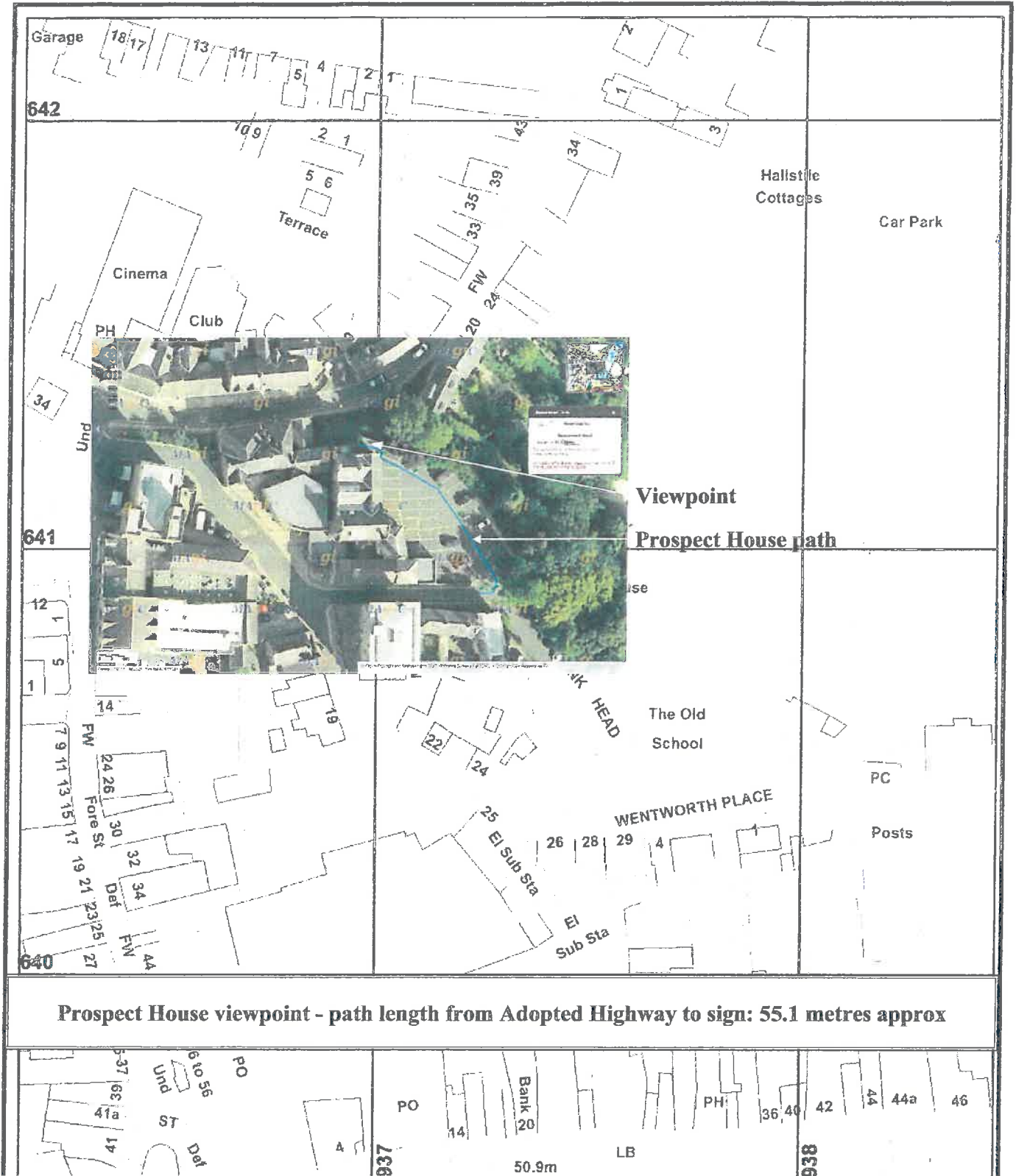
8 Jan 2017



Overlay: Magic Map - semi-transparent Aerial View

This shows the approximate (allowing for oblique tilt) aerial view of the car parking and access routes using map copied from the Defra website <http://magic.defra.gov.uk/MagicMap.aspx>

8 Jan 2017



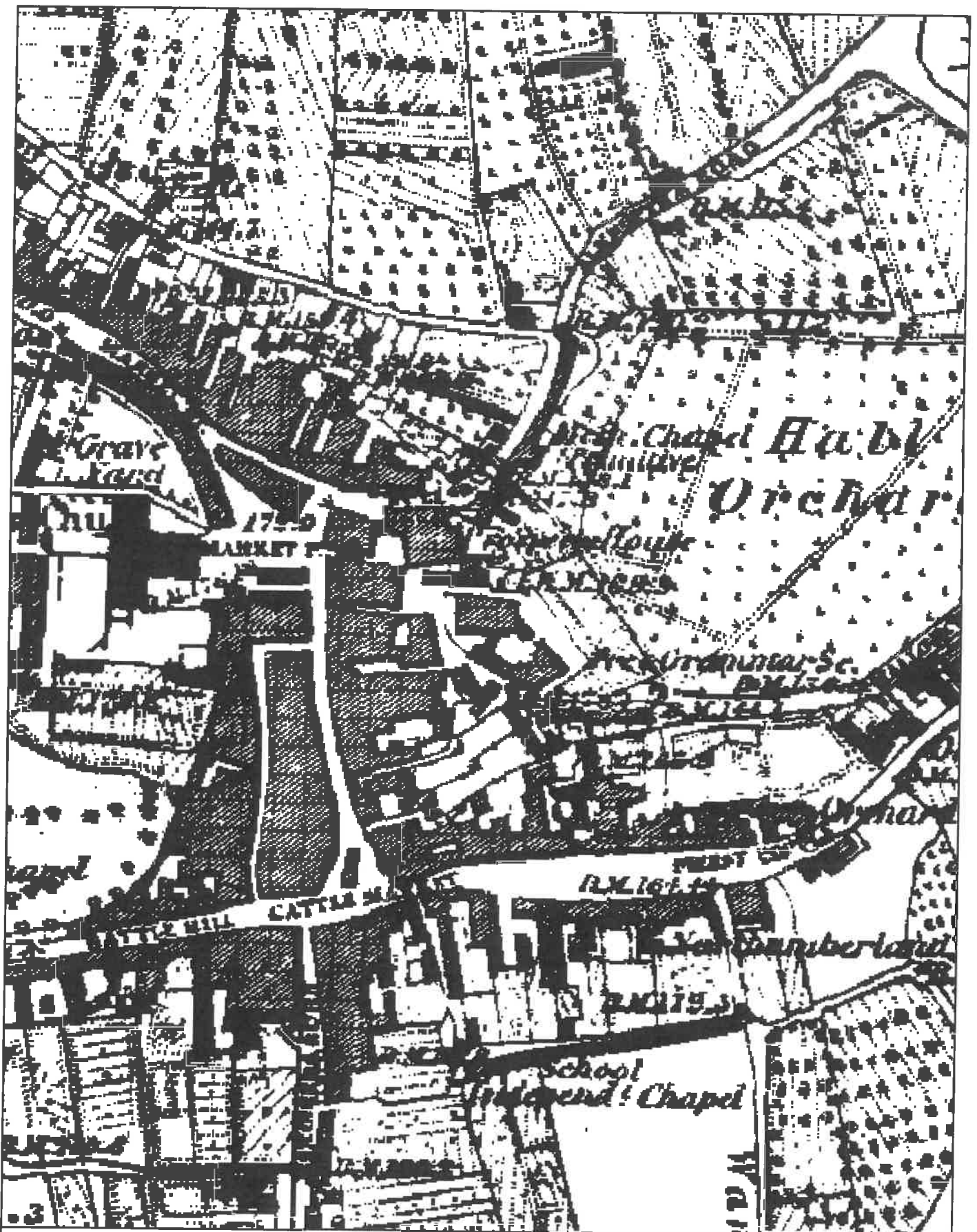
Overlay: Magic Map - Aerial View photograph

This shows the detailed aerial view of the roads and car parking. The claimed public access route is shown as the blue line with green flags - this starts at the NCC Recorded Extent of Adopted Highway.

Using aerial view map copied from the Defra website

<http://magic.defra.gov.uk/MagicMap.aspx>

8 Jan 2017



Northumberland
County Council

1st Edition O.S. Plan 1865

Contact: John McErlane
Tel: 01670 624136
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Scale: 1:2,500

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 Northumberland
 County Council

1st Edition O.S. Plan 1898

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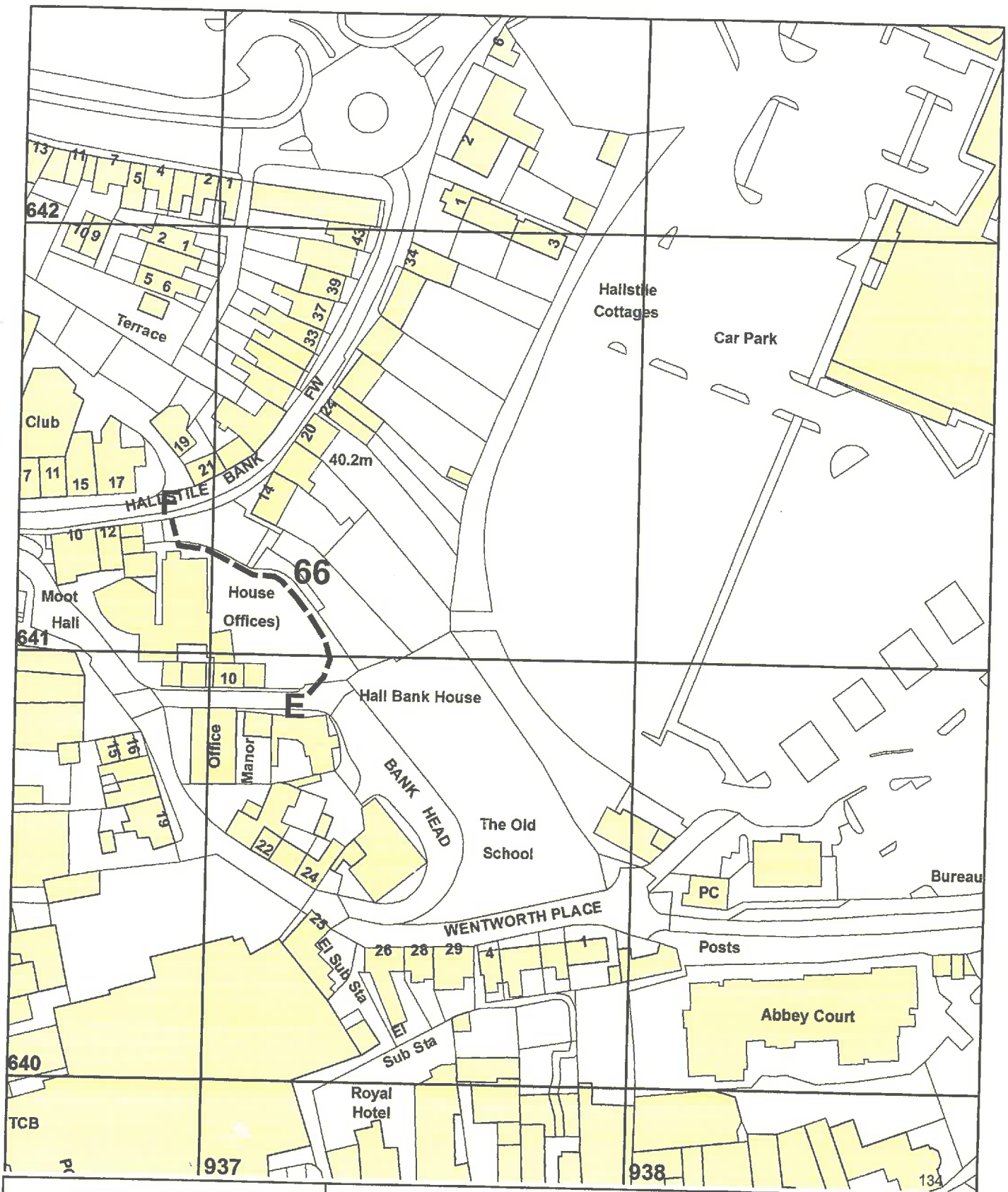

 Northumberland
 County Council

1st Edition O.S. Plan 1924

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NORTHUMBERLAND

Northumberland County Council

Infrastructure Records
Local Services

County Hall Morpeth Northumberland
NE61 2EF
Telephone 0845 600 6400

Wildlife and Countryside Act 1981 Public Rights of Way

----- Alleged Public Footpath

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Former District(s) Tynedale	Parish(es) Hexham	Scale 1:1250
Def. Map No. 208	O.S. Map NY 96 SW	Date March 2018