



Northumberland

County Council

Your ref:

Our ref:

Enquiries to: Rebecca Little

Email: Rebecca.Little@northumberland.gov.uk

Tel direct: 01670 622611

Date: Tuesday, 20 February 2024

Dear Sir or Madam,

Your attendance is requested at a meeting of the **RIGHTS OF WAY COMMITTEE** to be held in **CONFERENCE ROOM 2, COUNTY HALL, MORPETH** on **WEDNESDAY, 28 FEBRUARY 2024** at **10.30 AM**.

Yours faithfully

Dr Helen Paterson
Chief Executive

To Rights of Way Committee members as follows:-

L Bowman, A Dale, J Foster, C Hardy, JI Hutchinson (Chair), A Sharp, M Swinbank, D Towns and A Wallace (Vice-Chair)



Dr Helen Paterson, Chief Executive
County Hall, Morpeth, Northumberland, NE61 2EF
T: 0345 600 6400
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AGENDA

PART I

It is expected that the matters included in this part of the agenda will be dealt with in public.

1. APOLOGIES FOR ABSENCE

2. MINUTES

(Pages 1
- 4)

The minutes of the Rights of Way Committee meeting held on Wednesday, 20 December 2023, as circulated, to be agreed as a true record and be signed by the Chair.

3. DISCLOSURE OF MEMBERS' INTERESTS

Unless already entered in the Council's Register of Members' interests, members are required where a matter arises at a meeting;

- a. Which **directly relates to** Disclosable Pecuniary Interest ('DPI') as set out in Appendix B, Table 1 of the Code of Conduct, to disclose the interest, not participate in any discussion or vote and not to remain in room. Where members have a DPI or if the matter concerns an executive function and is being considered by a Cabinet Member with a DPI they must notify the Monitoring Officer and arrange for somebody else to deal with the matter.
- b. Which **directly relates to** the financial interest or well being of a Other Registrable Interest as set out in Appendix B, Table 2 of the Code of Conduct to disclose the interest and only speak on the matter if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain the room.
- c. Which **directly relates to** their financial interest or well-being (and is not DPI) or the financial well being of a relative or close associate, to declare the interest and members may only speak on the matter if members of the public are also allowed to speak. Otherwise, the member must not take part in discussion or vote on the matter and must leave the room.
- d. Which **affects** the financial well-being of the member, a relative or close associate or a body included under the Other Registrable Interests column in Table 2, to disclose the interest and apply the test set out at paragraph 9 of Appendix B before deciding whether they may remain in the meeting.
- e. Where Members have or a Cabinet Member has an Other

Registerable Interest or Non Registerable Interest in a matter being considered in exercise of their executive function, they must notify the Monitoring Officer and arrange for somebody else to deal with it.

NB Any member needing clarification must contact monitoringofficer@northumberland.gov.uk. Members are referred to the Code of Conduct which contains the matters above in full. Please refer to the guidance on disclosures at the rear of this agenda letter.

4. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY DELETION OF EXISTING PUBLIC FOOTPATHS Nos 4 & 5 MORPETH TOWN (Pages 5 - 100)

The Rights of Way Committee is asked to consider all the relevant evidence gathered in support and in rebuttal of the non-existence of public footpath rights over parts of existing Public Footpaths Nos 4 and 5, through Quarry Woods, Morpeth.

5. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY DELETION OF PART OF THE U6112 ROAD FROM LIST OF STREETS MORPETH TOWN (Pages 101 - 184)

The Rights of Way Committee is asked to consider all the relevant evidence gathered in support and in rebuttal of the non-existence of public highway rights over a route (which includes part of the U6112 road) between the B1337 (Whorral Bank) and the western end of existing Public Footpath No 5, at a bridge over the River Wansbeck, at Morpeth.

6. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAY OPEN TO ALL TRAFFIC No 29 PARISH OF BRINKBURN (Pages 185 - 220)

The Rights of Way Committee is asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over the U4041 road, between the B6344 road, and the C188 road, via Cockshot.

7. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY ALLEGED BYWAY OPEN TO ALL TRAFFIC No 32 PARISH OF BRINKBURN (Pages 221 - 264)

In this report, the Rights of Way Committee is asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over the U4049 Road, between the B6344 Road,

and a point 80 metres west of Healey Farm.

8. URGENT BUSINESS (IF ANY)

To consider such other business as, in the opinion of the Chairman, should, by reason of special circumstances, be considered as a matter of urgency.

IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:

- Declare it and give details of its nature before the matter is discussed or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

| | | | |
|---|--|--------------------------------|-------------------------------|
| Name: | | Date of meeting: | |
| Meeting: | | | |
| Item to which your interest relates: | | | |
| | | | |
| Nature of Interest i.e. either disclosable pecuniary interest (as defined by Table 1 of Appendix B to the Code of Conduct, Other Registerable Interest or Non-Registerable Interest (as defined by Appendix B to Code of Conduct) (please give details): | | | |
| | | | |
| Are you intending to withdraw from the meeting? | | Yes - <input type="checkbox"/> | No - <input type="checkbox"/> |
| | | | |

Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
- a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well- being:
- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

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NORTHUMBERLAND COUNTY COUNCIL

RIGHTS OF WAY COMMITTEE

At the meeting of the **Rights of Way Committee** held at Conference Room 1 - County Hall on Wednesday, 20 December 2023 at 10.00 am.

PRESENT

Jl Hutchinson (Chair)
(in the Chair)

MEMBERS

L Bowman
C Hardy
M Swinbank

A Dale
A Sharp

OFFICERS

A Bell
M Bulman
H Lamb
R Little

Definitive Map Officer
Solicitor
Principal Rights of Way & Records Officer
Assistant Democratic Services Officer

12 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Foster, Towns and Wallace.

13 MINUTES OF PREVIOUS MEETING

Councillor Swinbank noted that on minute two, both Councillors Swinbank and Towns declared an interest in item 8 of the agenda and not 9.

RESOLVED that the minutes of the meeting of the Rights of Way Committee held on Wednesday, 25 October 2023, as circulated, were confirmed as a true record, and were signed by the Chair.

14 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
ALLEGED RESTRICTED BYWAY No 29
PARISH OF BLANCHAND**

A. Bell - Definitive Map and Search Officer, introduced the report with the aid of a PowerPoint presentation and members were asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of higher rights over the route of existing Public Footpath No 29, from the southern end of existing Byway Open to All Traffic No 80 in the Parish of Hexham shire, at the edge of Slaley Forest, in a south-easterly direction across Blanchland Moor to join existing Byway Open to All Traffic No 26, north of Pennypie House.

Following the report, members were invited to ask the Definitive Map and Search Officer questions, which the following information was then provided:

- New evidence was provided by the applicant to justify the latest application.
- The new Greenwood and Chapman maps gave significant evidence.

Councillor Hardy proposed to accept the officer's recommendation, this was seconded by Councillor Sharp.

A vote was taken and was unanimous.

RESOLVED that:

- i. There was sufficient evidence to indicate that, on a balance of probability, public vehicular rights had been shown to exist over the route C-D;
- ii. That the public's motor vehicular rights over the route appeared to have been extinguished by virtue of s67 of the NERC Act 2006
- iii. The route to be included in a future Definitive Map Modification Order to upgrade the existing public footpath to restricted byways status.

15 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
ALLEGED PUBLIC BRIDLEWAYS Nos 33 & 42
PARISHES OF BRINKBURN & ROTHBURY**

A. Bell - Definitive Map and Search Officer, introduced the report with the aid of a PowerPoint presentation, and asked committee members to consider all the relevant evidence gathered in support and in rebuttal of the existence of public bridleway rights over a route from the eastern end of the U4066 road north-west of Wagtail Farm, in a general south-easterly direction to join the northern end of the U4038 road at Brinkburn Station.

Following the report, members were invited to ask the Definitive Map and Search Officer questions, which the following information was then provided:

- Members were reminded that they had to base their decision on the evidence provided in the report.
- There was some ambiguity in relation to the lawfulness of the gates.

Councillor Hardy proposed to accept the officer's recommendation, this was seconded by Councillor Swinbank

A vote was taken and was unanimous.

RESOLVED that there was sufficient evidence to indicate that public bridleway rights had been reasonably alleged to exist over the route V₁-V-W-X and that route be included in a future Definitive Map Modification Order.

Councillor Dale left the meeting at this point.

16 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
ALLEGED BYWAY OPEN TO ALL TRAFFIC No 40
PARISH OF ROTHBURY**

A. Bell - Definitive Map and Search Officer, introduced the report with the aid of a PowerPoint presentation, and asked committee members to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over the U4066 road, from the junction of Wagtail Lane and Wagtail Road to a point 170 metres north-west of Wagtail Farm.

Councillor Hardy proposed to accept the officer's recommendation, this was seconded by Councillor Sharp.

A vote was taken and was unanimous.

RESOLVED that:

- i. There was sufficient evidence to indicate that public vehicular rights had been reasonably alleged to exist over the route U-V-Y-Z
- ii. The Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the route.
- iii. The U-V-Y-Z route be included in a future Definitive Map Modification Order as byways open to all traffic.

Councillor Sharp left the meeting at this point.

A comfort break was announced.

17 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY
ALLEGED BYWAY OPEN TO ALL TRAFFIC No 26
PARISH OF BRINKBURN**

A. Bell - Definitive Map and Search Officer, introduced the report with the aid of a PowerPoint presentation, and gave the following update:

- To amend recommendation (iii) to read "the route U-T be included in a future Definitive Map Modification Order as a byway open to all traffic."

Committee members were asked to consider all the relevant evidence gathered in

support and in rebuttal of the existence of public vehicular rights over the U4038 road, between the C168 road, 15 metres south of East Raw and Brinkburn Station Cottage.

Councillor Hardy proposed to accept the officer's amended recommendation, this was seconded by Councillor Swinbank.

A vote was taken and was unanimous.

RESOLVED that:

- i. There was sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the route.
- ii. The Natural Environment and Rural Communities Act 2006 would not have appeared to have extinguished the public's motorized vehicular rights over the route .
- iii. The route U-T be included in a future Definitive Map Modification Order as a byway open to all traffic.

CHAIR.....

DATE.....



Northumberland County Council

RIGHTS OF WAY COMMITTEE

28 February 2024

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

DELETION OF EXISTING PUBLIC FOOTPATHS Nos 4 & 5 MORPETH TOWN

Report of the Director of Environment and Transport
Cabinet Member: Councillor John Riddle, Roads and Highways

Purpose of report

In this report, the Rights of Way Committee is asked to consider all the relevant evidence gathered in support and in rebuttal of the non-existence of public footpath rights over parts of existing Public Footpaths Nos 4 and 5, through Quarry Woods, Morpeth.

Recommendation

It is recommended that the committee agrees that:

- (i) there is not sufficient evidence to show, on a balance of probabilities, that public footpath rights do not exist over the K-L section of existing Public Footpath No 4 or the M-N section of existing Public Footpath No 5 (i.e. these footpaths should remain on the Definitive Map);**
- (ii) further investigation is required in relation to the precise alignment of Public Footpath No 4, south of the bridge over the River Wansbeck, and Public Footpath No 5, at Park House.**

1.0 BACKGROUND

1.1 By virtue of section 53 of the Wildlife and Countryside Act, 1981 the County Council is required to keep the Definitive Map and Statement under continuous review and make modification orders upon the discovery of evidence, which shows that the map and statement need to be modified.

1.2 The relevant statutory provision which applies to deleting a public right of way from the Definitive Map and Statement, based on historical documentary

evidence, is Section 53(3)(c)(iii) of the Wildlife and Countryside Act, 1981. This requires the County Council (as Surveying Authority) to modify the Definitive Map and Statement following:

“the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows:

“that there is no public right of way over land shown in the map and statement as a highway of any description ...”

- 1.3 All the relevant statutory provisions and competing rights and interests have been considered in making this report. The recommendations are in accordance with the law and proportionate, having regard to individuals' rights and the public interest.
- 1.4 This is an unusual application, in that it seeks to remove sections of two public rights of way from the Definitive Map, altogether. The committee will be much more familiar with applications to add routes, or upgrade existing ones to a higher status. In *Trevelyan v Secretary of State (ETR) (2001)* the Court of Appeal determined that where an application was made to delete a public right of way from the Definitive Map, the Secretary of State (or an Inspector appointed by the Secretary of State) had to start with the initial presumption that the right of way did exist. The standard of proof required to show that a route's inclusion on the Definitive Map was incorrect was still just the balance of probabilities, but evidence of some substance had to be put into the balance if it was to overcome or outweigh the initial presumption that the way had been correctly included in the first place. The Court of Appeal made reference to Lord Denning's judgement in *R v Secretary of State for the Environment ex parte Hood (1975)* where he stated “The Definitive Map in 1952 was based on evidence then available, including, no doubt, the evidence of the oldest inhabitants then living. Such evidence might well have been lost or forgotten by 1975. So it would be very unfair to reopen everything in 1975).”

2.0 PUBLIC EVIDENCE

- 2.1 In March 2022, Tom Smith of Morpeth made a formal application seeking to modify the Definitive Map of Public Rights of Way by deleting sections of existing Public Footpaths Nos 4 and 5, on his land, from Whorral Bank to Park House farm and from Stobsford Bridge to Parkhouse Banks.
- 2.2 Mr Smith supplied the following analysis of the evidence to accompany his application:

“I, Tom Smith, as owner and occupier of the affected land shown in the plan below require Northumberland County Council to review the legal basis for the existence of Rights of Way across that land.

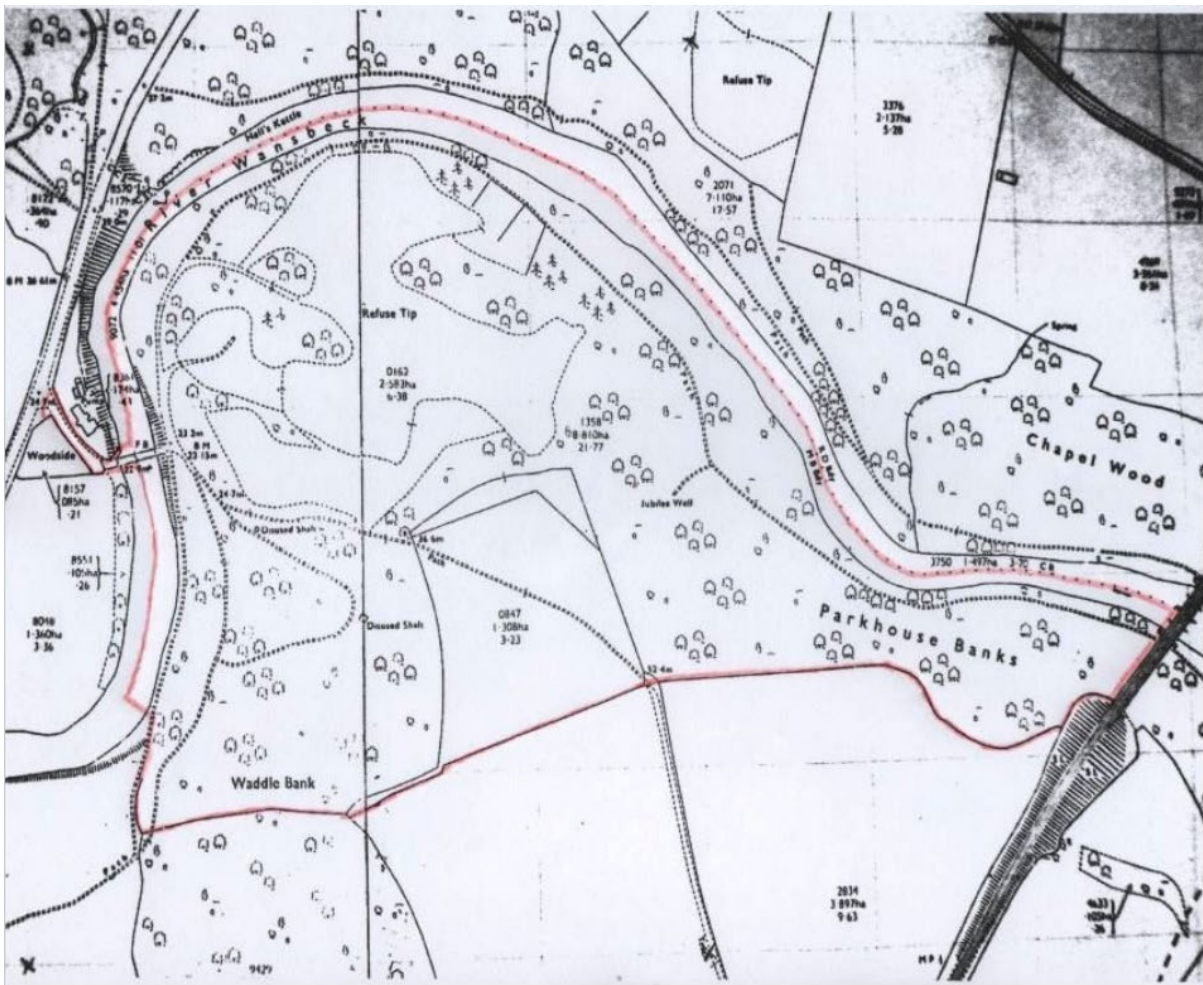
“My actions make clear that at no time have I dedicated any part of my land to become a public right of way. Castle Morpeth Borough Council asked my permission to create a riverside footpath for the 2006 Castles Woods & Water project. I refused permission. That need to ask permission supports the illegal status of the purported Rights of Way.

“I have, whilst acting within the law, done what I can to remove all public rights of way alleged to exist on my land and prevent their being established.

“Their claimed and widely advertised presence, with associated limitations on preventing public access, has encouraged trespass and criminal behaviour and thereby caused me to be unable to successfully develop the caravan site, which Castle Morpeth Borough Council granted planning permission on my land.

“The following evidence shows that the Definitive Map and Statement are a nullity.

“Additional documentation illustrates both absence of evidence for Public Rights of Way and evidence to the contrary. Further historical evidence is available and, having been seen as superfluous, excluded in order to save Northumberland County Council resources.



“In 1985 I wished to own a caravan park as I then had many years of experience and practical knowledge of developing and managing caravan sites. Land in several locations was advertised for sale as being suitable for development as a caravan site. The land I now own appeared the most suitable for our needs to me and my wife and we agreed to take steps to gain suitable planning consent and if successful in that to purchase the land.

“Experience of problems caused by criminal behaviour of a particularly troublesome person at another caravan site highlighted the need for security.

“With the agreement of the landowner, J.R.Temple and Sons, on 19th March 1987 I, Tom Smith, applied to Castle Morpeth Borough Council planning department for a diversion and stopping up of rights of way on foot purported to be over the land and according to planning officers numbered Morpeth 4 and 5 as shown in council minutes.

“Prior to making the application I met with Northumberland County Council National Park Officer Mr. A. A. Macdonald at my bridge at Whorral Bank, Morpeth. His office was located in Northumberland County Council National Park and Countryside Department, Eastburn, South Park, Hexham. He was the officer responsible for footpaths. I asked the officer for a copy of the Definitive Map and statement as I was unclear about the location of the public footpaths concerned and no footpaths were signposted. He refused to let me have a copy of the map and statement. He informed me that I would have to make an appointment and travel to his office in Hexham to view them. I asked the officer about making an appointment and he obfuscated describing that there were few staff and they were short of time. He assured me, when I heard that reply and questioned him about it, that there were public footpaths as he described and I accepted his word.

“I now find that Northumberland County Council acted illegally as it is a requirement to make available the Definitive map and Statement in the district concerned.

“Hexham was in the district of Northumberland administered by Tynedale District Council.

“The alleged footpaths concerned were in the district administered by Castle Morpeth Borough Council.

“I was prevented from adequately investigating the legal basis for the Public Right of Way footpaths at that time as Northumberland County Council illegally refused to supply me with or let me have sight of the necessary documents.

The Wildlife and Countryside Act 1981

(5) As regards every definitive map and statement, the surveying authority shall keep a copy of the map and statement; and copies of all orders under this Part modifying the map and statement, available for inspection free of charge at all reasonable hours at one or more places in each district comprised in the area to which the map and statement relate and, so far as appears practicable to the surveying authority, a place in each parish so comprised; and the authority shall be deemed to comply with the requirement to keep such copies available for inspection in a district or parish if they keep available for inspection there a copy of so much of the map and statement and copies of so many of the orders as relate to the district or parish.

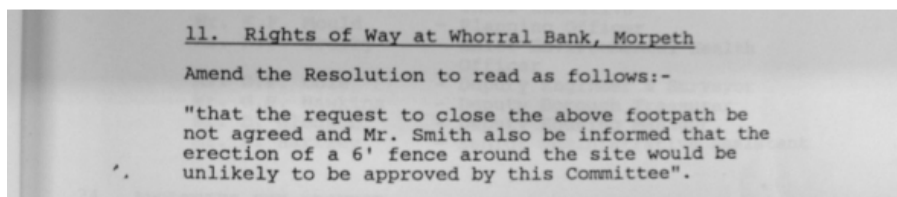
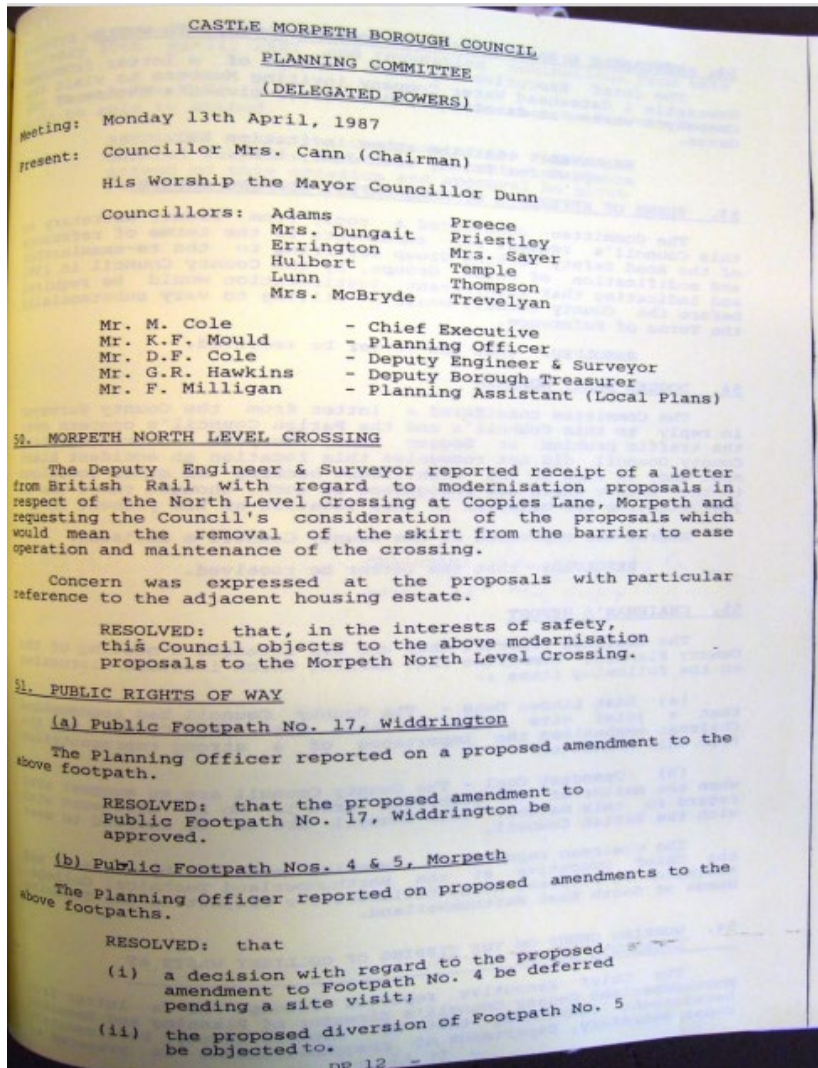
“Castle Morpeth Borough Council refused my request to remove the Rights of Way and gave the reason that closing the footpaths would not improve security of the caravan site. The council planning officer verbally informed me that I would not be given permission to erect any fences.

"I submitted an appeal to the Department of the Environment and Transport as site security would clearly be improved considerably by removing the Public Right of Way.

"On 23rd November 1987 my appeal to the Department of the Environment and Transport was rejected on the basis that the planning committee had given full consideration to the evidence presented.

"The legal basis of the claimed Rights of Way was not investigated by Castle Morpeth Borough Council.

"The legal basis of the claimed Rights of Way was not investigated by the Department of the Environment and Transport.

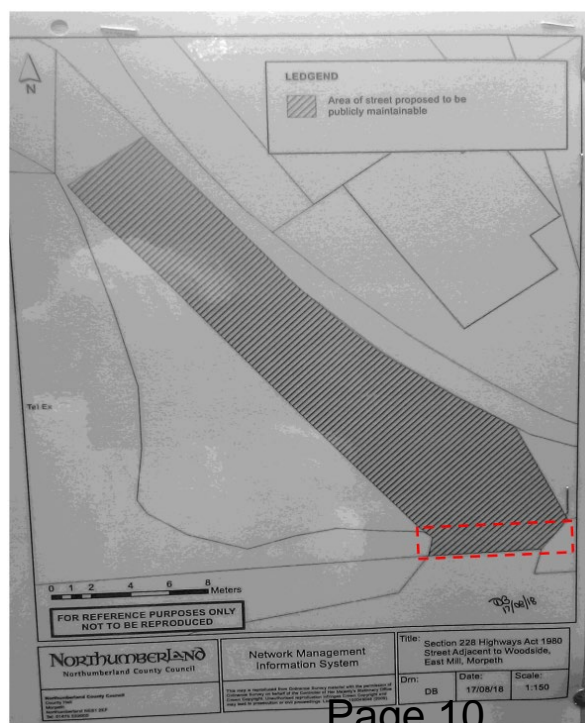




“In October 2018 when I was renewing my bridge over the River Wansbeck I came into contact with officers of the council involved with Rights of Way who were ill informed, inadequately prepared, unhelpful and behaved illegally.

“Whilst I was engrossed in carrying out the arduous task of removing my existing bridge and replacing it with one in good condition a notice was nailed to one of my fences. David Brookes, one of those Northumberland County Council officers, proposed adopting part of my metalled entrance road, and a strip of adjoining grassland, as indicated.

“I engaged lawyers with necessary knowledge and experience to successfully oppose that illegal adoption process.



“The behaviour of those Northumberland County Council officers caused me concern.

“I used a number of Freedom of Information requests and carried out extensive time consuming research of council records held at the Northumberland County Council archive in Ashington, in order to obtain documentary evidence of the legal position.

“I made a complaint to Northumberland County Council about the behaviour of their officers.

“After exhausting the Northumberland County Council formal complaints process and having received unsatisfactory responses I complained to the Local Government Ombudsman (LGO).

“In the course of a telephone conversation the LGO officer informed me that she had requested information regarding footpaths to carry out her investigation. I asked her to let me have a copy of the Definitive map and Statement.

“On 5th June 2020 she informed me that she also had not been given sight of the Definitive map and Statement but only a statement having a Relevant date of 1st December 2005 which she emailed to me with a ‘computer generated extract of the Working Copy of the Definitive Map of Public Rights of Way’.

“This statement describes footpath 5 as:-
‘Scheduled as a Public Right of Way by Morpeth Borough Council.’

“Morpeth Borough Council had no power to Schedule a public right of way. That caused me to be concerned. I had no knowledge of this revised statement and wondered why the Definitive Map and Statement had not been made available to the LGO.

“As evidenced by this 19th January 1976 entry in the London Gazette on 16th January 1976, and the 30.43.1 extract of the Castle Morpeth District Local Plan, Castle Morpeth Borough Council had an Agency Agreement with Northumberland County Council in respect of being Highways Authority for the district of Northumberland administered by Castle Morpeth Borough Council and administered Public Rights of Way.

“Castle Morpeth Borough Council was formed on 1st April 1974 and dissolved on 1st April 2009.

HIGHWAYS ACT, 1959

CASTLE MORPETH BOROUGH COUNCIL

HIGHWAYS ACT 1959, Section 108, Twelfth Schedule
Stopping-up of Footpath at Coopies Lane, Morpeth

Notice is hereby given that the Council of the Borough of Castle Morpeth acting under agency powers for the Northumberland County Council as Highways Authority for the highway hereinafter mentioned, intends to apply to the Magistrates Court sitting at the Court House, Morpeth on 25th February 1976 at the hour of 10 o'clock in the forenoon for an Order under Section 108 of the Highways Act 1959 authorising the stopping-up of that part of the footpath at Coopies Lane, Morpeth which is shown coloured pink on a plan deposited at the office of the Chief Executive, Dacre Street, Morpeth and which may be inspected free of charge between 9 a.m. and 5 p.m. on any weekday excluding Saturday on the ground that the said footpath is unnecessary.—Dated 16th January 1976.

Maurice Cole, Chief Executive

Council Offices,
Dacre Street,
Morpeth,
Northumberland.

(180)

CASTLE MORPETH DISTRICT LOCAL PLAN - ADOPTED FEBRUARY 2003

245 Morpeth

30.43.1 Whilst several rural footpaths have been lost in post war years due to new developments, many rights of way still exist linking Morpeth with the adjoining countryside. They tend to be well used and are an important source of countryside recreation for those living in the town. It is important that the existing rights of way in the Plan area should be well maintained. In this respect the Council operates an Agency Agreement with the Highways Department of the County Council.

Relevant Date: 1st December 2005

Northumberland County Council

Wildlife and Countryside Act, 1981 Part III

PUBLIC RIGHTS OF WAY - STATEMENT

Borough / District : Castle Morpeth
Parish : Morpeth Town
Type of Path : Footpath
Number of Path on Map : 5
Width of Path : 0.61 metres
Name of Path :

Route Description of Path :

From the Morpeth - Ashington Road about 300 yards north-east of East Mill in a south-easterly direction, crossing the River Wansbeck by the footbridge and the L.N.E. Railway, past the west side of Park House to the Borough boundary at Coopie's Lane.

Other Relevant Information :

Scheduled as a Public Right of Way by Morpeth Borough Council.
Width varies from 2 feet to 10 feet.



“On 10th June 2020 I asked Northumberland County Council what the arrangements were to view the Definitive Map and Statement during the restrictions imposed by the COVID-19 virus and was supplied with a copy attached to the email below together with an explanation of the legal procedure.

Dear Mr Smith

The Definitive Map and Statement of Public Rights of Way in Northumberland is held both as a paper copy (Maps and Statements) and as PDF files (Maps and Statements). I have attached for your information all of the records which relate to the Definitive Map and Statement for public footpath No.5 in the area of Morpeth Town Council. These records are the survey map, survey statement, draft plan, draft plan (modification), provisional plan, definitive plan and definitive statement.

In the 1950's when the Definitive Map and Statement was being prepared it was part of a statutory public process. The first stage was the preparation of survey plans followed by the production of a draft plan. At this stage anyone had a right to object or make representations on what was or was not included on the draft plan. Following completion of this exercise a draft (modification) plan was produced which showed any additional rights of way to be included or deleted from the first draft. The next stage was the production of the Provisional Map. The Provisional Map was only subject to objections or representations from landowners. Where a landowner objected to the inclusion of a public right of way on the Map and Statement the objection was heard by a member of the local bar who determined the objection. Following this stage the Highway Authority published the Definitive Map and Statement.

Public Footpath No 5 was shown on the survey map as path no. 4 and its path number was changed to no. 5 on the draft map and has retained this number ever since. The footpath was included on all the versions of the Definitive Map and Statement outlined above and was not subject to any representations or objections from members of the public or the landowner.

The map depicts the footpath as extending across the River Wansbeck to the west bank and the statement describes the footpath as being from "the Morpeth - Ashington Road about 300 yards north-east of East Mill in a south-easterly direction, crossing the River Wansbeck by the footbridge..."

The combined information of the map and statement serves to show that there is at least a public right of way on foot from the B1337 and this is further evidenced by the location of a public footpath signpost at the junction of the B1337 and the unadopted highway. The Highway Authority does not have any current plans to change the existing situation on the unadopted highway. The land which has been leased to you is a separate issue and any questions that relate to this land should be directed to Strategic Estates Management.

Regards

David Brookes

“The email described ‘the location of a public footpath signpost at the junction of the B1337 and the unadopted highway’ as being evidence of there being a Public Right of Way. That signpost, erected by Northumberland County Council in the verge of the B1337 highway, has no legal foundation.

“I have provided extensive evidence to Northumberland County Council which shows:-

1. No part of my entrance road is adopted This is confirmed in the above email.
2. No part of my entrance road is ‘highway’.

“A copy of a document was provided attached to the email. It is typewritten with a handwritten annotation describing a footpath 5 from the A197 to Coopie’s Lane 1288 yards in length. ‘ 2 feet to 10 feet with a length of 1288 yards starting from the A197 , crossing the River Wansbeck by the footbridge and the L.N.E. Railway, past the west side of Park House to the Borough boundary at Coopie’s Lane.’

“The Maps initially supplied did not cover the full extent of footpaths 4 and 5. Following a second request I was emailed copies of the east section of footpaths 4 and 5 on 13th February 2021.

NORTHUMBERLAND COUNTY COUNCIL.

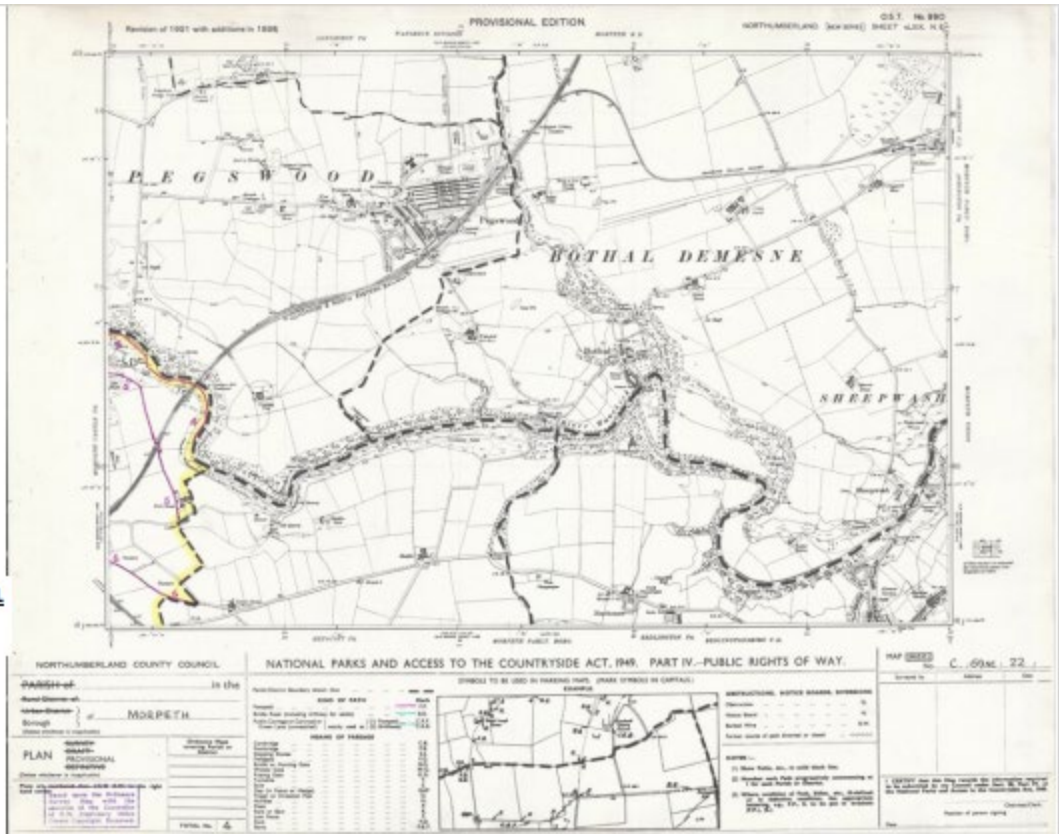
NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

PART IV.

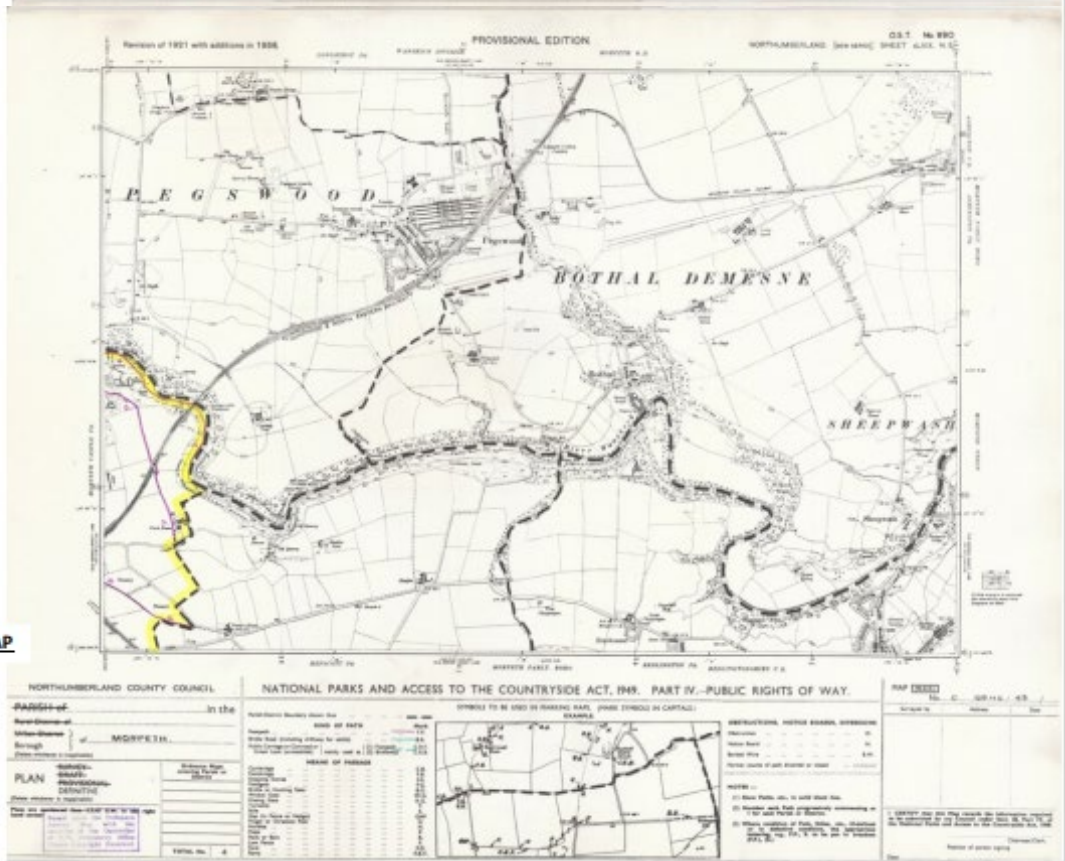
PUBLIC RIGHTS OF WAY - STATEMENT.

| | | | |
|----|-----------------------------|-------|---|
| 1. | Borough | ..... | MORPETH |
| | Urban District | ..... |  |
| | Rural District | ..... |  |
| 2. | Parish | ..... |  |
| 3. | Number of Footpath on Map | ..... | 5 |
| 4. | Name of Path | ..... |  |
| 5. | Kind of Path (i.e. FP/BR) | ..... | F.P., (width varies from 2'0" to 10'0") |
| 6. | General Description of Path | ..... | From the Morpeth-Ashington Road about 300 yards north-east of East Mill in a south-easterly direction, crossing the River Wansbeck by the footbridge and the L.N.E. Railway, past the west side of Park House to the Borough boundary at Coopie's Lane. |
| | | | |
| | | | |
| 7. | Other relevant information | ..... | Scheduled as a Public Right of Way by Morpeth Borough Council. |
| | | | |
| | | | |
| | | | |
| | | | |
|  |  | ..... | LENGTH: 1288 yds |

**PROVISIONAL
PLAN**



DEFINITIVE MAP





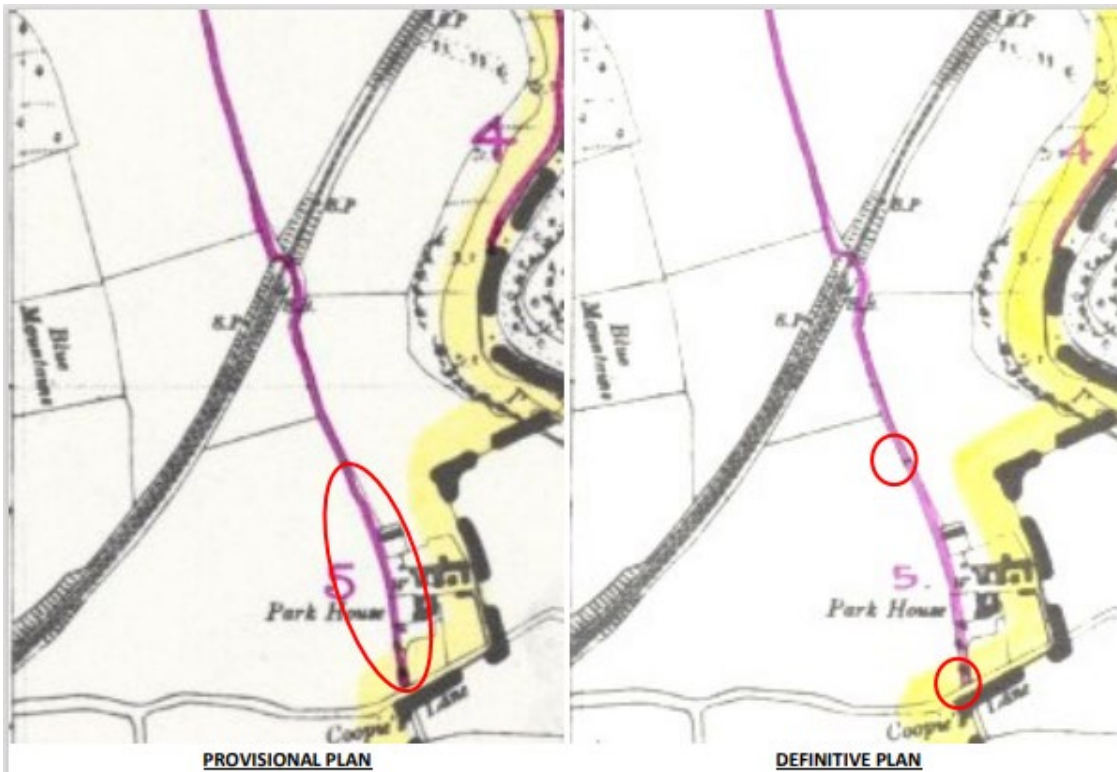
SURVEY PLAN

At Park House the Survey Plan shows a Right of Way via gaps in the fences and hedges and a field adjoining the house garden being the position of the footpath although no footpath is shown on the printed Ordnance Survey map.

DRAFT PLAN

The Draft Plan also shows a Right of Way footpath via gaps in the fences and hedges and a field adjoining the house garden being the position of the footpath although no such footpath is shown on Ordnance Survey printed map which was revised in 1921 with 1938 additions.

The red oval marks used above are my additions over the published map.



PROVISIONAL PLAN

The Provisional Plan is altered from the Draft Plan and shows a Right of Way footpath across fences and hedges and through the house garden being the position of the footpath although no such footpath is shown on the Ordnance Survey printed map which was revised in 1921 with 1938 additions.

DEFINITIVE PLAN

The Definitive Plan also shows a Right of Way footpath across fences and hedges and through the house garden being the position of the footpath although no such footpath is shown on the Ordnance Survey printed map which was revised in 1921 with 1938 additions.

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

| KIND OF PATH | | Mark |
|---|-----------------------------|--------|
| Footpath | (1) Footpath | F.P. |
| Public Carriage or Carriaged or Green Lane (as installed) | mainly used as (2) Footpath | C.P.F. |
| | mainly used as (2) Footpath | C.P.S. |

| MEANS OF PASSAGE | | Mark |
|-------------------------|--|--------|
| Cartbridge | | C.B. |
| Footbridge | | F.B. |
| Stepping Stones | | S.S. |
| Hedge | | H. |
| Wholen Gate | | W.G. |
| Knives Gate | | K.G. |
| Turnstile | | T. |
| Slide | | S. |
| Gap (in Fence or Hedge) | | GAP |
| Flag or Direction Post | | F. |
| Hurdles | | H. |
| Posts | | P. |
| Rails or Bars | | R. |
| Low Fence | | L.F. |
| High Fence | | H.F. |
| Perry | | P.A.T. |

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

EXAMPLE.

| OBSTRUCTIONS, NOTICE BOARDS, DIVERSIONS | | Mark |
|--|--|-------|
| Obstruction | | O. |
| Notice Board | | N. |
| Barbed Wire | | B.W. |
| Former course of path diverted or closed | | (---) |

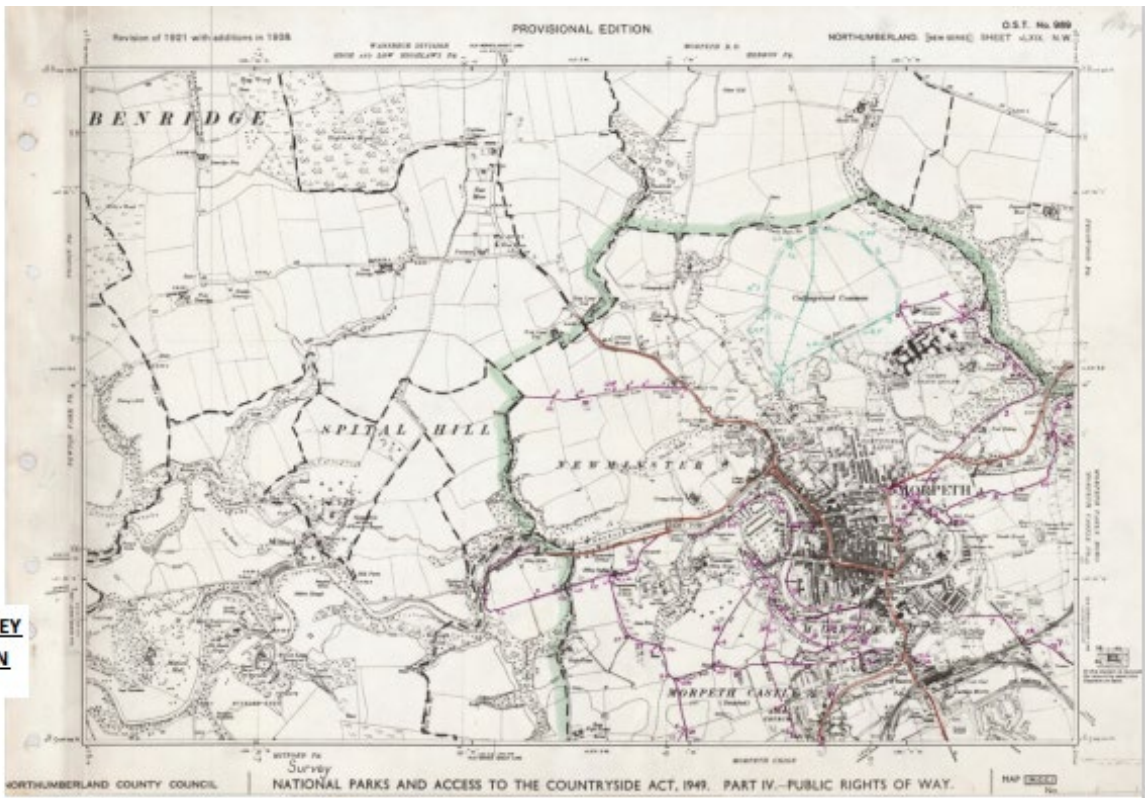
NOTES —

- Show Paths, etc., in solid black line.
- Number each Path progressively commencing as 1 for each Parish or Stowrie.
- Where condition of Path, Slides, etc., is defined or is defecting condition, the appropriate lettering e.g. F.P. S. to be put in brackets (F.P.), (S.).

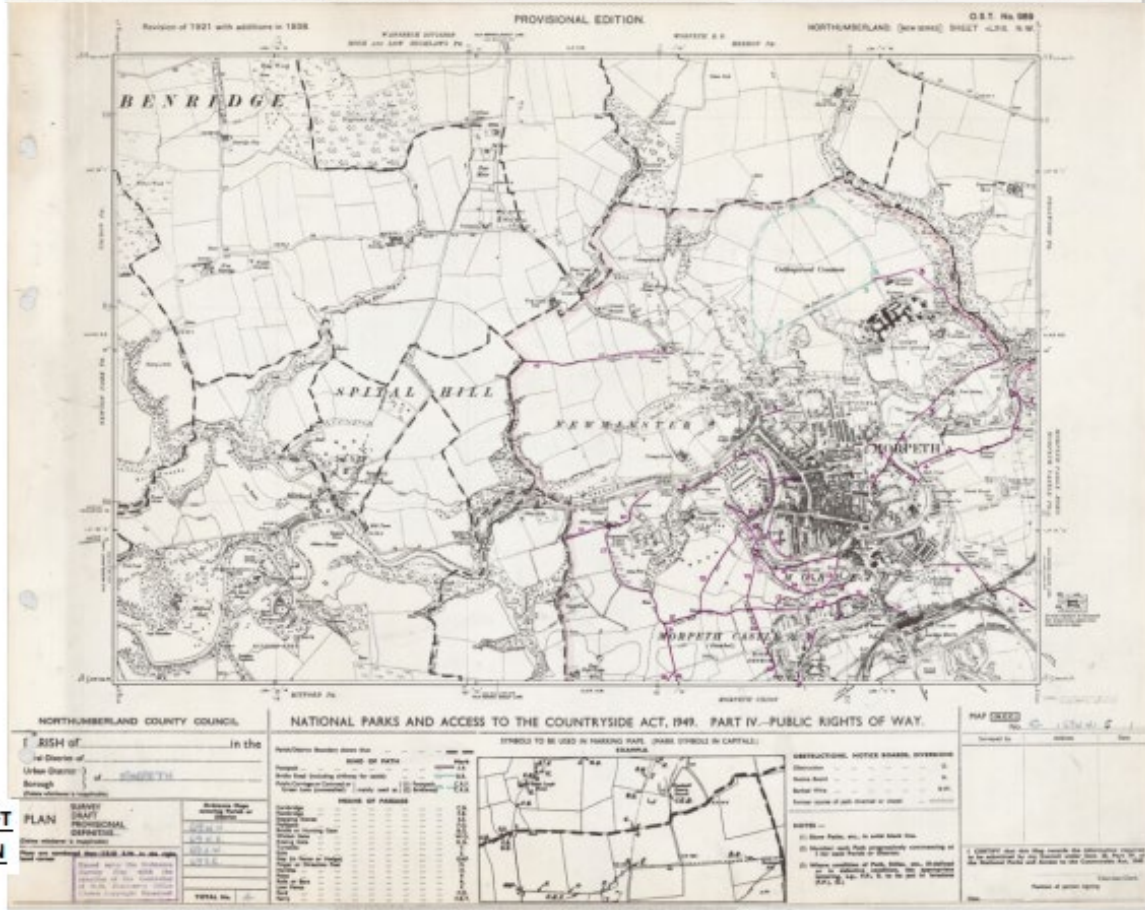
“Symbols to be used in marking maps are specified. Although there are obstructions shown by the Ordnance Survey across the purported route of the Right of Way footpath no symbols have been shown to indicate the nature of those obstructions and how they permit access.

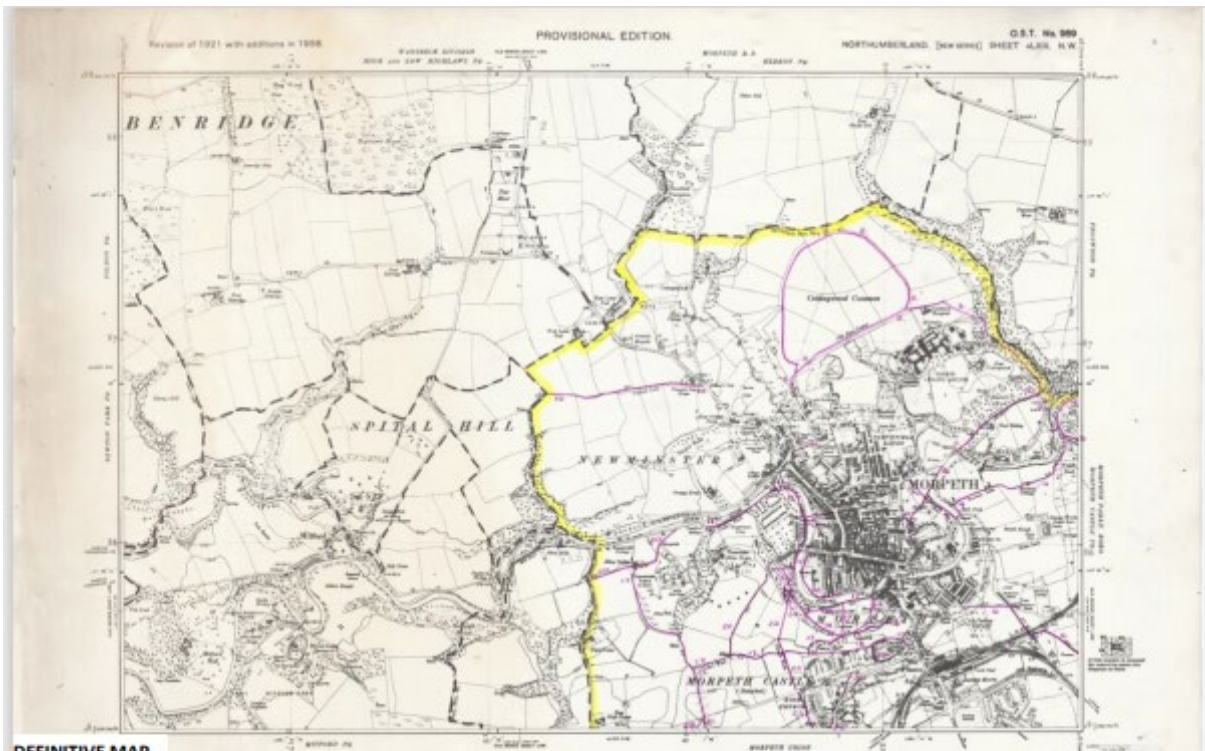
“The red marks used above are my additions over the published map.

**SURVEY
PLAN**



**DRAFT
PLAN**





DEFINITIVE MAP

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

PARISH of MORPETH in the

PLAN

SYMBOLS TO BE USED IN PUBLISHING MAPS (PINK SYMBOLS IN CAPITALS)

OFFICE COPY

MAP 1000

Scale: 1:50,000

Northumberland County Council

Professional Deposit

Survey No. 4



SURVEY PLAN

Footpath is shown alongside River Wansbeck



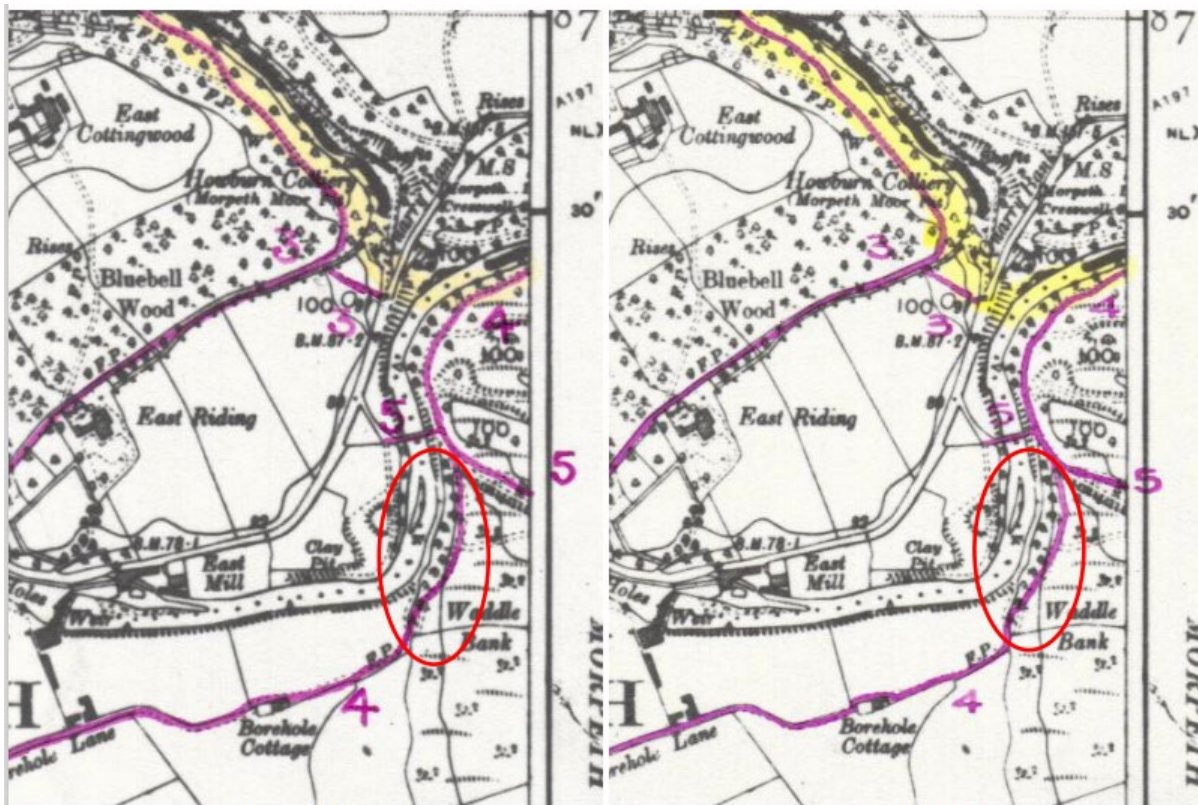
DRAFT PLAN

Footpath is shown alongside River Wansbeck



DRAFT PLAN MODIFICATIONS

No modification is shown



PROVISIONAL PLAN

No Right of Way is claimed alongside the River Wansbeck where the map shows no footpath.

A new Right of Way is claimed on the woodland footpath which terminates at the Waddle Bank field fence.

DEFINITIVE MAP

No Right of Way is claimed alongside the River Wansbeck where the map shows no footpath.

A new Right of Way is claimed on the woodland footpath which terminates at the Waddle Bank field fence.

The red oval marks used above are my additions over the published map.

National Parks and Access to the Countryside Act 1949 (c. 97)

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PART IV – Public Rights of Way

Document Generated: 2021-12-26

Status: This is the original version (as it was originally enacted).

(4) Where under the last foregoing subsection the surveying authority determine to modify the particulars contained in the draft map and statement by the deletion of a way shown as a public path, or as a road used as a public path, or by the addition of a way so that it will be so shown,—

(a) they shall cause notice of their determination, in such form as may be prescribed by regulations made by the Minister, to be published in the London Gazette and in one or more local newspapers circulating in the area of the authority, specifying the time (not being less than twenty-eight days) within which, and the manner in which, representations or objections with respect to the determination may be made to the authority, and

(b) if any representation or objection is duly made to the authority under the last foregoing paragraph, the authority shall notify the effect of the representation to the person (hereinafter referred to as " the original objector ") who made the representation or objection under subsection (3) of this section and, after considering the representation or objection under the last foregoing paragraph and affording to the person by whom it was made and to the original objector an opportunity of being heard by a person appointed by the authority for the purpose, shall decide whether to maintain or revoke the determination and serve notice of their decision on the person by whom the representation or objection under the last foregoing paragraph was made and on the original objector.

“A London Gazette entry was required by law when a modification was proposed to be made to the Draft Map and Statement. On 16th December 1955 such an entry was made. Part 2 of the Schedule Path contains the list of modified Paths. Part 3 of the Schedule is Proposed modifications of Draft Map. No modifications were proposed to be made to Borough of Morpeth paths 4 and 5. The modified position of purported Public Right of Way footpaths 4 and 5 were substantial and deleterious to the landowner. They were not published as required by law.

“Those claimed Public Rights of Way are a nullity

7088

THE LONDON GAZETTE, 16 DECEMBER, 1955

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949

COUNTY OF NORTHUMBERLAND

Public Rights of Way

NOTICE is hereby given that the Northumberland County Council in exercise of the powers conferred on them by subsection 3 of section 29 of the National Parks and Access to the Countryside Act, 1949, have determined to modify certain particulars contained in the Draft Map and Statement prepared under section 27 of the above-mentioned Act in relation to the rights of way within the County Districts specified in the first column of the schedule hereto. The paths affected are described in the second column of the said schedule and the proposed modifications are specified in the third column thereof.

Maps showing the proposed modifications have been deposited at the offices of the Councils of the County Districts concerned, where they may be inspected free of charge during normal office hours.

Any representation or objection with respect to this determination shall be made in writing addressed to the undersigned before the 18th day of January, 1956, and shall state the grounds on which it is made.

The Schedule

| (1) County District | (2) Path | (3) Proposed modification of Draft Map |
|---|---|---|
| Borough of Berwick-upon-Tweed do. | 3 4, 5, 6, 7, 9, 18, 28, 32 and 33 | The width to be deleted from the statement. The paths to be deleted. |
| Borough of Blyth | 16 25, 26 and 27 | The path to be extended northwards to Front Street, Bebside. The paths to be deleted. |
| Borough of Morpeth | 1 and 2 | The paths to be shown as footpaths instead of as roads used as public paths. |
| do. | 3 | The footpath to be shown as a footpath instead of as a road used as a public path and extended to the Morpeth-Ashington road at Quarry Bank. |
| do. | 14 | The section of path from Saggerston Cottage to Oldgate Bridge to be deleted. |
| do. | 23 | The path to be extended to Oldgate Bridge. |
| do. | 21 | The path to be deleted. |
| Borough of Walsend | 21 | The path to be deleted. |
| Alnwick Urban District... .. | 22 | The path to be shown as a footpath instead of as a bridle road. |
| Ashington Urban District | 3 | The path to be deleted from its junction with path No. 2 to the Morpeth-Ashington road. |
| Bedlingtonshire Urban District... .. | 18 | The path to be deleted. |
| do. | 19 | The path to be shown as a footpath instead of as a bridle road. |
| Hexham Urban District... .. | 35 | The path to be deleted. |
| Longbenton Urban District | 8 | The southern section of the path to be deleted and another path (No. 42) from Scaffold Hill to the Hospital Lane to be inserted. |
| Newbiggin-by-the-Sea Urban District... .. | 4 and 16 | The paths to be deleted. |
| Prudhoe Urban District... .. | 25 and 26 28 | The paths to be deleted. |
| do. | 29 | The path to be shown as a footpath instead of as a road used as a public footpath and modified so as to join path No. 29 at the mineral railway. |
| do. | 31 | The section of the path to the east of the mineral railway to be deleted and at Bullion Hill the line of the path to be amended so as to follow the southern boundary fence of the field and extended to the Urban District boundary. |
| do. | 43, 44, 45 and 46 | The section of path from Ovingham Bridge eastwards for a distance of 1,830 yards to be deleted. |
| Seaton Valley Urban District | 28, 30, 31, 32, 37, 48, 66 and 68. | Footpaths from Orchard House to West Wylam Colliery (No. 43) from West Wylam Terrace to The Rises (No. 44), from Holyoake Street to Adderlane Gill (No. 45) and from Edgewell House Road to path No. 15 (No. 46) to be inserted. |
| do. | 60 | The paths to be deleted. |
| do. | 60 | The path to be shown as a footpath instead of as a bridle road. |

Dated this 14th day of December, 1955.

County Hall, Newcastle-upon-Tyne, 1.
(281)

E. P. HARVEY, Clerk of the County Council.

(3) A notice by the owner of the land over which any such way passes inconsistent with the dedication of the way as a highway, placed before or after and maintained

[Ch. 45.] *Rights of Way* [22 & 23 GEO. 5.]
Act, 1932.

after the commencement of this Act in such a manner as to be visible to those using the way, shall, in the absence of proof of a contrary intention, be sufficient evidence to negative the intention to dedicate such way as a highway, and where a notice has been placed in the manner provided in this subsection and is subsequently torn down or defaced, notice in writing by the owner of the land to the council of the county and of the borough or urban or rural district council in which the way is situate that the way is not dedicated to the public shall, in the absence of proof of a contrary intention, be sufficient evidence to negative the intention of the owner of the land to dedicate such way as a highway.

“The purported Public Rights of Way on foot have been identified by numbers in the SURVEY PLAN surveyed by Morpeth Borough Council surveyor Frank K. Perkins following the annotation used in the 1934 survey carried out by Morpeth Borough Council at the request of Northumberland County Council for the purposes of the Rights of Way Act 1932.

“Frank K. Perkins used the ‘MAP PREPARED FOR RIGHTS OF WAY SURVEY 1932 IN TOWN CLERK’S OFFICE 29 BRIDGE STREET’

“Frank K. Perkins records the presence of 2 signs ‘PRIVATE J.R. TEMPLE AND SONS LTD’ erected in ‘1941. BOTH SIDES OF FOOTBRIDGE’. Those two signs were still in place when I visited the land in 1986 and remained in place after I purchased the land and bridge. They were both nailed to trees. They both faced west so that anyone approaching the land could see them. The signs were professional sign writer quality. They were painted black hardwood with Ogee architrave surround with white lettering as reproduced here.



“I removed that hardwood professionally hand painted sign and replaced its effect after taking legal advice with a vinyl sign ‘Private Parking only with permission’ on my entrance road gates further to the west which I erected in 2008. That vinyl sign was produced by being printed on vinyl which meant it faded after some years but I bought two signs at the same time and renewed it in 2018.

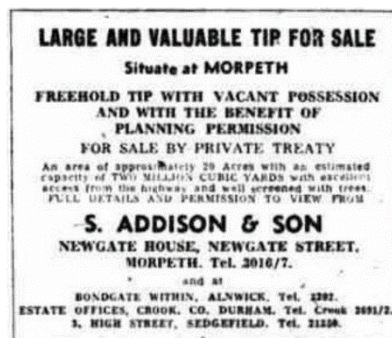
“The picture below looking west to the A197 highway was taken on 11th February 2019 before my neighbour at the kennels stole my gates.



“1975 26th April Newcastle Journal

“Immediately following successful legal action damages were awarded to J.R.Temple & Sons. Due to there being no vehicular Right of Way across Job’s Well Close J.R.Temple & Son accepted as damages the road from their bridge over the River Wansbeck to the A197 highway. They advertised the Tip ‘with excellent access from the highway’ and advertised it for sale but decided to keep it.

“S. Addison & Son were highly respected land agents acting for J.R.Temple & Son.



National Parks and Access to the Countryside Act 1949 As enacted

National Parks and Access to the Countryside Act 1949 (c. 97)

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PART IV – Public Rights of Way

Document Generated: 2021-12-26

Status: This is the original version (as it was originally enacted).

- (4) An authority by whom a draft map is prepared as aforesaid shall annex thereto a statement specifying the relevant date and containing, as respects any public path or other way shown thereon in accordance with the foregoing provisions of this section, such particulars appearing to the authority to be reasonably alleged as to the position and width thereof, or as to any limitations or conditions affecting the public right of way thereover, as in the opinion of the authority it is expedient to record in the statement.

The following document comprises the required Statement.

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.
SCHEDULE ACCOMPANYING SURVEY MAPS.

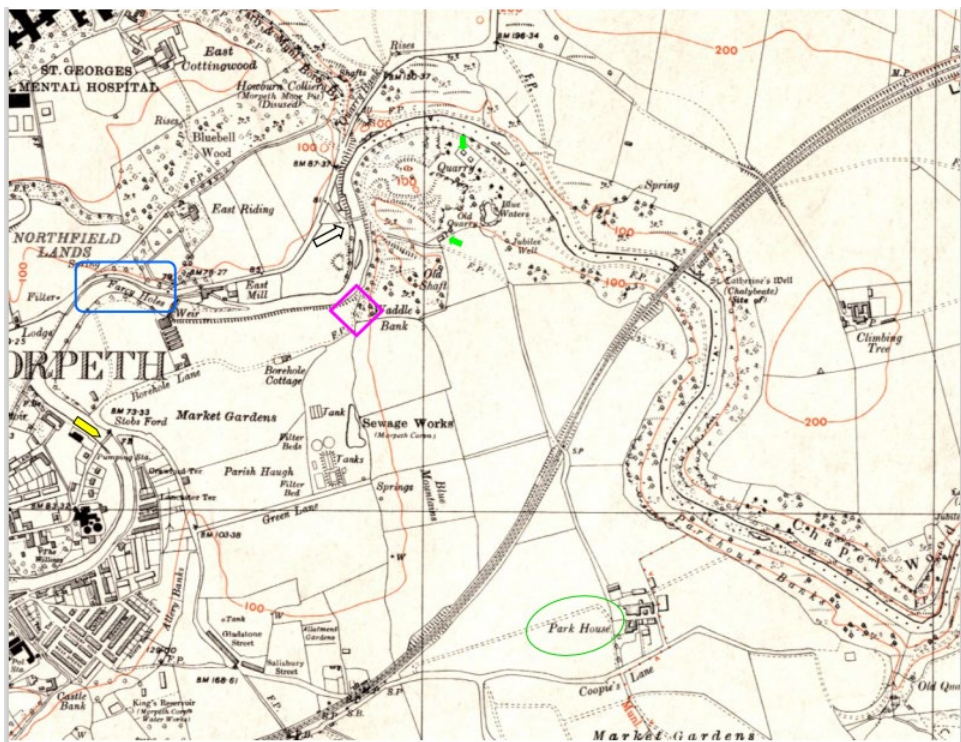
Parish of _____ in the Rural District of _____

Through Urban-District } of MORPETH
(Delete whichever is inapplicable).

1. Number of highway on Map 4
2. Kind of Path (i.e. F.P., B.B.) FP
3. Starts at ASHINGTON RD. A197 to PARKHOUSE BANKS
4. Name of Path (if any) _____
5. Is the Path well defined? NO
6. Is the Path metalled? If so, define length YES FIRST 100 YDS.
7. If its width can be stated, insert here VARIABLE FROM 3FT TO 2FT.
8. What is the present condition of the path, sides, etc.? PATH HAS A TENDENCY TO BE COVERED OVER WITH FALLEN ROCK. FOOTBRIDGE IS IN UNUSUAL CONDITION
9. Is it subject to being ploughed out? NO
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known
1944 AT BOTH SIDES OF FOOTBRIDGE, PRIVATE J.R. TEMPLE & SONS AT 100 YDS FROM FOOTBRIDGE NO CAMPING ALLOWED AND AT 200 YDS ANY PERSON FOUND DAMAGING TREES ETC., WILL BE PROSECUTED.
11. Grounds for believing the path to be public (if known), e.g. "Ancient" "Required at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant
PRESCRIPTIVE RIGHT.
12. What maps have been consulted, and where are they deposited?
MAP PREPARED FOR RIGHTS OF WAY SURVEY 1932 IN TOWN CLERK'S OFFICE 29 BRIDGE ST
13. What records have been consulted, and where are they deposited? _____
14. Any other relevant information: OLD FOOTBRIDGE WAS KILNED AWAY AND PRESENT ONE WAS ERECTED BY J.R. TEMPLE THE NOTICE BOARDS ARE TO SAFEGUARD HIMSELF AGAINST ACCIDENTS.

| Surveyed by | Address | Date of Survey |
|------------------|---|------------------|
| FRANK K. PERKINS | BOROUGH SURVEYOR'S OFFICE, 36, BRIDGE ST., MORPETH. | 18th APRIL 1952. |

Important:—Sheet No. of Map on which Highway is shown
55 169 NW 1 and 55 69 NE 2




1950 Ordnance Survey Map


The 1950 Ordnance Survey map shows the footpath or track west of Park House had no connection to the north.

The footbridge at Stobs Ford, placed there in 1931, is shown. 

The river bank at Farcy Holes is in its natural position alongside the A197 / B1337 road which is now a parking area or lay-by.

There is no connection from Borehole Cottage to my land. 

There is no connection from my land to Parish Haugh.

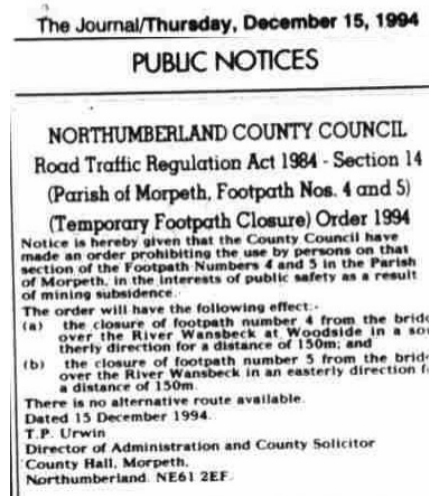
Houses on my land as shown. 

Bridge erected by J.R. Temple and Sons recorded in the Definitive Statement. 

Swinney's Field is disused. Use for football did not commence until 1976 following J.R. Temple and Son giving permission to the club to use their road across Job's Well Close to mow the grass.

The marks used above are my additions over the published map.

"Historical Evidence



"The above newspaper advertisement was placed by Northumberland County Council to close both of the purported Rights of Way on foot crossing my land. The mining subsidence referred to was in fact the collapse of the cap, placed following the cessation of mining operations, covering the Park House Colliery mineshaft. The shaft had not been filled. The cover was expanded metal plank with 50 mm of concrete. The plank corroded and collapsed into the shaft.

"The shaft was dangerous and work was carried out by Coal Authority contractors to make it safe. The shaft was filled with a large quantity of stone and a thick heavily reinforced concrete disc was cast over the area of the shaft and beyond.

"It is purported to be the case that when mining operations and quarrying operations were taking place the public were trespassing on my land and the landowners and occupiers willingly permitted that trespass without hindrance for twenty years and through lack of effort or wished to dedicate the paths as highway. No credibility can be attached to either claim.

"Both mining and quarrying are dangerous undertakings from which the public must be protected and certainly not permitted to pass through. The quarries presence were well recorded. Coal mining is recorded as having taken place for centuries. Both coal and sandstone outcrop across my land. Sand quarrying is also recorded.

“Without security theft of coal, sand and masonry would take place. Neither quarrying nor coal mining could be commercially successfully nor safely carried out.

“Fishing rights were held by the landowner and let out for money.

“Hunting rights were held by the landowner and let out for money.

“A bathing facility was made by the landowner and let out for money.

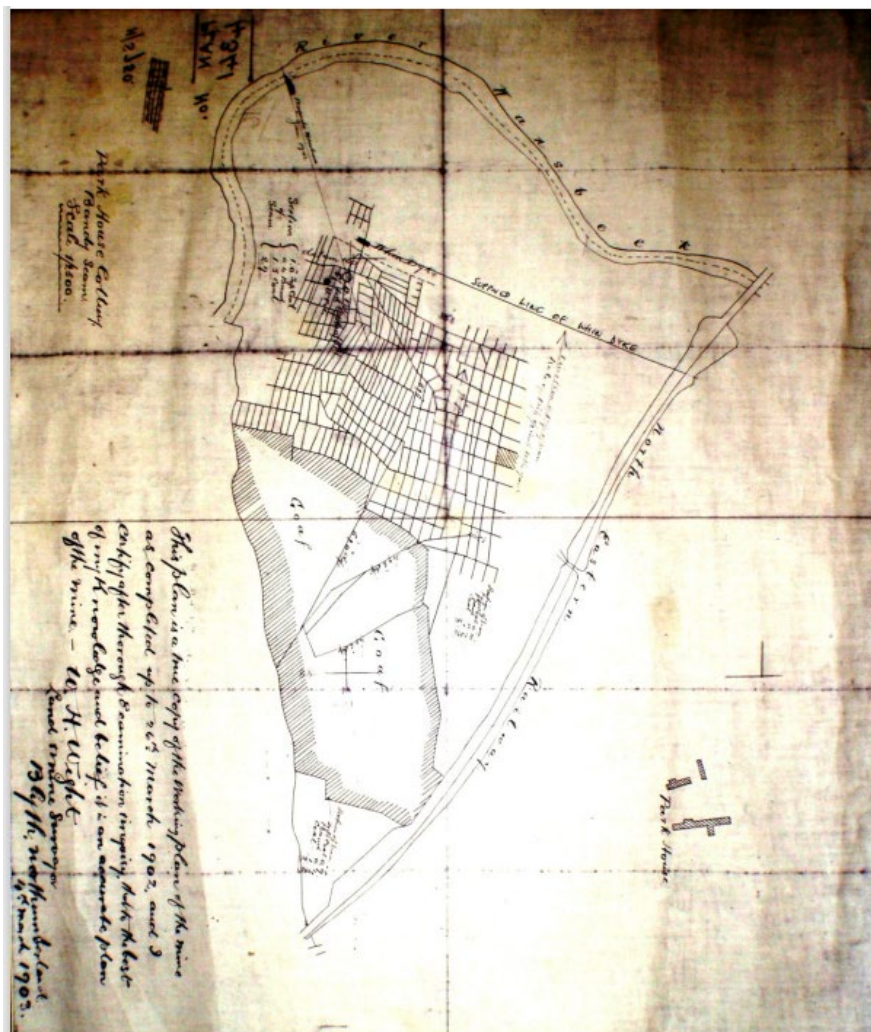
“Newspaper advertisements were placed by owner and occupier to notify the public that trespassers would be prosecuted.

“Every person other than the landowner and land occupiers were denied access by Act of Parliament on foot or cart or with animals.

“Mineral rights were held by the landowner and let out for money. Peaceful enjoyment was required by the occupier

“Park House and Park House Colliery

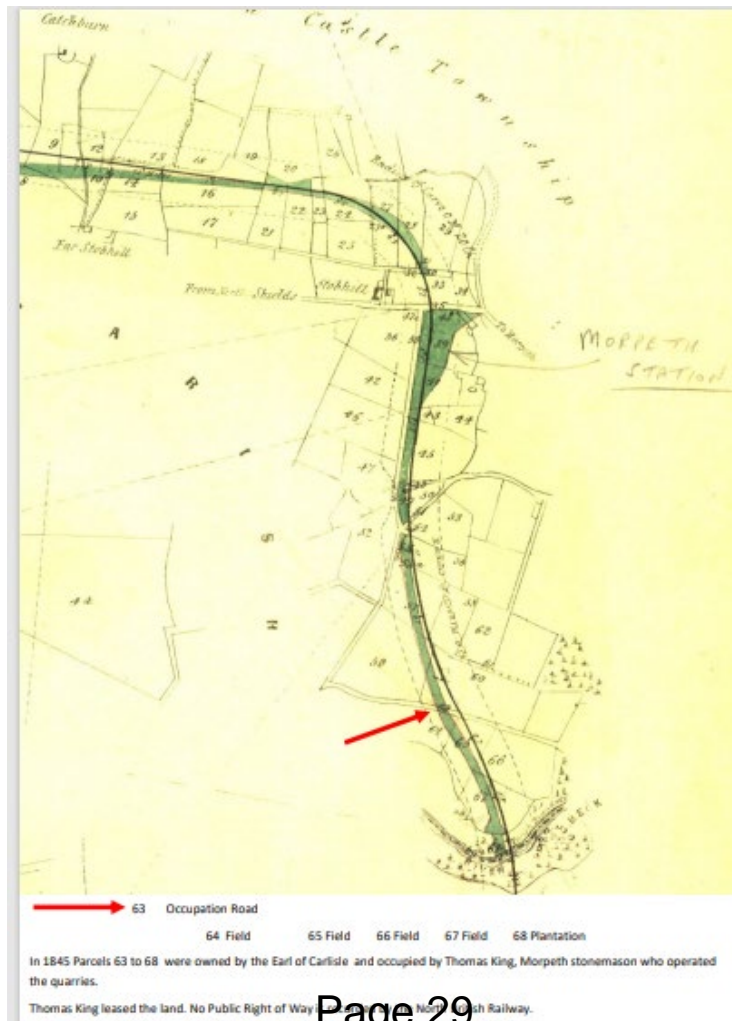
“The 1903 plan below of the extent of the Bandy Seam workings at Park House Colliery illustrate the amount of coal produced. Records show large quantities of coal having been moved to the surface and safe working areas being necessary which were inconsistent with a Public Right of Way.



+ Coal Authority records coal mining taking place and being abandoned in 1902, 1912 and 1932.

X 9 shafts are recorded immediately adjacent to footpaths purported to be Rights of Way.

Additional minor pits where coal working has taken place adjacent to purported public rights of way are not so recorded. The Earl of Carlisle as landowner received royalty payments which interest does not correlate with dedication of any Public Right of Way.



(In Duplicate if Copy required by District Estate Surveyor)

EXTRACT FROM BOOK OF REFERENCE

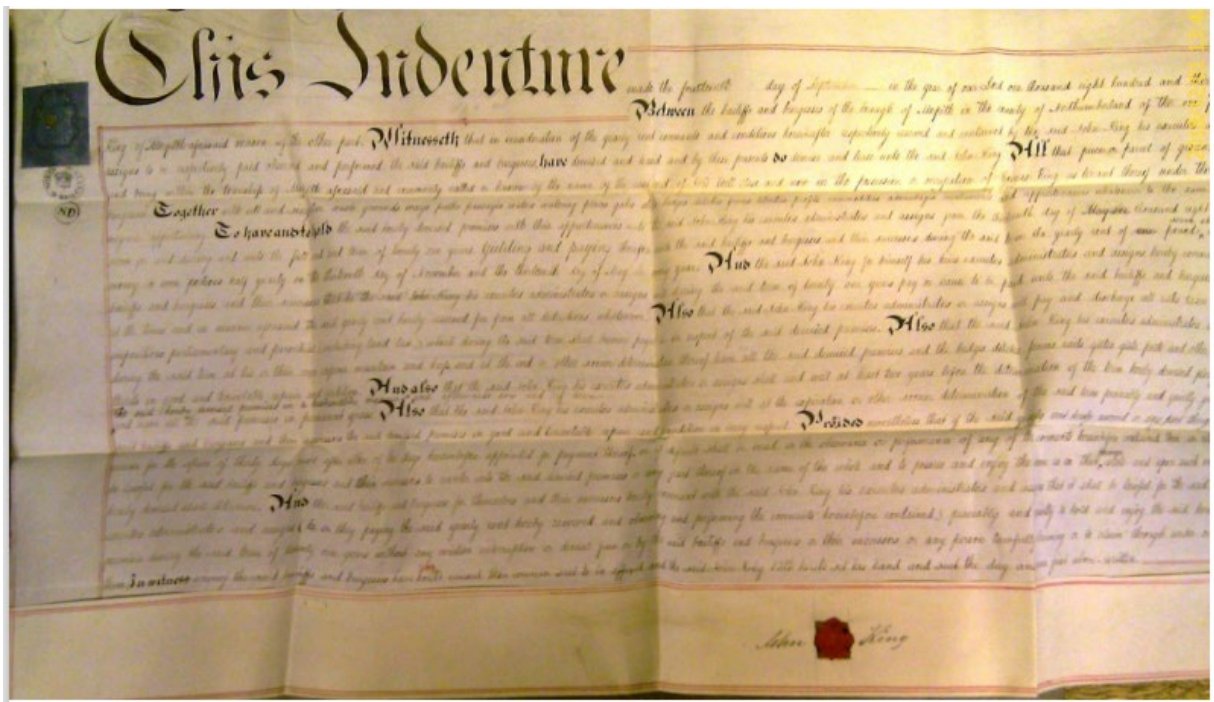
| TITLE OF ACT <i>Newcastle & Beach Leasing 1845</i> | | | | |
|---|---|--|---------|-------------------------|
| Parish of <i>Morpeth</i> in the County of <i>Northumberland</i> | | | | |
| No. of Plan | Description | Owners or Rented Owners | Lessees | Occupiers |
| 57 | Field | End of <i>Barbich</i> | | <i>Morpeth Bull</i> |
| 58 | Field | - <i>litt</i> - | | - <i>litt</i> - |
| 59 | Field | - <i>litt</i> - | | <i>Thomas King</i> |
| 60 | Field | - <i>litt</i> - | | - <i>litt</i> - |
| 61 | Plantation | - <i>litt</i> - | | End of <i>Barbich</i> |
| 62 | Field | - <i>litt</i> - | | <i>George Smith</i> |
| 63 | Occupation Road | - <i>litt</i> - | | <i>Thomas King</i> |
| 64 | Field | - <i>litt</i> - | | - <i>litt</i> - |
| 65 | Field | - <i>litt</i> - | | - <i>litt</i> - |
| 66 | Field | - <i>litt</i> - | | - <i>litt</i> - |
| 67 | Field | - <i>litt</i> - | | - <i>litt</i> - |
| 68 | Plantation | - <i>litt</i> - | | - <i>litt</i> - |
| 69 | <i>Now bounded by the Boundary between the Parishes of Morpeth and Barbich and the Councils of Newcastle & Morpeth & the Parish of St. James.</i> | <i>litt</i> & <i>The Duke of Richmond</i> | | |
| 1 | - as above - | <i>Parish of Barbich</i> | | |
| 2 | Plantation | <i>Duke of Richmond</i> | | <i>Duke of Richmond</i> |
| 2a | Occupation Road | - <i>litt</i> - | | - <i>litt</i> - |
| 3 | Field | - <i>litt</i> - | | <i>George Smith</i> |
| 4 | Field | - <i>litt</i> - | | - <i>litt</i> - |

Remarks (if any)

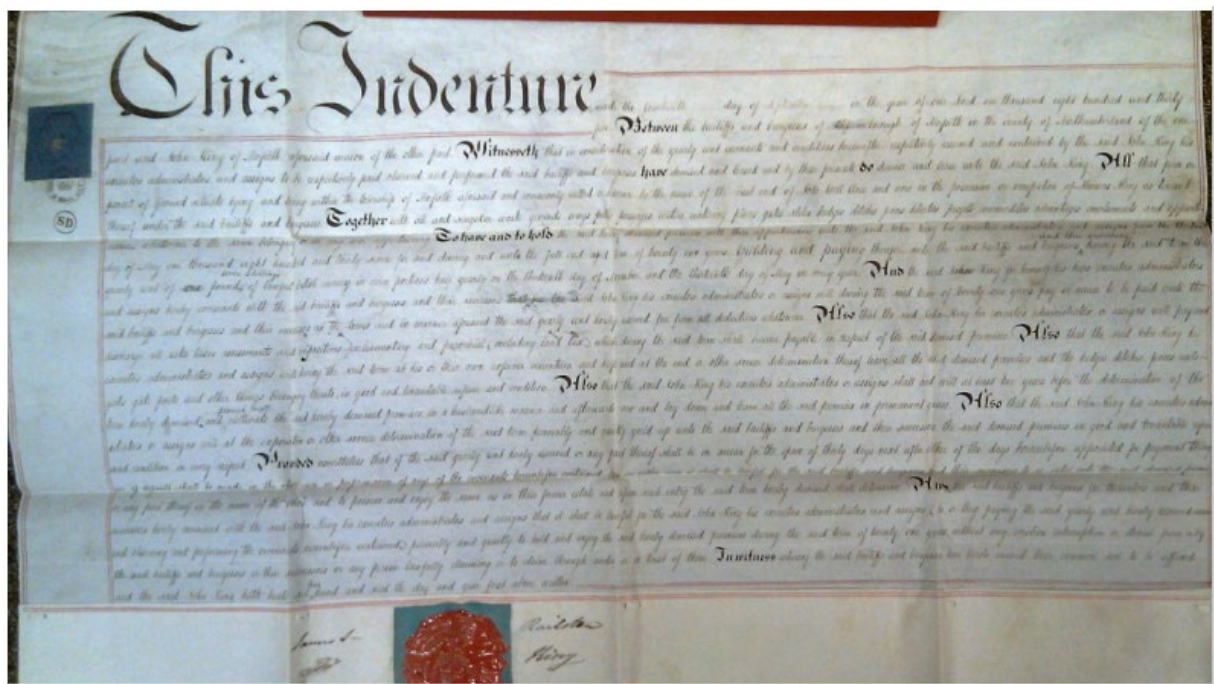
Manuscript/Printed Book of Reference
 Extracted at *London, 1878*
 By *J. H. Smith*
 Date *18. 4. 78*

“John King who died in 1867 and his son Thomas King, who died in 1858 and is also buried in St Mary’s churchyard, were stonemasons in Morpeth. They built a reservoir to supply Morpeth with water and numerous other buildings including the Telford bridge and did work on St James church. King Street has numerous stone houses. Access to the quarries he owned was restricted by access. Job’s Well Close gives access and it then being owned by Morpeth Borough Council, John King leased the East end of Job’s Well Close in order to gain access via the ford and stepping stones downstream from my bridge.

“There was no Public Right of Way.



“Lease of East end of Job’s Well Close to John King stonemason from 14th September 1837 for 21 years.



“Lease of East end of Job’s Well Close to John King stonemason from 15th September 1823 for 14 years.

National Parks and Access to the Countryside Act 1949

(6) In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say.—

" footpath " means a highway over which the public have a right of way on foot only, other than such a highway at the side of a public road ;

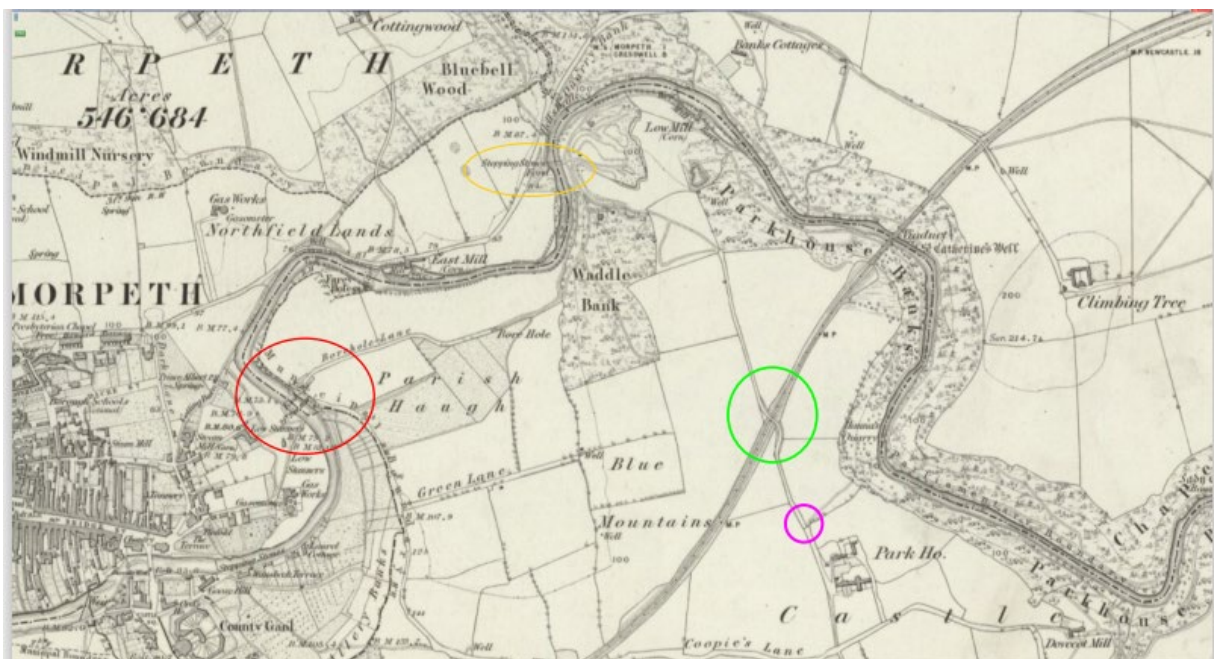
" bridleway " means a highway over which the public have the following, but no other, rights of way, that is to say. a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway;

" horse " includes pony, ass and mule, and " horseback " shall be construed accordingly;

" public path " means a highway being either a footpath or a bridleway;

" right of way to which this Part of this Act applies " means a right of way such that the land over which the right subsists is a public path;

" road used as a public path " means a highway, other than a public path, used by the public mainly for the purposes for which footpaths or bridleways are so used.



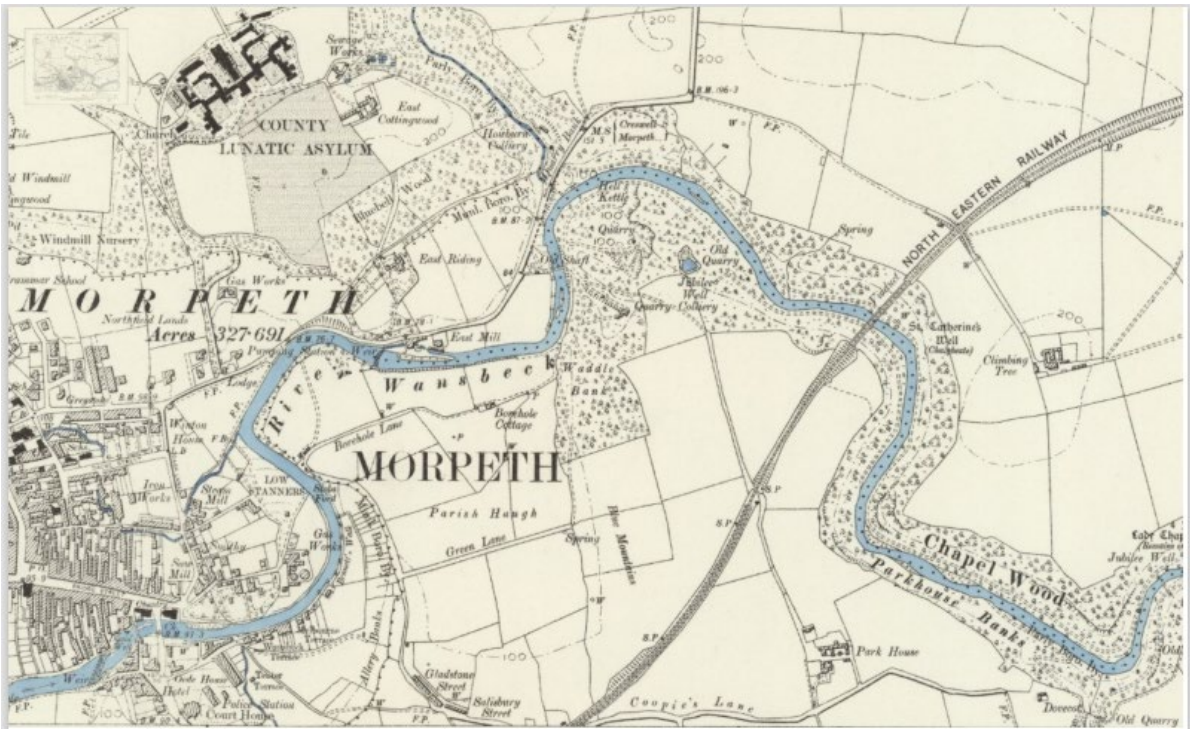
1859 Ordnance Survey Map

Access across the River Wansbeck from the East end of Job's Well Close is provided by stepping stones and a ford following John King's acquisition of a lease, renting land for quarrying from the Earl of Carlisle and making an occupation road connecting to Coopie's Lane.

The diverted road is shown where a bridge was made over the newly made railway.

There are two fords at Low Stanners.

Thomas King's occupation road is gated. There is no Public Right of Way.



1896 Ordnance Survey Map

Borehole Cottage paths are not contiguous.

East of Borehole Cottage path does not enter Waddle Bank land.

'Quarry Colliery' - correctly named 'Park House Colliery' - operated at this time and was surrounded by fence.

Park House farm house was surrounded by fence with a path from the farm yard to Coupies Lane.

"The 1829 Telford Bridge Act required excavations made to obtain materials for the bridge to be fenced and made safe. The stone for the Telford Bridge and much else in Morpeth, was taken from the quarry on my land then owned by the Earl of Carlisle occupied by Thomas King stonemason. He was involved in building the Telford bridge. He was required to erect fences as described to prevent Accidents to Persons or Cattle'. Substantial fines were to be imposed for failure to do so.

Pits or Holes to be filled up.

LVII. And be it further enacted, That if any Persons employed under the Powers of this Act shall, by searching for, digging, or getting any Gravel, Sand, Stones, Chalk, Clay, or other Materials as aforesaid, make any Pit or Hole in any Lands or Grounds, Rivers or Brooks

5

Brooks as aforesaid, wherein such Materials shall be found, such Person shall forthwith cause the same to be sufficiently fenced off, and such Fence to be supported and repaired during such Time as the said Pit or Hole shall remain open, and shall, within Three Days after such Pit or Hole shall be open or made, where no Materials shall be found, cause the same to be filled up, levelled, and covered with the Turf or Clay which was dug out of the same; and, where such Materials shall be found, within Seven Days after having dug up sufficient Materials in such Pit or Hole, if the same is not likely to be further useful, shall cause the same to be filled up, sloped down, or fenced off, and so continued; and if the same is likely to be further useful, such Person or Persons so employed shall sufficiently secure the same by Fences, to prevent Accidents to Persons or Cattle; and in case any such Person shall neglect to fill up, slope down, or fence off such Pit or Hole in the Manner and within the Time aforesaid, he shall forfeit and pay any Sum not exceeding Ten Pounds for every such Default; and in case such Person shall neglect to fence off such Pit or Hole, or to slope down the same, as herein-before is directed, for the Space of Twenty-four Hours after he shall have received Notice for either of those Purposes from any Justice of the Peace, or from the Owner or Occupier of such several Grounds, River, or Brook, and such Neglect and Notice shall be proved upon Oath before any of the said Justices of the Peace, such Person shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings for every such Neglect, to be determined and adjudged by such Justice; and such Penalty shall be laid out and applied in the fencing off, filling up, and sloping down such Pit or Hole, in such Manner as the said Justice shall direct and appoint; which Forfeiture, in case the same be not forthwith paid, shall be levied as other Forfeitures are herein-after directed to be levied.


Power to stop up old Bridge.

LXXXVIII. Provided always, and be it further enacted, That as soon as the said intended Bridge shall be built and completely furnished and made commodious and opened to the Public for the Passage of Passengers, Carriages, and Cattle over the same, it shall be lawful for the said Commissioners and they are hereby required to stop up the said

said present Bridge, and also all Fords across the said River *Wansbeck*, within Seven hundred and fifty Yards from the East Side of the intended Bridge, and within Seven hundred Yards from the West Side of the said intended Bridge, following the Course of the River in each Case, except the Ford herein-after mentioned, called the *Low Stanners Ford*, so as to prevent Carriages, Horses, or Cattle from passing over or through the same or any of them, and to keep the same stopped up until the Tolls upon the said intended Bridge shall have ceased.


1832 Map


Borehole Lane ford was within the stipulated 750 yards from the East side of the Telford bridge so that the ford leading there was required by the Act of Parliament to be stopped up.


Coopie's Lane led to the Dovecot. 

The correct name has now been forgotten so that Coopies Lane is used forgetting it's origins related to the pigeon coop.

What is later called Borehole Lane had no connection to my land. 

The then Morpeth Borough boundary is shown in green. 

The occupation road made by Thomas King for quarrying sandstone has no record showing a Public Right of Way. 

Nedderton Wagonway supplied Morpeth with coal which was used in Low Stanners gas works. 

These features were all on private land owned by the Earl of Carlisle and rented to occupiers accordingly.



1829 Telford Bridge Act

LXXXIX. Provided always, and be it further enacted, That after the said intended Bridge shall be fully completed and opened to the Public as aforesaid, if any Persons shall drive or take or attempt to drive or take, or cause to pass, any Horse, Mare, Gelding, Mule, Ass, Beast, Sheep, Swine, Calf, Lamb, or any Cattle whatsoever, or any Cart, Coach, Waggon, or any Carriage whatsoever, over or along the said present Bridge, whether the same shall have been stopped up as aforesaid or not, every Person so offending shall forfeit the Sum of Forty Shillings for every such Horse, Mare, Gelding, Mule, Ass, Beast, Sheep, Swine, Calf, Cart, Coach, Waggon, or Carriage; and if any Person shall make any Ford through or Bridge over the said River, within the Distance of Seven hundred and fifty Yards from the East Side of the said intended Bridge, or within Seven hundred Yards from the West Side of the said Bridge, following the Course of the River in each Case, every such Person shall forfeit and pay the Sum of Forty Pounds for every such Offence; and every Person who shall take or drive or cause to pass any Horse, Mare, Gelding, Mule, Ass, Beast, Swine, Sheep, Calf, or other Cattle, or any Coach, Cart, Waggon, or other Carriage whatsoever, through or over any Ford whatsoever, or over or along any Bridge whatsoever, within such respective Distances, shall forfeit and pay any Sum not exceeding Forty Shillings for every Horse, Mare, Mule, Gelding, Ass, Beast, Sheep, Swine, Calf, Coach, Cart, Waggon, and Carriage whatsoever, which he, she, or they shall take, drive, or cause to pass through, over, or along such Ford or Bridge.

Penalty for using old Bridge, or any other Bridge or Ford.

"1848 4th September the bridge loans having been repaid tolls were no longer collected.

Obituary

MR. GEO. TEMPLE, MORPETH

"Though we may only be a very small gathering present in St. Mary's Church this afternoon, I hope I may be permitted to place on record the very high appreciation with which the name of Mr. George Temple is accepted by many people in Morpeth," remarked the Rector of Morpeth (Canon F. Baker) when conducting the funeral service of the late Mr. George Temple, whose death took place at his residence, 2a Bennett's Walk, Morpeth, last Saturday morning.

"A quiet though kindly soul," continued the Rector, "George Temple has been a very loyal member of both St. Mary's and St. James' Churches and most regular in his attendance at service every Sunday until his hearing prevented him from enjoying to the full his participation in public worship. He succeeded his father, the late Mr. Andrew Temple, as a member of the Four and Twenty, who were the forerunners of the present Parochial Council.

He also rendered long and faithful service in St. James' Church as a churchwarden and sidesman, and, though somewhat retiring, his generous nature and loyalty won for him the respect of many people in Morpeth and the surrounding district, and I feel sure the members of his family have the sympathy of many friends, in the time of their present sorrow."

Born in the Kirk Yetholm district 35 years ago, Mr. George Temple possessed many of the sterling qualities associated with the men and women of the border country, and at the age of seven, along with his parents and other members of his family, came from Roddam Hall, when his father accepted the position of head gardener to the Hon. Francis and Lady Grey, when Canon Grey was Rector of Morpeth. While residing at the High Church he assisted his father on many occasions as a boy, and on one occasion helped to plant the six fine trees which line the pathway leading directly west from the St. Mary's porch. When the late Mr. Andrew Temple branched out as a market gardener in Morpeth, Mr. George Temple and his brothers shouldered their responsibilities, and after a few years they branched out from their premises in Wansbeck Street and Bennett's Walk to the land which surrounded Park House, and when the Carlisle estate was broken up in 1813 the late Mr. A. Temple and his sons became the owners of the Park House and Stobhill Gate portions of the estate.

After the death of Mr. Andrew Temple, Mr. George Temple and his younger brother, Mr. John R. Temple, continued in partnership for a time, but in 1829 they dissolved partnership, Mr. John R. Temple taking over the Park House section, while Mr. George retained Stobhill Gate.

A member of the Do Ogle Lodge of Freemasons, he played a prominent part in the original formation of the Morpeth Highland Pipe Band, along with the late Sir George Hewitt, of Spring Hill, and other prominent residents of the town of Morpeth.

1874 Temple family moved to Morpeth.

Previously tenants, they bought land at Stobhill and Park House in 1913.

Prior to that market gardeners on Parish Haugh and Allery Banks.

J.R. Temple and Sons partnership formed in 1920.

1857 30th May Morpeth Herald

MORPETH BOARD OF HEALTH.—At a meeting of the board held on Wednesday week, Mr. William Noble's plan for buildings at the Goose Hill was ordered to be amended; and a resolution was passed that the board should take charge of, and keep in repair, a bridge over the Wansbeck, at the Low Stanners Ford, about to be erected at the expense of the Earl of Carlisle.

The fishing question and the Corporation may yet become an unpleasant matter if a Bill more drastic than the present one is carried. The question is one which needs to be handled with extreme delicacy, and in no way must the Corporation be shown any special preference to particular classes or sect of individuals. In the first place we should point out that for many, many years the public of Morpeth have had the right of fishing in the Wansbeck from the Green House Bridge to the Royal Water Head, a distance of nearly 3 miles. This privilege they enjoyed unimpeded until about twelve months ago when a part of the river from the Railway Viaduct to Royal Water Head was taken from them and situated as a reserved ground. Our noble Dukes are the trustees of the ground, to this fact and an application was made to the Carlisle Trustees asking them to restore the fishing for the public of Morpeth. A very favourable answer was received and the Trustees were quite willing that the public of Morpeth should still have the privilege of fishing in this particular part of the river, and suggested that a club should be formed for the purpose of protecting the river from being over-run with persons who make fishing the excuse for indulging in the illegal search of the river. A meeting of the prominent members of the river was called and it was agreed that a club should be formed and that a subscription of 2s per annum should be paid by each member, and that for youths below the age of 16 years, all of whom must be inhabitants of the parishes of Morpeth and Buller's Green. Those fees have been submitted to the Council for consideration, and will very likely have been adopted by a majority. There was a strong plea made that the fee was too high and would exclude the working classes from

joining the club. That there is some reason in this opinion is not to be doubted, and it would be well for the Council to take the matter into careful consideration, as it would be a most unjust procedure to place the fee beyond the reach of ordinary working men. The Carlisle Trustees were favourable as to the fishing being free to the public of Morpeth, and the fee of the club might be made so as to meet the demands of all classes. We cannot say that we are in favour of making a fee for the working man and another for the tradesmen. That, we believe, would not be at all equitable to either party, as working men generally have to wish but that they should be fairly treated and placed on an equal footing with the rest of the community. The great thing is to make a uniform fee as far as to be within the reach of all classes, and we are strongly of opinion that the fee ought not to exceed 2s per annum. As for apprentices, the half fee should be in operation until they have reached the age of 16. It is most absurd to limit the half fee to youths below 16 years of age, as it is very well known that there are few apprentices, even at the age of twenty whose earnings are sufficiently large enough to keep themselves. Moreover in cases where there are two or three lads in a family between the ages of sixteen and twenty, it would entail considerable expense upon their parents if they had to pay for each of them 2s per annum to join the club. Most of the members of the club as it at present exists have done to fish in other waters, and they should not be regarded as the working classes, who are not so fortunate, to obtain a little recreation as a casual figure. It is only to be regretted that so many of the working men in this town spend much of their leisure time in pursuits that have no beneficial tendency either intellectually or morally, and it behoves all who have the welfare of their fellow-men at heart to encourage that which is calculated to do the most good and which will be conducive to the general welfare of the community at large. We trust that the club will endeavour to get as many working men members as possible and that they will not overlook the claims of the apprentices. They ought to get every angle in Morpeth to join them, for to do this so they will make the fishing within the borough much better than it has ever been, as more attention will be paid to the rules of angling, and young fish will be allowed to grow to respectable proportions before being killed.

1884 19th July Morpeth Herald
'Our Own Column'

The right to fish the river from the Railway Viaduct to Bothal Weir Head was rented to a newly formed angling club. The footpath created to fish that bank of the River Wansbeck was not a Right of Way. It leads only to the river.

1855 25th August Morpeth Herald

The Bore Hole Lane led to the Bore Hole bath and shower. Charges were made for its use. A cottage was built for an attendant to supervise its use. The Borehole Lane was not a Public Right of Way but provided access for the public to experience the health giving properties of the chalybeate water in the bath and shower.

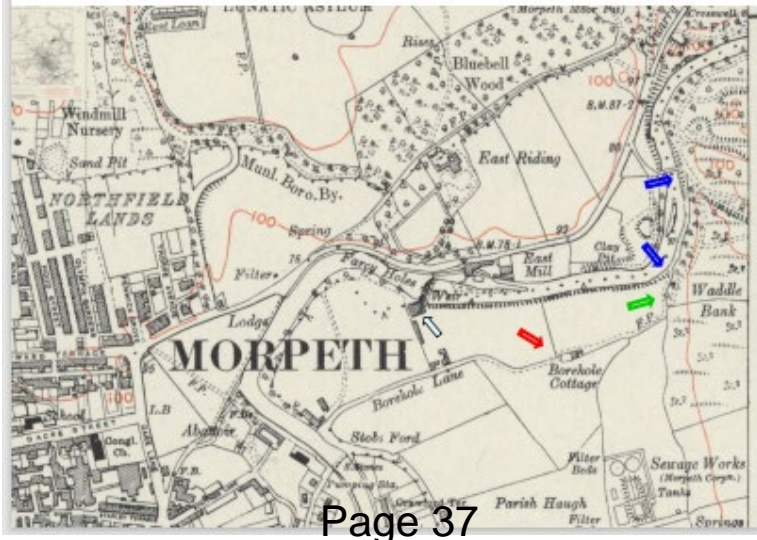
The "Box Hole."—This fine chalybeate spring within a short distance of this Town having recently failed in its supply, two of Lord Carlisle's workmen, by order of A. R. Fenwick, Esq., were sent to ascertain the cause of the failure, and found underneath the flags at the bottom of the Bath, a large hole through which the water had escaped. Having completely repaired the damage, the Bath is now full of "water clear as diamond spark" and only awaits the inhabitants of Morpeth to appreciate its invigorating properties and benefits to those in quest of health. The small charge of one penny for the plunge, and two pence for the shower bath is made to remunerate the person in attendance.

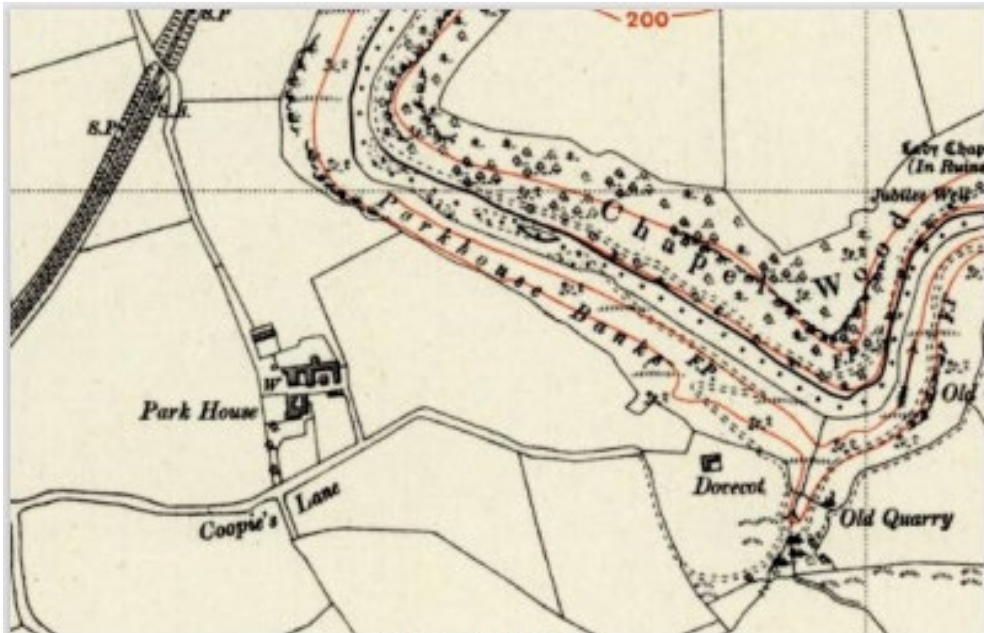
1857 30th May Morpeth Herald

Earl of Carlisle erected a wooden bridge at Stobsford. A replacement bridge was put in position in 1931. Made in 1872 it was moved from High Stanners. MORPETH BOARD OF HEALTH.—At a meeting of the board held on Wednesday week, Mr. William Noble's plan for buildings at the Goose Hill was ordered to be amended; and a resolution was passed that the board should take charge of, and keep in repair, a bridge over the Wansbeck, at the Low Stanners Ford, about to be erected at the expense of the Earl of Carlisle.

1921 Ordnance Survey Map

- Paths leading from Borehole Cottage are not contiguous. →
- Paths do not connect to my land. →
- My riverside path does not exist to the south of the river crossing. →
- Timber was sourced from the woodland. Output from the market gardens was sold in Newcastle. Horses were kept for that purpose on land unsuitable for arable purposes and paths led from those areas for that reason. These were not public rights of way. Parish Haugh was used for market garden purposes by the Temple and Charlton families. The Temple family carts changed horses at Stannington after the steep hill. The middens of Newcastle provided fertiliser transported on the returning carts.
- The 1921 map shows a greenhouse. ↖





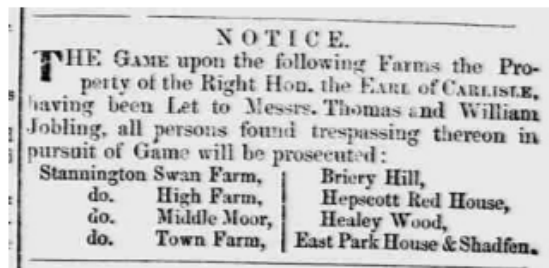
1938 Ordnance Survey Map

No footpath exists adjacent to Park House. The track to the bridge over the railway is gated.

The map shows no evidence of a Right of Way.

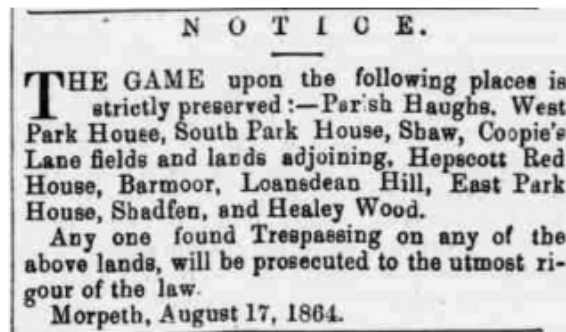
“1857 8th August Morpeth Herald

Trespassers were warned that they would be prosecuted. The notice is not consistent with a wish to dedicate a Right of Way over the land.



“1864 20th August Morpeth Herald

Trespassers were warned that they would be prosecuted. The notice is not consistent with a wish to dedicate a Right of Way over the land.



BOROUGH OF MORPETH.
BUILDING SITES OR GARDENS.

TO L E T. from the 12th day of May, 1865,
as Building Sites upon lease, for 75 years,
or as Gardens from year to year, the whole or a
portion of the following, viz:—

- 1.—The Garden at the Well Way, now occu-
pied by the Executors of the late Mr. Thomas
Jobling.
- 2.—The Garden or Field at Job's Well, in the
occupation of William Potts.

Offers, stating whether for Building Site or
Garden, and the rent, to be sent in to me, not
later than the 1st day of Oct. next.

The Corporation does not bind itself to accept
any offer.

By Order,
B. WOODMAN,
TOWN CLERK.

Morpeth, 2nd August, 1864.

1882 24th June Morpeth Herald

NOTICE.—Any one found gathering Mushrooms
or TRESPASSING on Park House Farm will
be prosecuted.

THOMAS SIMM,

1885 26th December Morpeth Herald

Special Notices.

NOTICE TO CREDITORS.
Re JOHN MOOR, late of Longhirst in the County
of Northumberland, Farmer and Butcher, deceased.

ALL persons having claims against Thomas
Simm, of Park House, Morpeth, Cattle Sale-
man; Francis Hewitt, of Woodhorn Demesne,
Farmer; and John Bean, of Dovecot House, Stan-
nington, Farmer, the Trustees under a deed dated
the 15th day of November, 1870, of the estate and
effects of the said deceased, or against Mrs. Elizabeth
Moor, of Longhirst, aforesaid, the widow and
administratrix of the said deceased, are required to
send particulars thereof to us the undersigned, on or
before the 31st day of December, 1885.

Dated this 23rd day of December, 1885.
T. & R. NICHOLSON,
23, Bridge Street, Morpeth,
Solicitors to the Estate.

1889 14th September Morpeth Herald

promising and honourable career. The second gentle-
man who has gone home is Mr. Thomas Simm, of Park
House, who died on Monday, after a long and pro-
tracted illness. Mr. Simm was one of the most
successful cattle salesman in the North, and was
respected by all classes for his manly and upright
dealing. He was also known as a thorough practical
farmer, and his farm at Park House not only shows
this to be the case, but for years past he has been
credited with having some of the earliest and best
crops in the county. His sympathies with the poor
were plainly manifested in his liberal donations, both
in money and goods, which he generously bestowed
upon all charitable movements organised in this town,
and there are none but who will regret his decease and
arrange deeply with his sorrowing family. The

1869 17th July Morpeth Herald

The report includes a description of the inhabitants of Morpeth walking two abreast 'perambulating the bounds' headed by Mr Banks band and carrying the Mace with the Mayor wearing his chain of office. At Job's Well Close a halt was made refreshments provided, and they toasted the health of the Mayor whilst the band played an appropriate tune.

Rather than use any purported Right of Way across any purported bridge the column crossed the River Wansbeck at East Mill walking on the weir. That was undoubtedly a risky thing to do as the weir is always covered in green slime. Having maintained a mill dam with a similar weir for over 25 years I can testify to the hazardous nature of stone, slime covered weirs.

The How Burn was then called Holburn and Whorral Bank was Quarry Bank. They walked alongside the River Wansbeck via Swinney's Field, then unnamed, crossed East Mill weir onto Parish Haugh and went west to Farcey Hole which was upstream of East Mill, across the west end of Parish Haugh to Low Stanners ford. The present day names of the lane from the ford are Gladstone Street and Salisbury Street however it was then reported as Park House Lane. They then turned west back towards the town centre.

The route was much the same as that followed in 1863.

There was no path or prospective Right of Way across Parish Haugh.

In more recent times they rode the bounds of the extended Morpeth Borough. To do that they asked for my permission, gladly given, in order to cross my land on horseback. Clive Temple had to learn to ride a horse as he was Mayor at one of these events.

PERAMBULATING THE BOUNDARIES OF MORPETH.

The Mayor, Aldermen and Common Councilors along with a large number of the inhabitants of Morpeth, perambulated the municipal boundaries of the borough on Wednesday. They met at the Council Chamber at 4 o'clock and after having partaken of refreshments provided by the Mayor and Councilor W. Grey, the procession was formed by Mr. News, deputy town clerk. The procession was headed by Mr. Banks' band, then came Mr. James Thompson (a freemas) carrying a hand saw, Mr. E. Barn carrying a hedge knife, the mayor's messenger (Mr. John Broad) carrying the mace, the Mayor (wearing the gold chain of office) with Alderman Hood on his right and Councilor G. S. Hunt on his left, the following councilors two abreast, Councilors F. Brunell, G. S. Chitrey, J. Dixon, T. Jobling, W. Hall, G. R. Grey, W. Stanley, W. Grey, and D. F. Wilson, and the general public also two abreast. They marched along Hoising Street and Oldgate Street, across the Chain Bridge, and took the same route as was done on the last occasion, namely on St. Mark's Day 1863, when the late Mr. Wm. Wilson was Mayor the following is the record left at that time in the minutes of the Corporation:—

Began opposite the Chain Bridge on the High Stanners and proceeding by the northern side of the Upper Farnall Close in the occupation of Mr. Ralph Watson, through the garden adjoining the High Stanners the property of Mr. T. Jobling and others, over the south end of the pig sty into the High Stanners by the north side of the two cottages now or lately occupied by George Chaitler, then by the wall of the Nether Farnall Close to the western extremity of the Stanners over the river in a north westerly direction to the mouth of a drain in a wall forming the southern boundary of a garden belonging to the Rev. B. Ord, and about 33 yards from the ford across the river Wansbeck, along that wall to the centre of the cart road, to Soller's Green Cross, to the end of the Eggar Lane, to Cottingwood Lane, along that lane to the northern bound ary of the North Field lands, passing along the southern fence of Cottingwood Nursery and the Blue Bell Wood to Holburn, down Holburn to the river Wansbeck, by the northern side of the river to the East Mill weir, over that weir into the Parish Haugh, and the Farcey Hole to the Green Lane, above the Barn Hole Lane, to the ford from the Low Stanners, up the Park House Lane, or Old Waggon-way, to Miller's Goby Nook, along the south side of the south hedge of the Alley Banks into the Gledy Haugh and the garden which was formerly part of the Gledy Haugh, and now or lately occupied by Mr. George Purdy, keeping the south side of the fence of the Gledy Garden to the Turnpike Road, across it to the Southern side of the South fence of the garden belonging to and occupied by George Purdy, and by the South West fence of the same garden to the base of the Hill as far as the ancient mound or fence, and along that fence to the water's edge at Babon's Close which adjoins the Castle Wood, and then by the South side of the river to the High Stanners, and by the South fence of the same to the point where the perambulation commenced." In Wednesday's progress, much difficulty was experienced in getting across the river from the High Stanners to the lane leading to the foot of Dogger Bank—the boat being over laden ran aground, and could not be got off till one councilor valourously leaped into the river and waded to the bank, while several others had to be carried ashore. The whole scene caused a great deal of merriment and attracted a crowd of spectators. William Morgan was the only person who traversed that part of the boundary that lies through the Quarry Bank. He also swam up the river a good way, at a point where the company could not get close to the water's edge; and amused them by performing various feats of swimming and diving at the East Mill weir-head, for which he was rewarded by a contribution of twelve shillings. At Job's well, where a halt was made, and refreshments provided, Mr. B. G. Roberts proposed the health of the Mayor, which was drunk with enthusiasm, and responded to by him, and the band played an appropriate tune. The journey occupied about three hours, and the difficulties encountered in the way of climbing steep banks, making sharp descents, and climbing over very unsmooth fences, had exhausted many; for the ranks were considerably thinned before they returned to town. The company afterwards dined at the Queen's Head, under the presidency of the Mayor; and with toasts, songs, and music from the band, a pleasant evening was spent.

“Flood Events

Flooding has damaged and removed completely bridges which are necessary for purported Public Rights of Way. to have any possibility of existing. No requirement exists or has existed for landowners to construct or maintain the bridges for public use. They were all created by the land occupier for use by the land occupier.

THE RECORD OF FLOOD STONES

The one gauging station on the Wansbeck at Mitford, just downstream from the confluence with the Font, was established in 1968. However, flood stones at Bothal Mill and East Mill provide a basis for comparing the severe Wansbeck floods of the late nineteenth century with more recent extremes. The record at Bothal Mill is the most comprehensive and, although the wall on which the levels were inscribed was demolished in the early 1980s, fortunately the levels

had been surveyed previously by River Authority engineers. They are as follows:

| | | |
|--------|------|-----------------------------|
| 7 Mar | 1963 | 10.88m above Ordnance Datum |
| | 1898 | 10.78m |
| | 1878 | 10.37m |
| | 1886 | 10.30m |
| 17 Oct | 1967 | 9.81m |
| 1 Jun | 1924 | 9.78m |
| | 1948 | 9.48m |

There are only two engraved stones at East Mill, for 1963 and 1898, and these confirm the supremacy of the 1963 flood, which in this case was about 0.18 metres higher than in 1898.

| | 11 Jun 1863 | 2 Nov 1863 | 20 Dec 1876 | 21 Aug 1877 | 22 Jan 1878 | 31 Dec 1878 | 9 Mar 1881 | 6 Nov 1886 | 7 Sep 1898 | 18 Oct 1898 | 26 Oct 1900 | 9 Oct 1903 |
|----------------|-------------------|------------------|-------------------------------------|-------------------|-------------------|-------------------|------------------|------------------|------------------|-------------------|-------------------|------------------|
| High Stanners | | 1 | 2 | 1 | 1 | 2 | 1 | 1 | 2 | | | |
| Olivers Mill | | | | 1 | | | 1 | | | | | |
| Beechfield Ho. | 3 | | | | 1 | | 1 | | 1 | | | |
| Low Stanners | 3 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Staithe Lane | | | | | | | 1 | 1 | | | | |
| Bennett's Walk | 3 | | 2/1? | | | | 1 | 1 | 1 | 1 | 1 | |
| Tenter Tce | | | 2/1? | | | 1 | | | | | | |
| Albert Inn | 1 | 1 | Abandoned 1868 and later demolished | | | | | | | | | |
| East Mill | | | | | 1 | | 1 | 1 | 1 | 1 | | 1/2 |

1 - Flooded houses
2 - Flooded access
3 - Flooded road / gardens

13th September 1839 Bridge destroyed by flood

the water was several feet deep in some houses at Morpeth. A wooden bridge at Morpeth quarry was destroyed and at the East Mill the water nearly reached the first storey. A stack of hay was taken from Bothal Haughs, carried out to

1839.] HISTORICAL REGISTER OF REMARKABLE EVENTS. 117

the damage was estimated at nearly £3,000. The Wansbeck rose two feet higher than in the great flood of February, 1831, and the water was several feet deep in some houses at Morpeth; a wooden bridge at Morpeth quarry was swept away; the dam at Netherwitton was destroyed; many

1878 flood Bridge removed by flood

Water backed up the Cotting burn, flooding Mill Square and the east side of Damside. Wright's timber yard was under two feet of water. Nearby, the quay wall at Beechfield and the Willows was overtopped, covering gardens and floors of the Vineries and filling cellars. Further downstream, East Mill was flooded to a depth of three feet and the bridge at Quarry Drift colliery was twisted out of position.

1898 flood no record of Bridge

water reached the seventh step of the stairs leading to the bedrooms. The level is engraved nearby on the doorway of an outbuilding.

A little further downstream an unexpected disaster struck T. Proudlock, a tripe preparer at Job's Well Close. His works adjoined a disused coal shaft and the weight of water broke through the shaft covering and, swirling down the opening, carried away cart, trap, watchdog, ten pigs and part of his buildings. At Sheepwash a temporary bridge damaged in September was completely destroyed.

1769 Armstrong Map

The map shows the Earl of Carlisle as landowner of the Low Stanners ford as is described in the Telford Bridge Act.

There is not even a ford at Job's Well Close.



Dated 20th February 1873

The Mayor Aldermen and Burgesses of Morpeth

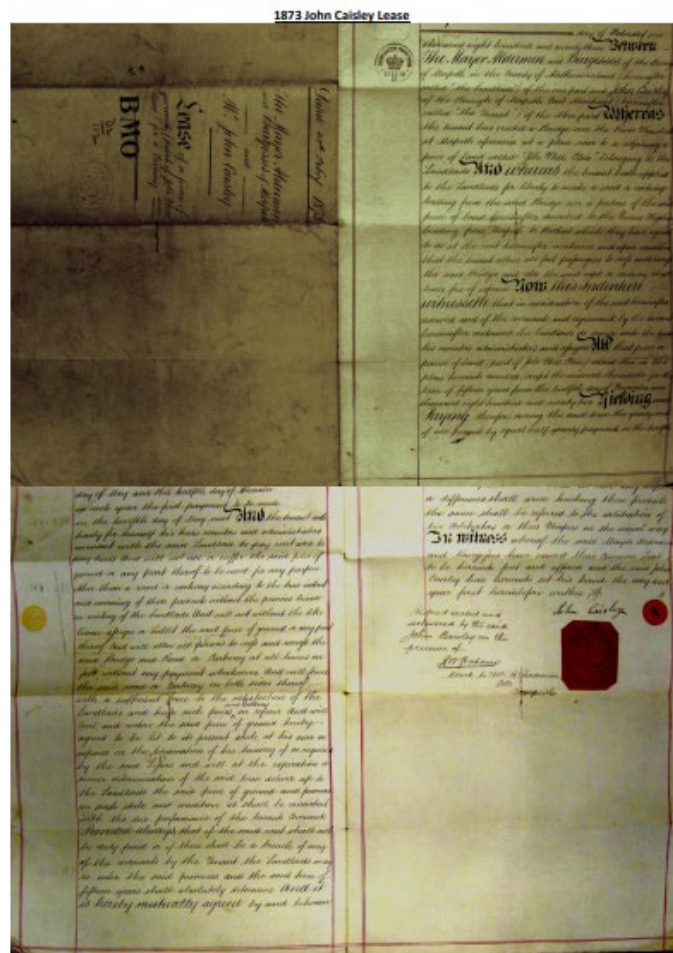
And

Mr. John Caisley

Lease of a piece of ground (part of Job's Well Close) for a cartway

Lease 20th day of February one thousand eight hundred and seventy three **Between** The Mayor Aldermen and Burgesses of the Borough of Morpeth in the County of Northumberland (hereinafter called "the Landlords") of the one part and John Caisley of the Borough of Morpeth Coal Merchant (hereinafter called "the Tenant") of the other part **Whereas** the tenant has erected a Bridge over the River Wansbeck at Morpeth aforesaid at a place near to or adjoining a piece of land called "Job's Well Close" belonging to the Landlords **And** whereas the tenant hath applied to the Landlords for liberty to make a road or cartway leading from the said bridge over a portion of the said land hereinafter described to the Queens Highway leading from Morpeth to Bothall which they have agreed to do at the rent hereinafter mentioned and upon condition that the tenant allows all foot passengers to cross and recross the said bridge and also the said road or cartway at all times free of expense **Now** this Indenture witnesseth that in consideration of the rent hereinafter reserved and of the covenants and agreements by the tenant hereinafter contained the Landlords do demise unto the tenant his executors administrators and assigns **All** that piece or parcel of land (part of Job's Well Close) coloured blue on the plan hereunto annexed (except the minerals thereunder) for the term of fifteen years from the twelfth day of November one thousand eight hundred and seventy two **Yielding** and **Paying** therefor during the said term the yearly rent of one pound by equal half yearly payments on the twelfth day of May and the twelfth day of November in each year the first payment to be made on the twelfth day of May next **And** the tenant doth hereby for himself his heirs executors and administrators covenant with the said Landlord to pay rent and to pay taxes and will not use or suffer the said piece of ground or any part thereof to be used for any purpose other than a road or cartway according to the true intent and meaning of these presents without the previous license in writing of the Landlords **And** will not without the like license assign or sublet the said piece of ground or any part thereof **And** will allow all persons to cross and recross the said Bridge and Road or Cartway at all times on foot without any payment whatsoever **And** will fence the said Road or Cartway on both sides thereof with a sufficient fence to the satisfaction of the Landlords and keep such fences and Cartway in repair **And** will level and restore the said piece of ground hereby agreed to be let to its present state at his own expence on the termination of his tenancy if so required by the said Lessors and will at the expiration or sooner determination of the said term deliver up to the Landlords the said piece of ground and premises in such state and condition as shall be consistent with the due performance of the tenants Covenants **Provided** always that if the said rent shall not be duly paid or if there shall be a breach of any of the covenants by the Tenant the Landlords may re-enter the said premises and the said term of fifteen years shall absolutely determine and it is hereby mutually agreed by and between.....

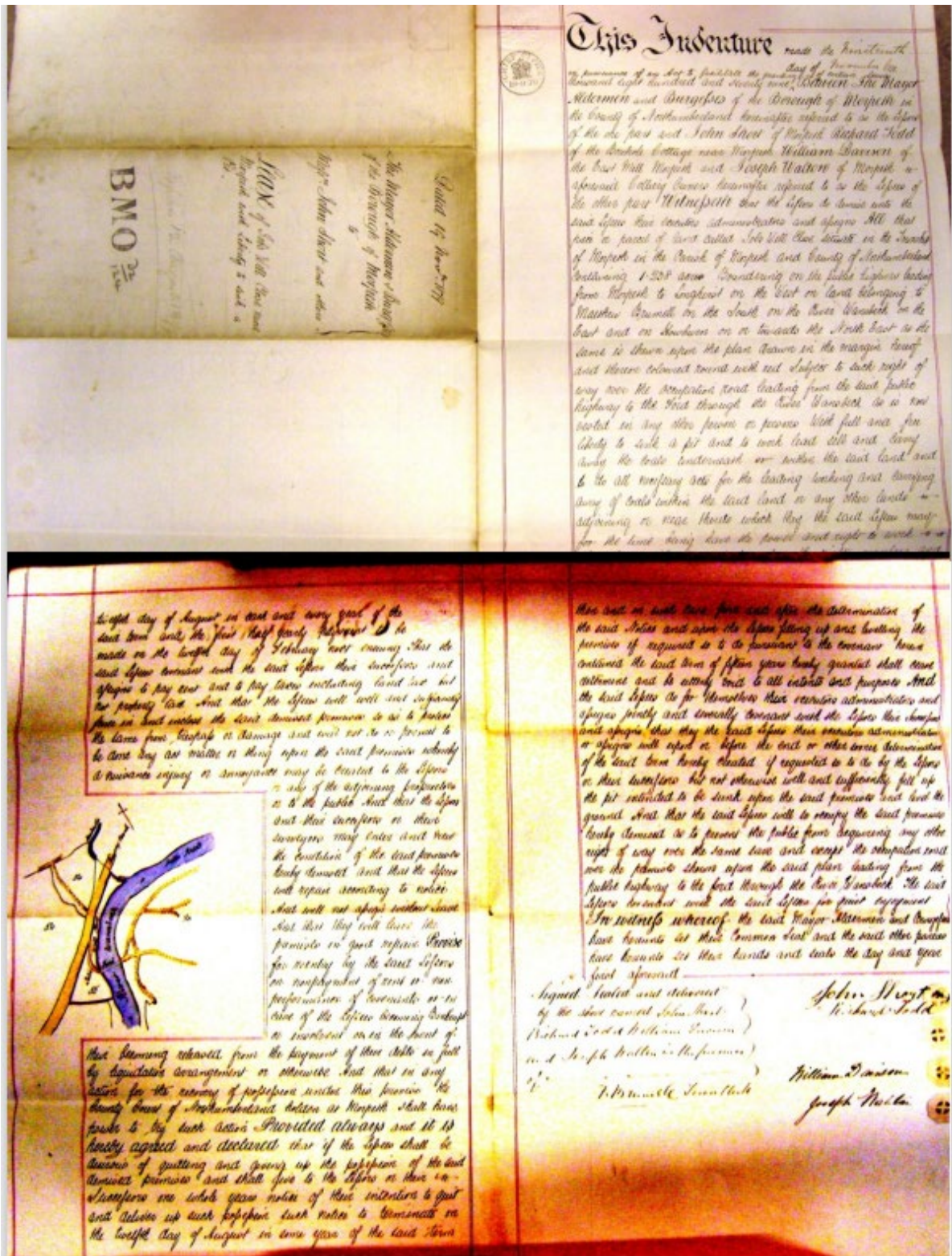
“A condition of this short lived lease was all foot passengers to cross his bridge ‘free of expense’. It was not described as ‘highway’ unlike ‘the Queens Highway leading from Morpeth to Bothal’ to which it connected. Morpeth Borough Council did not own land on the east side of the River Wansbeck. There was no Public Right of Way. This lease failed after 6 years when the bridge was washed away in a flood. The following leaseholders mined coal. Fencing was required for safety and security reasons . Morpeth Borough Council required the following leaseholders not to allow a Right of Way to be created.



“John Caisley’s bridge having been destroyed his lease for a road came to an early end and 4 men took a lease to sink a pit in Job’s Well Close. The lease granted by Morpeth Borough Council required no Public Right of Way be created determined in 1893. Richard Todd one of the leaseholders, lived in Earl of Carlisle’s Bore Hole cottage. He made the path between the cottage and the ford to Job’s Well mine shaft. Later maps show no path making that connection. In 1898 the disused shaft was flooded. There was no Public Right of Way across Job’s Well Close.

Dated 19th November 1879
The Mayor Aldermen & Burgesses of the Borough of Morpeth
to
Messrs John Short and others
Lease of Jobs Well Close near Morpeth with liberty to sink a pit.

This Indenture made the nineteenth day of November one thousand eight hundred and seventy nine in pursuance of an Act to facilitate the granting of certain Leases Between The Mayor Aldermen and Burgesses of the Borough of Morpeth in the County of Northumberland hereinafter referred to as the Lessors of the one part and John Short of Morpeth Richard Todd of the Borehole Cottage near Morpeth William Davison of the East Mill Morpeth and Joseph Walton of Morpeth aforesaid Colliery Owners hereinafter referred to as the Lessees of the other part Witnesseth that the Lessors do demise unto the said Lessees their executors administrators and assigns All that piece or parcel of land called Jobs Well Close situate in the Township of Morpeth in the Parish of Morpeth and County of Northumberland containing 1.238 acres Bounding on the public highway leading from Morpeth to Longhirst on the West on land belonging to Matthew Brumell on the South on the River Wansbeck on the East and on Howburn on or towards the North East as the same is shewn upon the plan drawn in the margin hereof and thereon coloured round with red Subject to such right of way over the occupation road leading from the said public highway to the Ford through the River Wansbeck as is now vested in any other person or persons With full and free liberty to sink a pit and to work lead sell and carry away the coals within the said land or any other lands adjoining or near thereto which the said Lessees may for the time being have the power and right to work Together with all and singular the rights members and appurtenances therewith belonging for the term of fifteen years from the twelfth day of August one thousand eight hundred and seventy nine fully to be complete and ended yielding and having therefor yearly and every year during the said twelfth day of August in each and every year of the said term and the first half yearly payment to be made on the twelfth day of February next ensuing That the said Lessees covenant with the said Lessors their successors and assigns to pay rent and to pay taxes including land tax but not property tax And that the Lessees will well and sufficiently fence in and enclose the said demised premises so as to protect the same from trespass or damage and will not do or permit to be done any act matter or thing upon the said premises whereby a nuisance injury or annoyance may be created to the Lessors or any of the adjoining proprietors or to the public And that the Lessors and their successors or their surveyors may enter and view the condition of the said premises hereby demised and that the Lessees will repair according to notice And will not assign without Leave And that they will leave the premises in good repair Proviso for re-entry by the said Lessors on non-payment or rent or non performance of covenants or in case of the Lessees becoming bankrupt or insolvent or in the event of their being released from the payment of their debts in full by liquidation arrangement or otherwise And that in any action for the recovery of possession under this proviso the County Court of Northumberland holden at Morpeth shall have power to try such action Provided always and it is hereby agreed and declared that if the Lessees shall be desirous of quitting and giving up the possession of the said demised premises and shall give to the Lessors or their successors one whole years notice of their intention to quit and deliver up such possession such notice to terminate on the twelfth day of August in some year of the said term then and in such case from and after the determination of the said Notice and upon the Lessees filling up and levelling the premises if required so to do pursuant to the covenant hereon contained the said term of fifteen years hereby granted shall cease determine and be utterly void to all intents and purposes And the said Lessees do for themselves their executors administrators and assigns jointly and severally covenant with the Lessors their Successors and assigns that they the said Lessees their executors administrators or assigns will upon or before the end or other sooner determination of the said term hereby created if requested so to do by the Lessors or their Successors but not otherwise well and sufficiently fill up the pit intended to be sunk upon the said premises and level the ground And that the said Lessees will so occupy the said premises hereby demised as to prevent the public from acquiring any other right of way over the same save and except the occupation road over the premises shown upon the said plan leading from the public highway to the ford through the River Wansbeck The said Lessors covenant with the said Lessees for quiet enjoyment In witness whereof the said Mayor Aldermen and Burgesses have hereunto set their Common Seal and the said other parties have hereunto set their hands and seals the day and year first aforesaid Signed sealed and delivered by the above named John Short Richard Todd



2.3 By email, on 12 April 2022, Mr Smith of Ford House, Morpeth, made the following inquiry:

“Please let me know what progress has been made regarding the correction to the adoption status of my entrance road and the correction of the footpaths record which presently incorrectly shows two Public Rights of Way on foot across my land.

“As you know these matters are causing ongoing security related trespass, thefts, vandalism, dog fouling and drink and drug related problems.

“I am unable to carry out works on my land due to the presence of these footpaths and the incorrectly recorded adoption by the council of part of my entrance road. This is causing me ongoing cost.”

2.4 By email, on 7 July 2022, Mr Smith of Ford House, Morpeth, made the following follow-up inquiry:

“On 10th August 2020 I wrote to Northumberland County Council asking that the record of the adopted status of my entrance road be correctly recorded on the council’s record keeping system.

“To date I can see no progress that has been made by the council in carrying out that administrative work.

“Seemingly changing it is a straightforward task as the council changed it in 2018 without difficulty.

“You as the officer now tasked with that work wrote in your email below that a ‘consultation’ was required before such changes were made.

“I understand that the recording of claimed rights of way on foot is also being carried out by the council and that you are tasked with that work. I have provided detailed evidence to the council of there being no legal public rights of way on my land.

“Can you please let me know what progress has been made and when I should expect these matters to be carried out.

“I have previously explained that these matters cause us considerable difficulty on a daily basis, including but not limited to preventing me from developing my caravan site.”

2.5 By email on 16 October 2023, Mr Smith of Ford House made the following additional comments in relation to his application:

“You indicated in your email of 25/4/2023 that the council would carry out a review of the footpaths numbered 4 and 5 on my land and adopted status of my entrance road:-

‘I’m sorry that consideration of your two applications to amend (i) the Definitive Map of Public Rights of Way and (ii) the List of Streets haven’t yet been determined. We’ve made some progress considering some of the applications which are older than yours; just not enough for yours to have reached the top of the list. I am, however, hopeful that both will be determined during autumn 2023.’

As leaves begin to fall and days shorten Fenwick advertise their autumn 2023 collection.

“You will understand that discovering that Northumberland County Council officers behaved illegally in recording part of my land as

highway came as a great shock. I fully expected council officers to act within the law but certain officers did not.

“The House of Lords found the fact of perpetual dedication to the public meant that the land could not be used for any profitable purpose, and so was not capable of beneficial occupation.

“That finding describes only the affect on land described by the Northumberland County Council as highway. The practical effect, as I have found to my cost, is that adjoining land is rendered unusable for any profitable purpose when security is compromised by the presence of those ‘highways’. I have been unable to develop my land as a caravan park as I wished and was given permission by the council to do when I bought it in 1989.

“The Northumberland County Council websites continue to advertise these highways on my land, encouraging the public to trespass preventing development of my caravan park and peacefully enjoying my land.

“When does Northumberland County Council plan to carry out the reviews?”

2.6 By email on 9 November 2023, Mr Smith of Ford House made the following additional comments in relation to his application:

“Today I printed and having driven to County Hall delivered on paper the attached documents and related correspondence and received a signed receipt from the N.C.C. receptionist.

“I did so as the email which I sent over a three week period received neither acknowledgement of receipt nor any response. This is a very poor service. Please let me know what steps you are taking to improve it.

“The matter concerns the entrance road to my home and caravan site. I have been unable to develop my caravan site as necessary security has been rendered impossible to maintain as N.C.C. advertises and otherwise promotes public rights of way on foot across and encircling the perimeter of my land.

“N.C.C. officers refused to let me have a copy of the Definitive Map and Statement when I asked for it in 1989 and refused to make an appointment to permit me to view the Definitive Map and Statement.

“In 2019 behaviour of N.C.C. officers in the matter of the entrance road to my home and caravan site land caused me to make a complaint to the council and the Local Government Ombudsman which caused me to request a copy of the Definitive Map and Statement which was supplied in January 2021.

“Careful investigation of the process used by N.C.C. to claim public rights of way on my land and further research of N.C.C. and other documents showed that claim to be illegal.

“I asked N.C.C. to review both the record of the claimed public rights of way on foot and the adoption record of my entrance road which research of relevant public records shows has also been illegally created.

“N.C.C. officers carried out other illegal acts including thefts of my property some of which is retained by N.C.C. and some of which was returned following action by Northumberland Police.

“Please let me know when these matters will go to a relevant N.C.C. committee, whether that is necessary for both matters, and the arrangements for me to attend and speak as necessary at the relevant committee meeting.”

3. LANDOWNER EVIDENCE

3.1 By email on 4 September 2022, Mr Smith of Ford House responded to the consultation, stating:

“You wrote on 30th August 2022 asking me to send you the plans you enclosed marked to show land which I own/occupy.

“Please find them attached.

“I have also attached Ford E covering footpaths 4 and 5 which includes the names of the two other affected landowners.

“I gave copies of my evidence to those affected landowners and explained the present position.

“Joanna Shaw lives at Park House Farm, Morpeth.

“Dungait Farms are at Hebron, Morpeth. In the course of my discussions with David Dungait, whom I have known for some years as he keeps a record of rainfall which is helpful as I am Lead Flood Warden for Morpeth, David mentioned that he remembered the sign nailed to my tree which is recorded in the Definitive Statement, and which I removed from the tree and replaced its legal effect with a sign on my gates in 2008.”

3.2 By email on 28 September 2022, Mr Richard Dungait responded to the consultation, on behalf of Dungait Farms, enclosing a plan identifying the continuations of Footpath Nos 4 and 5 (south of points K and M) as being existing public footpaths. He does not appear to be contesting the existence of these public rights of way.

3.3 By email on 14 October 2022, Mr Smith of Ford House further responded to the consultation, stating:

“Please find attached a pdf file which provides additional evidence of the condition of my entrance road and adjacent leased land which Northumberland County Council has designated U6112 and claimed to have adopted and upon which the council illegally laid tarmac.

“You will notice the restricted width of the original tarmac road which caused me to request and be granted a 99 year lease on the part of the land then owned by Castle Morpeth Borough Council.

“Maurice Cole, solicitor and former Chief Executive of Morpeth Borough Council and Castle Morpeth Borough Council informed me that Northumberland County Council had acted illegally.

“Please attach this information to the evidence I have previously submitted to Northumberland County Council in connection with the review of public rights of way and adoption of my land and entrance road.

3.4 By email on 20 April 2023, Mr Smith of Ford House made the following additional comments in relation to his application:

“I notice by reading the Claims Register document published on the council website that there is not presently a date for my request for the council to review the record of the partial adoption of my entrance road and the published public rights of way and the correction of the records to go before a council committee.

“Although I have followed the procedure you suggested, I have shown by the evidence which I have supplied to the council that a review of the Definitive Map and Statement and the record of Adopted Highways is not necessary because the required procedures to make the Definitive Map and Statement and to adopt part of my entrance road were not followed and are therefore a nullity.

“The records simply require correction. A council officer previously changed the record of adopted highway without the matter being put before a committee. The council informed my solicitor that my entrance road was not adopted and the council had no intention to adopt it. A council officer explained the detailed procedure required to create a Definitive Map and Statement under the relevant Act and I have provided adequate evidence to show that procedure was not followed.

“Can you please let me know whether and why and when the council intends to put this matter before a council committee or otherwise correct the council records.

“These matters create costly problems for me daily and prevent me from developing my caravan park.”

3.5 By email on 24 April 2023, Mr Smith of Ford House further responded to the consultation, stating:

“I was interested today to notice in McKay’s window a copy of the Morpeth Herald containing the attached advertisement.

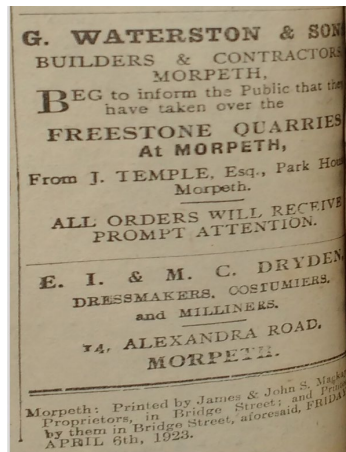
“It shows that the quarry on my land was operating until at least 1923.

“I have already supplied evidence that there was also a coal mine operating here in 1930. That coal mine entrance was visible before land slips obstructed it in recent years.

“I was told by local people that timber and stone from my land were carried across the Parish Haugh on a road made by J.R. Temple for the purpose, and then via the Low Stanners ford.

“Please add this evidence to that which I have already supplied for the purpose of any possible review of the Definitive Map and Statement.

“1923 Morpeth Herald Advert The quarry was operating at that time. Stone and timber were transported across the Parish Haugh and via the ford at Low Stanners according to local people. There was no alternative route available.”



3.6 By email on 21 September 2023, Mr Smith of Ford House further responded to the consultation, stating:

“I sent as evidence for the review of the Definitive Map and Statement for the footpaths on my land here a newspaper cutting describing the freestone quarry working being transferred from J R Temple and Son to Waterston.

“It would be against common law to permit the public to be put at risk of injury and a public right of way could not be created contrary to common law.

“Please find attached a description of the death of the Morpeth councillor J. E. Waterston which resulted from working the quarry. Clearly this serves to illustrate the dangerous nature of the work being carried out and the quarry working adjoins the purported public rights of way. The Definitive statement even describes *'PATH HAS A TENDENCY TO BE COVERED OVER WITH FALLEN ROCK'*.

“Please add this information to the evidence which is to be presented to councillors.

“G. Waterston, a Mayor of Morpeth and owner of the quarry working described in the newspaper advertisement, lost a son in 1918 due to the war so this loss of another son must have been an unusually severe blow.

Quarry" on the south. In 1930 Counc. J.E Waterston was fatally injured in his quarry here; he was a builder and extracted stone from this quarry when trade was slack. His father, an ex-Mayor, had built Osborne House in King's Avenue, now called Amberley after the village whence came Mrs A. Campbell, and he himself had built Greystoke Gardens. Tackling the work from below, he was struck by a large rock which fell on him, pinning him to the ground. This was removed by his fellow worker and passers-by, but he died later in hospital (then at the bottom of Dogger Bank) from his injuries.

3.7 By email on 28 September 2023, Mr Smith of Ford House further responded to the consultation, stating:

"I recently found the information below regarding John Caisley and his partners.

"New owners, John Caisley, Robert Wood and Thomas Slinn took over the colliery from May 12th 1882. The fixed rental was to be £50 per annum with the colmine being worked as a drift. As part of the lease the partnership had to agree to keep their workforce under control. Any poaching or trespassing had to be treated with instant dismissal."

"John Caisley built a bridge to access my land and obtained a lease from Morpeth Borough Council on land to make my entrance road.

"In order to create a public right of way by prescription it is necessary to trespass without challenge. It was a matter of concern that a public right of way should not be created and this information regarding the agreement to work the colliery further reinforces the evidence that no public right of way was in place.

"Please add it to the evidence for the review which you are conducting into the footpaths on my land.

"I have not as yet received acknowledgement of your having received the evidence regarding the death in 1930 of builder stonemason councillor J. E. Waterston which resulted from injuries he received in the freestone quarry on my land which he and his father were working. I emailed that information on 21st September 2023 and the email system reported that it was delivered. Can you acknowledge its safe receipt please."

3.8 By email on 4 December 2023, Mr Smith of Ford House further responded to the consultation, stating:

'In the 1930s, during strike, miners came to the abandoned Bessie Pit, located in the 50 acres of woodland along the Wansbeck Valley owned by the Temple family, to dig out coal. His grandfather tried to prevent them but allowed it to happen after he was threatened. There were a lot of abandoned drift mines in that area. The Bessie Pit was at the bottom of Whorral Bank.'

"The above quote is from the Northumberland Archives Oral history recording of Clive Temple, former market gardener and farmer of

Morpeth, Northumberland, recalling his experiences of his family business and its history from the late 19th century to the 1990s.

“You will understand that a public right of way cannot be created by force. The history recording is further confirmation of Thomas Temple’s intention to prevent dedication of public right of way on what is now my land here at Whorral Bank.

“Please add this evidence to that which I have sent earlier for the purpose of the review of Morpeth claimed rights of way footpaths 4 and 5.”

4. CONSULTATION

4.1 In August 2022, the Council carried out a consultation with the Parish Council, known owners and occupiers of the land, the local County Councillor and the local representatives of the “prescribed and local organisations” listed in the Council’s “Code of Practice on Consultation for Public Path Orders”. Four replies were received and are included below.

4.2 By email, on 16 September 2022, Morpeth Town Council responded to the consultation, stating:

“Thank you for your letter date 30th August regarding the above pre-order consultation. Informal

“I have circulated this to councillors and would wish to make the following comment.

“Morpeth Town Council wish to object to the removal of public rights of way in Morpeth in the strongest terms.

“These paths are valued by many Morpeth residents as beautiful and quiet routes for running, walking and exercising their dogs, which is important for their physical and mental health and wellbeing.

“The landowner concerned has a reputation for obstructing the public right of way with stiles etc to prevent the access of dogs, to the annoyance of many responsible dog owners who question his right to do this.

“We also strongly object to the proposed removal of the U6112 from the List of Streets, which would be to the detriment of the resident and cattery business there and their customers, as well as walkers wishing to park. This proposal is all part of the same obstructive behaviour by the landowner.

“The following link is to a post by local public rights of way activist Diane Holmes to the main town Facebook group Morpeth Matters on 11th Sept, which contains the views and experiences of many residents who use these paths, and which received 60 likes and 117 comments so far, all opposed to the deletion of these rights of way. It is a closed group but we can provide screenshots of all comments if requested. Some representative samples are attached. Furthermore, I remember similar posts in the past concerning obstruction around the U6112.”

- 4.3 By email, on 5 November 2022, the British Horse Society responded to the consultation, stating:

“Morpeth Town Deletion of two Footpaths 4 & 5

The BHS has no comment to make about this proposal except to say it is most irregular to try to make breaks in the existing network, especially one that is well used by the public.”

- 4.4 By email, on 28 November 2022, Cycling UK responded to the omnibus consultation, without offering any comments in relation to this particular proposal.

- 4.5 By email, on 30 November 2022, the Ramblers’ Association responded to the consultation, stating:

“Among the proposed Definitive Map modifications that you sent to me at the end of August were the proposals by Mr T Ford to delete Morpeth Fps 4 &5. I understand from Tony Derbyshire that the County Council does not support these applications.

“You will have received many objections to these applications, I am sure, from interest groups and from Morpeth residents as these paths are long established and essential links in the rights of way network round Morpeth.

“For the record, I am writing to confirm that Northumbria Ramblers strongly oppose the applications by Mr Ford. If these RoWs were removed from the Definitive Map I am certain that applications for re-instatement on the Definitive Map would be made, based on user evidence!”

5. DOCUMENTARY EVIDENCE

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

1844 Newcastle and Berwick Railway & Branches

There is clear evidence of an enclosed track along the route of existing Public Footpath No 5 (between Park House and Quarry Wood). The track is labelled “63” and in the accompanying Book of Reference, this corresponds with the entry “Occupation Road”. Existing Public Footpath No 4 (along the riverbank) passes through parcel number “68”, and in the accompanying Book of Reference this parcel is described as “Plantations”.

1844 Northumberland Railway

There is clear evidence of an enclosed track along the route of existing Public Footpath No 5 (between Park House and Quarry Wood). The track is labelled “17” and in the accompanying Book of Reference, this

corresponds with the entry "Occupation Road". Existing Public Footpath No 4 (along the riverbank) passes through parcel number "24", and in the accompanying Book of Reference this parcel is described as "Plantation and whinstone quarry".

1873 John Caisley Lease (applicant's copy)

Mr Caisley already appears to occupy land on the east side of the river. This lease (for a term of 15 years) with the Borough of Morpeth, owners of the land between Whorral Bank and the river, allows him to construct a road or cartway between the "Queens Highway" at Whorral Bank and the bridge he has erected over the River Wansbeck, on condition that "the tenant allows all foot passengers to cross and recross the said bridge and also the said road or cartway at all times free of expense."

1879 Short, Todd, Davison and Walton Lease (applicant's copy)

These 4 gentlemen leased Jobs Well Close (the land between Whorral Bank and the River Wansbeck) from the Borough of Morpeth. They were required to "occupy the said premises hereby demised as to prevent the public from acquiring any other right of way over the same save and except the occupation road over the premises shown upon the plan leading from the public highway to the ford through the River Wansbeck."

1866 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an unenclosed path / track along the route of existing Footpath No 4 and also the possible alternative route, immediately south of the current bridge. There is clear evidence of an unenclosed path / track along the route of existing Footpath No 5, too, with a ford and adjacent stepping stones where the path crosses the river. The crossing appears to slightly be north of the later bridges.

1897 Ordnance Survey Map: Scale 1:2500

There is clear evidence of an unenclosed path / track along the route of existing Footpath No 4 (labelled "FP" at a point roughly 300 metres west of Point L) and also the possible alternative route, immediately south of the bridge. The alternative route is also annotated "FP". There is clear evidence of an unenclosed path / track along the route of existing Footpath No 5, too, with a bridge where the path crosses the river. This path is labelled "FP" near its midway point.

Finance Act 1910 plan

This plan uses the 1897 1:2500 OS map as a base, so the routes, themselves, are identified, as above. The routes aren't shown as being separated from the surrounding land by coloured boundaries (where it is, this is generally a good indication of public highway status), but this is to be expected, because the routes themselves are not enclosed.

1922 Ordnance Survey Map: Scale 1:2500

There is clear evidence of an unenclosed path / track along the route of existing Footpath No 4 (labelled "FP" just west of Point L) and also the

section immediately south of the bridge. The alternative route, south of the bridge, is also annotated "FP". There is clear evidence of an unenclosed path / track along the route of existing Footpath No 5, too, with a bridge where the path crosses the river. This path is also labelled "FP" in two places.

c.1934 Schedule of Reputed Rights of Way under Rights of Way Act 1932
(Supplied by the applicant, previously)

The routes now recorded as Public Footpaths Nos 4 and 5 both appear to be identified in this schedule:

"5 Starts from the main road at Job's Well Close crossing the river by wood bridge then proceeding alongside the river to the new borough boundary on the south side of the river."

"6 Starting from the wood bridge on No 5, the path proceeds in southerly direction, crossing the LNER Bridge terminating at Park House farm.

"No 7 From Gas House Lane across the footbridge at ford to Borehole Lane to wood bridge where it joins Nos 5 & 6."

1951 Highways Map

Although a track between Whorral Bank and Park House is depicted on the map, no part of it is coloured so as to identify it as publicly maintainable highway. This isn't surprising, however, as only the A and B class roads within the Morpeth Borough would have been the County Council's responsibility at this time. Urban District Councils, like Morpeth Borough Council, remained responsible for the minor roads until local government reorganisation in 1974.

c.1952 Definitive Map – original Survey Map

Existing Public Footpath No 4 was identified for inclusion as a public footpath (numbered "4" and "5"). Existing Public Footpath No 5 was also identified for inclusion as a public footpath (numbered mainly as "6" though it also included the west end of "4"). South of the existing bridge over the River Wansbeck, in the vicinity of Waddle Bank, Public Footpath No 4 was identified as following a riverbank route. This differs from the current Definitive Map alignment, which records the footpath on a route set back slightly further from the river. The north-west end of existing Footpath No 5 is identified as being at a right-angle bend in the track connecting Whorral Bank with the bridge over the river. The southern end of Footpath No 5 is the road / track immediately south of Park House. On the current Definitive Map, the southernmost 90 metres of this footpath is shown proceeding through the garden of Park House. On this Survey Map, the footpath is identified proceeding through a "gap" into the adjacent field, immediately north of the garden of Park House, then proceeding along the field edge to join the road, through another "gap". The Survey plans have lots of structures identified on them. This seems to have been a key part of the process.

c.1952 Definitive Map – original Survey Schedules

Footpath 4

Starts at Ashington Road A197 and ends at Parkhouse Banks

The first 100 yards is identified as being metalled.
At both sides of the footbridge "Private JR Temple & Sons Ltd" signs were present (apparently erected in 1941). 100 feet from the footbridge was a "No Camping Allowed" sign and 200 feet from the footbridge there was an "Any person found damaging trees etc will be prosecuted" sign. The grounds for believing the path to be public is "Prescriptive Right". The Map prepared for Rights of Way Survey 1932 was apparently consulted.
In the other relevant information section it is noted that "Old footbridge was washed away and present one was erected by JR Temple. The notice boards are to safeguard himself against accidents.

Footpath 5

Starts at Stobsford and ends at Footbridge in No 4.
The grounds for believing the path to be public is "Prescriptive Right". The Map prepared for Rights of Way Survey 1932 was apparently consulted.

Footpath 6

Starts at Footbridge in No 4 and ends at Dunces Houses.
Direction sign 200 feet from footbridge, where path splits into two, appears to have been erected in 1941 with the other route being marked "No Road this way".
The grounds for believing the path to be public is "Prescriptive Right". The Map prepared for Rights of Way Survey 1932 was apparently consulted.

Draft Map

On the Draft Map, the paths are numbered '4' and '5', in the same way that they are recorded on the Definitive Map now. The alignment of Footpath No 4 is depicted in the same way that it was on the Survey Map. The alignment of Footpath No 5 is also, broadly, the same as it was on the Survey Map (including the section at Park House) though the western end doesn't extend quite as far as the apex of the bend, as it was shown on the Survey Map. The Draft (and Provisional) Map use the same base map as the Survey, but they don't have any structures identified on them anywhere, across the whole County.

Provisional Map

The path numbering and general alignment is broadly the same as shown on the Draft Map. However, the section of Public Footpath No 4, south of the current bridge, has shifted further to the east, away from the riverbank, to the alignment currently depicted on the Definitive Map. The west end of Footpath No 5 has returned to the apex of the bend in the track. There is now a slight disconnect where Footpath No 5 passes from one map sheet to the next. The path alignment on the eastern sheet corresponds to that shown on the preceding Survey and Draft Maps, but on the western sheet the path alignment appears to be slightly too far to the south. The southern end of Footpath No 5 is now depicted passing through the garden of Park House (as per the current Definitive Map), not through the adjacent field (as shown on the Survey and Draft Maps).

1958 County Road Schedule

There is no entry for the U6112 road in this Schedule. Minor roads in urban district areas did not become Northumberland County Council's responsibility until 1974.

1962 Original Definitive Map and Statement

The section of Footpath No 4, south of the current bridge, is shown away from the riverbank (same as Provisional Map, but different to Survey and Draft Maps). The west end of Footpath No 5 is identified as being the apex of the bend in the track (same as Provisional and Survey, but slightly different to the Draft Map). The disconnect from one map sheet to the other (which appeared on the Provisional Map) has been corrected (in favour of the alignment shown on the earlier Survey and Draft Maps). The alignment at Park House remains the same as that shown on the Provisional Map (i.e. through the garden), rather than the one shown on the Survey and Draft Maps.

The Definitive Statement for Footpath No 4 described the route:

“From the west bank of River Wansbeck crossing the river by the footbridge, in an easterly direction along Borehole Lane, the north side of Borehole Cottage and Waddle Bank to follow the south bank of the River Wansbeck under the LNER Railway viaduct to Parkhouse Banks.”

The Definitive Statement for Footpath No 5 described the route:

“From the Morpeth – Ashington Road about 300 yards north-east of east Mill in a south-easterly direction, crossing the River Wansbeck by the footbridge and the LNE Railway, past the west side of Park House to the Borough boundary at Coopie's Lane.”

On both Statements it is noted that the route was “Scheduled as a public right of way by Morpeth Borough Council.”

First Review Definitive Map

Except for the southern end of Footpath No 5, the status and alignment of Public Footpaths Nos 4 and 5 remained the same as that shown on the original Definitive Map. The section immediately west of Park House is now shown along the edge of the adjacent field (not through the garden of Park House), with the path transitioning into the field at some imprecisely defined point in the 40 metre stretch between the gardens of Park House Lodge and Park House.

1964 Highways Map

The A197 road is shown, but no U or C class roads are depicted within the Borough of Morpeth. Northumberland County Council did not become responsible for these minor roads until local government reorganisation in 1974.

1964 County Road Schedule

There is no entry for the U6112 road in this Schedule. Minor roads in urban district areas did not become Northumberland County Council's responsibility until 1974.

1969 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of paths or tracks over the sections of existing Public Footpaths Nos 4 and 5 that are the subject of this application.

1974 County Road Schedule (1 April 1974)

There is no entry for the U6112 road in this Schedule. The schedule is dated 1 April 1974. Minor roads in urban district areas did not become Northumberland County Council's responsibility until midnight on 1 April 1974. The assumption must be that this Schedule was deliberately produced, to bring the County Council's records up-to-date, immediately prior to it acquiring additional maintenance responsibilities from the disappearing urban district councils.

1984 Ordnance Survey Map: Scale 1:10,000

There is clear evidence of paths or tracks over the sections of existing Public Footpaths Nos 4 and 5 that are the subject of this application.

2006 List of Streets (as at 2 May 2006)

There is clear evidence of a short spur of road (the U6112 road) branching off what was, then, part of the A197 road (Whorral Bank). Although the U6112 is shown from the centre line of the A197 to a point opposite the northern end of the kennels building, when measured from the edge of the A197, the U6112 is only approximately 14 metres long.

6. SITE INVESTIGATION

6.1 Public Footpath No 4

From Point K, at the south-western corner of Mr Smith's land, a 0.5 to 1.5 wide earth / stone surfaced path proceeds in a general northerly direction for a distance of 210 metres to a junction with existing Public Footpath No 5, then continues as a 2 metre wide path in a north-westerly direction for a further 20 metres to the eastern end of a bridge over the River Wansbeck. A 4 metre wide stone surfaced track, proceeds in a northerly direction for a distance of 40 metres. The path then continues as a variable 0.5 to 2 metre wide stone / earth path, following the south bank of the River Wansbeck, in a northerly, north-easterly, south-easterly and easterly direction for 790 metres to Point L, at the railway viaduct, the eastern boundary of Mr Smith's land.

6.2 Public Footpath No 5

From a Point marked M, at a pedestrian gate with adjacent overgrown and broken field gate (the southern boundary of Mr Smith's land), a 0.3 to 0.5 metre wide trodden earth / trodden grass path proceeds in a north-westerly direction for a distance of 160 metres to a stile and field gate. There is alternative path, slightly further to the north and the existing recorded line of the footpath appears to lie somewhere between the two. From the stile / field

gate, a 2 metre wide stone / earth track proceeds in a general westerly then north-westerly direction for a distance of 315 metres to the eastern end of the bridge over the River Wansbeck. Existing Footpath No 5 continues in a westerly direction for a distance of 35 metres to the western end of the bridge. The bridge is 3.3 metres wide.

7. COMMENTS RECEIVED ON THE DRAFT REPORT

7.1 In January 2024, a draft copy of the report was circulated to the applicant and those landowners / occupiers who responded to the initial consultation for their comments.

7.2 By email, on 25 January 2024, Mr Smith offered the following comments in relation to the draft report:

“Thank you for telephoning me yesterday afternoon and explaining that you were personally, by hand into my mail box, delivering draft copies of your Rights of Way Committee reports concerning U6112 adoption status and Deletion of public footpaths 4 and 5 Morpeth Town. I have received them.

“As these are printed on paper they are in some parts illegible due to the print size, in some parts illegible due to the plan size. The paper quality used is such that it also makes reading the reports difficult. I am concerned that committee members will be incapable of adequately understanding my evidence to the committee.

“Will the committee members receive these documents in this illegible form?

“Can you please let me have an electronic copy of each draft document.

“Will the meeting room at which these decisions are planned to be taken have a facility to present evidence to committee attendees in an electronic form?

“I have mentioned the above matters however it is clear from my brief reading of the reports that there are additional matters of concern, which I will email to you in due course.”

8. DISCUSSION

8.1 Section 53 (3)(c)(iii) 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:

there is no public right of way over land shown in the map and statement as a highway of any description ...

8.2 When considering an application / proposal for a modification order, Section 32 of the Highways Act 1980 provides for “any map, plan or history of the locality or other relevant documents” to be considered in evidence and such

weight to be given to it as considered justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.

- 8.3 There appears to be two main threads to Mr Smith's case that these sections of public rights of way, across his land, should be deleted from the Definitive Map. Firstly, he is arguing that the process, by which the original Definitive Map for the Morpeth Borough area was prepared, was defective. Secondly, he is arguing that the two public footpaths, recorded across his land, were not, in fact, public rights of way at all. To support his case in relation to the former, he has highlighted a discrepancy in the alignment of Public Footpath No 4, on his land, just south of the bridge over the River Wansbeck, and a discrepancy in the alignment of Public Footpath No 5, this time not on his land, in the vicinity of Park House. To support his arguments in relation to the latter, he has highlighted some historical signage and stressed that the hazardous activities previously undertaken on the site were incompatible with public access.
- 8.4 Mr Smith has previously used arguments relating to the positive existence of public footpath rights in order to challenge the validity of the U6112 road, west of Point N. At that time, he appears to have considered that the status of Public Footpaths Nos 4 and 5 was a settled matter, so employing that tactic was understandable. More recently, he has come to believe that the legitimacy of the footpaths is also in doubt.
- 8.5 Mr Smith has correctly identified that the route of Public Footpath No 5, in the vicinity of Park House, altered between the Draft Map and Provisional Map stages, without any official amendment or correction being formally advertised. He has, similarly, identified that the route of Public Footpath No 4, south of the bridge over the River Wansbeck, altered between the Draft Map and Provisional Map stages, without any official amendment or correction apparently being advertised. Neither of these alterations should have happened. In the absence of any formal amendment, the Provisional Map should have been identical to the preceding Draft Map. This ought to be the case even if someone realised (for the sake of argument, let's assume, correctly) that the Draft Map was wrong. It wouldn't have been up to the draughtsman simply to tweak the alignment – there was a correct procedure that ought to have been followed. But this process involved preparing maps showing several thousand miles of public rights of way. It's perfectly possible that someone simply made a genuine mistake transcribing the information from the Draft Map to the Provisional Map. Possibly this mistake went unnoticed, when the Provisional Map was published, or possibly it was only noticed by people who actually preferred the 'wrong' alternative. Either way, once the challenge period for the Provisional Map had expired, the Provisional alignment should have been copied, as faithfully as possible, onto the Definitive Map with any errors being perpetuated. The fact that a transcription error may have crept into the process doesn't invalidate the Definitive Map for the whole County of Northumberland, or for the former Morpeth Borough urban district area. It wouldn't even invalidate the whole routes of Public Footpaths Nos 4 and 5. It just means that there are serious question marks in relation to the alignment of a 210 metre length of Public Footpath No 4 and a 95 to 125 metre length of Public Footpath No 5 that will require further investigation but – on the face of it – probably ought to be modified (by making an evidential event Definitive Map Modification Order under s53 of the Wildlife & Countryside Act 1981) to legally effect the change.

- 8.6 Mr Smith has highlighted that the Survey Schedule completed by Frank K Perkins of Morpeth Borough Council, in April 1952, notes the presence of two signs saying “Private JR Temple & Sons Ltd” erected in 1941 and he has remarked that these signs were still in place when he visited the land in 1986. The sign on the east side of the bridge was attached to a tree that Mr Smith says he cut down in 1991. Mr Smith states that the sign on the west side of the bridge remained until he replaced it with a new one saying Private Parking only with Permission” in 2008, renewing this sign in 2018, because the earlier one had faded.
- 8.7 Mr Smith has enclosed the Survey Schedule completed by Frank Perkins in 1952, with his evidence bundle and identified this as the Statement annexed to the Draft Map. I don’t believe this is correct. I’m not sure if distinct “Draft” Statements were prepared, then replaced by Provisional Statements then, finally, Definitive Statements or whether one set of Statements were produced and remained the same piece of paper throughout the whole Draft-Provisional-Definitive Map process, subject to formal additions, amendments and removals. I suspect the latter, in which case the “Original Definitive Statements” for Footpaths Nos 4 and 5, contained within this report’s appendices, would, in all likelihood, have been the ‘Statements’ at the Draft Map and Provisional Map stages too.
- 8.8 The Morpeth Borough Council referred to in the Definitive Statement for Footpath No 5 will be the former urban district council of that name. The scheduling, described, will most likely have taken place either as part of a list of public rights of way prepared in the 1930s under the 1932 Rights of Way Act or in the 1950s, pursuant to preparation of the original Definitive Map under the National Parks and Access to the Countryside Act 1949. The Morpeth Borough Council referred to will definitely NOT be Castle Morpeth Borough Council because, as Mr Smith rightly points out, its 35 year existence began after the path had already been recorded.
- 8.9 Armstrong’s Map of 1769 is not very detailed. Lots of less important public roads tend to be omitted. We wouldn’t expect this map to show public footpaths, public bridleways or occupation roads.
- 8.10 The 1829 Telford Bridge Act appears to say nothing about any specific actions to prevent or restrict access over any particular route (such as Footpath No 4 or Footpath No 5). The fact that fencing or a requirement to prevent access to the quarry site was mentioned, at all, suggests that people were anticipated to be in the vicinity of the quarry (perhaps legitimately using acknowledged public footpaths) and needed to be kept safe. The requirement that all existing fords within 750 yards of the east side of the Bridge (except for Low Stanners Ford) were required to be closed, so as to prevent carriages, horses and cattle using them to avoid paying tolls on the bridge, would have no bearing on public footpath rights where Footpath No 4 crosses the River Wansbeck. This crossing is more than 750 yards downstream of the bridge and pedestrian rights were not affected anyway. And, according to Mr Smith, the bridge loans had been repaid by September 1848, so tolls were no longer collected and – it would seem – any temporary restrictions on other crossings would have been lifted.
- 8.11 Mr Smith hasn’t identified who produced his 1832 map or for what purpose it was made. It is small scale, and of no real value in assessing whether or not Public Footpaths Nos 4 and 5 might have existed at this time.

- 8.12 The reports of the flood events, in 1839 and 1878, removing bridges indicates that there was probably a means of crossing the river prior to those events, but this says nothing about whether the public was using the bridge or whether a public right of way necessarily existed, at that time. Bridges aren't necessary for public rights of way. A path might cross a river by means of a ford, and fording rights wouldn't be lost simply because an adjacent footbridge was constructed and / or periodically washed away. If a landowner constructed a bridge, for their own purposes, on the site of a public ford (or bridge) then the public would also have a right to use that bridge.
- 8.13 The deposited railway plans (1844 & 1845) identify the track (Footpath No 5) proceeding northwards from Park House as an "Occupation Road". If public footpath rights had been acknowledged to exist at that time, it might have said "Occupation Road and public footpath", but it didn't. No public footpath was identified where the riverbank route (Footpath No 4) passes under the railway either. Clearly, if these two routes had been identified as "Occupation Road and public footpath" and "Public Footpath" respectively, this would have been good evidence that public footpath rights were acknowledged to exist as early as 1844 / 1845. They weren't. They may have been overlooked, because accommodating the private vehicular rights was the more significant obstacle, and the footpath rights along the riverbank would be a long way below any viaduct. Or it could be that public footpath rights had not been acknowledged to exist as early as this.
- 8.14 Mr Smith has provided some analysis of other map evidence. Regarding the 1859 OS Map, he asserts that the occupation road (Footpath No 5) north of Park House, is gated, therefore it can't be a public right of way. This line of reasoning is unsafe. Lots of footpath, bridleways and even some roads have gates on them. Gates open and close. The existence of a gate is no obstacle to there being a public right of way.
- 8.15 The Borehole Cottage paths might not be contiguous, but that doesn't mean there are no public rights of way. As it happens, based upon the unexplained change in the alignment between Draft Map and Provisional Map stages, we are already leaning towards the riverbank path being the more likely route, anyway. It isn't possible to assert (just from an 1896 OS map) that Park House Farm was "surrounded by fence". The boundary need not be a fence, nor without gaps, stiles or gates.
- 8.16 With regard to the 1873 lease between Borough of Morpeth and Mr J Caisley, nothing in this lease appears to deny the existence of public footpath rights over existing Footpaths Nos 4 and 5. If Mr Caisley had a bridge, the condition of free public passage might reflect the fact that the footpath crossed at an adjacent ford, or the bridge was built where the public ford should be, or that Mr Caisley had built a bridge (though the Council might have been responsible for providing a footbridge) so by securing use of his bridge, they didn't need to build their own. Lease conditions requiring tenants not to allow *additional* public rights of way to be created are fairly standard and would not (of themselves) prevent any additional public rights of way being created – this would depend upon the tenants actual actions.
- 8.17 The 1879 lease between Borough of Morpeth and Messrs J Short and others does not appear to be an effective rebuttal of the existing public rights of way. The penultimate sentence "And that the lessees will so occupy the said premises hereby demised as to prevent the public from acquiring any *other*

[my emphasis] right of way over the same save and except the occupation road over the premises shown on the said plan leading from the public highway to the ford through the River Wansbeck.” Given that the earlier lease to John Caisley, just 6 years sooner, required him to allow all foot passengers to cross and re-cross the bridge and also the road or cartway at all times, free of expense, this appears to suggest that the landowner (Morpeth Borough Council), who was also the highway authority, considered that the public had a right of way, on foot, over the occupation road, west of point N, then over the bridge into Quarry Wood. No continuation, thereafter, appears to be specified, but it would be reasonable to assume that at least one public footpath continued beyond the eastern end of the bridge.

- 8.18 The 1903 plan showing the extent of the Bandy Seam workings, supplied by Mr Smith, demonstrates that these workings had minimal impact on existing Public Footpath No 4, which stays fairly close to the River Wansbeck. Part of Public Footpath No 5 might cross some of the coal seams which existed below ground, but this does not mean they interfered with free passage above ground.
- 8.19 In his observations regarding the 1921 OS Map, Mr Smith asserts that timber was sourced in the woodland and that the paths existed for that reason. He further states that “These were not public rights of way”. This is a very confident statement, but there is no explanation for why it was made.
- 8.20 With regard to the 1938 OS Map, the lack of a dashed line on the base map is not good evidence that the route was not a public right of way. Same applies to the gate across the occupation road.
- 8.21 Mr Smith sets too much store by what is (or is not) marked on Ordnance Survey maps. The OS surveyors were mapping things that were physically evident to them at the time of the survey. Some re-surveys will have been more thorough and wide-reaching than others. As members will be aware, from the standard warning that appears in all our reports, “the representation of a path or track on an Ordnance Survey Map is not evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey”. Just because a path isn’t marked, this doesn’t necessarily mean it wasn’t being walked. A route does not have to be identified as a physical feature on an OS map to be a public right of way.
- 8.22 Whilst they are definitely items of historical interest, I don’t think either the 14 year lease for Job’s Well Close from 1823, or the 21 year lease from 1837, to John King, stonemason, offer much assistance in determining whether or not Public Footpaths Nos 4 and 5 exist.
- 8.23 Similarly, the 25 August 1855 press clipping describes a means of access to Borehole baths, but nothing about it indicates that Bore Hole Lane was not a public right of way.
- 8.24 With regard to the 8 August 1857 Morpeth Herald advert, saying “All persons found trespassing thereon in pursuit of Game will be prosecuted” does nothing to deny public footpath rights.
- 8.25 The fact that, according to Mr Smith’s press clipping, which he has indicated was in the Morpeth Herald on 30 May 1857, Morpeth Board of Health resolved to take charge of a new bridge over the River Wansbeck, at Low Stanners,

has no obvious bearing on the existence of public footpath rights over Footpath No 4 or Footpath No 5.

- 8.26 The 2 August 1864 press advert indicates that Morpeth Borough Council was offering Job's Well Close to potential tenants. The relevance of this is unclear.
- 8.27 Regarding the 20 August 1864 Morpeth Herald advert, saying "Trespassers will be prosecuted", this covers a non-specific area of land and doesn't exclude the possibility of public rights of way. Someone in the woods, on a public right of way, is not a trespasser. Someone in the same woods, who did stray from the public right of way would be a trespasser – and so would someone who was actually on a public right of way, if they were also poaching game.
- 8.28 The 17 July 1869 Morpeth Herald article re "perambulating the bounds" is an interesting one, but doesn't really add very much. If the existing Footpath No 4 crossing was just a ford, or stepping stones, or bridge in poor repair, at this point, someone might prefer to cross at the weir. It says very little about the status of Footpaths Nos 4 and 5. Those on this expedition might seek permission as a simple courtesy or it might have been necessary because at least some of them were horse riders (not pedestrians) and the party wouldn't necessarily be sticking just to recognised public rights of way routes.
- 8.29 The 24 June 1885 Morpeth Herald advert re gathering mushrooms or trespassing at Park House Farm doesn't preclude the existence of public rights of way.
- 8.30 The 26 December 1885 Morpeth Herald advert is just a notice to potential creditors. It is difficult to see what bearing it might have on the existence of public rights of way.
- 8.31 The 14 September 1889 Morpeth Herald extract is an extract from an obituary. Again, it is difficult to see what bearing it might have on the existence of public rights of way.
- 8.32 By email, on 28 September 2023, Mr Smith also found new information (undated and unreferenced) regarding the takeover of the colliery in 1882. The *workforce* [my emphasis] apparently had to be kept under control regarding poaching or trespassing. This doesn't, in any way, preclude the existence of Public Footpaths Nos 4 and 5.
- 8.33 Mr Smith's 19 July 1884 Morpeth Herald press clipping is difficult to read (especially the second part), but the article doesn't appear to say anything that would deny the existence of any public right of way.
- 8.34 There's no date given for Mr Smith's press clipping of the obituary of Mr Geo Temple. Assuming the obituary is correct, the Temples bought Park House lands when the Carlisle Estate was broken up in 1913.
- 8.35 In his email of 24 April 2023, Mr Smith attached a copy of a press advert seemingly taken from the Morpeth Herald in 1923 which he says shows that the quarry was still operating, on his land, until at least 1923. It may have been, but this doesn't preclude the existence of public rights of way.
- 8.36 In his email of 21 September 2023, Mr Smith attached a description of the death, in 1930, of JE Waterston, in his quarry. Quarry working has always

been a dangerous occupation, but this article (undated and unreferenced) says nothing that would preclude the existence of Public Footpaths Nos 4 and 5. The Definitive Statement does not indicate that the “Path has a tendency to be covered over with fallen rock”. Although it could be seen as splitting hairs, Mr Smith is quoting from the Survey Schedule, not the Definitive Statement.

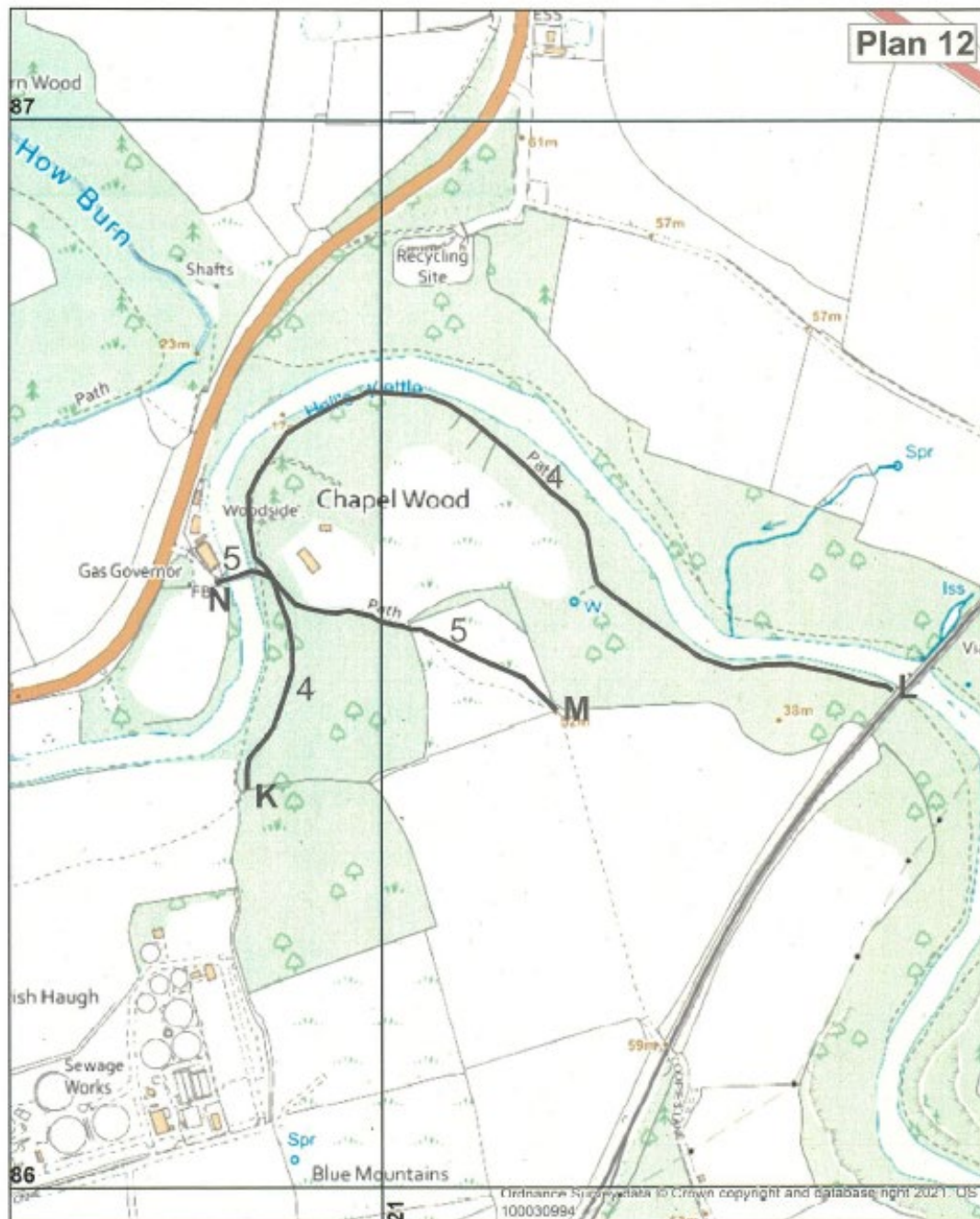
- 8.37 Mr Smith has asserted that no landowner would have permitted public access to the land whilst mining and quarrying operations were taking place to extent that the public would have had free use of the land for 20 years or more. He has provided evidence that the landowners let out fishing rights out for money, let out hunting rights for money, let out bathing facilities for money, let out mineral rights for money and placed newspaper adverts to the effect that trespassers would be prosecuted.
- 8.38 On 19 March 1987, Mr Smith (with the consent of the landowner – JR Temple and sons) applied to Castle Morpeth Borough Council for an Order to divert and stop up Footpath No 4 and Footpath No 5. Mr Smith was unhappy with the conduct of Mr Macdonald (Northumberland County Council National Park Officer) during his subsequent site visit in relation to the diversion proposals, and the lack of any locally available copy of the Definitive Map which he could inspect. It is not proposed to explore this matter any further – even if it was accepted that the meeting proceeded entirely as Mr Smith has described, this has no bearing on the validity of the Definitive Map itself, or whether or not Public Footpaths Nos 4 and 5 are actually public rights of way. If Mr Smith had been provided with a copy of the Definitive Map, or had been able to view a copy at the Castle Morpeth Borough Council offices, all he would have seen was a facsimile of the map described as “First Review Definitive Map” in the appendices to this report. By the same token, the failed application to divert / stop-up parts of Footpath No 4 and Footpath No 5 doesn’t have any bearing on the existence, or otherwise, of these two footpaths.
- 8.39 The December 1994 temporary closure of Footpaths Nos 4 and 5, for safety reasons, isn’t relevant when determining whether or not public footpath rights exist.
- 8.40 Mr Smith refused permission for Castle Morpeth Borough Council to create a riverside footpath for their 2006 Castles, Woods and Water project.
- 8.41 Mr Smith’s complaint, following Northumberland County Council’s attempt, in October 2018, to record part of the road between Whorral Bank and the River Wansbeck as publicly maintainable highway, under s.228 of the Highways Act 1980, may or may not have some validity, but the nature of the grievance itself, isn’t considered to be relevant when determining this current application to delete parts of Footpaths Nos 4 and 5 from the Definitive Map.
- 8.42 Officers would agree that the signpost Northumberland County Council erected in the verge of the B1337 at Whorral Bank is not evidence either in favour or against public footpath rights. The fingerpost will have been erected purely on the basis that this was an existing recorded public footpath.
- 8.43 The routes of the alleged non-footpaths are readily identifiable as paths (often labelled “FP”) on Ordnance Survey maps between 1866 and 1984.
- 8.44 In the Schedule of Public Rights of Way, produced by Morpeth Borough Council, circa 1934, at the request of Northumberland County Council, in relation to the Rights of Way Act 1932, there are three paths (numbered 5, 6 and 7)

appear to describe the routes of the present day Public Footpaths Nos 4 and 5. Path 5 appears to start on Whorral Bank, crosses a bridge over the river and follows the riverbank downstream to the new Borough boundary. Path 6 starts at the east end of the bridge and ends at Park House Farm, probably (though, not necessarily) following the route of existing Public Footpath No 5. Path 7 starts at the footbridge and ford to Borehole Lane and ends at the east end of the bridge at Quarry Wood, again probably (though not necessarily) following the route of existing Public Footpath No 4.


- 8.45 Existing Public Footpath No 4 is coloured on the Survey maps produced in association with preparation of the first Definitive Map of Public Rights of Way, in the early 1950s. South of the bridge, it is initially identified following the riverbank (not the current recorded route, slightly further to the east). It is shown in the same way on the Draft Map; the first formal map published in the Definitive Map preparation process. At the next stage – the Provisional Map – the alignment of the 210 metre long section of footpath immediately south of the bridge has moved further to the east (by a distance of up to 25 metres). As Mr Smith has pointed out, this change was apparently unauthorised. Any proposed amendment (even one being made to correct an obvious mistake on the Draft Map) should have been advertised first, and there is no evidence that this one was. The landowner could have challenged this apparent error on the Provisional Map, and the Provisional Map could have been modified, ahead of the Definitive Map being published, but it doesn't appear that it was. The most likely explanation for the landowner seemingly not challenging this unauthorised change is, probably, that they were simply unaware of it. If they were content with the route identified on the Draft Map, and weren't aware of any challenges, they'd expect the Provisional Map to be showing the same thing. It's possible they were aware of the change and didn't challenge it because they accepted that the altered route was really the correct one or didn't challenge it because, even if it wasn't actually the correct route, it suited them better for the public footpath not to be recorded along the riverbank. Seventy years on, we're not going to be able to say which it was.
- 8.46 Existing Public Footpath No 5 is also coloured on the Survey maps produced in association with preparation of the first Definitive Map of Public Rights of Way, in the early 1950s. At its southern end, it is shown passing through a gap, out of the Park House farm yard, and proceeding along the eastern edge of the field, to the road. It is shown in the same way on the Draft Map. At the Provisional Map stage, this 100 metre long southern end of the footpath has moved slightly eastwards, out of the field and into the garden of Park House. Again, as Mr Smith has pointed out, this change was apparently unauthorised. Any proposed amendment should have been advertised first, and there is no evidence that this one was. The landowner could have challenged this apparent error on the Provisional Map, and the Provisional Map could have been modified, ahead of the Definitive Map being published, but it doesn't appear that it was. The most likely explanation for the landowner seemingly not challenging this unauthorised change is that they were simply unaware of it. Also at the Provisional Map stage, a slight misalignment in the path was created, where the footpath passed from one map sheet to the other (on the western sheet, the path has migrated perhaps 10 – 15 metres slightly too far to the south, creating a disconnect between the two map sheets. This disconnect misalignment appears to have been 'resolved' at the Definitive Map stage, but the changed alignment at the southern end of the footpath persists.
- 8.47 There would have been an opportunity to correct these two apparent errors as part of the First Review into the Definitive Map (Relevant Date: 1 November

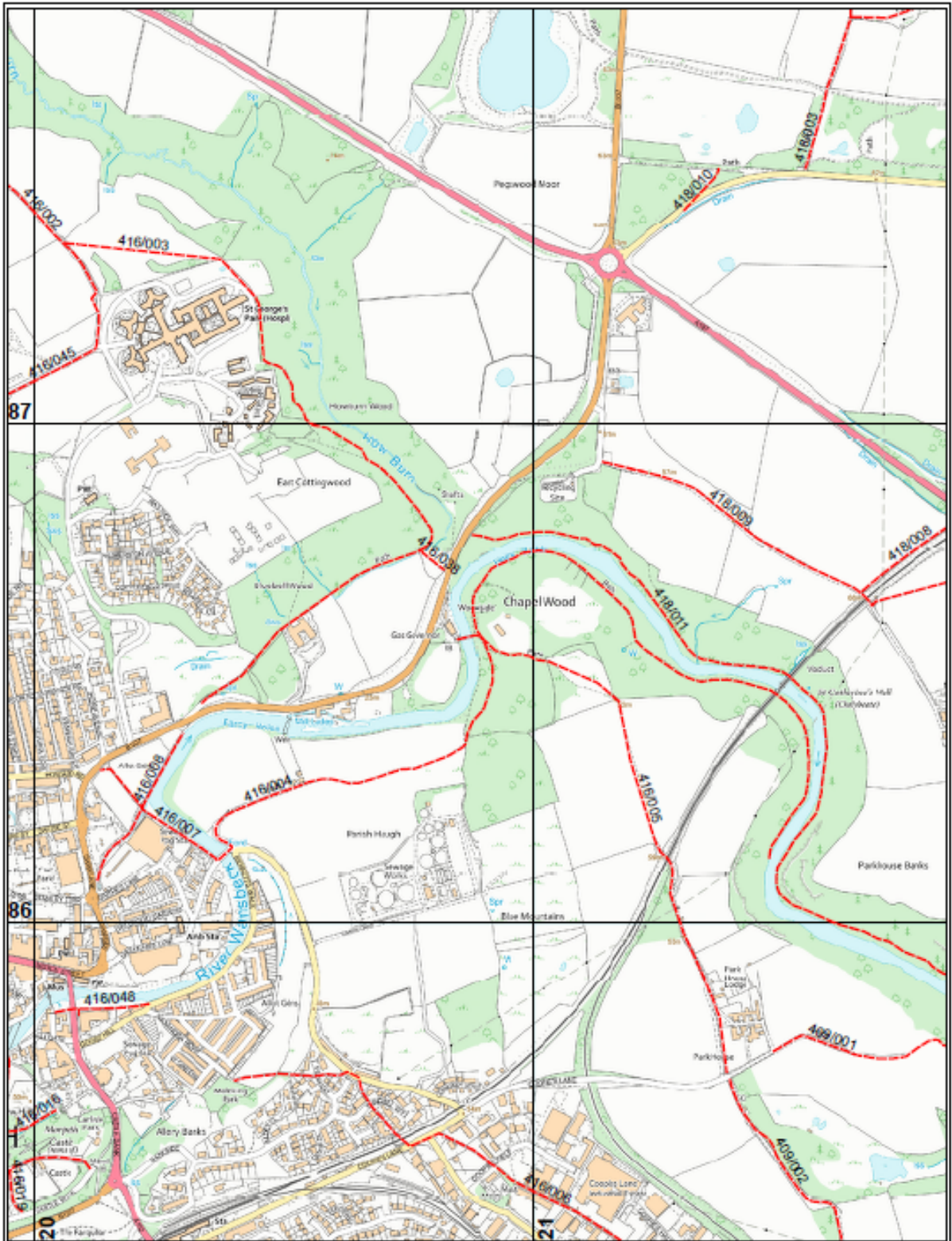
1963). This countywide review was completed in the early 1970s and corrected the Definitive Map to take account of path creations, diversions and extinguishments that had occurred prior to 1 November 1963. There were also some additions, alignment changes and deletions, arising from 'new' evidence coming to light. For whatever reason, the alignment of Footpaths Nos 4 and 5 remained the same.

- 8.48 Whilst the discrepancies between The Draft Map and Provisional Map stages that have highlighted in paragraphs 8.45 and 8.46 (above) are certainly regrettable, they are not considered to be of a magnitude which would nullify the Definitive Map (as regards either the former Morpeth Borough as a whole, or these two paths in particular. It might be different if whole paths were being added or deleted without any attempt being made to follow due process, but that is not the case here. The most likely explanation for the present situation is human error / poor penmanship.
- 8.49 Mr Smith has asserted that, due to the mining and quarrying operations taking place, it would have been too dangerous for the public to have been using these paths. In his view, it isn't conceivable that the landowners would have willingly dedicated public footpaths or, through their inactivity, permitted the public to achieve 20 years of unchallenged use to the extent that rights of way could have been created on the basis of presumed dedication.
- 8.50 We may never know precisely how the public footpaths, now recorded as Footpaths 4 and 5 (Morpeth Town), came into being. The 1873 and 1879 Caisley and Short et al leases definitely indicate that Morpeth Borough Council was aware of, and determined to protect, free passage for pedestrians over the occupation road through Jobs Well Close and (in 1873) over the bridge Mr Caisley had constructed where the route crosses the River Wansbeck. It says nothing about where any public footpaths might have gone, on the east side of the bridge, but it's a good indication that there was considered to be at least one path. 1860s, 1890s and 1920s OS map evidence indicates that the routes of Public Footpaths Nos 4 and 5 did, apparently, exist on the ground at that time. It is not unusual to find public rights of way existing in close proximity to mines and quarries. Health and safety regulations appear to have been far more relaxed in the past. And if the public rights of way already existed before a new mine or quarry was created (or an old one was reopened) it may have been the mine or quarry operation had to fit in around the footpath, not the other way around. Public footpaths beginning and ending at the same places as the current footpaths (maybe, though not necessarily, following the same alignment) were identified in the Schedule of Public Rights of Way prepared by Morpeth Borough Council under the Rights of Way Act 1932. The routes were identified for inclusion as public footpaths on a Draft Map, published in 1952 (Relevant Date: 22 September 1952). The preceding Survey Schedules indicate that the ground for believing the path to be public was "prescriptive right" and that the map prepared for the Rights of Way Survey 1932 had been consulted. Although the June 1952 survey may have identified signs saying "Private JR Temple and Sons Ltd" at both ends of the bridge, the surveyor (Frank K Perkins) has qualified these signs by stating that the "Old footbridge was washed away and present one was erected by JR Temple. The notice boards are to safeguard himself against accidents". Earlier, he had observed that "Footbridge in an unsafe condition". Certainly, the paths then apparently passed through the chrysalis Draft and Provisional Map stages without being formally challenged by Mr Temple or anyone else.



Plan 12

| | | | |
|--|--|-------------------------------|--------------------------|
|  <p>Northumberland County Council Local Services County Hall, Morpeth, Northumberland NE61 2EP Telephone 0845 600 6400</p> | <p>Wildlife and Countryside Act 1981 Public Rights of Way</p> <p>———— Existing Public Footpaths which are alleged not to be public rights of way</p> | | |
| | <p>Former District(s) Castle Morpeth</p> | <p>Parish(es) Morpeth</p> | <p>Scale 1/5,000</p> |
| <p>Def. Map No. 142</p> | <p>O.S. Map NZ 28 NW</p> | <p>Date August 2022</p> | |




Northumberland
 County Council
 County Hall, Morpeth, NE61 2EF
 Contact: Highway Search Team
 Email: Highwayssearch@northumberland.gov.uk

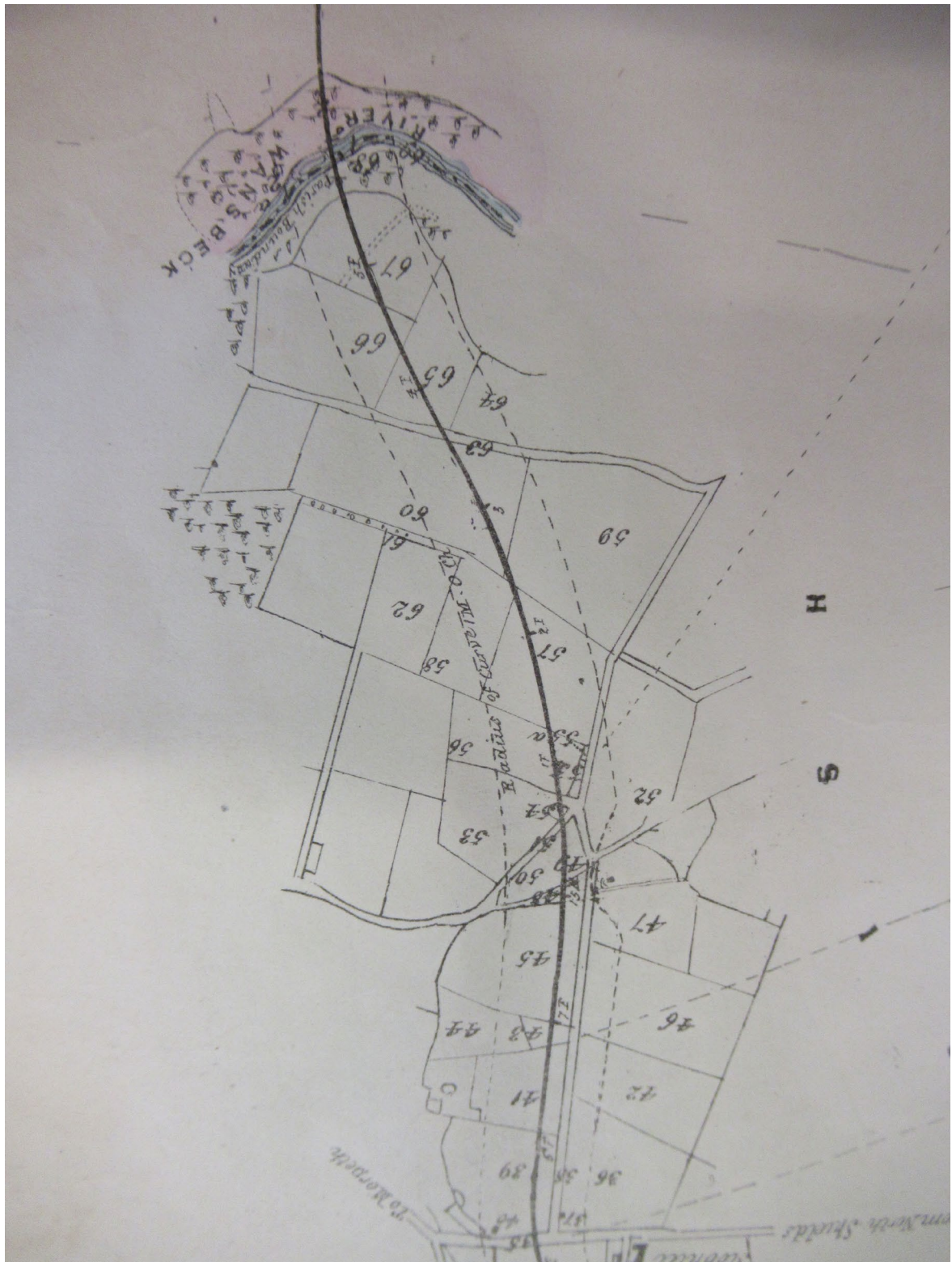
- Legend**
- Footpath
 - Bridleway
 - Restricted Byway
 - Byway Open to All Traffic

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

Scale: 1:10,000

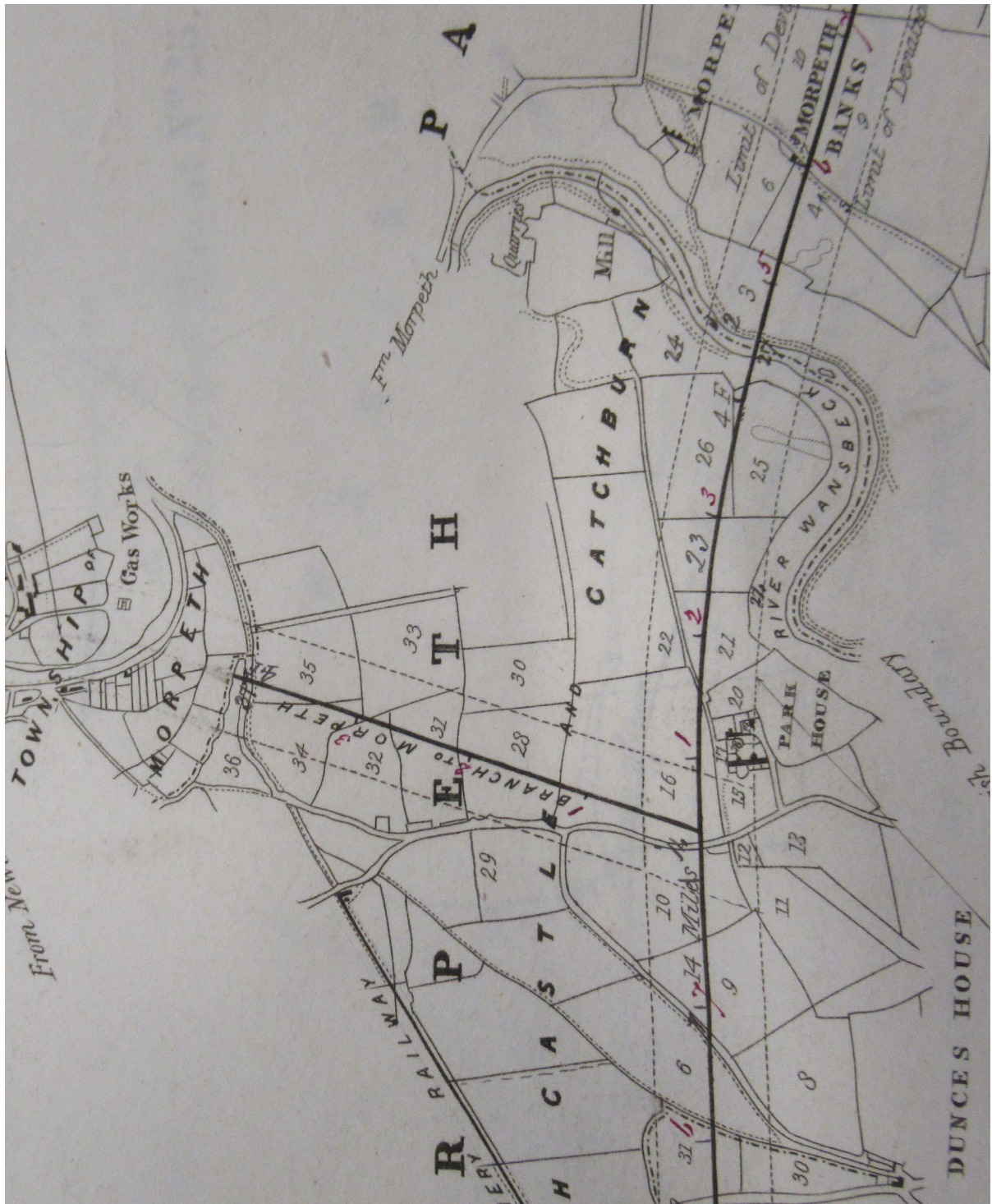
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of His Majesty's Stationary Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. License no. 100049646 (2012)

Newcastle and Berwick Railway & Branches
(1844)



| NUMBER ON PLAN. | DESCRIPTION OF PROPERTY. | OWNERS OR REPUTED OWNERS. | LESSEES OR REPUTED LESSEES. | OCCUPIERS. |
|-----------------|--|---|-----------------------------|----------------------|
| 50 | Field | The Earl of Carlisle | | Luke Browne |
| 51 | Occupation Road | The Earl of Carlisle | | The Earl of Carlisle |
| 52 | Field | The Earl of Carlisle | | George Hair |
| 53 | Field | The Earl of Carlisle | | John White |
| 54 | Garden | The Earl of Carlisle | | John White |
| 55 | Garden | The Earl of Carlisle | | Mary Clephorn |
| 55 ^a | Garden | The Earl of Carlisle | | Mary Clephorn |
| 56 | Field | The Earl of Carlisle | | Mary Clephorn |
| 57 | Field | The Earl of Carlisle | | Mary Clephorn |
| 58 | Field | The Earl of Carlisle | | Mary Clephorn |
| 59 | Field | The Earl of Carlisle | | Mary Clephorn |
| 60 | Field | The Earl of Carlisle | | Mary Clephorn |
| 61 | Plantation | The Earl of Carlisle | | Mitford Bullock |
| 62 | Field | The Earl of Carlisle | | Mitford Bullock |
| 63 | Occupation Road | The Earl of Carlisle | | Thomas King |
| 64 | Field | The Earl of Carlisle | | Thomas King |
| 65 | Field | The Earl of Carlisle | | Thomas King |
| 66 | Field | The Earl of Carlisle | | Thomas King |
| 67 | Field | The Earl of Carlisle | | Thomas King |
| 68 | Plantation | The Earl of Carlisle | | Thomas King |
| 69 | River Wansbeck forming the boundary between the two parishes of Mospeth and Rothal and the boundaries of Rossburgh and Barroth | The Earl of Carlisle and the Duke of Portland | | Thomas King |

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The Parish of MORPETH, in the County of NORTHUMBERLAND—*continued.*

| Number on Plan. | Description of Property. | Owners or Reputed Owners. | Lessees or Reputed Lessees. | Occupiers. |
|---|---|---|---|---|
| TOWNSHIP OF HEPS COTT— <i>continued.</i> | | | | |
| 29 | Turnpike Road | Trustees of the turnpike road from North Shields to Morpeth | | |
| 30 | Pasture field | Earl of Carlisle | — — | Edward Stobbs |
| 31 | Pasture field and cow hovel | ditto | — — | ditto |
| TOWNSHIP OF MORPETH CASTLE AND CATCHBURN. | | | | |
| 1 | Arable field | Earl of Carlisle | — — | Thomas Crawford |
| 2 | Turnpike road | Trustees of the Turnpike Road from North Shields to Morpeth | | |
| 3 | Arable field | Earl of Carlisle | — — | Thomas Crawford |
| 4 | ditto | ditto | — — | ditto |
| 5 | Part of Netherton Colliery waggon way | ditto | John Cass Birkinshaw, Henry Birkinshaw, and Thomas Gibson and Robert Elliott Huntley, executors of William Shepherd | John Cass Birkinshaw, Henry Birkinshaw, and Thomas Gibson and Robert Elliott Huntley, executors of William Shepherd |
| 6 | Arable field and footpath | Trustees of Edward the Sixth's Grammar School, Morpeth; William Trotter, William Clarke, William Creighton, and Thomas Hepper | Robert Hopper | Robert Hopper |
| 7 | Arable slip and footpath | Earl of Carlisle | — — | Trustees of Edward the Sixth's Grammar School (see No. 6) and their undertenant, Robert Hopper |
| 8 | Arable field and Occupation Road | ditto | — — | Robert Hopper |
| 9 | Arable field, cow shed, and Occupation Road | ditto | William Scott | William Scott |
| 10 | Arable field and shed | ditto | — — | William Lyon, and his undertenant William Robinson |
| 11 | Pasture field | ditto | — — | John Clark and John Clark, junior |
| 12 | Garden and Occupation Road | ditto | — — | John Strachan |
| 13 | Arable field | Earl of Carlisle | — — | John Clark and John Clark, junior |
| 14 | Public Highway | Surveyor of Highways | | |
| 15 | Pasture field and Occupation Road | Earl of Carlisle | — — | Thomas King |
| 16 | Arable field | ditto | — — | ditto |
| 17 | Occupation Road | ditto | — — | ditto |

H

The Parish of MORPETH, in the County of NORTHUMBERLAND—*continued.*

| Number on Plan. | Description of Property. | Owners or Reputed Owners. | Lessees or Reputed Lessees. | Occupiers. |
|---|---|------------------------------------|-----------------------------|-----------------------------------|
| TOWNSHIP OF MORPETH CASTLE AND CATCHBURN— <i>continued.</i> | | | | |
| 18 | Two farm houses, hovel, two small gardens, barn, pigsty, threshing machine, stables, stack yard, farm offices, and grass plat | Earl of Carlisle | — — | Thomas King |
| 19 | Farm house, barn, stables, two small gardens, and stack yard | ditto | — — | John Clark and John Clark, junior |
| 20 | Arable field | ditto | — | Thomas Brown |
| 21 | Pasture field | ditto | — | Thomas King |
| 22 | Arable field | ditto | — — | ditto |
| 23 | Pasture field | ditto | — — | ditto |
| 24 | Plantation and whinstone quarry | ditto | — — | Earl of Carlisle |
| 25 | Arable field and whinstone quarry | ditto | — — | Thomas King |
| 26 | Arable field | ditto | — — | ditto |
| 27 | River Wansbeck, dividing the townships of Morpeth Castle and Catchburn and Pigswood | ditto | — — | Earl of Carlisle |
| TOWNSHIP OF ULGHAM, in the Chapelry of ULGHAM. | | | | |
| 1 | Arable field | Earl of Carlisle | — — | Richard Barron |
| 2 | Public highway dividing the townships of Ulgham and Longhurst | Surveyor of highways, William Reed | | |
| 3 | Arable field | Earl of Carlisle | — — | John Shotton |
| 4 | ditto | ditto | Robert Robson | Robert Robson |
| 5 | ditto | ditto | — — | John Shotton |
| 6 | Public highway | Surveyor of highways, William Reed | | |
| 7 | Pasture field | Earl of Carlisle | Robert Robson | Robert Robson |
| 8 | Arable field | ditto | — — | Andrew Robert Fenwick |
| 9 | ditto | ditto | Robert Robson | Robert Robson |
| 10 | Pasture field and pond | ditto | ditto | ditto |
| 11 | Arable field | ditto | ditto | ditto |
| 12 | Farm house, cattle sheds, threshing machine, barn, stables stackyard, and garden | ditto | ditto | ditto |



day of February one
thousand eight hundred and twenty three

Between
The Mayor, Aldermen and Burgesses of the Borough
of Newcastle in the County of Northumberland (hereinafter
called "the Landlords") of the one part and **John Caisley**
of the Borough of Newcastle Coal Merchant (hereinafter
called "the Tenant") of the other part **Whereas**
the Tenant has erected a Bridge over the River Newcastle
at Newcastle aforesaid at a place near to and adjoining a
piece of Land called "John West Close" belonging to the
Landlords **And whereas** the Tenant hath applied
to the Landlords for liberty to make a road or cartway
leading from the said Bridge over a portion of the said
piece of Land hereinafter described to the Tyne Highway
leading from Newcastle to Northall which they have agreed
to do at the said hereinafter mentioned and upon condition
that the Tenant allow all foot passengers to cross and recross
the said Bridge and also the said road or cartway at all
times free of expense **Now this Indenture**
witnesseth that in consideration of the rent hereinafter
reserved and of the covenants and agreement by the Tenant
hereinafter contained the Landlords do give unto the Tenant
his executors administrators and assigns **All** that piece or
parcel of Land (part of John West Close) situate then on the
place hereunto annexed (except the several Manures for the
term of fifteen years from the twelfth day of December one
thousand eight hundred and twenty two **yielding and**
paying therefore during the said term the quarterly
rent of one pound by equal half yearly payments on the twelfth

day of May and the twelfth day of December
in each year the first payment to be made
on the twelfth day of May next **And** the Tenant shall
bind for himself his heirs executors and administrators
covenant with the said Landlords to pay rent and to
pay taxes that will not use or suffer the said piece of
ground or any part thereof to be used for any purpose
other than a road or cartway according to the true intent
and meaning of these presents without the previous license
in writing of the Landlords that will not without the like
license assign or sublet the said piece of ground or any part
thereof but will allow all persons to cross and recross the
said Bridge and Road or Cartway at all times on
foot without any payment whatsoever and will fence
the said road or Cartway on both sides thereof
with a sufficient fence to the satisfaction of the
Landlords and keep such fence in repair and will
not and restore the said piece of ground hereby
agreed to be let to its present state at his own
expense on the termination of his tenancy if so required
by the said Terms and will at the expiration or
sooner determination of the said term deliver up to
the Landlords the said piece of ground and premises
in such state and condition as shall be consistent
with the due performance of the Tenant's covenants
Provided always that if the said rent shall not
be duly paid or if there shall be a breach of any
of the covenants by the Tenant the Landlords may
re-enter the said premises and the said term of
fifteen years shall absolutely determine and it
is hereby mutually agreed by and between

as differences shall arise touching these presents
the same shall be referred to the arbitration of
two Arbitrators or their Worship in the usual way
In witness whereof the said Mayor Aldermen
and Burgesses have caused their Common Seal
to be hereunto put and affixed and the said John
Caisley has hereunto set his hand the day and
year first herebefore written

John Caisley

Signed sealed and
delivered by the said
John Caisley in the
presence of

R. H. Arkham
Clerk to W. B. Hodgson
55 St. George's

This Indenture made the nineteenth day of November the year one thousand eight hundred and seventy nine between the Mayor Aldermen and Burgesses of the Borough of Morpeth in the County of Northumberland hereinafter referred to as the lessors of the one part and John Short Richard Todd of the Crook Cottage near Morpeth William Davison of the East Mill Morpeth and Joseph Walton of Morpeth afterwards calling themselves hereinafter referred to as the lessees of the other part Witnesseth that the lessors do hereby lease unto the said lessees their certain administrative and apurao All that part or parcel of land called John Wall Close situate in the Borough of Morpeth in the County of Morpeth and County of Northumberland containing 1.238 acres bounded on the public highway leading from Morpeth to Longhought on the West on land belonging to Matthew Bramall on the South on the River Wansbeck on the East and on Downham on or towards the North East as the same is shown upon the plan drawn in the margin hereof and thereon coloured round with red subject to such right of way over the occupation road leading from the said public highway to the said through the River Wansbeck as is not recited in any other person or persons with full and free liberty to sink a pit and to work lead silt and clay away the said land or within the said land and to do all necessary acts for the leading leading and conveying away of said within the said land or any other lands adjoining or near thereto which thing the said lessees may do for the time being have the power and right to work the said land and upon the lessees giving up and leaving the premises if required so to do pursuant to the covenants herein contained the said term of fifteen years hereby granted shall stand unbroken and so utterly void to all intents and purposes And the said lessees do for themselves their executors administrators and assigns jointly and severally covenant with the lessors their heirs and assigns that they the said lessees their executors administrators or assigns will erect or before the end or other lawful determination of the said term hereby granted if required so to do by the lessors or their executors but not otherwise well and sufficiently fill up the pit intended to be sunk upon the said premises and level the ground And that the said lessees will to occupy the said premises hereby demised so to prevent the public from requiring any other right of way over the same land and except the occupation road over the premises shown upon the said plan leading from the public highway to the fact through the River Wansbeck The said lessees covenant with the said lessors for quiet enjoyment

In witness whereof the said Mayor Aldermen and Burgesses have hereunto set their hands and seals the day and year first above said

Signed sealed and delivered by the above named John Short Richard Todd and William Davison and Joseph Walton in the presence of

John Short
Richard Todd
William Davison
Joseph Walton

twelfth day of August in each and every year of the said term and the year shall yearly hereinafter to be made on the twelfth day of February next ensuing that the said lessees covenant with the said lessors their executors and assigns to pay rent and to pay taxes including land tax and the property tax and that the lessors will well and lawfully give in and endorse the said demised premises so as to prevent the same from being or being upon the said premises whereby a nuisance injury or annoyance may be caused to the lessors or any of the adjoining parishes or to the public and that the lessors and their executors or their assignees may enter and view the condition of the said premises hereby demised and that the lessors will repair according to notice and will not assign without consent but that they will have the premises in good repair provided for meeting by the said lessees or assignees of rent or non-performance of covenants or in case of the lessees becoming bankrupt or insolvent or in the event of their becoming bankrupt from the payment of their debts or just by liquidation arrangements or otherwise And that in any action for the recovery of possession under this proviso the County Court of Northumberland sitting at Morpeth shall have power to try such action provided always and it is hereby agreed and declared that if the lessees shall be desirous of quitting and giving up the possession of the said demised premises and shall give to the lessors or their successors in whole years notice of their intention to quit and deliver up such possession such notice to terminate on the twelfth day of August in some year of the said term

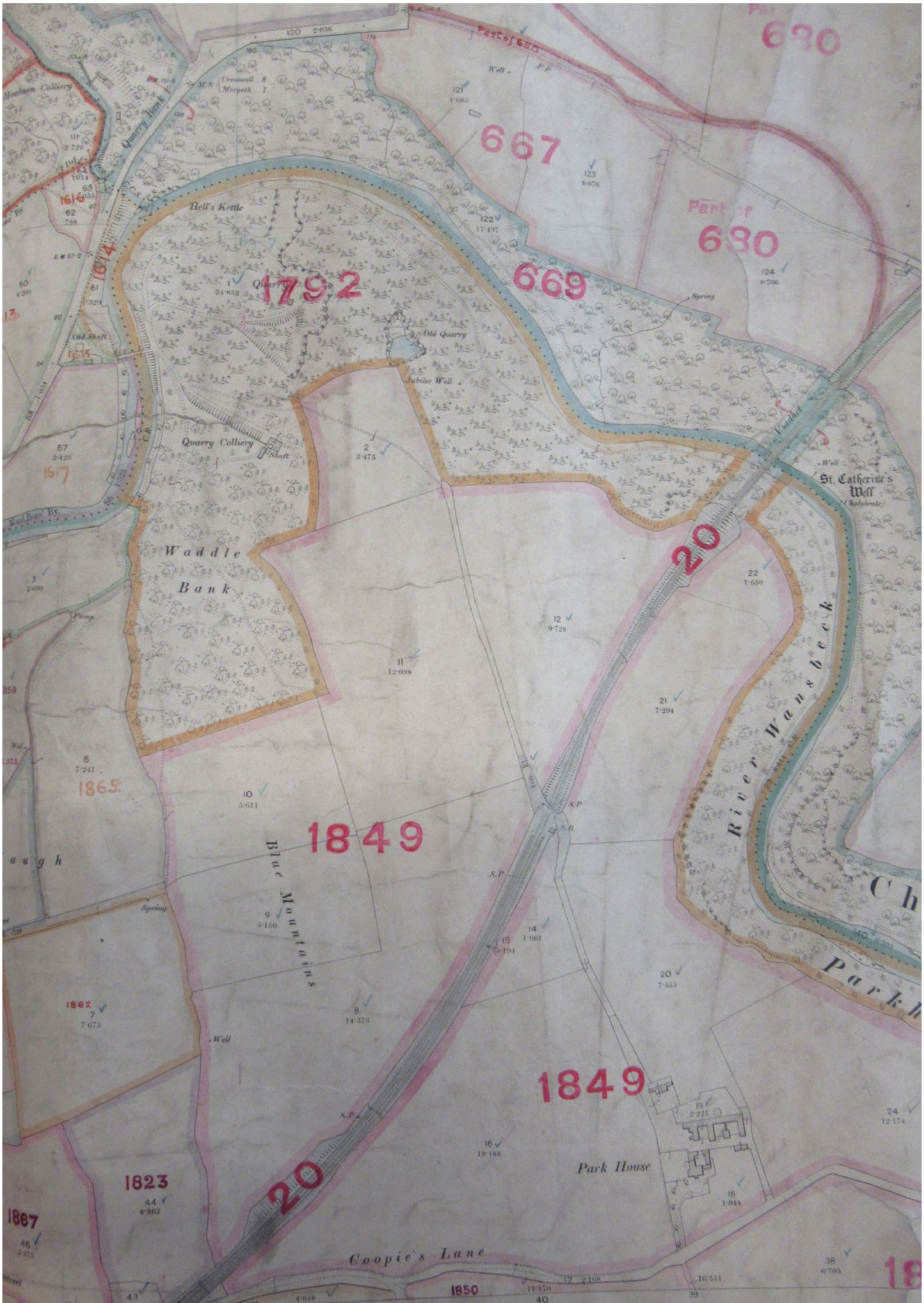
these and on such lease from and after the determination of the said lease and upon the lessees giving up and leaving the premises if required so to do pursuant to the covenants herein contained the said term of fifteen years hereby granted shall stand unbroken and so utterly void to all intents and purposes And the said lessees do for themselves their executors administrators and assigns jointly and severally covenant with the lessors their heirs and assigns that they the said lessees their executors administrators or assigns will erect or before the end or other lawful determination of the said term hereby granted if required so to do by the lessors or their executors but not otherwise well and sufficiently fill up the pit intended to be sunk upon the said premises and level the ground And that the said lessees will to occupy the said premises hereby demised so to prevent the public from requiring any other right of way over the same land and except the occupation road over the premises shown upon the said plan leading from the public highway to the fact through the River Wansbeck The said lessees covenant with the said lessors for quiet enjoyment

In witness whereof the said Mayor Aldermen and Burgesses have hereunto set their hands and seals the day and year first above said

Signed sealed and delivered by the above named John Short Richard Todd and William Davison and Joseph Walton in the presence of

John Short
Richard Todd
William Davison
Joseph Walton







Borough of Morpeth.

TELEPHONE N° 6



E. C. JACKSON.
Solicitor
TOWN CLERK

TOWN CLERK'S OFFICE.

Morpeth.

10th January 1934.

Dear Sir,

RIGHTS OF WAY ACT, 1932.
- - - - -

I submitted your letter of the 15th November last to the Town Council at its meeting yesterday, when it was resolved that the Council undertake the preparation of maps and Schedules setting out the reputed rights of way in the Borough. The Borough Surveyor who will prepare the maps and Schedules will also confer with the Surveyor of the Morpeth Rural District Council to ensure that rights of way leading from the Borough into the Rural area will be duly noted by both Authorities.

Yours faithfully,

Town Clerk.

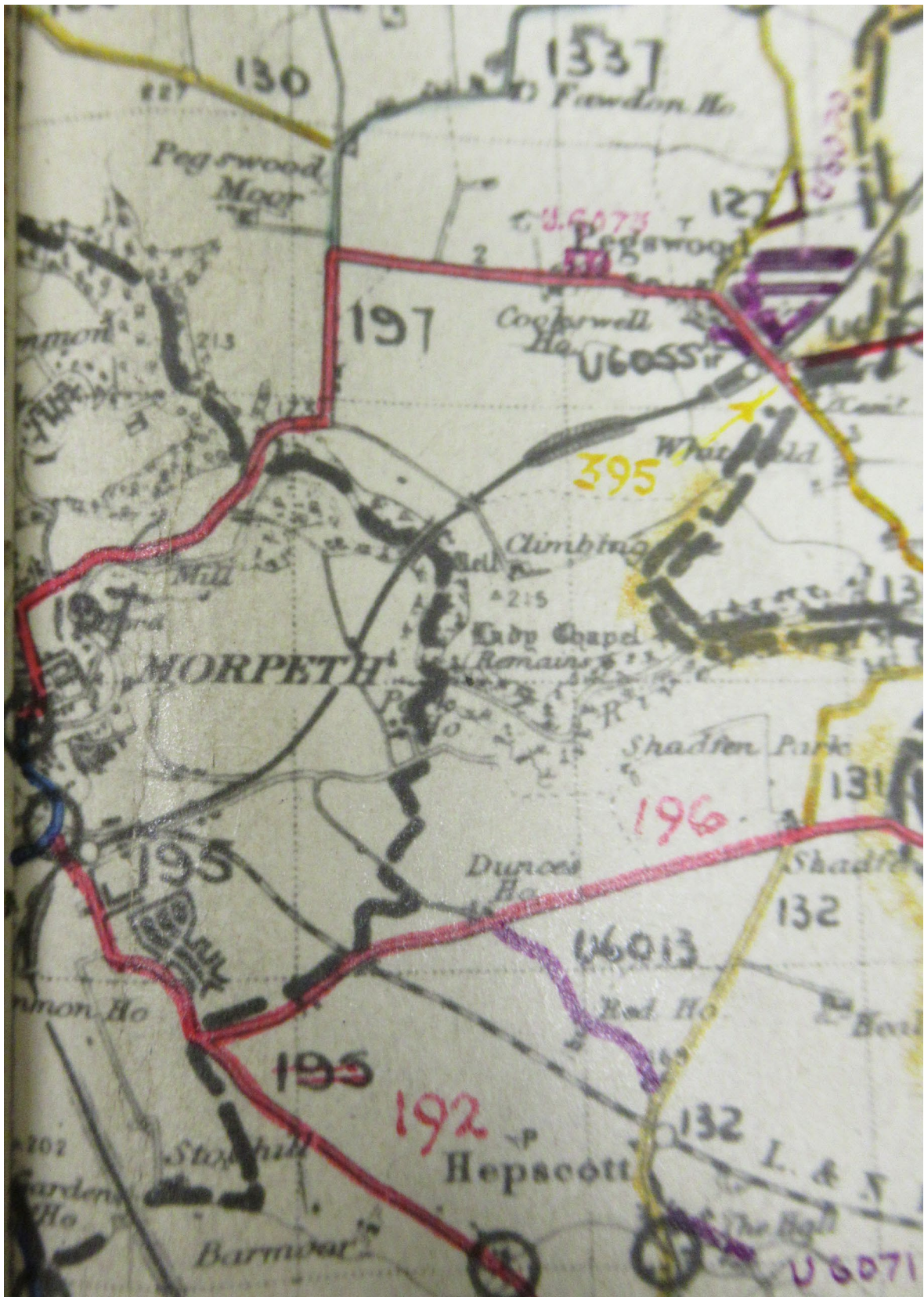
Borough of Maresfield
Rights of Way Act 1932

No. on Plan

- Public paths and Rights of Way
- 1 Starts from Cottingwood Lane, proceeds across Cottingwood Common to stile where it turns northward and continues in an almost straight line to Helton Lane.
 - 2 Starts from the same point as No 1 and follows the racecourse on the common, back to the starting point.
 - 3 Starts from stone steps known as Round Hags on main road to Newbiggin proceeding eastward through Blue Bell wood then northward through Houdum wood then westward through the grounds of the County Mental Hospital where it joins the road northward to Cottingwood Common where it joins No 2 path, a branch path through a small field to the main road at Quarry Bank. The field is known as Hardy's Hole.
 - 4 Path No 4 starts at an entrance wicket on Quarry Bank on the main road to Newbiggin and proceeds alongside the river Mansuck to Botchal on the north side of the river.
 - 5 Starts from the railway end at the Wall Close crossing the river by Woodbridge then proceeding alongside the river to the new borough boundary on the south side of the river.
 - 6 Starting from the wood bridge in No 5, the path proceeds in southerly direction, crossing the LNER bridge terminating at Park House farm.

LXXV.
Number.

- No 7 From Gas House Lane across the footbridge at ford to Barchole Lane to the wood bridge where it joins No. 5 & 6.
- No 8 Proceeds by the riverside from the Mayer's Bridge steps to the footbridge at Low Stammers where it joins No 7 path.
- No 9 Starts from the end of Alexandra Road, up Allery Banks to the road in front of Salisbury Street to the footbridge over the railway then proceeding along Corpice Lane to the east for about 100 yards to a wicket, thence through the meadows to Dunci's House.
- No 10 Starts from Hillgate St. by the riverside and through Castle Wood to High Stammers.
- No 11. Commences at the same point as No 10 and proceeds southwards to a wicket in the fence between the Postern and Carlisle Park, then by the side of the postern to the west end where it joins No 12 path on the south side, of the postern.
- No 12 Starts from the highway known as Spiked Lane proceeding by the Castle entrance along the south side of the postern in a westerly direction until it joins the Church path No 13.
- No 13 This is known as the Church Walk and starts to Castle Wood at High Stammers





NORTHUMBERLAND COUNTY COUNCIL.

Book No. 194
Page No. 5

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.
SCHEDULE ACCOMPANYING SURVEY MAPS.

Parish of _____ in the Rural District of _____

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

1. Number of highway on Map. 54
2. Kind of Path (i.e., P.P., B.R.) FP
3. Starts at STOBSFORD to FOOTBRIDGE IN NGA
4. Name of Path (if any) _____
5. Is the Path well defined? YES
6. Is the Path metalled? If so, define length _____
7. If its width can be stated, insert here VARIES FROM 10 FT. TO 3 FT.
8. What is the present condition of the path, stiles, etc.? PATH HAS BEEN ASHED AT BEGINNING AND IS IN GOOD CONDITION.
9. Is it subject to being ploughed out? NO
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known _____

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

12. Have persons been prevented using the highway? No.
13. Give particulars of any obstructions _____
14. Names of owners of freehold and previous owners, if known, for past 30 years
CHARLTON BROS.
J.R. TEMPLE & SON.

15. What maps have been consulted, and where are they deposited?
MAP PREPARED FOR 1932 SURVEY OF RIGHTS OF WAY IN TOWN CLERK'S OFFICE 29 BRIDGE ST.

16. What records have been consulted, and where are they deposited?

17. Any other relevant information _____

| Surveyed by | Address | Date of Survey |
|------------------|---|-------------------|
| FRANK K. PERKINS | BOROUGH SURVEYOR'S OFFICE, 36. BRIDGE ST., MOORETH. | 19TH APRIL. 1952. |

Important :- Sheet No. of Map on which Highway is shown
551 69NW 1.

NORTHUMBERLAND COUNTY COUNCIL.

Book No. 194
Page No. 6

NATIONAL PARKS AND ACCESS TO THE COUNTRY ACT, 1949.
SCHEDULE ACCOMPANYING SURVEY MAPS.

Parish of _____ in the Rural District of _____

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

1. Number of highway on Map. 65
2. Kind of Path (i.e., F.P., B.R.), FP
3. Starts at FOOTBRIDGE IN No. 4 to DUNCES HOUSES.
4. Name of Path (if any) _____
5. Is the Path well defined? YES
6. Is the Path metalled? If so, define length _____
7. If its width can be stated, insert here 2ft TO 10ft
8. What is the present condition of the path, stiles, etc.? PATH IS ASHED AND IN GOOD CONDITION
9. Is it subject to being ploughed out? NO
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known
DIRECTION SIGN 200 ft FROM FOOTBRIDGE WHERE PATH SPLITS INTO TWO WAS ERECTED 1941 AND MARKS OTHER PATH "NO ROAD THIS WAY"
11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant
PRESCRIPTIVE RIGHT.
12. Have persons been prevented using the highway? NO
13. Give particulars of any obstructions _____
14. Names of owners of freehold and previous owners, if known, for past 50 years
J.R. TEMPLE & SON.
15. What maps have been consulted, and where are they deposited?
MAP PREPARED FOR RIGHTS OF WAY SURVEY 1932. HELD IN TOWN CLERKS OFFICE 29 BRIDGE ST.
16. What records have been consulted, and where are they deposited? _____
17. Any other relevant information _____

| Surveyed by | Address | Date of Survey |
|-------------------------|---|---------------------|
| <u>Frank L. Perkins</u> | <u>BOROUGH SURVEYORS OFFICE. 38 BRIDGE ST. MORPETH.</u> | <u>18 JUNE 1952</u> |

Important:—Sheet No. of Map on which Highway is shown
SS. 69 N. 1.
SS. 1 69 N. 2.







NORTHUMBERLAND COUNTY COUNCIL.

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

PUBLIC RIGHTS OF WAY - STATEMENT.

- 1. Borough **MORPETH.**
~~Urban District~~
~~Rural District~~
- 2. Parish
- 3. Number of Footpath on Map **4**
- 4. Name of Path
- 5. Kind of Path (i.e. FP/BR) **F.P., (width varies from 10'0" to 2'0"),**.....
Part ashed and metalled for 100 yards.
- 6. General Description of Path **From the west bank of the River Wansbeck.....**
crossing the river by the footbridge, in an easterly direction along Borehole
.....
Lane, the north side of Borehole Cottage and Waddle Bank to follow the south
.....
bank of the River Wansbeck under the L.N.E. Railway viaduct to Parkhouse Banks,
.....
.....
.....
- 7. Other relevant information **Scheduled as a Public Right of Way by Morpeth**
Borough Council......
.....
.....
.....

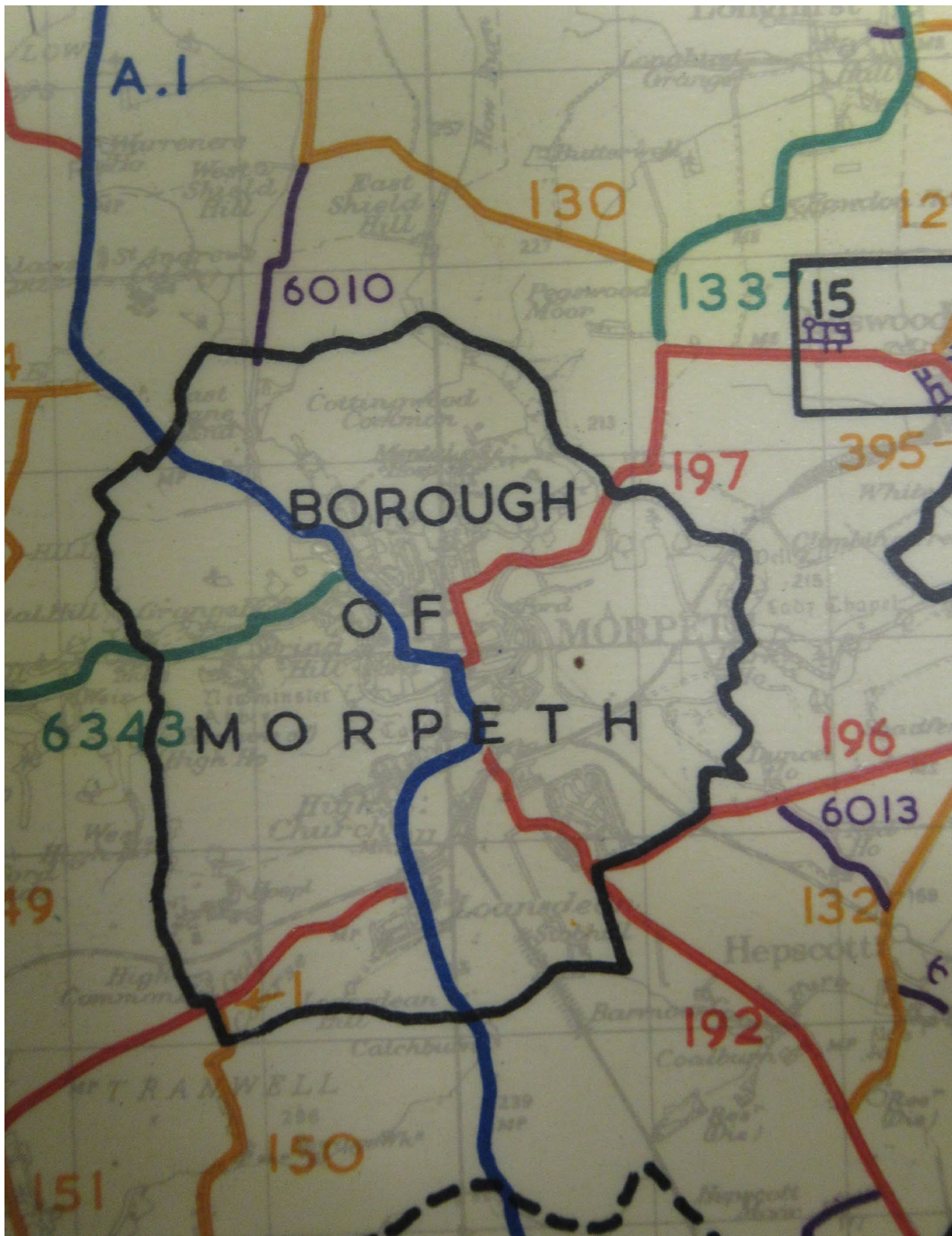
NORTHUMBERLAND COUNTY COUNCIL.

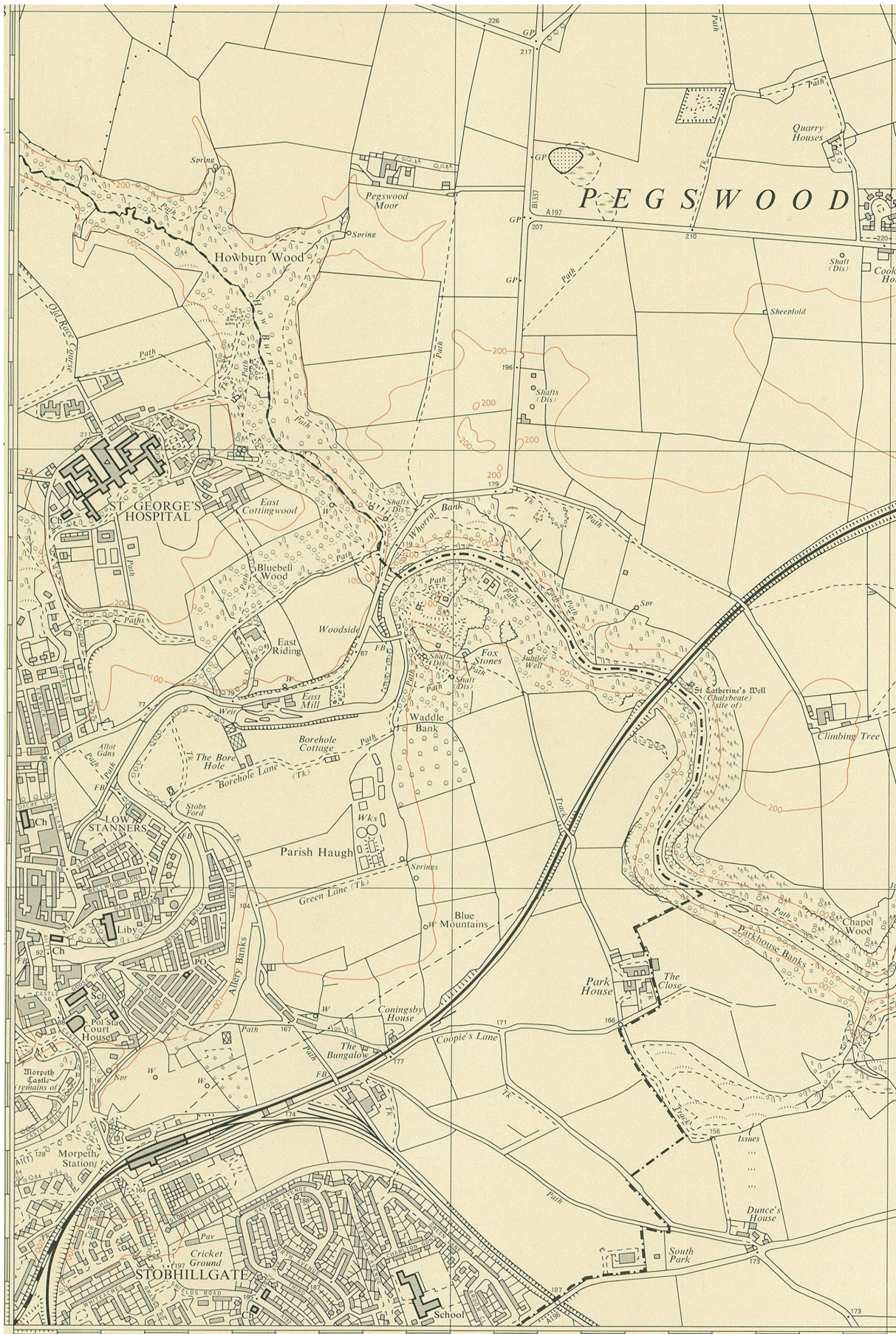
NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.
PART IV.

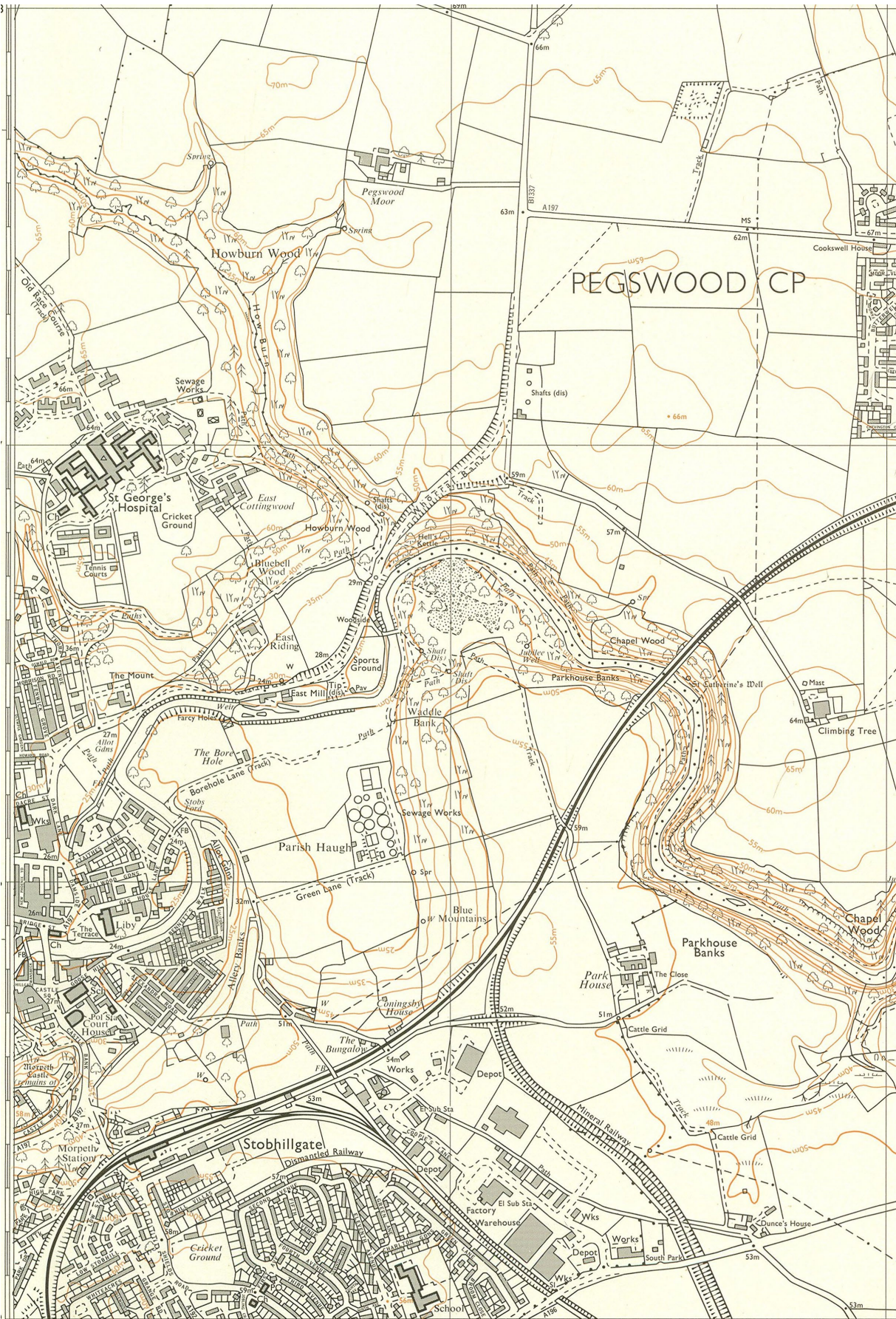
PUBLIC RIGHTS OF WAY - STATEMENT.

1. Borough MORPETH
- ~~Urban District~~
- ~~Rural District~~
2. Parish
3. Number of Footpath on Map 5
4. Name of Path
5. Kind of Path (i.e. FP/BR) F.P., (width varies from 2'0" to 10'0")
6. General Description of Path From the Morpeth-Ashington Road about 300
- yards north-east of East Mill in a south-easterly direction, crossing the River
- Wansbeck by the footbridge and the L.N.E. Railway, past the west side of Park
- House to the Borough boundary at Coopie's Lane.
-
-
7. Other relevant information Scheduled as a Public Right of Way by Morpeth
- Borough Council.
-
-
-
-
- LENGTH: 1288 yds









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Northumberland County Council

RIGHTS OF WAY COMMITTEE

28 February 2024

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

DELETION OF PART OF THE U6112 ROAD FROM LIST OF STREETS MORPETH TOWN

Report of the Director of Environment and Transport
Cabinet Member: Councillor John Riddle, Roads and Highways

Purpose of report

In this report, the Rights of Way Committee is asked to consider all the relevant evidence gathered in support and in rebuttal of the non-existence of public highway rights over a route (which includes part of the U6112 road) between the B1337 (Whorral Bank) and the western end of existing Public Footpath No 5, at a bridge over the River Wansbeck, at Morpeth.

Recommendation

It is recommended that the committee agrees that:

- (i) On a balance of probability, part of the U6112 (Q-P) was added to the List of Streets in error – it should be removed from the List of Streets;**
- (ii) Public footpath rights have been reasonably alleged to exist over the route N-Y-P-X;**
- (iii) Public footpath rights have been reasonably alleged to exist over the route Q-P;**
- (iv) Routes N-Y-P-X and Q-P be included in a future Definitive Map Modification Order as public footpaths.**

1.0 BACKGROUND

- 1.1 By virtue of section 36(6) of the Highways Act 1980, the County Council is required to keep corrected, up to date, a list of the streets within their area which are highways maintainable at the public expense.

- 1.2 Unlike the Definitive Map of Public Rights of Way, which can only be altered by the making (and, in most cases, also confirming) of Definitive Map Modification Orders, the List of Streets can be amended and corrected by the County Council, as the need arises. That is not to say that routes should be added, amended or deleted without any sound basis, but the hoops that need to be jumped through are not as evidential or legalistic as those required in relation to the Definitive Map.
- 1.3 For a route to be newly added as a length of publicly maintainable highway, it should, generally (i) have been formally adopted by procedures set out under the relevant Highways Act; or (ii) have been physically created as a public highway by the highway authority (whichever council held that function at the time), where they were also the landowner; or (iii) there is compelling evidence that the route was a longstanding publicly maintainable highway that ought to have been recorded as such, when the original lists and schedules were first prepared.
- 1.4 Ordinarily, matters relating to changes to the Council's List of Streets are not considered by the Rights of Way Committee. However, given Mr Smith's insistence that the record in relation to part of the U6112 on the list of Streets is wrong and his recent complaints against the Council (including one in 2019 to the Local Government Ombudsman), it was felt that the appropriate course of action, here, would be for all the available evidence to be weighed up and considered in the same formal way that it would be, if it was an amendment to the Definitive Map that was being considered. In addition, the Definitive Statement for existing Public Footpath No 5 describes that path as beginning on "... the Morpeth – Ashington Road about 300 yards north-east of East Mill". Whilst acknowledging that Mr Smith has also made a formal application to have this section of Footpath deleted from the Definitive Map, if that application is unsuccessful then, notwithstanding what it says in the Definitive Statement, a short gap would remain, on the Definitive Map, between the western end of the footpath and the Morpeth – Ashington road. If Public Footpath No 5 remains on the Definitive Map, the historical evidence available suggests that the existing gap, between the road and the footpath, needs to be filled.
- 1.5 As members will be aware, from recent reports relating to unclassified roads in the Rothbury area, just because a route is identified as a U road on the List of Streets, this does not prove that it is necessarily a motor vehicular public right of way. Letters from DEFRA, dated 2003 and November 2006, and Rights of Way Circular 1/09 set out the approach Inspectors and order making authorities should take in determining the status of routes included on the List of Streets. In summary, the guidance states that the inclusion of a route on the List of Streets is a statement about maintenance liability, not a record of what legal rights exist over that highway, but may provide evidence of vehicular rights. However, this must be considered with all other relevant evidence in order to determine the nature and extent of those rights. Highway Authorities are recommended to examine the history of such routes and the rights that may exist over them on a case by case basis in order to determine their status.
- 1.6 This part of the U6112 could be a publicly maintainable road, but it might just be a publicly maintainable footpath. If the U6112 road (Q – P) is considered to be just a publicly maintainable footpath, then the correct course of action would appear to be to include the whole route Q-P-N in a future Definitive Map Modification Order as a public footpath. Effectively, a short westerly extension

to the existing Footpath No 5), at the same time establishing a legal width for this section. If the U6112 is considered to be a public road, then the correct course of action would be to determine how long that road is. If Q-P is the extent of the road, then it would be appropriate to record Q-P in a future Definitive Map Modification Order as a Byway Open to All Traffic, and the P-N section as a public footpath. If Q-P-N is all public road, then it would be appropriate to record the Q-P section as Byway Open to All Traffic and the P-N section as restricted byway s.67 of the Natural Environment and Rural Communities Act 2006, having almost certainly removed any public motor vehicular rights that might have existed over this section).

- 1.7 By virtue of section 53 of the Wildlife and Countryside Act, 1981 the County Council is required to keep the Definitive Map and Statement under continuous review and make modification orders upon the discovery of evidence, which shows that the map and statement need to be modified.
- 1.8 The relevant statutory provision which applies to adding a public right of way to the Definitive Map and Statement, based on historical documentary evidence, is Section 53(3)(c)(i) of the Wildlife and Countryside Act, 1981. This requires the County Council (as Surveying Authority) to modify the Definitive Map and Statement following:

“the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows:

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

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

2.0 PUBLIC EVIDENCE

- 2.1 On 3 December 2021, Tom Smith of Morpeth made a formal application seeking to have part of the U6112 road removed from the List of Streets. He stated:

“My entrance road, U6112, from Whorral Bank to my home is recorded as having been adopted in part. It has been described as a Private Street whereas it is an occupation road and not a highway.

“It has not been legally adopted and in addition the record has been informally altered.

“Please find attached a pdf file, ‘*Correction required to road adoption record U6112.pdf*’ with documented evidence of the error. Please correct the Northumberland County Council record by correctly describing my entrance road as a ‘Private Street’ for its full length.

“For some reason, which is not clear to me, my entrance road is described on the National Street and Northumberland County Council Gazetteers as ‘Private Street’ from part of the way across Job’s Well Close and across my bridge over the River Wansbeck but not up to my house, and other similar metalled and un-metalled occupation roads on my land are not so classified. Can you please explain the reason for this.

“We have considerable additional documentation relating to my land here which I have not included in order to limit the time required by council officers to make the correction. Will you please carry out this work as soon as maybe as the present incorrect record is causing us considerable difficulty.”

2.2 Mr Smith supplied the following analysis of the evidence to accompany his application:

“Documentation supporting a correction required of the U6112 adoption record and split into USRN 6220418 and USRN 6251219. The entrance road for Ford House, Quarry Woods, Whorral Bank Morpeth, is recorded as the U6112 from the B1337 Whorral Bank to the east end of the Acrow bridge over the River Wansbeck. It is recorded as having been adopted in part with USRN 6220418.

“It is recorded as a Private Street with USRN 6251219. It is an occupation road and not a highway. No evidence has been found of it having been legally adopted and the record has been informally altered without agreement of frontagers.

“John Ferguson was the local highways inspector for this area when he worked for Northumberland County Council until retirement. He was well known to me, Tom Smith, for over twenty years. He was born and raised in Middle Greens in Morpeth and knew the area very well. The tarmac surface was the same from the A197 to approximately 5 metres from my bridge before Northumberland County Council made the cycle path from Morpeth to Ashington and without my knowledge laid tarmac on my road and adjoining car park. John Ferguson years later came to my land and asked me how much of my road was adopted. I was not aware that any part of my road was adopted. He asked me whether I would mind if the council adopted it and I did not agree to its being adopted.

“17th March 1988 searches conducted by my solicitor when I bought my land at Northumberland County Council and Castle Morpeth Borough Council replied ‘NO’ with regard to Job’s Well Close being adopted highway and ‘NO’ resolution to adopt.

“On 10th June 2018 the extent of the ‘adopted’ section was as shown on the attached 10th June 2018 plan. A speed limit is recorded as 60 mph.

“A screenshot from Elgin in 2018 incorrectly showing a 30 mph speed limit on the part of my road adjoining the A197 ‘Whorral Bank to Woodside’ recorded on 17th June 1999. There are in fact no street lights and no signs and no 30 mph speed limit. The part of my road

'Woodside to Ford House' recorded on 11th January 2006 is not shown as 'adopted' and has no speed limit shown on it.

"On 19th August 2018 the record was changed to increase the length of 'adopted' highway as shown on the attached Northumberland County Council website map of adopted highways. The length of the 'adopted' part of my road is shown as 22 metres. Road length is to be recorded as being from the centreline of the adjoining highway.

"On 25th September 2018 Northumberland County Council replied to a Freedom of Information request by explaining that the road was added to the list of adopted highways circa 1970 when the road was re-aligned. In 1970 the road was used by Morpeth Borough Council to access what is now my land and use it as a waste tip for Morpeth. The owner of my land at that time was J.R.Temple and Sons Ltd. A January 1970 sketch plan of proposed A197 improvement work attached to the September 2018 F.O.I. reply showed only the proposed realignment of the A197 and accommodation work required to my access road due to the A197 being raised by 3 ft.

"In March 1992 Northumberland County Council provided an estimated cost of £230,000 to improve the access to Swinneys Field. Castle Morpeth Council did not proceed. I, Tom Smith, permitted Morpeth Town football club to continue to use my road for grass cutting as they had, commencing in 1975, when J.R.Temple became the road owner following legal action.

"1959 Morpeth Borough Council Minutes describe a new waste tip being created for the town. Councillor John Temple was present. The Town Clerk asked John Temple to permit the council to tip waste from the town in the former quarry and mining holes in the land J.R.Temple and Sons owned which I, Tom Smith, now own. An improved bridge was needed to carry additional weight as were improvements to the existing occupation road. The existing road was privately made in connection with coal mining. At the time of the road being made Morpeth Borough Council leased the land for use connected to coal mining. A bridge was privately built for the same purpose.

"Morpeth Borough Council Minutes from 1970 to 1971 show all the council's decisions taken in connection with the A197 road improvement.

"6th May 1971 Dedication Agreement was made for Morpeth Borough Council's land Pestilence Close, land so called following use as a burial site during an early pandemic, which is on the west side of the A197, made between Morpeth Borough Council and Northumberland County Council. Signed by John Temple as Mayor of Morpeth Borough Council. Mayor Temple was completely familiar with the area. He and his brother Tom Temple lived at Parkhouse farm. Town Clerk was solicitor Maurice Cole.

"13th August 1971 an Easement to permit Northumberland county Council to put a 9 inch drain in Woodside was signed by Isobel Smail, then Morpeth Borough Council Mayor. Town Clerk was solicitor Maurice Cole. Maurice Cole became Chief Executive of Castle Morpeth Borough Council in 1974.

“1769 Highways and land ownership map by Armstrong shows there is no highway from the road now known as Whorral Bank whereas the fords at Bothal and Stobsford and the Morpeth town centre bridge are correctly shown. 1859 Ordnance Survey plan also shows no highway but a ford and stepping stones to access the quarry and corn mill are shown north of the position of the present road. The King family owned the quarries, leased Job’s Well Close and built much of Morpeth.

“1923 Ordnance Survey Map shows the road from the A197 highway leads only to the footbridge serving the holiday homes and residential homes on land rented from Parkhouse farm accessed from the private footbridge, and no other connections. The Maples, The Firs, The Palms are some of those homes. Coal mining had temporarily ceased at this time.

“Leases were granted by Morpeth Borough Council in 1726 for the whole of Job’s Well Close which then included Swinney’s Field and had a northern boundary of the How Burn, an eastern and southern boundary of the River Wansbeck and a western boundary of land adjoining East Mill and the A197 highway.

“20th February 1873 a lease was granted to John Caisley described as a coal merchant, to make a road or cartway across Job’s Well Close. He had built a bridge and was required to permit all persons to cross his bridge and road or cartway on foot without charge. The Caisley lease did not survive to its full 15 year term.

“19th November 1879 a lease was granted to sink a pit in Job’s Well Close. Richard Todd lived in Borehole Cottage, Morpeth which was situated to the east of the present Borehole cottages. A condition of that 1879 lease was to ensure that no right of way should be created other than the right over the occupation road leading from the A197 highway to the ford in the River Wansbeck. And that the said Lessees will so occupy the said premises hereby demised as to prevent the public from acquiring any other right of way over the same save and except the occupation road over the premises shown upon the said plan leading from the public highway to the ford through the River Wansbeck.

“And that the Lessees will well and sufficiently fence in and enclose the said demised premises so as to protect the same from trespass

“No bridge is shown on the plan from the 1879 lease. Floods occurred more frequently before 1908 when the Font reservoir was commissioned.”

1982 EDITION

To be submitted in duplicate

ENQUIRIES OF DISTRICT COUNCILS (NOT LONDON BOROUGHS)

NAME AND ADDRESS OF DISTRICT COUNCIL IN BLOCK LETTERS TO WHICH THIS FORM IS TO BE SENT

DISTRICT COUNCIL
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

NAME AND ADDRESS IN BLOCK LETTERS TO WHICH THIS FORM IS TO BE RETURNED

DISTRICT COUNCIL
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

CON. 214 ENGLAND AND WALES (EXCLUDING LONDON)
 Form published by: 27 & 28 St Andrew Place, Kingston Green, London NW1 6XJ

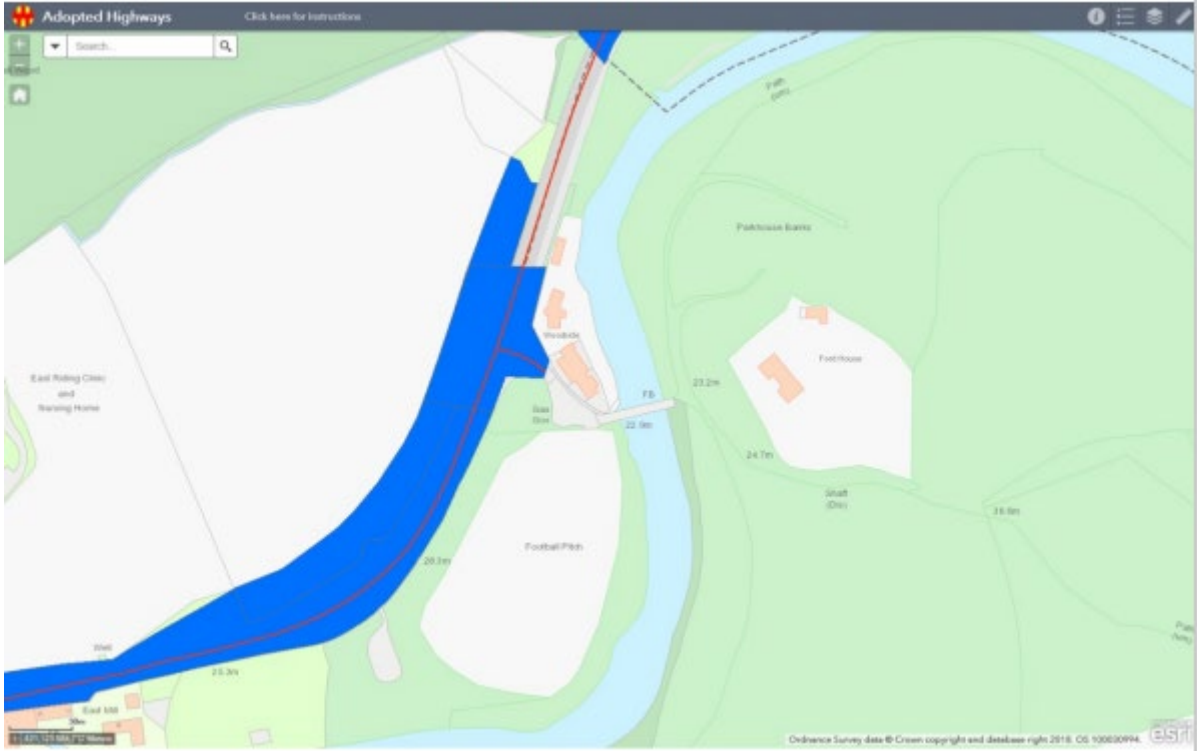
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1987

| ENQUIRY | REPLY |
|---|-------------|
| PART 1 | |
| 1. (A) Are all the roads, footpaths and highways shown in the Description of the Property maintained at the public expense when the meaning of the Highway Act 1980 is applied? | 1. (A) NO |
| (B) If not, please state whether the Council have provided any maintenance other than: | (B) NO |
| (i) make up any such roadways, footpaths or highways at the cost of the highway or | (i) NO |
| (ii) adopt any of them without cost to the highway. | (ii) NO |
| (C) Have the Council entered into any subsisting agreement relating to the adoption of any such roadways, footpaths or highways? | (C) NO |
| (D) If so, is such an agreement supported by a bond? | (D) NO |
| 2. (A) Have the Council been notified by the appropriate Secretary of State:- | 2. (A) NO |
| (i) in connection with the proposed construction of a new road or proposed road, or | (i) NO |
| (ii) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (ii) NO |
| (iii) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (iii) NO |
| (iv) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (iv) NO |
| (v) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (v) NO |
| (vi) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (vi) NO |
| (vii) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (vii) NO |
| (viii) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (viii) NO |
| (ix) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (ix) NO |
| (x) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (x) NO |
| (xi) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xi) NO |
| (xii) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xii) NO |
| (xiii) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xiii) NO |
| (xiv) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xiv) NO |
| (xv) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xv) NO |
| (xvi) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xvi) NO |
| (xvii) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xvii) NO |
| (xviii) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xviii) NO |
| (xix) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xix) NO |
| (xx) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xx) NO |
| (xxi) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xxi) NO |
| (xxii) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xxii) NO |
| (xxiii) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xxiii) NO |
| (xxiv) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xxiv) NO |
| (xxv) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xxv) NO |
| (xxvi) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xxvi) NO |
| (xxvii) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xxvii) NO |
| (xxviii) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xxviii) NO |
| (xxix) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xxix) NO |
| (xxx) in connection with the alteration or improvement of an existing road, within existing highway limits, of a road, or | (xxx) NO |
| 3. Are there any outstanding statutory or informal notices (other than notices shown in the Official Certificate of Search) and notices served in connection with an order made in pursuance of the provisions of the Highways Act 1980 in relation to the proposed construction of a new road including a possible road the centre line of which would be there to be within 200 metres of the property? | 3. NO |
| 4. Have the Council authorised any proceedings in respect of an infringement of the Building Regulations? | 4. NO |

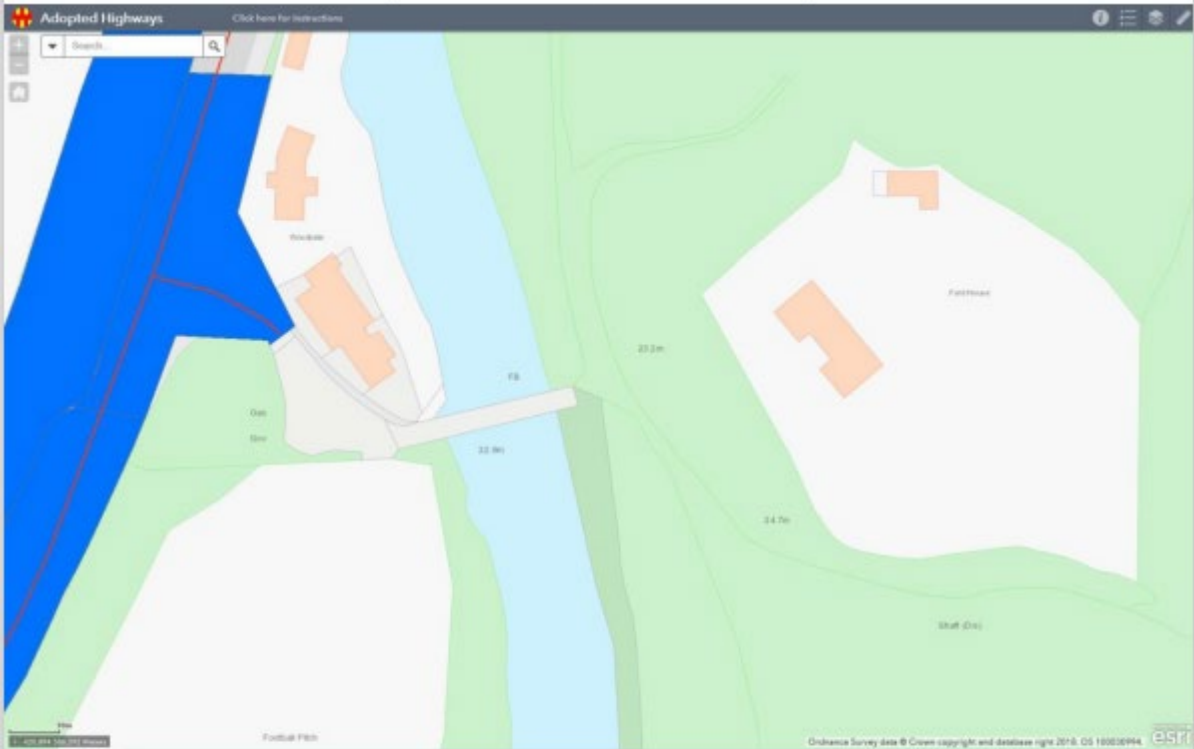
*** If the Reply is "Yes", the answer should state briefly the nature of the bond. The bond is to be in the Council's own name and not that of other employers.**

| ENQUIRY | REPLY |
|---|---------------------|
| 5. (A) (i) Does the drain discharge from the property drain to a public sewer? | 5. (A) (i) NO |
| (ii) If the Reply to (i) above is "Yes", please indicate whether the connection to the public sewer is effected by: | (ii) NOT APPLICABLE |
| (1) drain and private sewer; | (1) NOT APPLICABLE |
| (2) drain and public sewer; | (2) NOT APPLICABLE |
| (3) drain and private sewer; | (3) NOT APPLICABLE |
| (4) drain and public sewer; | (4) NOT APPLICABLE |
| (5) drain and private sewer; | (5) NOT APPLICABLE |
| (6) drain and public sewer; | (6) NOT APPLICABLE |
| (7) drain and private sewer; | (7) NOT APPLICABLE |
| (8) drain and public sewer; | (8) NOT APPLICABLE |
| (9) drain and private sewer; | (9) NOT APPLICABLE |
| (10) drain and public sewer; | (10) NOT APPLICABLE |
| (11) drain and private sewer; | (11) NOT APPLICABLE |
| (12) drain and public sewer; | (12) NOT APPLICABLE |
| (13) drain and private sewer; | (13) NOT APPLICABLE |
| (14) drain and public sewer; | (14) NOT APPLICABLE |
| (15) drain and private sewer; | (15) NOT APPLICABLE |
| (16) drain and public sewer; | (16) NOT APPLICABLE |
| (17) drain and private sewer; | (17) NOT APPLICABLE |
| (18) drain and public sewer; | (18) NOT APPLICABLE |
| (19) drain and private sewer; | (19) NOT APPLICABLE |
| (20) drain and public sewer; | (20) NOT APPLICABLE |
| (21) drain and private sewer; | (21) NOT APPLICABLE |
| (22) drain and public sewer; | (22) NOT APPLICABLE |
| (23) drain and private sewer; | (23) NOT APPLICABLE |
| (24) drain and public sewer; | (24) NOT APPLICABLE |
| (25) drain and private sewer; | (25) NOT APPLICABLE |
| (26) drain and public sewer; | (26) NOT APPLICABLE |
| (27) drain and private sewer; | (27) NOT APPLICABLE |
| (28) drain and public sewer; | (28) NOT APPLICABLE |
| | |

10th June 2018 plan



Screenshot and description 19th August 2018



Adopted Highway:

SECTION CODE: 1130U6112100002

NAME: A197 WHORRAL BANK TO WOODSIDE

LENGTH: 22

TYPE: Unclassified

ENVIRONMENT: RURAL

RESPONSIBILITY: New Northern Area

TYPE: SINGLE 2-LANE CARRIAGEWAY

HIERARCHY: 7r - Local Access Road

SPEED LIMIT: 60

Ford House

From: fol@northumberland.gov.uk
Sent: 25 September 2018 11:40
To: foordhouse@myphone.coop
Subject: EIR Full Response

Our Ref: 4736

Dear Enquirer,

Request for Information

I refer to your request for information in relation to Whorral Bank to Woodside.

The Council have considered your request for information under the terms of the Environmental Information Regulations 2004. In our view the request falls within the scope of the broad definition of environmental information contained within Regulation 2(1) of the Regulations.

Right of Access

The Environmental Information Regulations 2004 provide that a public authority that holds environmental information shall make it available on request. The Regulations create a general right of access to environmental information held by public authorities subject to various exceptions. A public authority may refuse to disclose environmental information if an exception to disclosure applies and the public authority decides that in all the circumstances the public interest in maintaining the exception outweighs the public interest in disclosing the information.

The Council has carefully considered whether the information requested can be disclosed under the Regulations.

Please let me know whether the road in Morpeth from Whorral Bank to Woodside is adopted highway.

Yes it is.

Please let me know when the road was adopted, if it was adopted, and let me have copies of the description of the road and all other information which was used to adopt the road, including the necessary advertising notices.

The road was added to the Council's list of highways maintainable at public expense circa 1970 when the road was re-aligned. See attached plan. The description of the road is U6112, Whorral Bank to Woodside, single 2-lane carriageway. The Council has no other information.

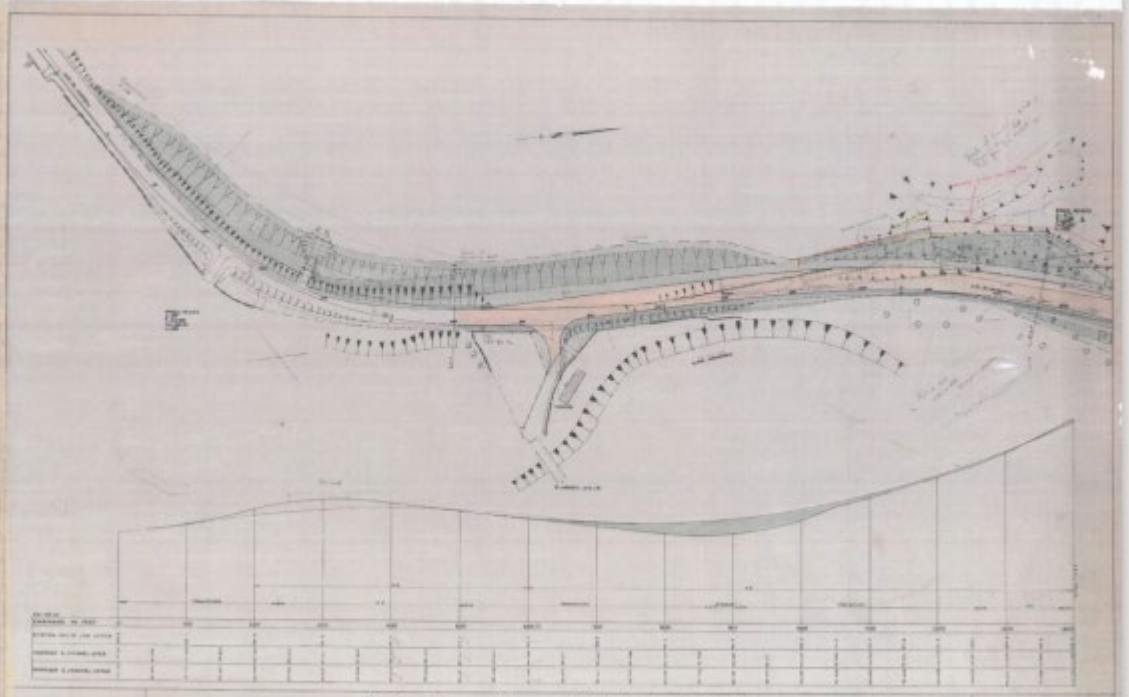
Advice and Assistance

The Council recognises its statutory duty to provide advice and assistance under Regulation 9 of the Regulations. Subject to the provision of the Regulations, the Council is seeking to be transparent and open in its response.

Representations and Reconsideration

2.A197/009-01/4

KEEP 1 of 3
MORPETH

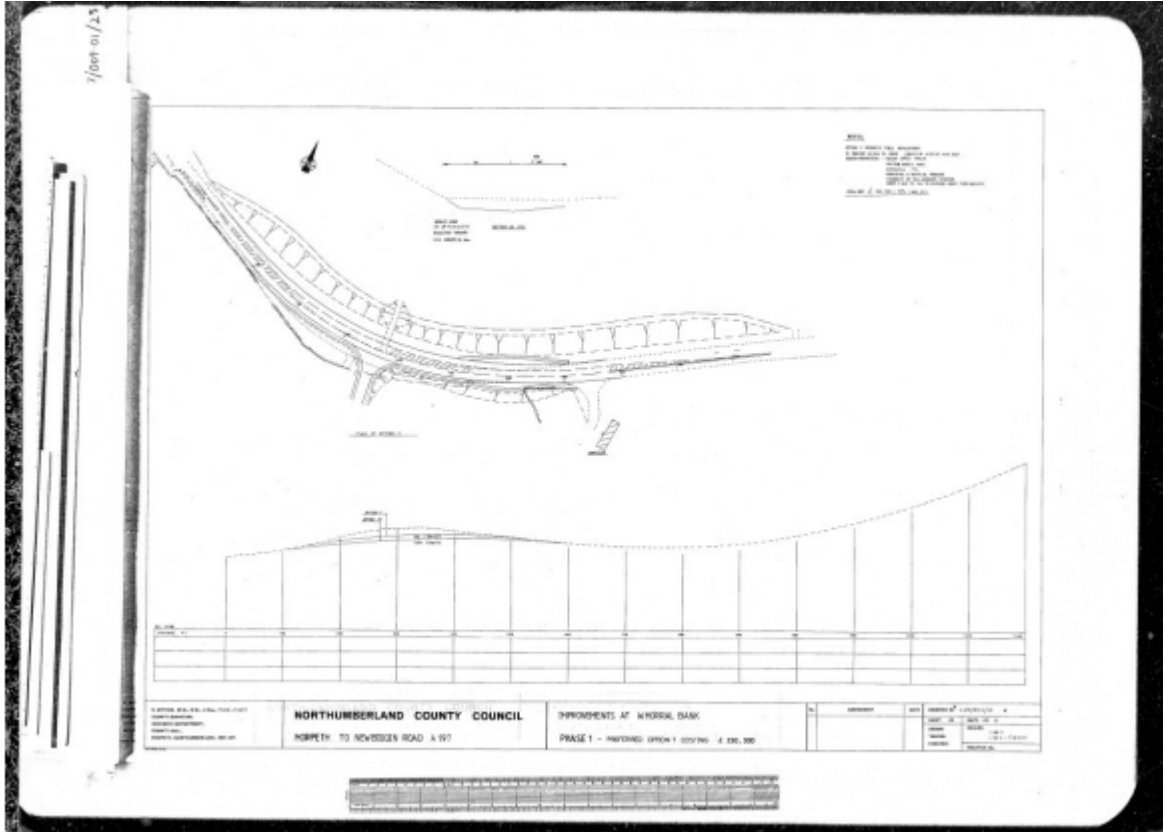


SCALE PLAN 1:500
VERTICAL 1" TO 10 FT

RN0800

COUNTY OF NORTHUMBERLAND
MORPETH - NEWBIGGIN ROAD A197
IMPROVEMENT AT WHORRAL BANK

DRG. NO. 2497 009/008
SHEET No. 1 OF 3
DATE JANUARY 1970



1/007 01/2/73

| | | | |
|---------------------------------|--|--|--|
| NORTHUMBERLAND COUNTY COUNCIL | | IMPROVEMENTS AT WHORRAL BANK | |
| MORPETH TO NEWBIGGIN ROAD A 197 | | PHASE 1 - PAVED AND GREEN TYPING - £ 250,000 | |

153 LAND AT WHORRAL BANK

RESOLVED: That part of an area of land, known as Pestilence Close, be dedicated for highway purposes to the Northumberland County Council, subject to the County Council paying compensation at the District Valuer's figure, and erecting a fence.

347 BOROUGH SURVEYOR'S REPORT - DECEMBER 1970

RESOLVED - That this report be received.

348 ROAD IMPROVEMENT - WHORRAL BANK

The Town Clerk reported that the District Valuer's assessment of compensation was £45 plus legal costs in respect of 0.22 acres of land at Pestilence Close to be dedicated to the Northumberland County Council for road improvement works, and that the County Council was to be responsible for erecting a post and rail fence along the new road boundary, together with a gate into the Close.

RESOLVED - That the report be received and the Town Clerk be instructed to complete the Dedication Agreement.

492 WHORRAL BANK

The Town Clerk reported that the Northumberland County Council required the use of land at Whorral Bank on a yearly basis for storage of materials during the proposed roadworks, and that the District Valuer had suggested an annual payment of £10., as from the 1st May 1971. He also reported that the District Valuer had submitted a report on the construction of a 9" surface water drain from the roadworks across Corporation land.

RESOLVED:-

- (i) That the figure of £10. per annum be accepted.
- (ii) That the Town Clerk be authorised to draw up the necessary Licence.
- (iii) That an easement be granted to the Northumberland County Council in respect of the drain, provided that the County Council agree to reinstate the land to its present condition.

Morpeth Borough Council Minutes

10th February 1959 and following meeting

Tip planning requirements

| <u>BOROUGH OF MORPETH</u> | |
|---------------------------|---|
| | At a QUARTERLY MEETING of the Town Council of the Borough held in the Council Chamber on TUESDAY 10th FEBRUARY, 1959 at Seven o'clock in the evening, viz:- |
| Present - | His Worship the Mayor (Councillor B. Johnson, J.P.) Aldermen Sanderson, Grey and Appleby. Councillors Elliott, Mitchell, Bruce, Moore, Carry, Matheson, Basy, Waddle, Temple, Dodds and Woolley. |
| | <u>MINUTES.</u> |
| 1001. | The Minutes of the last Monthly Meeting held on 13th January, 1959 were confirmed. |
| | <u>COUNCIL IN COMMITTEE.</u> |
| 1001. | The Borough Surveyor submitted a letter from the County Planning Officer stating (a) that he was of the opinion that the Control of Development Sub Committee would wish to be assured that the tipping on land at Quarry Woods would be restricted to the Old Quarry workings and be confined to the filling in of the man-made holes in the whole area, and that there would be the minimum interference with the existing trees which form such an attractive feature of the landscape in this locality and (b) that the County Surveyor was of the opinion that an improved access to the site giving satisfactory visibility and vertical alignment was essential. It was agreed to inform the County Planning Officer that the Council's proposals for the area would conform with the requirements stated. |
| | <u>TIP PLANNING.</u> |
| 1045. | The Borough Surveyor reported that under the terms of the Delegation Agreement the County Planning Committee desire the Council to GRANT PERMISSION to the following applications, when it was agreed that he be authorised to issue the necessary forms of permission in each case, viz:- C59/11. Erection of detached dwellinghouse at Cottingwood Estate, Morpeth for Mr. N. Froudlock. C59/17. Alterations to dwellinghouse at 29 King's Avenue, Morpeth for Mr. W. Ball. C56/51. Refuse Tip at Quarry Woods, Morpeth for Morpeth Borough Council, subject to the following conditions:- Detailed plans of an improvement scheme for the existing access so as to provide satisfactory visibility and vertical alignment shall be submitted to and approved by the Local Planning Authority. The filled areas shall be covered with a layer of soil and seeded with grass when the level coincides with the existing ground level in the area. The reasons for the imposition of the conditions specified above are:- In the interests of road traffic safety. In order that this area of high amenity value shall not be adversely affected by the proposed development. |

THIS

DEED is made the *thirteenth* day of *August* One thousand nine hundred and seventy one BETWEEN THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF MORPETH (hereinafter referred to as "the Grantor") of the one part and THE COUNTY COUNCIL OF THE ADMINISTRATIVE COUNTY OF NORTHUMBERLAND (hereinafter referred to as "the Council") of the other part



W H E R E A S

- (i) The Council as highway authority is seized in fee simple of the highway known as A.197 at Whorral Bank Morpeth and coloured blue on the plan annexed hereto
- (ii) The Grantor is seized in fee simple in possession of the adjacent land known as Woodside Whorral Bank Morpeth and coloured green on the plan annexed hereto
- (iii) The Council is desirous of constructing and maintaining on the said land of the Grantor a surface water drain more particularly hereinafter specified
- (iv) The Grantor has agreed with the Council in consideration of the covenants on the part of the Council hereinafter contained to grant to it the easements rights and liberties hereinafter mentioned in connection ~~with the maintenance use and protection of the said surface water drain~~

NOW THIS DEED WITNESSETH as follows:-

1. IN this deed where the context so admits the expression "the Grantor" shall include its successors in title the person or persons for the time being entitled to the legal estate in fee simple of the green land and the expression "the Council" shall include its successors in title of the highway coloured blue
2. IN pursuance of the said agreement and in consideration of the covenants on the part of the Council hereinafter contained the Grantor hereby grants unto the Council the following rights and liberties that is to say :-
 - (1) Full right and liberty for the Council to construct and place in and under the green land in the position shown by the red line on the plan attached hereto a Nine inch drain for the discharge of surface water from the said highway A.197
 - (2) Full right and liberty for the Council its agents servants and workmen to enter upon such part of the green land as may be necessary for the purpose of inspecting maintaining repairing and managing the said drain so far as the Council is able so to do by such entry and to dig open such part of or parts of the green land as may be necessary for that purpose
 - (3) The right to continuous vertical and lateral support for the drain from the green land

(i) The right to the uninterrupted flow or passage of water from the said highway in and through the drain

TO HOLD the same unto the Council its successors and assigns as easements in fee simple or perpetual rights as the case may be TO THE INTENT that the same shall be annexed and appurtenant to the said highway A.197 and every part thereof

3. THE Council for itself and its successors in title being the highway authority for the time being hereby covenants with the Grantor that :-

(i) Following the exercise of the rights and liberties hereinbefore granted and following any subsequent re-entry by the Council for purposes of maintenance the Council shall restore and reinstate to the satisfaction of the Grantor the green land to its former condition and keep the Grantor indemnified against any claims for damage or disturbance made by the occupier of the green land arising out of the exercise of the easements and rights hereinbefore granted and

(ii) During any exercise of the easements and rights hereinbefore granted the Council will at all times be responsible for the provision erection and maintenance of security fencing or other fencing upon the green land for the purpose of keeping the green land secure and safe

4. THE Grantor for itself and its successors in title hereby covenants that it shall not use any of the green land for any purpose whatsoever (including the making of roads thereover and the erection of buildings thereon) so as to interfere with the free passage and running of water through the said drain

5. IT IS HEREBY CERTIFIED that the transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds Five thousand five hundred pounds

IN WITNESS whereof the parties hereto have caused their common seals to be hereunto affixed the day and year first before written

THE COMMON SEAL of the MAYOR ALDERMEN AND BURGESSES of the BOROUGH OF NORWICH was hereunto affixed in the presence of :-

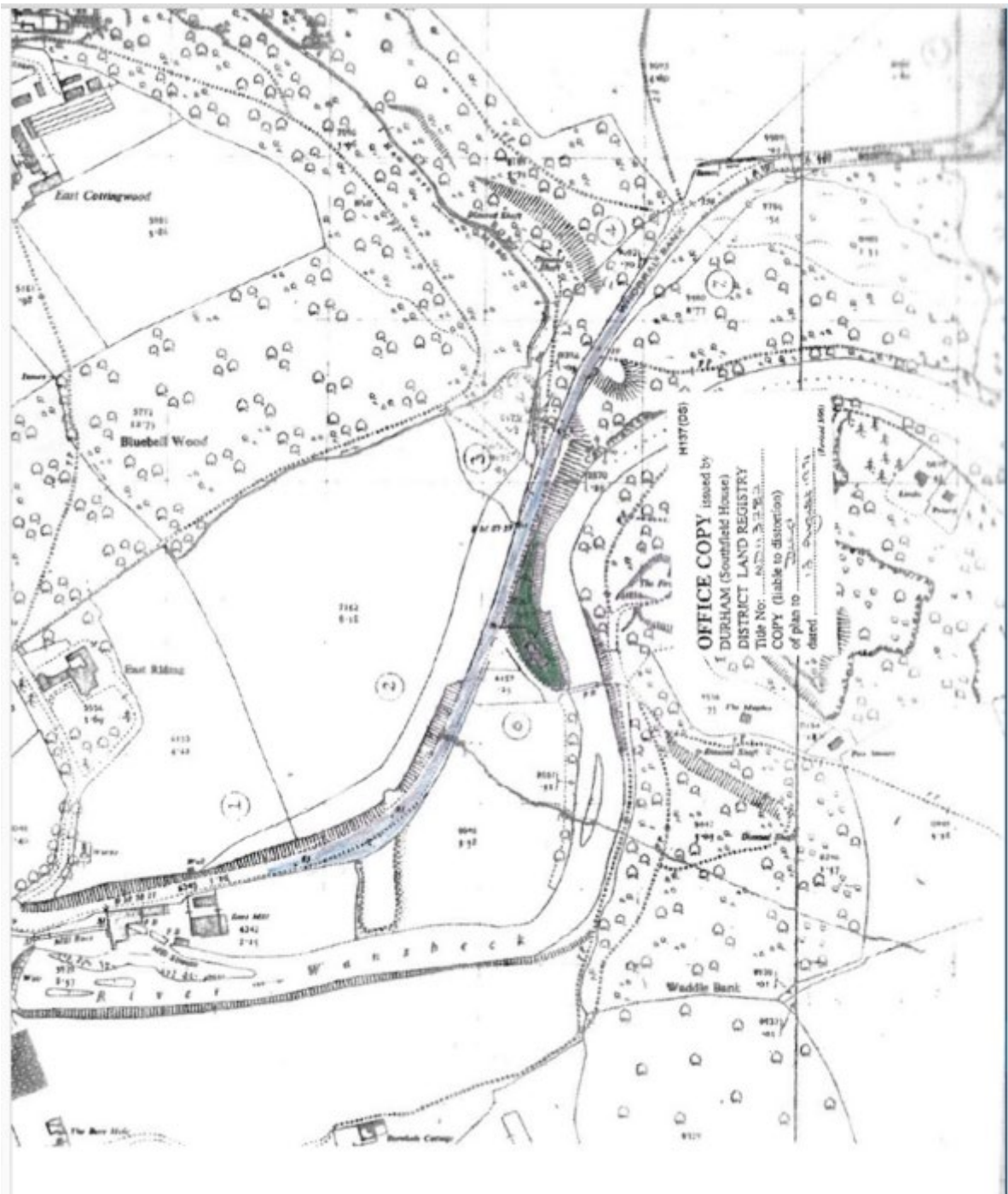


Isabel Smith

MAYOR

Marjorie Hale

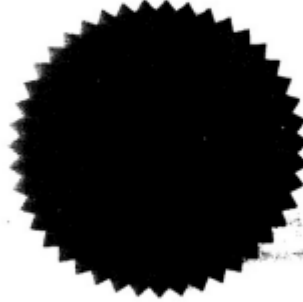
TOWN CLERK



THE COMMON SEAL of the COUNTY COUNCIL
OF THE ADMINISTRATIVE COUNTY OF
NORTHUMBERLAND was herunto affixed
in the presence of :-

Ridley
Chairman of the County Council

X *W. W. Wilson*
Clerk of the County Council





THE MAYOR ALDERMEN AND BURGESSES
OF THE BOROUGH OF MORPETH

- to -

NORTHUMBERLAND COUNTY COUNCIL

GRANT OF EASEMENT

in respect of land situate at
Whorral Bank, Morpeth in the
County of Northumberland.

C. W. Harley, Esq.,
County Hall,
Newcastle upon Tyne,
NE1 1SA



DEDICATION AGREEMENT

Date Sixth day of May One thousand nine hundred and
Seventy One seventy one
Estate Owner NORPETH BOROUGH COUNCIL
Consideration moneys Forty five pounds
Area of land to be dedicated One thousand and sixty four square yards
Road Norpeth-Ashington Road A.197 at Whorral Bank
SCHEDULE
Accommodation Works

The County Council to provide and erect a pressure creosoted timber post and four rail fence incorporating a pressure creosoted timber gate complete with creosoted posts and necessary ironmongery on the land adjoining the new boundary

THIS AGREEMENT made the day of the date hereinbefore written
BETWEEN the party hereinbefore described and the County Council of
Northumberland

WITNESSETH as follows:-

1. IN this Agreement

"County Council" means the said Council and where the context so admits includes the successors of the said Council

"Estate Owner" means the party hereinbefore so described and where the context so admits includes the successors in title of the said party

2. IN consideration of the payment by the County Council to the Estate Owner of the consideration moneys hereinbefore specified (the receipt whereof the Estate Owner hereby acknowledges) the Estate Owner shall forthwith give up and DEDICATE to the public ALL THAT piece of land which as to its position and boundaries is shown on the plan hereto annexed and thereon coloured pink TO THE INTENT that the said piece of land shall be added to and form part of the public highway

3. THE County Council shall execute and do the several accommodation works specified in the Schedule hereto

4. THE Estate Owner hereby covenants with the County Council that if and when called upon by the County Council so to do before the expiration of the period beginning with the day of the date hereinbefore written and enduring for twenty one years the Estate Owner shall prove its title to the said piece of land and shall convey the same to the County Council in fee simple on payment by the County Council to it of the sum of Five pence together with its solicitor's proper costs of such proof and conveyance

5. IT is hereby certified that this Agreement is an agreement made and entered into pursuant to the Highways Act 1959 for or relating to the making maintaining or repairing of highways

IN WITNESS whereof the parties hereto have hereunto caused their respective seals to be affixed the day of the date hereinbefore written



{ THE COMMON SEAL of the MAYOR ALDERMEN
{ AND BURGESSSES OF THE BOROUGH OF MORPETH
{ was hereunto affixed in the presence of:-
{

J. Temple
Mayor

Maurice Cole
Town Clerk



{ THE COMMON SEAL of THE COUNTY COUNCIL
{ OF THE ADMINISTRATIVE COUNTY OF
{ NORTHUMBERLAND was hereunto affixed in
{ the presence of:-
{

Ridley
Chairman of the County Council

W. W. W. W.
Clerk of the County Council



Delegated Authority

1493

DATE 6th May

1974

NORTHEN BOROUGH COUNCIL

-and-

NORTHUMBRIA COUNTY COUNCIL

DEDICATION AGREEMENT

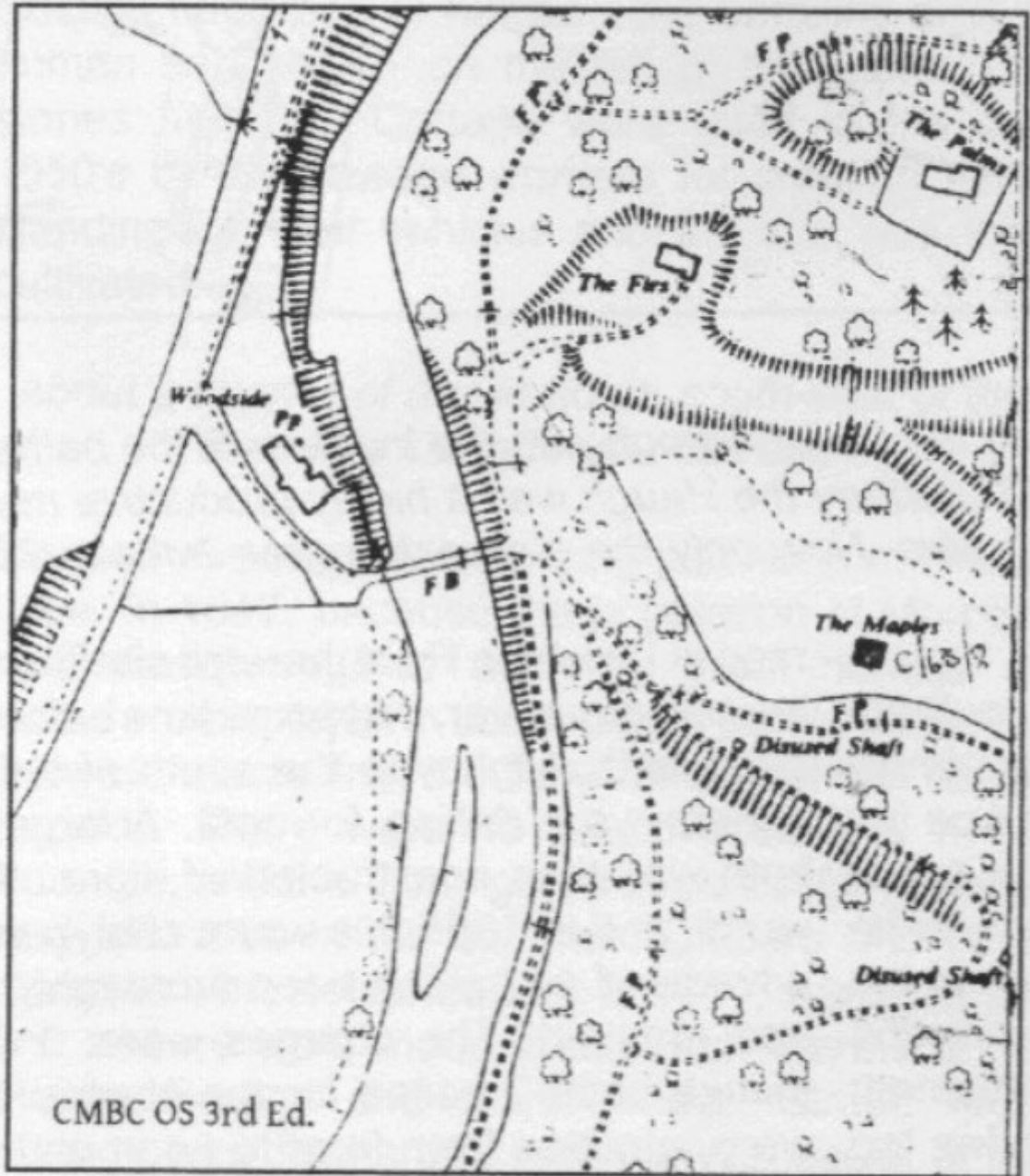
C. W. Hurley, Esq.,
County Hall,
Newcastle upon Tyne, 1.

1769 Armstrong Map



1859 Ordnance Survey Map





Dated 20th February 1873

The Mayor Aldermen and Burgesses of Morpeth

And

Mr. John Caisley

Lease of a piece of ground (part of Job's Well Close) for a cartway

Lease 20th day of February one thousand eight hundred and seventy three **Between** The Mayor Aldermen and Burgesses of the Borough of Morpeth in the County of Northumberland (hereinafter called "the Landlords") of the one part and John Caisley of the Borough of Morpeth Coal Merchant (hereinafter called "the Tenant") of the other part **Whereas** the tenant has erected a Bridge over the River Wansbeck at Morpeth aforesaid at a place near to or adjoining a piece of land called "Job's Well Close" belonging to the Landlords **And** whereas the tenant hath applied to the Landlords for liberty to make a road or cartway leading from the said bridge over a portion of the said land hereinafter described to the Queens Highway leading from Morpeth to Bothal which they have agreed to do at the rent hereinafter mentioned and upon condition that the tenant allows all foot passengers to cross and recross the said bridge and also the said road or cartway at all times free of expense **Now** this Indenture witnesseth that in consideration of the rent hereinafter reserved and of the covenants and agreements by the tenant hereinafter contained the Landlords do demise unto the tenant his executors administrators and assigns **All** that piece or parcel of land (part of Job's Well Close) coloured blue on the plan hereunto annexed (except the minerals thereunder) for the term of fifteen years from the twelfth day of November one thousand eight hundred and seventy two **Yielding** and Paying therefor during the said term the yearly rent of one pound by equal half yearly payments on the twelfth day of May and the twelfth day of November in each year the first payment to be made on the twelfth day of May next **And** the tenant doth hereby for himself his heirs executors and administrators covenant with the said Landlord to pay rent and to pay taxes and will not use or suffer the said piece of ground or any part thereof to be used for any purpose other than a road or cartway according to the true intent and meaning of these presents without the previous license in writing of the Landlords **And** will not without the like license assign or sublet the said piece of ground or any part thereof **And** will allow all persons to cross and recross the said Bridge and Road or Cartway at all times on foot without any payment whatsoever **And** will fence the said Road or Cartway on both sides thereof with a sufficient fence to the satisfaction of the Landlords and keep such fences and Cartway in repair **And** will level and restore the said piece of ground hereby agreed to be let to its present state at his own expence on the termination of his tenancy if so required by the said Lessors and will at the expiration or sooner determination of the said term deliver up to the Landlords the said piece of ground and premises in such state and condition as shall be consistent with the due performance of the tenants Covenants **Provided** always that if the said rent shall not be duly paid or if there shall be a breach of any of the covenants by the Tenant the Landlords may re-enter the said premises and the said term of fifteen years shall absolutely determine and it is hereby mutually agreed by and between.....

Dated 19th November 1879

The Mayor Aldermen & Burgesses of the Borough of Morpeth

to

Messers John Short and others

Lease of Jobs Well Close near Morpeth with liberty to sink a pit.

This Indenture made the nineteenth day of November one thousand eight hundred and seventy nine in pursuance of an Act to facilitate the granting of certain Leases Between The Mayor Aldermen and Burgesses of the Borough of Morpeth in the County of Northumberland hereinafter referred to as the Lessors of the one part and John Short of Morpeth Richard Todd of the Borehole Cottage near Morpeth William Davison of the East Mill Morpeth and Joseph Walton of Morpeth aforesaid Colliery Owners hereinafter referred to as the Lessees of the other part Witnesseth that the Lessors do demise unto the said Lessees their executors administrators and assigns All that piece or parcel of land called Jobs Well Close situate in the Township of Morpeth in the Parish of Morpeth and County of Northumberland containing 1.238 acres Bounding on the public highway leading from Morpeth to Longhirst on the West on land belonging to Matthew Brummel on the South on the River Wansbeck on the East and on Howburn on or towards the North East as the same is shewn upon the plan drawn in the margin hereof and thereon coloured round with red Subject to such right of way over the occupation road leading from the said public highway to the Ford through the River Wansbeck as is now vested in any other person or persons With full and free liberty to sink a pit and to work lead sell and carry away the coals within the said land or any other lands adjoining or near thereto which the said Lessees may for the time being have the power and right to work Together with all and singular the rights members and appurtenances therewith belonging for the term of fifteen years from the twelfth day of August one thousand eight hundred and seventy nine fully to be complete and ended yielding and having therefor yearly and every year during the said twelfth day of August in each and every year of the said term and the first half yearly payment to be made on the twelfth day of February next ensuing That the said Lessees covenant with the said Lessors their successors and assigns to pay rent and to pay taxes including land tax but not property tax And that the Lessees will well and sufficiently fence in and enclose the said demised premises so as to protect the same from trespass or damage and will not do or permit to be done any act matter or thing upon the said premises whereby a nuisance injury or annoyance may be created to the Lessors or any of the adjoining proprietors or to the public And that the Lessors and their successors or their surveyors may enter and view the condition of the said premises hereby demised and that the Lessees will repair according to notice And will not assign without Leave And that they will leave the premises in good repair Proviso for re-entry by the said Lessors on non-payment or rent or non performance of covenants or in case of the Lessees becoming bankrupt or insolvent or in the event of their being released from the payment of their debts in full by liquidation arrangement or otherwise And that in any action for the recovery of possession under this proviso the County Court of Northumberland holden at Morpeth shall have power to try such action Provided always and it is hereby agreed and declared that if the Lessees shall be desirous of quitting and giving up the possession of the said demised premises and shall give to the Lessors or their successors one whole years notice of their intention to quit and deliver up such possession such notice to terminate on the twelfth day of August in some year of the said term then and in such case from and after the determination of the said Notice and upon the Lessees filling up and levelling the premises if required so to do pursuant to the covenant hereon contained the said term of fifteen years hereby granted shall cease determine and be utterly void to all intents and purposes And the said Lessees do for themselves their executors administrators and assigns jointly and severally covenant with the Lessors their Successors and assigns that they the said Lessees their executors administrators or assigns will upon or before the end or other sooner determination of the said term hereby created if requested so to do by the Lessors or their Successors but not otherwise well and sufficiently fill up the pit intended to be sunk upon the said premises and level the ground And that the said Lessees will so occupy the said premises hereby demised as to prevent the public from acquiring any other right of way over the same save and except the occupation road over the premises shown upon the said plan leading from the public highway to the ford through the River Wansbeck The said Lessors covenant with the said Lessees for quiet enjoyment In witness whereof the said Mayor Aldermen and Burgesses have hereunto set their Common Seal and the said other parties have hereunto set their hands and seals the day and year first aforesaid Signed sealed and delivered by the above named John Short Richard Todd William Davison and Joseph Walton in the presence of F. Brummel Town Clerk

Ordnance Survey plan showing bridge and road made by John Caisley



THE RECORD OF FLOOD STONES

The one gauging station on the Wansbeck at Mitford, just downstream from the confluence with the Font, was established in 1968. However, flood stones at Bothal Mill and East Mill provide a basis for comparing the severe Wansbeck floods of the late nineteenth century with more recent extremes. The record at Bothal Mill is the most comprehensive and, although the wall on which the levels were inscribed was demolished in the early 1980s, fortunately the levels

had been surveyed previously by River Authority engineers. They are as follows:

| | | |
|--------|------|-----------------------------|
| 7 Mar | 1963 | 10.88m above Ordnance Datum |
| | 1898 | 10.78m |
| | 1878 | 10.37m |
| | 1886 | 10.30m |
| 17 Oct | 1967 | 9.81m |
| 1 Jun | 1924 | 9.78m |
| | 1948 | 9.48m |

There are only two engraved stones at East Mill, for 1963 and 1898, and these confirm the supremacy of the 1963 flood, which in this case was about 0.18 metres higher than in 1898.

| | 11 Jun 1863 | 2 Nov 1863 | 20 Dec 1876 | 21 Aug 1877 | 22 Jan 1878 | 31 Dec 1878 | 9 Mar 1881 | 6 Nov 1886 | 7 Sep 1898 | 18 Oct 1898 | 26 Oct 1900 | 9 Oct 1903 |
|----------------|-------------|------------|-------------------------------------|-------------|-------------|-------------|------------|------------|------------|-------------|-------------|------------|
| High Stanners | | 1 | 2 | 1 | 1 | 2 | 1 | 1 | 2 | | | |
| Olivers Mill | | | | 1 | | | 1 | | | | | |
| Beechfield Ho. | 3 | | | | 1 | | 1 | | 1 | | | |
| Low Stanners | 3 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Staites Lane | | | | | | | 1 | 1 | | | | |
| Bennett's Walk | 3 | | 2/1? | | | | 1 | 1 | 1 | 1 | 1 | |
| Tenter Tce | | | 2/1? | | | 1 | | | | | | |
| Albert Inn | 1 | 1 | Abandoned 1868 and later demolished | | | | | | | | | |
| East Mill | | | | | 1 | | 1 | 1 | 1 | 1 | | 1/2 |

1 - Flooded houses
2 - Flooded access
3 - Flooded road / gardens

13th September 1839 Bridge destroyed by flood

the water was several feet deep in some houses at Morpeth. A wooden bridge at Morpeth quarry was destroyed and at the East Mill the water nearly reached the first storey. A stack of hay was taken from Bothal Haughs, carried out to

1839.] HISTORICAL REGISTER OF REMARKABLE EVENTS. 117

the damage was estimated at nearly £3,000. The Wansbeck rose two feet higher than in the great flood of February, 1831, and the water was several feet deep in some houses at Morpeth; a wooden bridge at Morpeth quarry was swept away; the dam at Netherwitton was destroyed; many

1878 flood Bridge removed by flood

Water backed up the Cotting burn, flooding Mill Square and the east side of Damside. Wright's timber yard was under two feet of water. Nearby, the quay wall at Beechfield and the Willows was overtopped, covering gardens and floors of the Vineries and filling cellars. Further downstream, East Mill was flooded to a depth of three feet and the bridge at Quarry Drift colliery was twisted out of position.

1898 flood no record of Bridge

water reached the seventh step of the stairs leading to the bedrooms. The level is engraved nearby on the doorway of an outbuilding.

A little further downstream an unexpected disaster struck T. Proudlock, a tripe preparer at Job's Well Close. His works adjoined a disused coal shaft and the weight of water broke through the shaft covering and, swirling down the opening, carried away cart, trap, watchdog, ten pigs and part of his buildings. At Sheepwash a temporary bridge damaged in September was completely destroyed.

2.3 By email, on 3 March 2022, Mr Smith supplied the following additional information:

“In the course of researching the history of my land I retrieved the Journal newspaper pages below.

“Immediately following the court case at which J.R.Temple and Son were given my entrance road Addison Hudson a respected Land Agent advertised my land for sale as a tip ‘with excellent access from the highway’. The council has repeatedly questioned my ownership of the road from the Whorral Bank highway to my bridge which I bought as one item with my other land in 1989 from J.R.Temple and Sons. I trust this will no longer provide any cause for delay in processing this matter.

“How much longer will it take Northumberland County Council to correct those records?”



J. M. CLARK & PARTNERS
 CHARTERED SURVEYORS
 ESTATE AGENTS & VALUERS
 Established 1947

SWARLAND, near Felton, Northumberland
GLEN COTTAGE
 A Detached Traditional Stone-built Bungalow, unoccupied for many years and requiring some rebuilding and total renovation and modernisation, occupying a superb elevated site of one acre affording uninterrupted south-facing views over the surrounding countryside. Additional land is also available. (Excellent accommodation comprises: 2 Reception Rooms, Scullery and attached Byre with Outlines Planning Permission for alteration and extension. Mains Electricity and Water are available.
 Price: Offers over £1,000.
 Further particulars including plan available from the Sole Agents.

DENTON BURN, Morpeth—First time advertised. Excellent purpose-built 4-bedroomed Semi-detached House on mature part of estate with pleasant open views. Entrance Hall, 22ft. Lounge, large Kitchen/Breakfast Room, Bathroom (coloured suite), separate W.C., Full Central Heating; Garage (space for additional car). Gardens. Offers around £11,250.

1, BROADWOOD ROAD, DENTON BURN. Tel. 679087
26, FRONT STREET, WHICKHAM Tel. 881794
121, ST. GEORGE'S TERRACE, JESMOND. Tel. 818744

FOR SALE FREEHOLD
ELLENDSIDE HOUSE, IREBY.
NEAR COCKERMOUTH, CUMBRIA
 This charming Regency Country House on the edge of the Lake District National Park has 7 Bedrooms, excellent Reception Rooms and 7 Acres of grounds and Paddock for stabling. A unique property which must be seen to be appreciated and is in the most delightful countryside.
 Further particulars from
Estate Office, Market Place, Maltwhistle.
Tel. 363 and 246

WANTED—URGENTLY
SEMI-DETACHED HOUSES
 for approved clients waiting to buy in the following areas:—

**KENTON — COSFORTH — HEATON
 JESMOND — FENHAM — WHICKHAM
 NEWSHAM FARM AND SOUTH BEACH
 WASHINGTON NEW TOWN**

We give personal and immediate attention to all enquiries and welcome the opportunity of discussing your Property Sale.

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CHESTER-LE-STREET
NORTH LODGE, LAMBTON PARK

A MOST ATTRACTIVE ARCHITECTURAL DESIGNED (BUILDER J. BERKMAN)
DETACHED BUNGALOW
 STANDING IN ABOUT 0.4 ACRES WELL LAID OUT GARDEN WITH MATURE TREES.

The House is exceptionally well planned, has full double glazing, underfloor electric heating, contains Entrance hall with cloak wardrobe, 2nd lounge with dining area, very well fitted kitchen, 14' 6" x 11' utility room and toilet, main bedroom with vanity unit and extensive range of fitted wardrobes, second bedroom with fitted wardrobe and private bathroom with vanity basin and w.c., fully paneled bathroom with coloured suite and shower unit, double garage, car port and timber garden shed.

The Property is freehold and will be sold with the benefit of the Durham carpeting fitted throughout the main rooms, all curtains and quality light fittings, plus all kitchenware fittings.

For full printed particulars and appointments in view, apply to:

JOHN ROSS & SON
 CHARTERED SURVEYORS
 40, MOSLEY STREET, NEWCASTLE 1.
 TEL. 25906

HARRATON VILLAGE
The General's Wood, Washington New Town

An Executive 3 1/2-Level Detached Property finished to a most exacting standard for a local Company Director. Undulating facing site with all main rooms facing south over mature woodland. Accommodation comprises—Upper Level: Entrance Porch, spacious Hallway, all tiled Cloakroom with coloured suite, 22ft. Lounge with elegant stone fireplace and tiled Dining Room featuring projecting bay window overlooking garden and woodland, cream Kitchen, Laundry/Freezer Room, 17ft. Children's Playground. Lower Level: Sun Room with aluminium-framed sliding doors to south-facing Patio, 2 Bedrooms with fitted wardrobes, Principal Bedroom having direct access to all-tiled luxury Bathroom including shower with aluminium see-through door, pink decor, second Bathroom all tiled yellow suite with shower fitting. Au Pair Suite (two

LARGE AND VALUABLE TIP FOR SALE
 Situate at MORPETH

FREEHOLD TIP WITH VACANT POSSESSION AND WITH THE BENEFIT OF PLANNING PERMISSION
FOR SALE BY PRIVATE TREATY
 An area of approximately 20 acres with an estimated capacity of TWO MILLION CUBIC YARDS with excellent access from the highway and well screened with trees. FULL DETAILS AND PERMISSION TO VIEW FROM

S. ADDISON & SON
 NEWGATE HOUSE, NEWGATE STREET,
 MORPETH. Tel. 2016/7.

ESTATE OFFICES: **CRONKLEY, CO. DURHAM, 291, NORTH STREET, JEDDOFIELD.** Tel. 21820

GOSFORTH
 A spacious House of character situated in Linden Road, near shops, schools, etc. Large living room and diningroom of good proportions, breakfast room, kitchen, four bedrooms on first floor, bathroom and separate toilet. Two excellent attic bedrooms on the second floor. Small garden at front; yard at rear with garage door. The price includes state carpeting, carpets to lounge, diningroom, and other areas; £9,750.

Telephone for appointment in view, Gosforth 82662.

WHICKHAM
 A rare opportunity to acquire SUPERB DETACHED BUNGALOW occupying a choice site almost quarter acre in a well established development, convenient for the local shopping centre. Spacious entrance hall, lounge, diningroom, kitchen, 3 bedrooms, bathroom, separate w.c., oil central heating; garage plus additional hardstands. Freehold. Offers around £25,950. Ref 647.

WHITLEY BAY
 Much sought after area, quiet cul-de-sac, most attract 3 BEDROOMED SEM backing south; spacious 40 pillared lounge with Cumbria feature stone fireplace, 2 exceptionally well appointed kitchen; fully automatic

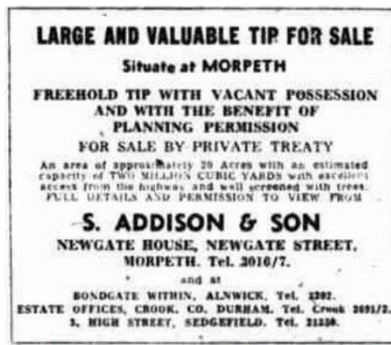
"The picture below looking west to the A197 highway was taken on 11th February 2019 before my neighbour at the kennels stole my gates.



"1975 26th April Newcastle Journal

"Immediately following successful legal action damages were awarded to J.R. Temple & Sons. Due to there being no vehicular Right of Way across Job's Well Close J.R. Temple & Son accepted as damages the road from their bridge over the River Wansbeck to the A197 highway. They advertised the Tip 'with excellent access from the highway' and advertised it for sale but decided to keep it.

"S. Addison & Son were highly respected land agents acting for J.R. Temple & Son.



2.4 By email, on 4 April 2022, Mr Smith of Ford House, Morpeth, made the following inquiry:

“I have now sent you information related to the footpaths and adoption status of my entrance road and land.

“You explained that you have a queue of similar data related to land elsewhere in Northumberland and that you are working through these.

“Can you please let me know where my requests for the correction of those records now stands. I have explained that these matters are preventing the successful development of my caravan site and you will understand that I am anxious that progress is made as soon as maybe.

“I sent my request initially on 10th August 2020 regarding the adoption status of my entrance road, and on 18th February 2022 regarding the purported Public Rights of Way. To date I have received no information regarding the progress of either matter other than an assurance that these matters could be handled in conjunction.”

2.5 By email, on 12 April 2022, Mr Smith of Ford House, Morpeth, made the following inquiry:

“Please let me know what progress has been made regarding the correction to the adoption status of my entrance road and the correction of the footpaths record which presently incorrectly shows two Public Rights of Way on foot across my land.

“As you know these matters are causing ongoing security related trespass, thefts, vandalism, dog fouling and drink and drug related problems.

“I am unable to carry out works on my land due to the presence of these footpaths and the incorrectly recorded adoption by the council of part of my entrance road. This is causing me ongoing cost.”

2.6 By email, on 7 July 2022, Mr Smith of Ford House, Morpeth, made the following follow-up inquiry:

“On 10th August 2020 I wrote to Northumberland County Council asking that the record of the adopted status of my entrance road be correctly recorded on the council’s record keeping system.

“To date I can see no progress that has been made by the council in carrying out that administrative work.

“Seemingly changing it is a straightforward task as the council changed it in 2018 without difficulty.

“You as the officer now tasked with that work wrote in your email below that a ‘consultation’ was required before such changes were made.

“I understand that the recording of claimed rights of way on foot is also being carried out by the council and that you are tasked with that work. I have provided detailed evidence to the council of there being no legal public rights of way on my land.

“Can you please let me know what progress has been made and when I should expect these matters to be carried out.

“I have previously explained that these matters cause us considerable difficulty on a daily basis, including but not limited to preventing me from developing my caravan site.”

2.7 By email on 16 October 2023, Mr Smith of Ford House made the following additional comments in relation to his application:

“You indicated in your email of 25/4/2023 that the council would carry out a review of the footpaths numbered 4 and 5 on my land and adopted status of my entrance road:-

‘I’m sorry that consideration of your two applications to amend (i) the Definitive Map of Public Rights of Way and (ii) the List of Streets haven’t yet been determined. We’ve made some progress considering some of the applications which are older than yours; just not enough for yours to have reached the top of the list. I am, however, hopeful that both will be determined during autumn 2023.’

“As leaves begin to fall and days shorten Fenwick advertise their autumn 2023 collection.

“You will understand that discovering that Northumberland County Council officers behaved illegally in recording part of my land as highway came as a great shock. I fully expected council officers to act within the law but certain officers did not.

“The House of Lords found the fact of perpetual dedication to the public meant that the land could not be used for any profitable purpose, and so was not capable of beneficial occupation.

“That finding describes only the affect on land described by the Northumberland County Council as highway. The practical effect, as I have found to my cost, is that adjoining land is rendered unusable for any profitable purpose when security is compromised by the presence of those ‘highways’. I have been unable to develop my land as a caravan park as I wished and was given permission by the council to do when I bought it in 1989.

“The Northumberland County Council websites continue to advertise these highways on my land, encouraging the public to trespass

preventing development of my caravan park and peacefully enjoying my land.

“When does Northumberland County Council plan to carry out the reviews?”

2.8 By email on 9 November 2023, Mr Smith of Ford House made the following additional comments in relation to his application:

“Today I printed and having driven to County Hall delivered on paper the attached documents and related correspondence and received a signed receipt from the N.C.C. receptionist.

“I did so as the email which I sent over a three week period received neither acknowledgement of receipt nor any response. This is a very poor service. Please let me know what steps you are taking to improve it.

“The matter concerns the entrance road to my home and caravan site. I have been unable to develop my caravan site as necessary security has been rendered impossible to maintain as N.C.C. advertises and otherwise promotes public rights of way on foot across and encircling the perimeter of my land.

“N.C.C. officers refused to let me have a copy of the Definitive Map and Statement when I asked for it in 1989 and refused to make an appointment to permit me to view the Definitive Map and Statement.

“In 2019 behaviour of N.C.C. officers in the matter of the entrance road to my home and caravan site land caused me to make a complaint to the council and the Local Government Ombudsman which caused me to request a copy of the Definitive Map and Statement which was supplied in January 2021.

“Careful investigation of the process used by N.C.C. to claim public rights of way on my land and further research of N.C.C. and other documents showed that claim to be illegal.

“I asked N.C.C. to review both the record of the claimed public rights of way on foot and the adoption record of my entrance road which research of relevant public records shows has also been illegally created.

“N.C.C. officers carried out other illegal acts including thefts of my property some of which is retained by N.C.C. and some of which was returned following action by Northumberland Police.

“Please let me know when these matters will go to a relevant N.C.C. committee, whether that is necessary for both matters, and the arrangements for me to attend and speak as necessary at the relevant committee meeting.”

3. LANDOWNER EVIDENCE

3.1 By email on 4 September 2022, Mr Smith of Ford House responded to the consultation, stating:

“You wrote on 30th August 2022 asking me to send you the plans you enclosed marked to show land which I own/occupy.

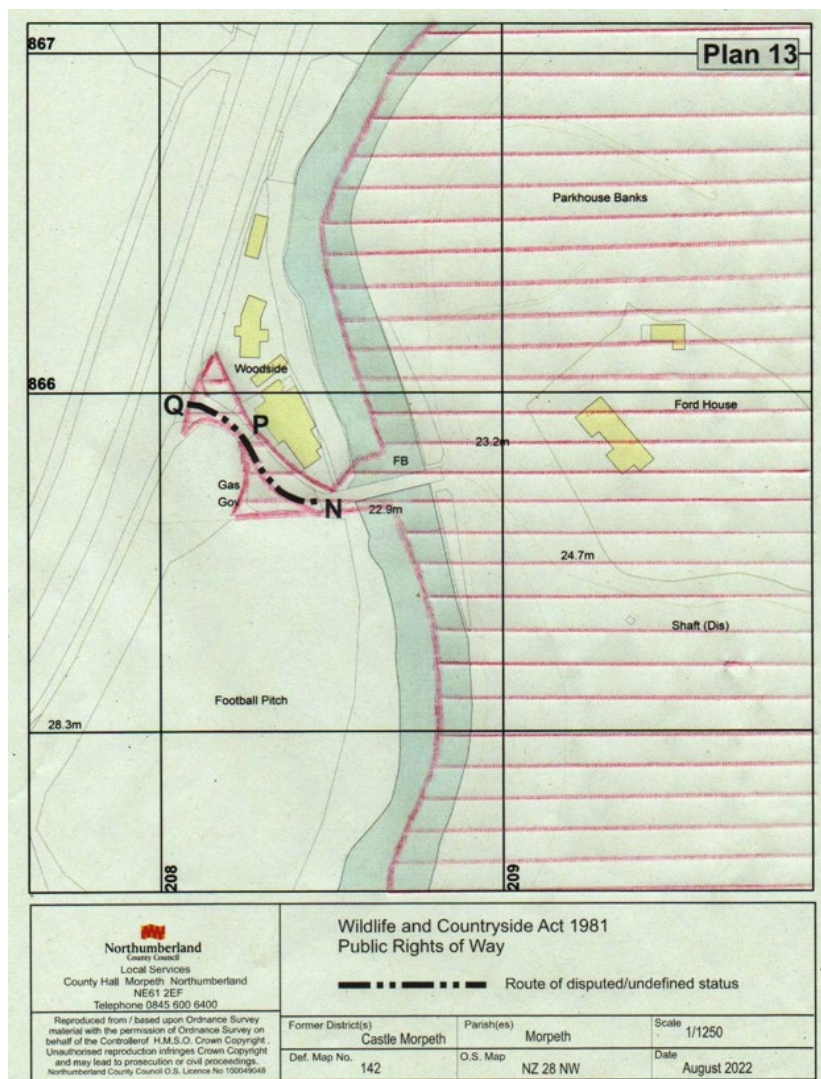
“Please find them attached.

“I have also attached Ford E covering footpaths 4 and 5 which includes the names of the two other affected landowners.

“I gave copies of my evidence to those affected landowners and explained the present position.

“Joanna Shaw lives at Park House Farm, Morpeth.

“Dungait Farms are at Hebron, Morpeth. In the course of my discussions with David Dungait, whom I have known for some years as he keeps a record of rainfall which is helpful as I am Lead Flood Warden for Morpeth, David mentioned that he remembered the sign nailed to my tree which is recorded in the Definitive Statement, and which I removed from the tree and replaced its legal effect with a sign on my gates in 2008.”



3.2 By an additional email on 4 September 2022, Mr Smith of Ford House further responded to the consultation, stating:

“Please find below a copy of the email I sent to David Laux in January together with attached planning application and plans. The email explains why I leased additional land next to my road from Castle Morpeth Borough Council as it would be difficult to bring a large static caravan down my road from the public highway.

“This information is relevant regarding the partially ‘adopted’ status of my entrance road which you are presently reviewing.

“John Ferguson the local Highways Inspector asked me whether I would mind if the council adopted my entrance road and I did not agree to it.

“The width of my entrance road is shown partially in a planning application prepared for Anne Margaret McKay and her then husband, John Thomas. I sent a copy of that planning application to David Laux. It was prepared by an independent architect working for the kennels owner prior to their purchasing the bungalow and land from the young couple who owned it and previously lived there, Mr and Mrs McDougal. The Northumberland County Council holds that planning application record.

“Please include this evidence in the relevant review evidence.”

In the January email to David Laux, Mr Smith stated:

“On 9th August 2000 Mr and Mrs McDougall, a young couple, owned Woodside at Whorral Bank, Morpeth. When they had advertised it for sale Mr John and Mrs Anne Margaret Thomas applied for planning permission to demolish the house and develop a kennels business.

“The planning application number and description:-
CM/00/D/475 | Demolition of bungalow, erection of detached dwelling house and boarding kennels (as amended plans received 30/10/00 & 2/2/2001 & 13/6/01) | Woodside, Whorral Bank, Morpeth

“Please find attached the application form submitted to Castle Morpeth Borough Council and plans of their proposed development.

“Plan # 11840334 produced by Northdale shows ‘TARMAC’ referring to the surface finish of my road and and ‘GRAVEL’ referring to the surface finish of my adjacent leased land. The road width is restricted and there was a 1.2 metre high timber paling fence alongside it which was why I found it appropriate to lease the adjacent land so that access to my caravan site business would be improved and I could more readily bring static caravans onto my bridge and caravan park.

“The width and layout of the entrance from the highway to my access road are shown prior to the construction of the Morpeth to Ashington cycle path. It is now restricted due to the design of that cycle path and associated signage and that restriction makes access with vehicles difficult. Articulated lorries are able to enter only with some difficulty and

| Existing (if any) | | Proposed new floor space | |
|-----------------------------|-------------------------|--------------------------|-------------------------|
| (a) 1350m ² | 111 m ² | 1350m ² | 111 m ² |
| (b) m ² /sq. ft. | m ² /sq. ft. | m ² /sq. ft. | m ² /sq. ft. |
| (c) m ² /sq. ft. | m ² /sq. ft. | m ² /sq. ft. | m ² /sq. ft. |
| (d) m ² /sq. ft. | m ² /sq. ft. | m ² /sq. ft. | m ² /sq. ft. |
| (e) m ² /sq. ft. | m ² /sq. ft. | m ² /sq. ft. | m ² /sq. ft. |
| (f) m ² /sq. ft. | m ² /sq. ft. | m ² /sq. ft. | m ² /sq. ft. |
| (g) m ² /sq. ft. | m ² /sq. ft. | m ² /sq. ft. | m ² /sq. ft. |
| (h) m ² /sq. ft. | m ² /sq. ft. | m ² /sq. ft. | m ² /sq. ft. |
| (i) m ² /sq. ft. | m ² /sq. ft. | m ² /sq. ft. | m ² /sq. ft. |
| (j) m ² /sq. ft. | m ² /sq. ft. | m ² /sq. ft. | m ² /sq. ft. |

5. How many (a) office (b) industrial and (c) other staff will be employed on the site as a result of the development proposed?

6. If you have existing premises on the site, how many of the employees will be new staff?

7. What provisions have been made for the parking, loading and unloading of vehicles within the curtilage of the site? (Please show the location or such provision on the plans and distinguish between parking for operational needs and other provision)

8. What is the estimated vehicular traffic flow to the site during a normal working day? (Please include all vehicles except those used by individual employees driving to work)

9. What is the nature, volume and proposed means of disposal of any trade effluents or trade refuse?

10. Will the proposed use involve the use or storage of any of the materials of type and quantities mentioned in note 12?

11. If "Yes" state materials and approximate quantities.

COMPLETE + SUBMIT TO CMBC WITH P. APP

Town and Country Planning (General Development Procedure) Order 1995

CERTIFICATE UNDER ARTICLE 7

Certificate: B (a)

I certify that:

1. Name/Title of applicant has given the requisite notice to everyone else who, on the day 21 days before the date of the accompanying application/appeal, was the owner (b) of any part to which the application/appeal relates, as listed below.

Owner's (b) name: Northdale

Address of which notice was served: 17 Constance Driffield Northdale

Date on which notice was served: 11/8/2000

Owner's (b) name: Northdale

Address of which notice was served: 17 Constance Driffield Northdale

Date on which notice was served: 11/8/2000

Notes when appropriate:

(a) This certificate is for use with applications and appeals for planning permission (section 7 and 9(1) of the Order). One of the Certificates A, B, C or D (or the appropriate certificate in the case of certain minerals applications) must be completed, together with the Agricultural Holdings Certificate.

(b) "owner" means a person having a beneficial interest or a beneficial interest the unexpired term of which is not less than seven years, or, in the case of development consisting of the winning and working of minerals, a person entitled to an interest in the mineral in the land (other than oil, gas, coal, gold or silver).

0010475

Castle Morpeth

NOTICE 1

Town and Country Planning (General Development Procedure) Order 1995

NOTICE UNDER ARTICLE 6 OF APPLICATION FOR PLANNING PERMISSION

(to be published in a newspaper or to be served on an owner or tenant)

Proposed development at (a) Widdowson Memorial Park Morpeth

I give notice that (b) MRS THORNTON

is applying to Castle Morpeth Borough Council for planning permission to (c) INSTALL SIGNAGE, erect flagpole & dog kennels

Any owner of the land or tenant who wishes to make representations about this application should write to the Environmental and Planning Department, The Kylins, Morpeth, Northumberland NE61 2SQ by (d) 11/8/00

"owner" means a person having a beneficial interest or a beneficial interest the unexpired term of which is not less than seven years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in the mineral in the land (other than oil, gas, coal, gold or silver).

"tenant" means a tenant of an agricultural holding any part of which is the subject of an agreement for a lease.

Statement of owners' rights

The grant of planning permission does not affect owners' rights to obtain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenants' rights

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

Notes

1. The notice is to be published in a newspaper and served on the owner or tenant.

2. The notice is to be published in a newspaper and served on the owner or tenant.

3. The notice is to be published in a newspaper and served on the owner or tenant.

4. The notice is to be published in a newspaper and served on the owner or tenant.

5. The notice is to be published in a newspaper and served on the owner or tenant.

6. The notice is to be published in a newspaper and served on the owner or tenant.

7. The notice is to be published in a newspaper and served on the owner or tenant.

8. The notice is to be published in a newspaper and served on the owner or tenant.

9. The notice is to be published in a newspaper and served on the owner or tenant.

10. The notice is to be published in a newspaper and served on the owner or tenant.

11. The notice is to be published in a newspaper and served on the owner or tenant.

12. The notice is to be published in a newspaper and served on the owner or tenant.

13. The notice is to be published in a newspaper and served on the owner or tenant.

14. The notice is to be published in a newspaper and served on the owner or tenant.

15. The notice is to be published in a newspaper and served on the owner or tenant.

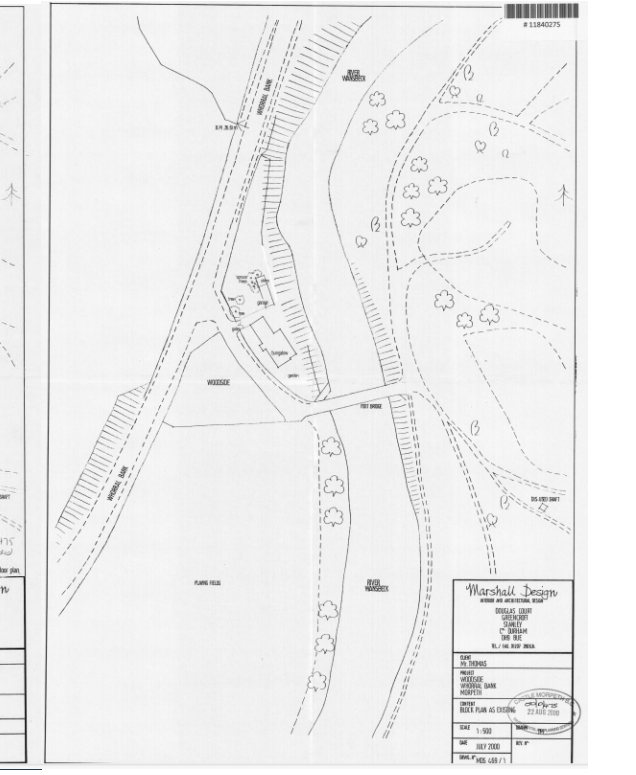
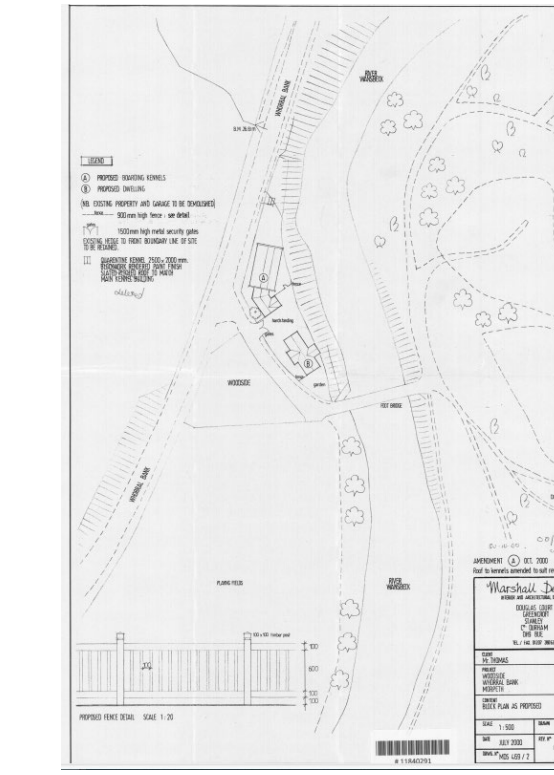
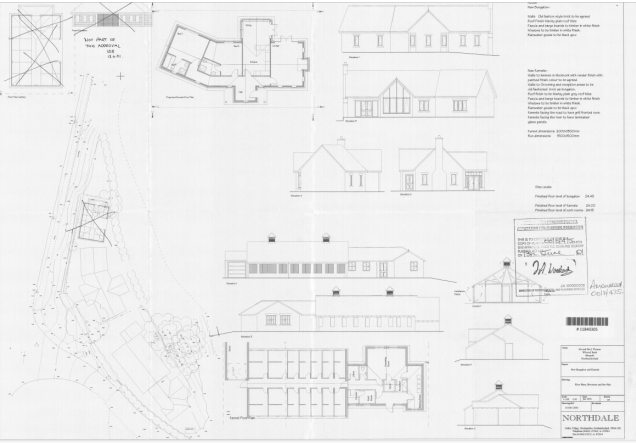
16. The notice is to be published in a newspaper and served on the owner or tenant.

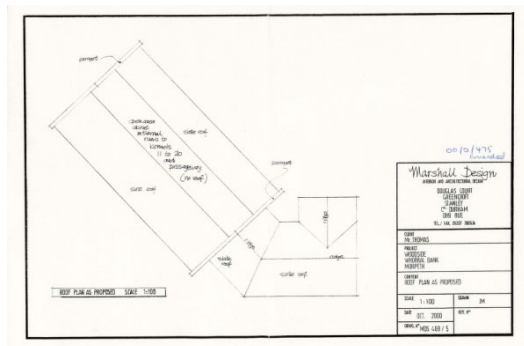
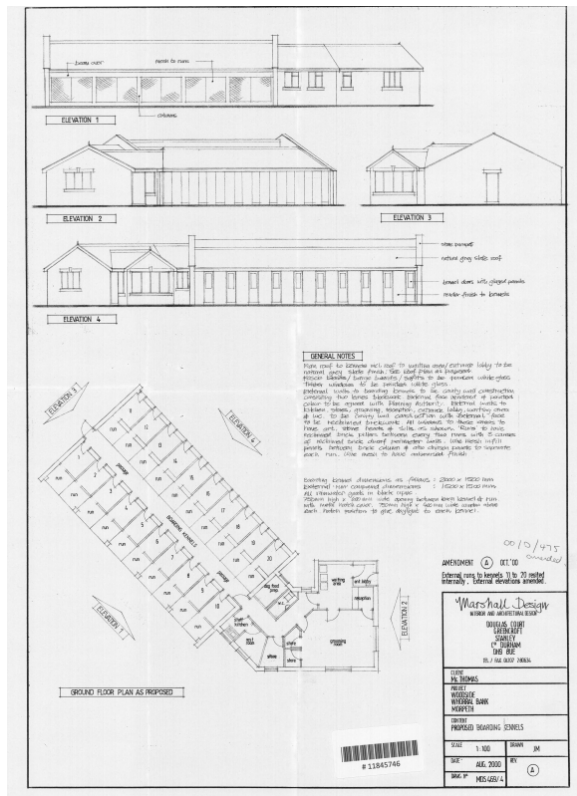
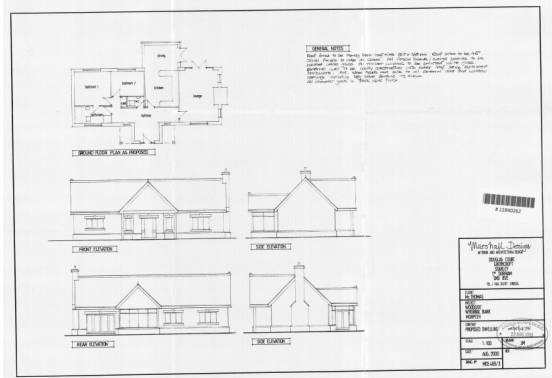
17. The notice is to be published in a newspaper and served on the owner or tenant.

18. The notice is to be published in a newspaper and served on the owner or tenant.

19. The notice is to be published in a newspaper and served on the owner or tenant.

20. The notice is to be published in a newspaper and served on the owner or tenant.





“Please find attached a pdf file which provides additional evidence of the condition of my entrance road and adjacent leased land which Northumberland County Council has designated U6112 and claimed to have adopted and upon which the council illegally laid tarmac.

“You will notice the restricted width of the original tarmac road which caused me to request and be granted a 99 year lease on the part of the land then owned by Castle Morpeth Borough Council.

“Maurice Cole, solicitor and former Chief Executive of Morpeth Borough Council and Castle Morpeth Borough Council informed me that Northumberland County Council had acted illegally.

“Please attach this information to the evidence I have previously submitted to Northumberland County Council in connection with the review of public rights of way and adoption of my land and entrance road.

3.3 By email on 20 April 2023, Mr Smith of Ford House made the following additional comments in relation to his application:

“I notice by reading the Claims Register document published on the council website that there is not presently a date for my request for the council to review the record of the partial adoption of my entrance road and the published public rights of way and the correction of the records to go before a council committee.

“Although I have followed the procedure you suggested, I have shown by the evidence which I have supplied to the council that a review of the Definitive Map and Statement and the record of Adopted Highways is not necessary because the required procedures to make the Definitive Map and Statement and to adopt part of my entrance road were not followed and are therefore a nullity.

“The records simply require correction. A council officer previously changed the record of adopted highway without the matter being put before a committee. The council informed my solicitor that my entrance road was not adopted and the council had no intention to adopt it. A council officer explained the detailed procedure required to create a Definitive Map and Statement under the relevant Act and I have provided adequate evidence to show that procedure was not followed.

“Can you please let me know whether and why and when the council intends to put this matter before a council committee or otherwise correct the council records.

“These matters create costly problems for me daily and prevent me from developing my caravan park.”

3.4 By email on 28 September 2023, Mr Smith of Ford House further responded to the consultation, stating:

“I recently found the information below regarding John Caisley and his partners.

“New owners, John Caisley, Robert Wood and Thomas Slinn took over the colliery from May 12th 1882. The fixed rental was to be £50 per annum with the colliery being worked as a drift. As part of the lease the partnership had to agree to keep their workforce under control. Any poaching or trespassing had to be treated with instant dismissal.”

“John Caisley built a bridge to access my land and obtained a lease from Morpeth Borough Council on land to make my entrance road.

“In order to create a public right of way by prescription it is necessary to trespass without challenge. It was a matter of concern that a public right of way should not be created and this information regarding the agreement to work the colliery further reinforces the evidence that no public right of way was in place.

“Please add it to the evidence for the review which you are conducting into the footpaths on my land.

“I have not as yet received acknowledgement of your having received the evidence regarding the death in 1930 of builder stonemason councillor J. E. Waterston which resulted from injuries he received in the freestone quarry on my land which he and his father were working. I emailed that information on 21st September 2023 and the email system reported that it was delivered. Can you acknowledge its safe receipt please.”

- 3.5 By email on 4 December 2023, Mr Smith of Ford House further responded to the consultation, stating:

‘In the 1930s, during strike, miners came to the abandoned Bessie Pit, located in the 50 acres of woodland along the Wansbeck Valley owned by the Temple family, to dig out coal. His grandfather tried to prevent them but allowed it to happen after he was threatened. There were a lot of abandoned drift mines in that area. The Bessie Pit was at the bottom of Whorral Bank.’

“The above quote is from the Northumberland Archives Oral history recording of Clive Temple, former market gardener and farmer of Morpeth, Northumberland, recalling his experiences of his family business and its history from the late 19th century to the 1990s.

“You will understand that a public right of way cannot be created by force. The history recording is further confirmation of Thomas Temple’s intention to prevent dedication of public right of way on what is now my land here at Whorral Bank.

“Please add this evidence to that which I have sent earlier for the purpose of the review of Morpeth claimed rights of way footpaths 4 and 5.”

4. CONSULTATION

- 4.1 In August 2022, the Council carried out a consultation with the Parish Council, known owners and occupiers of the land, the local County Councillor and the local representatives of the “prescribed and local organisations” listed in the Council’s “Code of Practice on Consultation for Public Path Orders”. Four replies were received and are included below.
- 4.2 By email, on 16 September 2022, Morpeth Town Council responded to the consultation, stating:

“Thank you for your letter date 30th August regarding the above pre-order consultation. Informal

“I have circulated this to councillors and would wish to make the following comment.

“Morpeth Town Council wish to object to the removal of public rights of way in Morpeth in the strongest terms.

“These paths are valued by many Morpeth residents as beautiful and quiet routes for running, walking and exercising their dogs, which is important for their physical and mental health and wellbeing.

“The landowner concerned has a reputation for obstructing the public right of way with stiles etc to prevent the access of dogs, to the annoyance of many responsible dog owners who question his right to do this.

“We also strongly object to the proposed removal of the U6112 from the List of Streets, which would be to the detriment of the resident and cattery business there and their customers, as well as walkers wishing to park. This proposal is all part of the same obstructive behaviour by the landowner.

“The following link is to a post by local public rights of way activist Diane Holmes to the main town Facebook group Morpeth Matters on 11th Sept, which contains the views and experiences of many residents who use these paths, and which received 60 likes and 117 comments so far, all opposed to the deletion of these rights of way. It is a closed group but we can provide screenshots of all comments if requested. Some representative samples are attached. Furthermore, I remember similar posts in the past concerning obstruction around the U6112.”

<https://m.facebook.com/groups/Morpeth.Matters/permalink/5730873526964947/>

- 4.3 By email, on 5 November 2022, the British Horse Society responded to the consultation, opposed to the application to delete parts of Public Footpaths Nos 4 and 5, but without making any comments regarding the U6112 road.
- 4.4 By email, on 28 November 2022, Cycling UK responded to the omnibus consultation, without offering any comments in relation to this particular proposal.
- 4.5 By email, on 30 November 2022, the Ramblers' Association responded to the consultation, opposed to the application to delete parts of Public Footpaths Nos 4 and 5, but without making any comments regarding the U6112 road.

5. DOCUMENTARY EVIDENCE

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

1769 Armstrong's County Map

There is no evidence of a “Country Road” over a route approximating to the relevant section of the U6112 road.

1820 Fryer's County Map

There is no evidence of an “Other Road” over a route approximating to the relevant section of the U6112 road.

1827 Cary's Map

There is no evidence of a “Parochial Road” over a route approximating to the relevant section of the U6112 road.

1828 Greenwood's County Map

There is clear evidence of a "Cross Road" over a route approximating to the relevant section of the U6112 road, extending as far as the east bank of the River Wansbeck. Given the scale of the mapping, this could just as easily be one of the two routes identified on the first edition OS map of 1866.

1866 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of two unenclosed tracks leading across Jobs Well Close to the site of a ford with adjacent stepping stones. The location of the ford appears to be some 35 – 40 metres north of the later bridges. Neither of the two westerly approaches to it match either the 'historical' N-Y-P-X route or the present day Q-P route.

1897 Ordnance Survey Map: Scale 1:2500

There is clear evidence of an unenclosed road / track along the route N-Y-P-X, but not the Q-P route of the U6112 road. The track appears to cross the River Wansbeck by means of a bridge.

Finance Act 1910 plan

This plan uses the 1897 OS map as a base, so there is clear evidence of an unenclosed road / track along the route N-Y-P-X, but not the route of the Q-P section of U6112 road. The route is not shown as being separated from the surrounding land by coloured boundaries (where it is, this is generally a good indication of public highway status), but this is to be expected, because the route itself is not enclosed. That said, the eastern boundary of the track is used as a land parcel boundary.

1922 Ordnance Survey Map: Scale 1:2500

There is clear evidence of a, now, enclosed road / track along the route N-Y-P-X, but not the Q-P section of the U6112 road. The track appears to cross the River Wansbeck by means of a bridge.

c.1934 Schedule of Reputed Rights of Way under Rights of Way Act 1932
(Supplied by the applicant, previously)

The route now recorded as Public Footpath No 5 appears to be identified in this schedule:

"5 Starts from the main road at Job's Well Close crossing the river by wood bridge then proceeding alongside the river to the new borough boundary on the south side of the river."

1951 Highways Map

The route of the relevant section of the U6112 is not coloured so as to identify it as a publicly maintainable road. That said, until 1974, Morpeth Borough Council was the highway authority for C and U class roads, so its non-inclusion is to be expected.

c.1952 Definitive Map – original Survey Schedules & Map

The N-Y-P-X route is shown on the base map, but it isn't coloured brown. Known public roads were generally coloured brown to indicate what the extent of the road network was considered to be. The Y-N section is coloured purple (to denote public footpath) and is identified as part of Path #4 across the bridge, then northwards along the river bank. The Q-P section is not shown on the base map and is not coloured as a public highway of any description.

c.1952 Definitive Map – original Survey Schedule

Footpath 4

Starts at Ashington Road A197 and ends at Parkhouse Banks

The first 100 yards is identified as being metalled.

At both sides of the footbridge "Private JR Temple & Sons Ltd" signs were present (apparently erected in 1941). 100 feet from the footbridge was a "No Camping Allowed" sign and 200 feet from the footbridge there was an "Any person found damaging trees etc will be prosecuted" sign. The grounds for believing the path to be public is "Prescriptive Right".

The Map prepared for Rights of Way Survey 1932 was apparently consulted.

In the other relevant information section it is noted that "Old footbridge was washed away and present one was erected by JR Temple. The notice boards are to safeguard himself against accidents.

Draft Map

The N-Y-P-X route is shown on the base map, but isn't coloured to identify it as a public right of way. Footpath No 5 begins at the western end of the footbridge (Point N). Existing U6112 (Q-P) isn't shown on the base map, or coloured as a public right of way.

Provisional Map

The N-Y-P-X route is shown on the base map, but only the Y-N section is coloured to identify it as a public right of way (the western end of Footpath No 5). Existing U6112 (Q-P) isn't shown on the base map, or coloured as a public right of way.

1958 County Road Schedule

There is no entry for the U6112 road in this Schedule. Minor roads in urban district areas did not become Northumberland County Council's responsibility until 1974.

1962 Original Definitive Map and Statement

The N-Y-P-X route is shown on the base map, but only the Y-N section is coloured to identify it as a public right of way (the western end of Footpath No 5). Existing U6112 (Q-P) isn't shown on the base map, or coloured as a public right of way.

The Definitive Statement for Footpath No 5 described the route:

“From the Morpeth – Ashington Road about 300 yards north-east of east Mill in a south-easterly direction, crossing the bRiver Wansbeck by the footbridge and the LNE Railway, past the west side of Park House to the Borough boundary at Coopie’s Lane.”

On the Statement it is noted that the route was “Scheduled as a public right of way by Morpeth Borough Council.”

First Review Definitive Map

The situation with regard to what is and isn’t shown as a public right of way remained the same as that shown on the original Definitive Map.

1964 Highways Map

As with the 1951 Highways Map, the route of the U6112 is not coloured so as to identify it as a publicly maintainable road. Until 1974, Morpeth Borough Council was the highway authority for C and U class roads, so its non-inclusion is to be expected.

1964 County Road Schedule

There is no entry for the U6112 road in this Schedule. Minor roads in urban district areas did not become Northumberland County Council’s responsibility until 1974.

1969 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an enclosed track over the N-Y-P-X route, but not the Q-P one.

1970 Highway Widening / Carriageway realignment at Whorral Bank

Additional highway land was acquired, slightly further to the north, on the western side of the then A197, and additional drainage rights secured in relation to this project. The point where the N-Y-P-X track joined the A197 road was raised by several feet. This would have made what was already an awkward junction, even more difficult. The plan shows that a new junction (Q-P) was to be created to remedy this.

1974 County Road Schedule (1 April 1974)

There is no entry for the U6112 road in this Schedule. The schedule is dated 1 April 1974. Minor roads in urban district areas did not become Northumberland County Council’s responsibility until midnight on 1 April 1974. The assumption must be that this Schedule was deliberately produced, to bring the County Council’s records up-to-date, immediately prior to it acquiring additional maintenance responsibilities from the disappearing urban district councils.

1984 Ordnance Survey Map: Scale 1:10,000

There is clear evidence of an enclosed track over the N-Y-P-X route. Now, the western end of this route appears to have widened, to also include the Q-P route. There is now a building in the vicinity of Point P.

The relevant section of the U6112 road (Q-P) is clearly shown on the Council's List of Streets as at 2 May 2006.

6. SITE INVESTIGATION

- 6.1 From Point Q, on the B1337 road (Whorral Bank), 15 metres south-west of Woodside, an 8 metre wide, reducing to 6.7 metre wide, tarmac road proceeds in a south-easterly direction for a distance of 15 metres to a point marked P, just north of a set of field gates. There is some evidence of a footway along the eastern side of this road, though one section appears to have been grassed over, another is hidden by the stone driveway of Woodside, and another part is blocked by a section of wooden fencing. This section is currently recorded on the Council's List of Streets as part of the U6112 road.
- 6.2 From Point P, at the southern end of the relevant section of U6112 road, a 6.7 metre wide tarmac road with an adjacent footway (that is encroached upon by a row of hedge), continues through the gate and in a south-easterly direction for a distance of 30 metres to a Point marked N at the western end of existing Public Footpath No 5, at a bridge over the River Wansbeck). This section is currently NOT recorded on either the Council's List of Streets or the Definitive Map of Public Rights of Way (though it is, arguably, covered in the Definitive Statement, which accompanies the Definitive Map).

7. COMMENTS RECEIVED ON THE DRAFT REPORT

- 7.1 In January 2024, a draft copy of the report was circulated to the applicant and those landowners / occupiers who responded to the initial consultation for their comments.
- 7.2 By email, on 25 January 2024, Mr Smith offered the following comments in relation to the draft report:

“Thank you for telephoning me yesterday afternoon and explaining that you were personally, by hand into my mail box, delivering draft copies of your Rights of Way Committee reports concerning U6112 adoption status and Deletion of public footpaths 4 and 5 Morpeth Town. I have received them.

“As these are printed on paper they are in some parts illegible due to the print size, in some parts illegible due to the plan size. The paper quality used is such that it also makes reading the reports difficult. I am concerned that committee members will be incapable of adequately understanding my evidence to the committee.

“Will the committee members receive these documents in this illegible form?

“Can you please let me have an electronic copy of each draft document.

“Will the meeting room at which these decisions are planned to be taken have a facility to present evidence to committee attendees in an electronic form?”

“I have mentioned the above matters however it is clear from my brief reading of the reports that there are additional matters of concern, which I will email to you in due course.”

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 [53(3)(c)(i)];

8.2 When considering an application / proposal for a modification order, Section 32 of the Highways Act 1980 provides for “any map, plan or history of the locality or other relevant document” to be tendered in evidence and such weight to be given to it as considered justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.

8.3 The representation of a path or track on an Ordnance Survey Map is not evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey.

8.4 The route of the relevant section of the U6112 is not identifiable on Armstrong’s or Fryer’s County Maps of 1769 and 1820, or Cary’s Map of 1827. It, or something closely resembling it, is however shown as a “Cross Road” on Greenwood’s County Map of 1828. It is common for Armstrong’s, Fryer’s Cary’s and Greenwood’s maps to be presented as evidence in support of additional public rights. Where a route is shown on one or two of these maps, this is generally viewed as decent evidence in support of public highway rights (usually vehicular but, potentially, just bridleway). Where a route is consistently depicted on all four maps the cumulative effect of this is considered to be particularly persuasive.

8.5 On the plans produced in association with the Finance Act of 1910, neither the route of the U6112 road, nor that of the alleged public footpath extension (N-Y-P-X) are shown as being separated from the surrounding land by coloured boundaries. This is to be expected, because the route of the U6112 isn’t depicted, at all, and the N-Y-P-X route is unenclosed. If either of them had been separated, that would have been a good indication that the route was considered to be a public vehicular highway, at that time.

8.6 The route of the alleged public footpath extension (N-Y-P-X) was consistently identified as a track on Ordnance Survey maps between 1897 and 1969.

- 8.7 On the Survey map produced in association with preparation of the first Definitive Map of Public Rights of Way, in the early 1950s, Public Footpath No 5 was shown, extending west as far as Point Y, though in the accompanying schedule, it was identified as beginning on the “Ashington Rd A197”.
- 8.8 This section of U6112 is currently recorded on the Council’s List of Streets, and was also (for the purposes of s.67 of the Natural Environment and Rural Communities Act 2006) identified on that list at 2 May 2006. County Council accepts that, given the way the regulations were written with regard to the way highway authorities could include publicly maintainable highways in the List of Streets, there was no impediment to public bridleways and public footpaths also being included. That is not to say that any bridleways or footpaths were so shown – just that they could be. It must, therefore, be entirely proper to consider each UCR on a case by case basis, but that does not mean that we should begin with the assumption that each UCR is no more than a public footpath unless higher rights can be proven by other means. In Northumberland, until 2023, there is no evidence to suggest that public footpaths and public bridleways were deliberately shown on the List of Streets.
- 8.9 Letters from DEFRA, dated 2003 and November 2006, and Rights of Way Circular 1/09 set out the approach Inspectors and order making authorities should take in determining the status of routes included on the List of Streets. In summary, the guidance states that the inclusion of a route on the List of Streets is not a record of what legal rights exist over that highway but may provide evidence of vehicular rights. However, this must be considered with all other relevant evidence in order to determine the nature and extent of those rights. Highway Authorities are recommended to examine the history of such routes and the rights that may exist over them on a case by case basis in order to determine their status.
- 8.10 Mr Smith detected that the extent of the U6112 road appeared to have advanced a few extra metres between 10 June 2018 and 19 August 2018, based upon a change in the publicly available online Council adopted highway maps. The Council is entitled to amend and refine the List of Streets to correct errors, omissions, changes in map bases etc, but it isn’t clear, in this particular instance, why this change was made. It doesn’t appear to be supported by the 1970 road realignment plan.
- 8.11 Mr Smith has referred to a lease in 1726, but doesn’t appear to have supplied a copy of it. From the description Mr Smith has given, it appears to be silent on the existence, or otherwise, of any public highway rights.
- 8.12 Armstrong’s Map of 1769 is not very detailed. Lots of less important public roads tend to be omitted. We wouldn’t expect this map to show public footpaths, public bridleways or occupation roads.
- 8.13 The 1859 OS map shows a ford and stepping stones at, or slightly north of, the location of the current bridge.
- 8.14 The 1873 John Caisley lease gave permission for the tenant to “make a road or cartway leading from the said bridge over a portion of the said land To the Queen’s Highway”. This road was described as an occupation road, but the landowner (Morpeth Borough Council) stipulated that “the tenant allows all foot passengers to cross and recross the said bridge and also the said road or

cartway at all times free of expense.” It’s not clear whether the road made by John Caisley was an entirely new one, or whether it followed the course of a pre-existing informal track or footpath.

- 8.15 The 1879 John Short et al lease for Jobs Well Close required the tenant to “occupy the said premises hereby demised as to prevent the public from acquiring any other right of way over the same save and except the occupation road over the premises shown upon the plan leading from the public highway to the ford through the River Wansbeck.”
- 8.16 These two leases indicate that the landowner, Morpeth Borough Council’s, position was that, at that time, there was an occupation road (not a public road) that the public must be free to use, on foot, at all times, free of charge. The most likely explanation for this condition was that Morpeth Borough Council acknowledged this route to be a public footpath, though it is also possible that they were simply a very benevolent landowner, determined to facilitate ongoing pedestrian access on an entirely permissive basis.
- 8.17 Mr Smith’s 28 September 2023 email contains information, from 1882, relating to employees being instantly dismissed if they trespassed. This isn’t considered to be relevant when determining what if any rights exist over the route N-P-Q.
- 8.18 The 1896 6” OS map supplied by Mr Smith and 1897 25” OS map both show a road leading up to the bridge at, or very close to, the location of the current bridge.
- 8.19 Mr Smith says the 1923 OS map shows the road from the A197 only as far as the private footbridge over the river, which provides access to a handful of holiday / residential homes within Quarry Wood.
- 8.20 Mr Smith’s 4 December 2022 email regarding the 1930s miners’ strike isn’t considered to be relevant. It is likely that public footpath rights already existed at this time. The Council is not suggesting that public rights were acquired on the basis of presumed dedication, at this late stage, or that unchallenged use by marauding gangs of out-of-work miners, constituted part of the relevant user.
- 8.21 Mr Smith appears to have researched Morpeth Borough Council minutes during the period 1959 through to the 1970s. He found minutes, in 1959, describing the creation of a new waste tip for Morpeth Town on JR Temple land. It seem an improved bridge was needed with improvements also to the existing occupation road.
- 8.22 In 1970 / 71 Northumberland County Council realigned, slightly, the (then) A197 road at Whorral Bank. It seems that part of this process involved raising the height of the land, at the point where the occupation road (and public footpath) joined Whorral bank, by several feet. Since this would have made the junction significantly harder to navigate, and presumably in order to improve sight lines generally, the junction was reconfigured, slightly further to the south. It would appear that Northumberland County Council carried out these works, presumably with Morpeth Borough Council’s consent. As far as

we are aware, there was no formal landowner dedication of public highway rights associated with the new layout of the junction.

- 8.23 Mr Smith has supplied a copy of the May 1971 highway dedication, made between Morpeth Borough Council, as landowner, and Northumberland County Council, as highway authority. This agreement seems to be linked to the A197 road realignment and relates to land on the opposite side of the A197 road and slightly further to the north, not the U6112 itself.
- 8.24 Mr Smith has supplied a copy of the August 1971 easement for a drain, made between Morpeth Borough Council, as landowner, and Northumberland County Council, as highway authority. This agreement seems to be linked to the A197 road realignment and relates to land immediately to the north of the occupation road / U6112, but not the U6112 itself.
- 8.25 These two documents demonstrate that the two Councils were, very properly, making extra provision for additional public highway land and drainage, associated with the 1970 road realignment scheme. If the two Councils had intended the realigned junction of the accommodation road to become a public road, too, we would probably have expected to find a similar dedication, to that effect.
- 8.26 I suspect anyone relying on the previous route as a private means of access would probably acquire new rights over the alternative route, of necessity. The old route of the public footpath would still be a public footpath (on the basis, once a highway, always a highway), but the provision of an alternative route by a highway authority (Northumberland County Council), in conjunction with the landowner (Morpeth Borough Council) who was also a highway authority, that was then used by the public, means that public footpath rights were arguably dedicated, at common law, almost straight away.
- 8.27 In the late 1800s, the land at Jobs Well Close, over which the route N-P-Q passes, appears to have been owned by Morpeth Borough Council. The press report of the 1975 High Court case suggests that Morpeth Borough Council had continued to own the land up until the moment it was dissolved in 1974, when its land holdings transferred to the newly formed Castle Morpeth Borough Council.
- 8.28 Mr Smith's email of 3 March 2022 supplied a Journal newspaper clipping from 22 March 1975 regarding Castle Morpeth Borough Council and Northumberland County Council dumping rubbish illegally on what is, now, Mr Smith's land. The access road isn't mentioned in the article, though it does say that negotiations were taking place regarding compensation. Mr Smith also supplied a press cutting from 26 April 1975, where a large valuable tip "with excellent access" was being advertised for sale. Mr Smith believes that this demonstrates that JR Temple now owned the access road between the A197 and the river. Whilst that might be the case, the advert would still be true if JR Temple had secured (or already had) a permanent private right of access over the land.
- 8.29 Mr Smith has asserted that JR Temple became the owner of the occupation road following legal action in 1975. It's not entirely clear precisely what the

nature of this legal action was or its ultimate outcome. No records have been supplied to clarify this matter. Based upon the 1873 and 1879 leases supplied by Mr Smith, it is fairly clear that Morpeth Borough Council owned the land at that time. Mr Smith doesn't appear to have discovered any evidence which would suggest this situation had changed before 1975. Accepting that JR Temple did win a court case against the local council in 1975, the nature of that victory could be significant. From The Journal 22 March 1975 press cutting, it seems the High Court found that Castle Morpeth Borough Council had no right to continue tipping on the land, and that Northumberland County Council was required to pay compensation to the landowner. Mr Smith has suggested that the compensation (at least in part) came in the form of ownership of the road. If the road could form part of the deal then, presumably Morpeth Borough Council had still been the landowner up until 1974, with the land then transferring to Castle Morpeth Borough Council upon local government reorganisation. But the victory might not have involved any change in land ownership. It's possible that the dispute (or the compensation) may have involved the granting of a permanent right of access, rather than a transfer of land ownership. The press report indicated that it was Northumberland County Council who would be liable to pay compensation, which makes it seem less likely that Castle Morpeth Borough Council would give up land, in lieu of damages.

- 8.30 In August 2018, responding to a Freedom of Information request, Northumberland County Council indicated that the road was added to the List of Streets circa 1970, when the A197 road at Whorral Bank was slightly realigned. At that time, Morpeth Brough Council used what is now Mr Smith's land as a waste tip, and the short length of road between the A197 and that land was, apparently, their means of access. Morpeth Borough Council appears to have owned the land between the A197 road and the river, over which the occupation road ran. The occupation road's junction with the A197 was seemingly realigned by Northumberland County Council, presumably with Morpeth Borough Council's agreement, because the land where the existing junction was being raised to accommodate the realignment works.
- 8.31 In September 2018, responding to a follow up Freedom of Information request, Northumberland County Council indicated that the reason the road was added to the List of Streets was section 36(2)(a) of the Highways Act 1980, namely that the route was "a highway constructed by a highway authority, otherwise than on behalf of some other person who is not a highway authority."
- 8.32 The March 1988 local authority search responses don't affect whether this route is publicly maintainable highway or not.
- 8.33 On 9th November 2023 Mr Smith hand delivered a copy of a letter signed by Mike Jeffrey (then an Area Management Officer, within Northumberland County Council's Countryside Service) composed by Steve Allen, dated 17 November 1999, in relation to works which had been agreed in relation to Footpath No 5. Mr Smith believes that Mr Allen's approach to them was probably connected to the electronic adoption record for the U6112, apparently being created on 17th June of that same year. In my opinion, having the benefit of working within the Countryside Service at that time, and knowing the relationship between the List of Streets and how this might impact

on works on public rights of way being carried out by the Countryside team, I am confident that this was entirely coincidental. The Countryside team would not, then, have access to the digital List of Streets, and changes to those maps and schedules would not have influenced maintenance decisions in Countryside. Their efforts would have been determined, exclusively, by what was shown on the Definitive Map. The eastern section of the occupation road (between the U6112 and existing Footpath No 5) appears to have been identified as a "Private Street" in the Elgin database, on 11 June 2006. This entry will almost certainly relate to the National Street Gazetteer (as will the earlier 1999 entry, found by Mr Smith, in relation to the U6112) – not the Council's List of Streets.

- 8.34 I don't believe Ann Mckay's 2005 planning application adds anything to assist in the determination of what public rights exist. The County Council's Rights of Way consultation response confirmed the Council's belief that a public footpath existed at that location, and that there would be no grounds upon which gates across the track could be authorised at the location proposed.
- 8.35 In 2018, Northumberland County Council initiated proceedings to identify the section of road, between the eastern end of existing U6112 and the western end of existing Footpath No 5, as publicly maintainable highway, under s.228 of the Highways Act 1980. Under s.228, "when any street works have been executed in a private street, the Street Works Authority may, by notice displayed in a prominent position in the street, declare the street to be a highway which for the purposes of this Act is a highway maintainable at public expense." Mr Smith objected to the s.228 notice, and the process was discontinued.
- 8.36 A certain amount of argument has been devoted to the gates which have been erected across the access road, just beyond the eastern end of the current U6112 road. This section of occupation road is also a public footpath. Planning permission may, or may not, be required to erect gates but, whether given or not this permission would not trump highway law. The only valid grounds for erecting new gates across a public footpath are stock control or public safety. Generally, the former requires authorisation by the County Council, and the latter would be carried out by the County Council.
- 8.37 In his consultation response, dated 4 September 2022, Mr Smith indicated that he owned or occupied the entirety of the route N-P-Q.
- 8.38 In their consultation response, Morpeth Town Council objected to the removal of this part of the U6112 road from the List of Streets because it would be to the detriment of the residents, the cattery business, customers of that business and of walkers wishing to park, before going for a walk. The problems for the cattery business may be very real, as might those for walkers, wishing to park, but neither is considered to be relevant when determining what public rights actually exist over the route.
- 8.39 It is not clear precisely why this part of the U6112 was added to the List of Streets. As the committee will be aware, from previous reports, the identification of a route as a U road, on the List of Streets, does not prove it is a vehicular public right of way. This needs to be determined on a case by

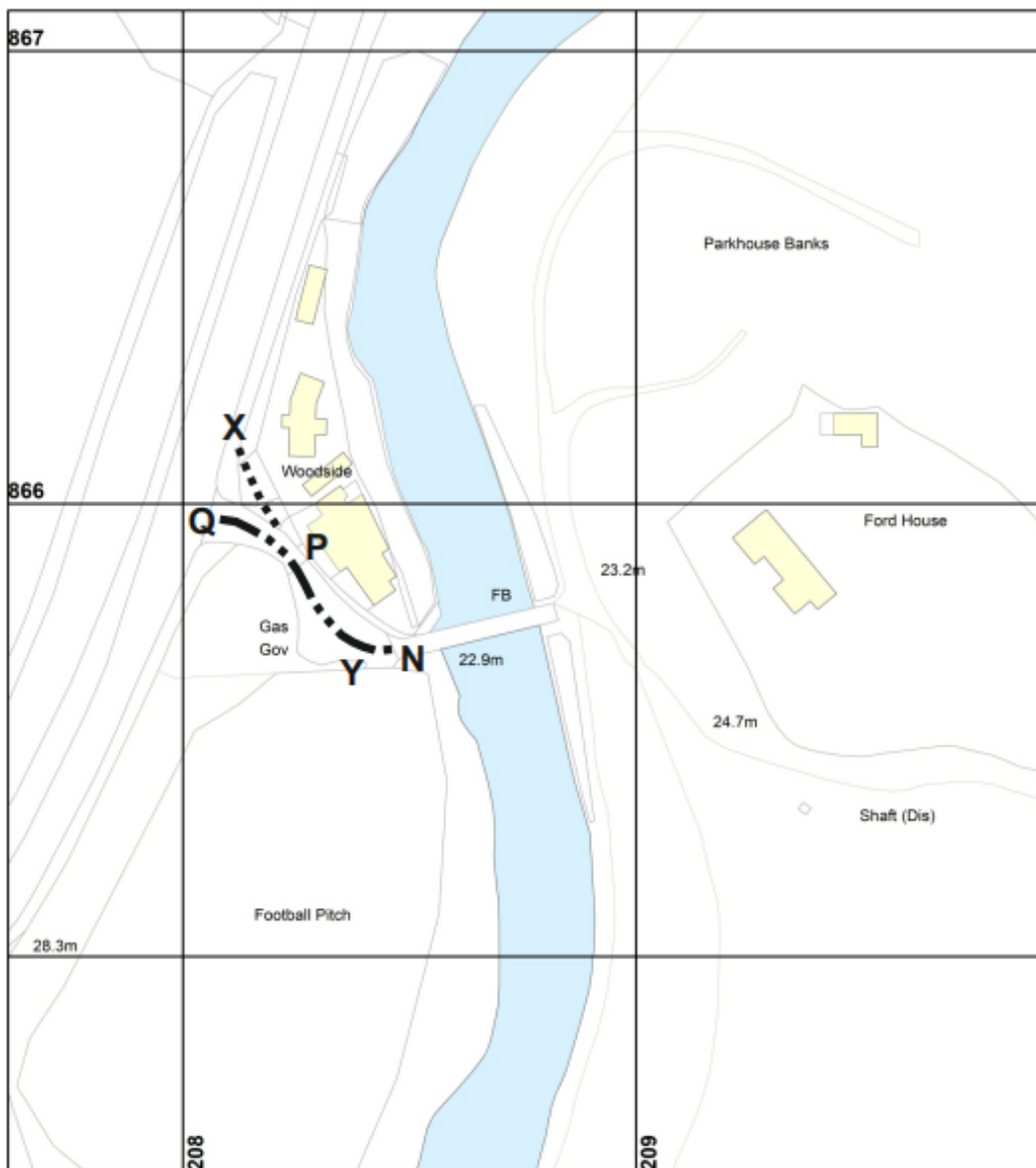
case basis, based on all the evidence available. The U6112 could have been added just because it was a publicly maintainable bridleway or (perhaps, more likely) a publicly maintainable footpath. Northumberland County Council's Freedom of Information (FOI) answers in 2018 suggest that the U6112 road was believed to have been added (i) as a result of the 1970 A197 road realignment and (ii) because it was a highway constructed by a highway authority. The original extent matches that shown on the A197 highway realignment plan. There are no other obvious reasons for it being added. The route doesn't appear to have been through any formal adoption process, and there hasn't been some discovery of historical documentary evidence relating just to this specific section.


8.40 If, as seems likely, this part of the U6112 was added because of the 1970 road realignment, on the basis that it was a highway constructed by the highway authority then, on the face of it, this seems to have been a mistake. The road may have been physically constructed by Northumberland County Council, and Northumberland County Council was a highway authority, but that isn't sufficient. It ignores the important aspect that the road being constructed by the highway authority must be a highway. Unless there had been a formal dedication by the landowner (in this case, Morpeth Borough Council) or Northumberland County Council was the landowner, and there was a clear paper trail demonstrating an intention to create a public highway, mere physical construction of a road doesn't make it a highway. Northumberland County Council wasn't the landowner at the time, and therefore had no capacity to dedicate. There's no evidence that Morpeth Borough Council dedicated this route as a highway. The reality seems to be that Northumberland County Council constructed a new occupation road, as a replacement for the short section that its A197 improvement works rendered inconvenient. That doesn't confer highway rights on the new route; certainly not vehicular ones, anyway. It is, just about possible that, in agreeing to the occupation road junction being realigned, Morpeth Borough Council (which had done so much to protect public pedestrian access over the original route in the past) explicitly or impliedly dedicated public footpath rights over the alternative route and that Northumberland County Council, in constructing the 'new' footpath route, did accept maintenance responsibility for that route. Morpeth Borough Council was also a highway authority, so all three elements of section 36(2)(a) of the Highways Act 1980 would be satisfied. Although this may theoretically be the case, I don't believe this was the basis for it being added to the List of Streets. In my experience, U roads like this were only added to the List of Streets in circumstances where vehicular rights were believed to exist. If this was considered to be just a public footpath, it is far more likely that it would have been identified for inclusion on the Definitive Map of Public Rights of Way, as an extra part of existing Public Footpath No 5, instead.

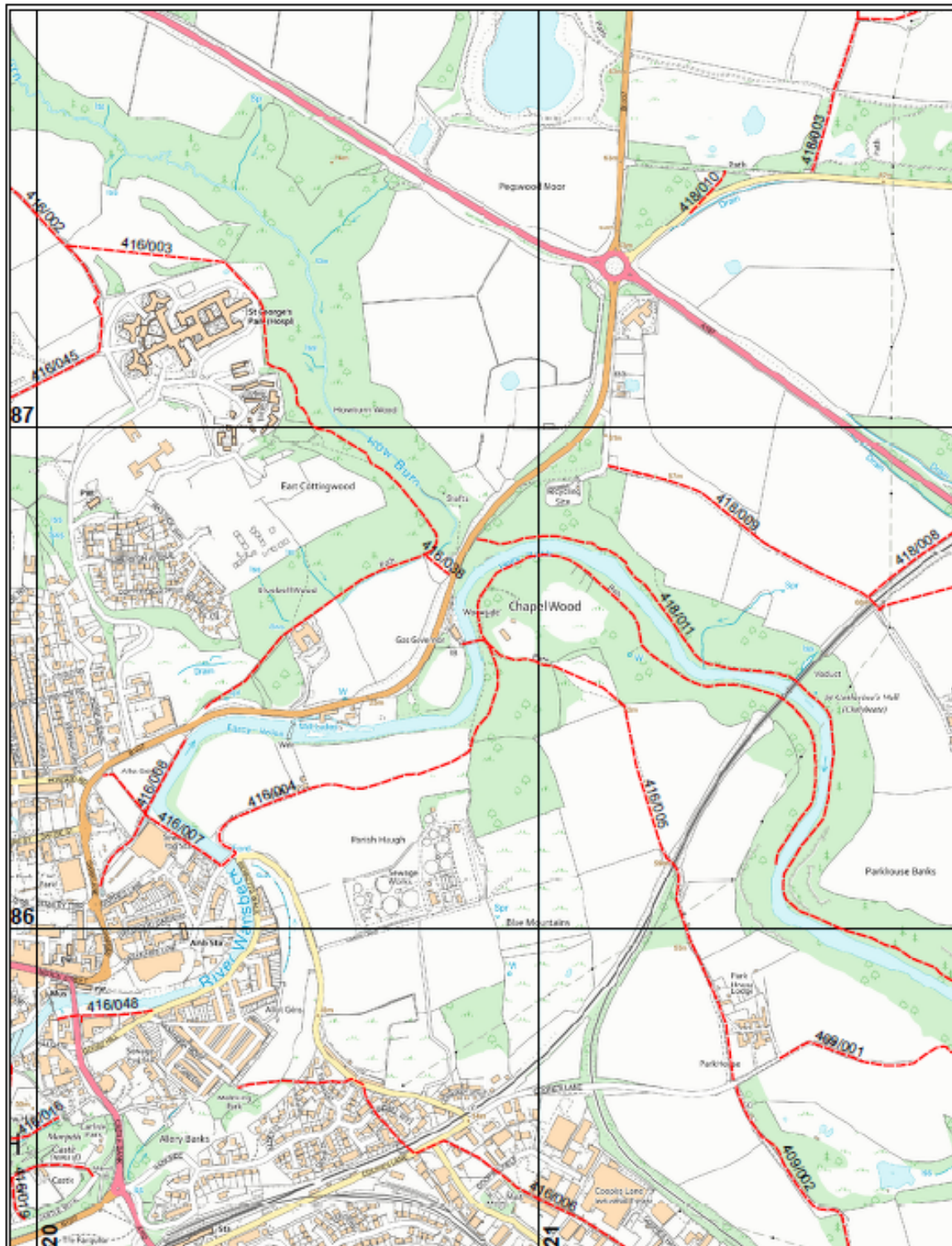
8.41 The original Definitive Map identified Public Footpath No 5 as extending slightly further west than the current Point N. The land on the west side of the bridge has been remodelled, over the years, but allowing for these changes, it appears that Public Footpath No 5 was depicted extending to the former bend in the track, around Point Y. The extra distance N-Y is only about 10 metres long. The historical OS maps (1897 – 1969) show the road following the route N-Y-P-X. The original Definitive Map was intended, to accompany the original

Definitive Map, identified the footpath as starting on the Morpeth – Ashington road, and the schedule prepared by Morpeth Borough Council, under the Rights of Way Act 1932 identified the public footpath as starting on the “Main road at Job’s Well Close”. It is clear that the public footpath wasn’t some unusual cul-de-sac, terminating at an abstract point in Jobs Well Close. It connected with the main road and, on a balance of probabilities, it followed the route of the pre 1970 occupation road. This would make the true alignment of the public footpath N-Y-P-X.

- 8.42 Advice from the Planning Inspectorate in their ‘consistency guidelines’ states that it is important to have the correct width, where known, recorded in the definitive statement. Where no width can be determined by documentary means (such as an Inclosure Award, Highway Order or dedication document), there is usually a boundary to boundary presumption for public highways. The OS map evidence suggests that the occupation road / public footpath N-Y-P-Q was enclosed sometime between 1897 and 1922, with a width of between 5 and 10 metres. On that basis, it is proposed that this section of public footpath be identified with a width of 5 to 10 to reflect this. The Q-P section of road (with a not always visible footway along its northern edge) has a width of 9.5 to 8.2 metres, and it is proposed that this section of public footpath be recorded with this width.
- 8.43 So, in summary, it would appear that:
- (i) this part of the U6112 was added to the List of Streets in error. No public vehicular rights (or public bridleway rights) have been reasonably alleged to exist over the Q-P route;
 - (ii) public footpath rights have been reasonably alleged to exist over the historical N-Y-P-X route;
 - (iii) public footpath rights have been reasonably alleged to exist over the Q-P route, on the basis that the X-P route was not readily available, the landowner (1970 – 1974) was very keen to preserve public access, and path users from (or returning to) Morpeth must have used this route to get between the former A197 road and the existing public footpath at Point P.
- 8.44 Not all public highways are publicly maintainable. In broad terms, public footpaths and bridleways which existed prior to the National Parks and Access to the Countryside Act 1949 are automatically publicly maintainable. Section 23 of the Highways Act 1835 provided that no roads coming into existence after that Act would be publicly maintainable unless prescribed procedures (for adoption) were followed. The List of Streets is the Council’s record of which public highways are considered to be publicly maintainable. Existing Public Footpath No 5 (east of Point N) is already recorded on the List of Streets (and should remain there). The proposed N-Y-P-X extension of this path is also, clearly, pre-1949 and therefore also publicly maintainable. The Q-P section of the occupation road may also be a public footpath, but it came into being after 1959, without any prescribed adoption procedures being followed and, apparently, without any of the alternative mechanisms found in s36(2)(a) of the Highways Act 1980 being triggered. On that basis, the Q-P section should not be recognised as publicly maintainable on the Council’s List of Streets.



| | | | |
|--|--|------------------------------|-----------------------------|
|  Northumberland County Council Infrastructure Local Services County Hall Morpeth Northumberland NE61 2EF Telephone 0845 600 6400 | Wildlife and Countryside Act 1981 Public Rights of Way — — — — — Route of disputed/undefined status Alleged public footpath | | |
| | Former District(s) Castle Morpeth | Parish(es) Morpeth | Scale 1/1250 |
| <small> Reproduced from / based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of H.M.S.O. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Northumberland County Council O.S. Licence No 100049548 </small> | Def. Map No. 142 | O.S. Map NZ 28 NW | Date January 2024 |



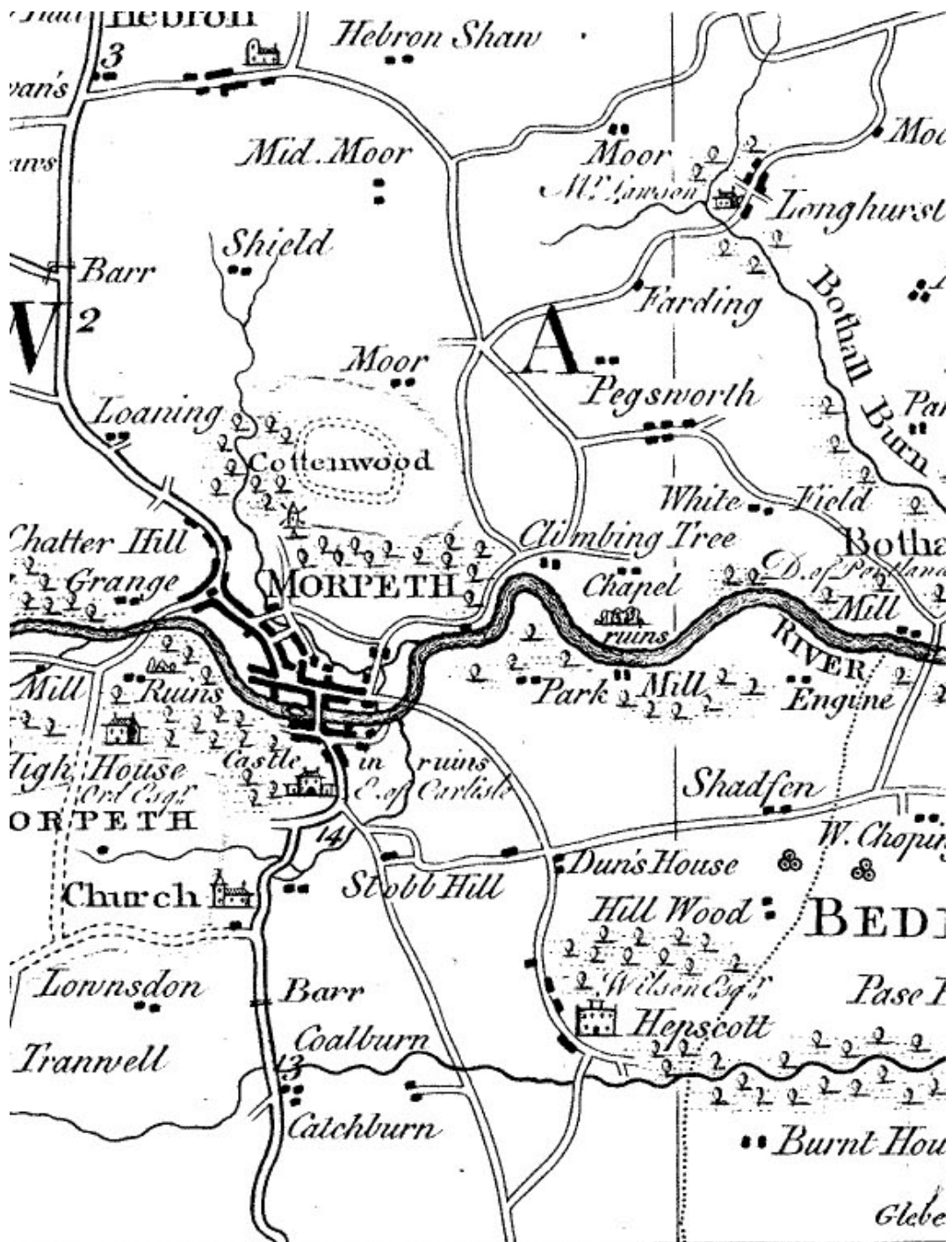

Northumberland
 County Council
 County Hall, Morpeth, NE61 2EF
 Contact: Highway Search Team
 Email: Highwaysearch@northumberland.gov.uk

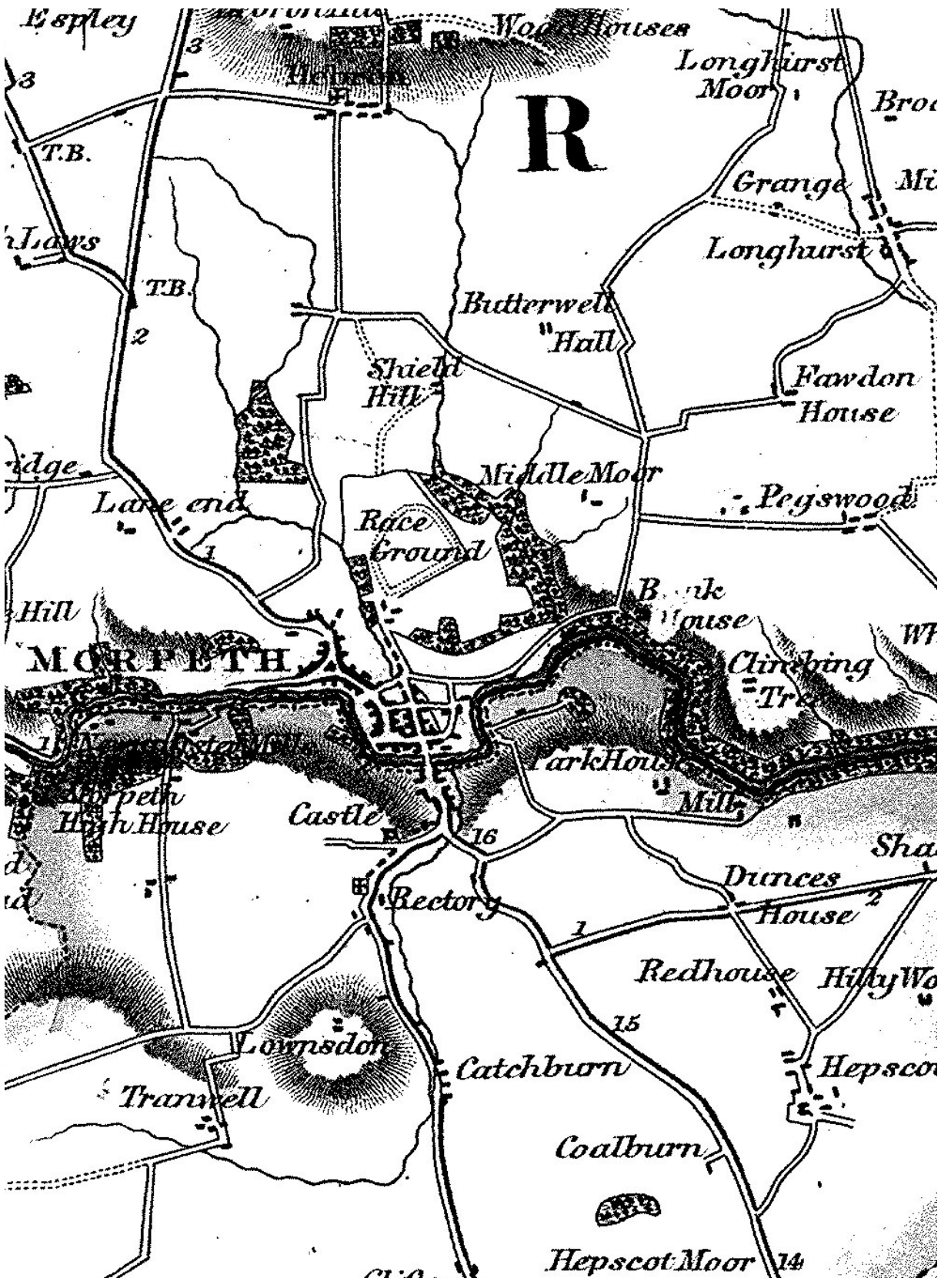
Legend
 - - - Footpath
 - - - Bridleway
 - - - Restricted Byway
 — Byway Open to All Traffic

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

Scale: 1:10,000

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day of February one
thousand eight hundred and twenty three

Between
The Mayor, Aldermen and Burgesses of the Borough
of Newcastle in the County of Northumberland hereinafter
called "the Landlords" of the one part and John Caisley
of the Borough of Newcastle Coal Merchant hereinafter
called "the Tenant" of the other part **Whereas**
the Tenant has erected a Bridge over the River Newcastle
at Newcastle aforesaid at a place near to and adjoining a
piece of Land called "John West Close" belonging to the
Landlords **And whereas** the Tenant hath applied
to the Landlords for liberty to make a road or cartway
leading from the said Bridge over a portion of the said
piece of Land hereinafter described to the Tyne Highway
leading from Newcastle to Northall which they have agreed
to do at the said hereinafter mentioned and upon condition
that the Tenant allow all foot passengers to cross and recross
the said Bridge and also the said road or cartway at all
times free of expense **Now the said Landlords**
witnesseth that in consideration of the rent hereinafter
reserved and of the covenant and agreement by the Tenant
hereinafter contained the Landlords do give unto the Tenant
his executors administrators and assigns **ALL** that piece or
parcel of Land (part of John West Close) situate then on the
place hereunto annexed (except the several Reservations for the
term of fifteen years from the twelfth day of December one
thousand eight hundred and twenty two **yielding and**
paying therefore during the said term the quarterly
rent of one pound by equal half yearly payments on the twelfth

day of May and the twelfth day of December
in each year the first payment to be made
on the twelfth day of May next **And** the Tenant shall
bind for himself his heirs executors and administrators
covenant with the said Landlords to pay rent and to
pay taxes that will not use or suffer the said piece of
ground or any part thereof to be used for any purpose
other than a road or cartway according to the true intent
and meaning of these presents without the previous license
in writing of the Landlords that will not without the like
license assign or sublet the said piece of ground or any part
thereof but will allow all persons to cross and recross the
said Bridge and Road or Cartway at all times or
at any time without any payment whatsoever and will fence
the said road or Cartway on both sides thereof
with a sufficient fence to the satisfaction of the
Landlords and keep such fence in repair and will
not and restore the said piece of ground hereby
agreed to be let to its present state at his own
expense on the termination of his tenancy or if required
by the said Terms and will at the expiration or
sooner determination of the said term deliver up to
the Landlords the said piece of ground and premises
in such state and condition as shall be consistent
with the due performance of the Tenant's covenants
Provided always that if the said rent shall not
be duly paid or if there shall be a breach of any
of the covenants by the Tenant the Landlords may
re-enter the said premises and the said term of
fifteen years shall absolutely determine and it
is hereby mutually agreed by and between

as differences shall arise touching these presents
the same shall be referred to the arbitration of
two Arbitrators or their Worships in the usual way
In witness whereof the said Mayor Aldermen
and Burgesses have caused their Common Seal
to be hereunto put and affixed and the said John
Caisley has hereunto set his hand the day and
year first herebefore written

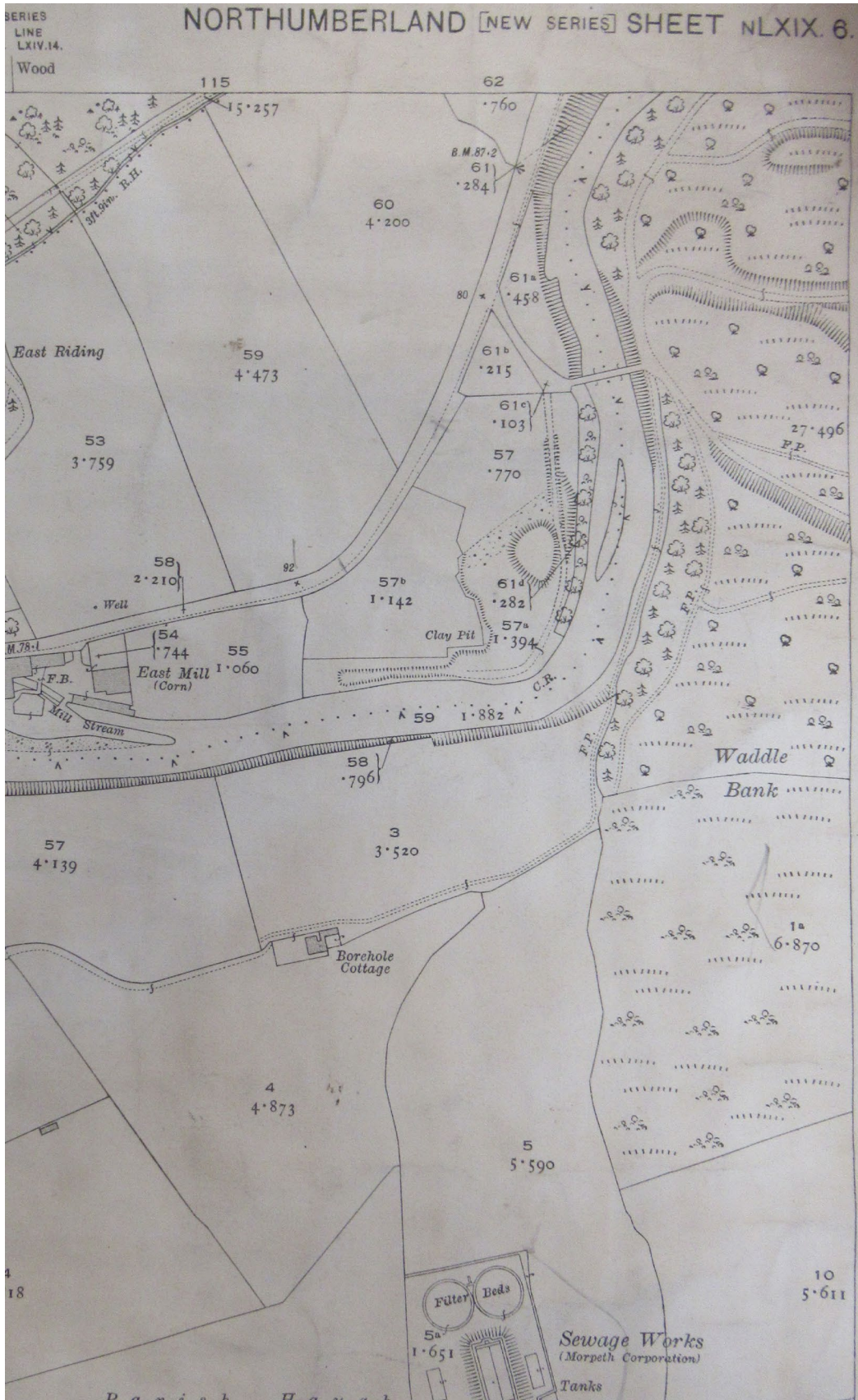
John Caisley

Signed sealed and
delivered by the said
John Caisley in the
presence of

R. H. Prichard
Clerk to W. B. Hodgson







Borough of Morpeth.

TELEPHONE N° 6



E. C. JACKSON.
Solicitor
TOWN CLERK

TOWN CLERK'S OFFICE.

Morpeth.

10th January 1934.

Dear Sir,

RIGHTS OF WAY ACT, 1932.
- - - - -

I submitted your letter of the 15th November last to the Town Council at its meeting yesterday, when it was resolved that the Council undertake the preparation of maps and Schedules setting out the reputed rights of way in the Borough. The Borough Surveyor who will prepare the maps and Schedules will also confer with the Surveyor of the Morpeth Rural District Council to ensure that rights of way leading from the Borough into the Rural area will be duly noted by both Authorities.

Yours faithfully,

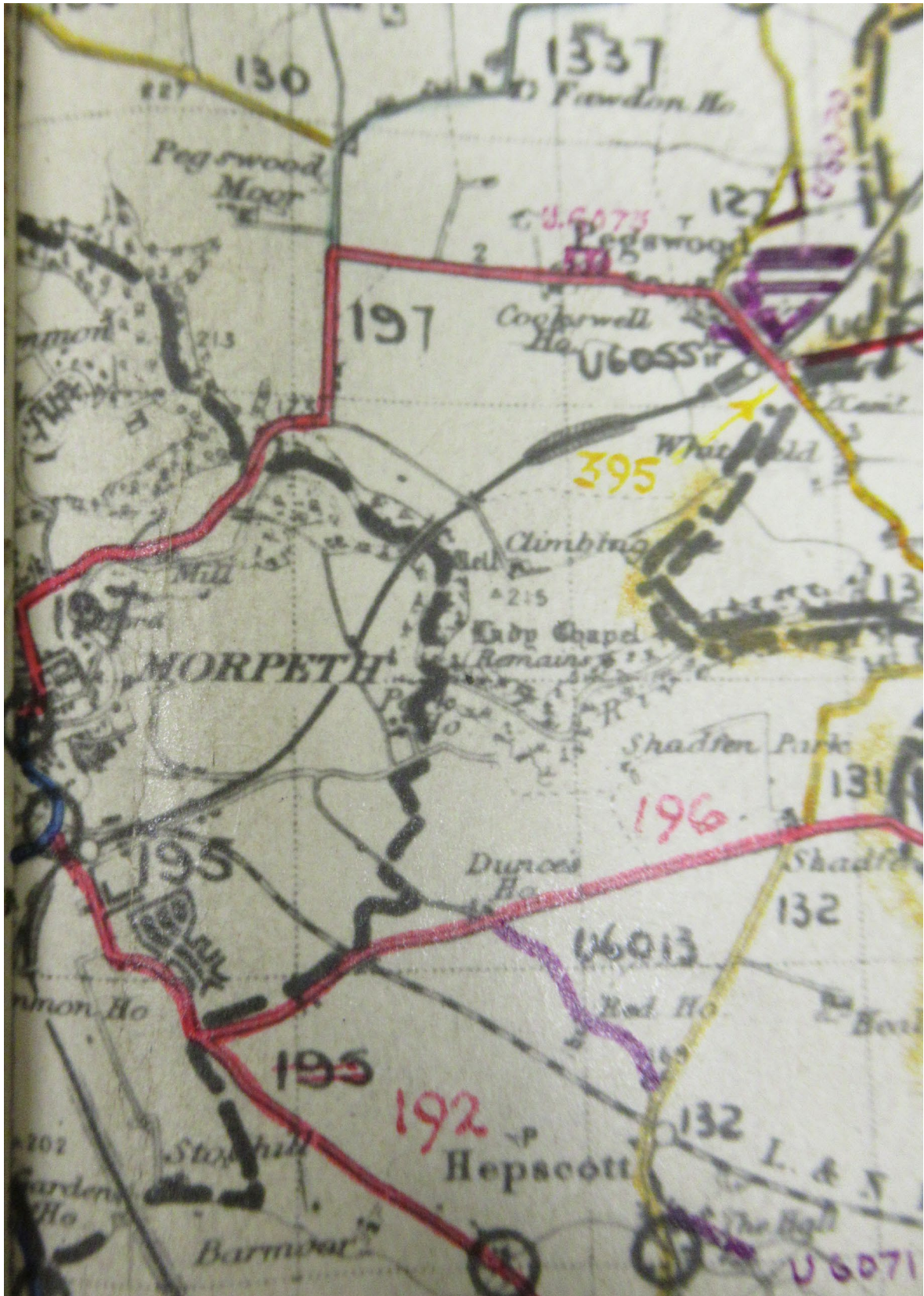
Town Clerk.

Borough of Maresfield
Rights of Way Act 1932

No. on Plan

- Public paths and Rights of Way
- 1 Starts from Cottingwood Lane, proceeds across Cottingwood Common to stile where it turns northward and continues in an almost straight line to Helton Lane.
 - 2 Starts from the same point as No 1 and follows the racecourse on the common, back to the starting point.
 - 3 Starts from stone steps known as Round Hags on main road to Newbiggin proceeding eastward through Blue Bell wood then northward through Houdum wood then westward through the grounds of the County Mental Hospital where it joins the road northward to Cottingwood Common where it joins No 2 path, a branch path through a small field to the main road at Quarry Bank. The field is known as Hardy's Holes.
 - 4 Path No 4 starts at an entrance wicket on Quarry Bank on the main road to Newbiggin and proceeds alongside the river Mansuck to Bother on the north side of the river.
 - 5 Starts from the railway end at the Wall Close crossing the river by Woodbridge then proceeding alongside the river to the new borough boundary on the south side of the river.
 - 6 Starting from the wood bridge in No 5, the path proceeds in southerly direction, crossing the LNER bridge terminating at Park House farm.

- LXXX.
Number.
- No 7 From Gas House Lane across the footbridge at ford to Barchole Lane to the wood bridge where it joins No. 5 & 6.
- No 8 Proceeds by the riverside from the Mayer's Bridge steps to the footbridge at Low Stammers where it joins No 7 path.
- No 9 Starts from the end of Alexandra Road, up Allery Banks to the road in front of Salisbury Street to the footbridge over the railway then proceeding along Corpice Lane to the east for about 100 yards to a wicket, thence through the meadows to Dunci's House.
- No 10 Starts from Hillgate St. by the riverside and through Castle Wood to High Stammers.
- No 11. Commences at the same point as No 10 and proceeds southwards to a wicket in the fence between the Postern and Carlisle Park, then by the side of the postern to the west end where it joins No 12 path on the south side, of the postern.
- No 12 Starts from the highway known as Spiked Lane proceeding by the Castle entrance along the south side of the postern in a westerly direction until it joins the Church path No 13.
- No 13 This is known as the Church Walk and starts to Castle Wood at High Stammers





NORTHUMBERLAND COUNTY COUNCIL.

Book No. 194
Page No. 4

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.
SCHEDULE ACCOMPANYING SURVEY MAPS.

Parish of _____ in the Rural District of _____

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

1. Number of highway on Map 4
2. Kind of Path (i.e. F.P., B.R.) FP.
3. Starts at ASHINGTON RD A197 to PARKHOUSE BANKS.
4. Name of Path (if any) _____
5. Is the Path well defined? NO.
6. Is the Path metalled? If so, define length YES. FIRST 100 YDS.
7. If its width can be stated, insert here VARIES FROM 3 FT TO 2 FT.
8. What is the present condition of the path, stiles, etc.? PATH HAS A TENDENCY TO BE COVERED OVER WITH FALLEN ROCK. FOOTBRIDGE IS IN LIQUATE CONDITION
9. Is it subject to being ploughed out? NO.
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known
1944. AT BOTH SIDES OF FOOTBRIDGE, PRIVATE J.R. TEMPLE & SON
AT 100 FT FROM FOOTBRIDGE "NO CAMPING ALLOWED" AND AT 200 FT.
"ANY PERSON FOUND DAMAGING TREES ETC., WILL BE PROSECUTED."
11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant
PRESCRIPTIVE RIGHT.
12. Have persons been prevented using the highway? NO.
13. Give particulars of any obstructions _____
14. Names of owners of freehold and previous owners, if known, for past 50 years
J. R. TEMPLE & SON
15. What maps have been consulted, and where are they deposited?
MAP PREPARED FOR RIGHTS OF WAY SURVEY 1932.
IN TOWN CLERK'S OFFICE
29 BRIDGE ST.
16. What records have been consulted, and where are they deposited? _____
17. Any other relevant information OLD FOOTBRIDGE WAS WASHED AWAY AND PRESENT ONE WAS ERRECTED BY J.R. TEMPLE THE NOTICE BOARDS ARE TO SAFEGUARD HIMSELF AGAINST ACCIDENTS.

| Surveyed by | Address | Date of Survey |
|------------------|---|------------------|
| FRANK K. PARKINS | BOROUGH SURVEYORS OFFICE, 36. BRIDGE ST., MORPETH. | 18th APRIL 1952. |

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

55.169 NW 1
and 55.169 NE 2







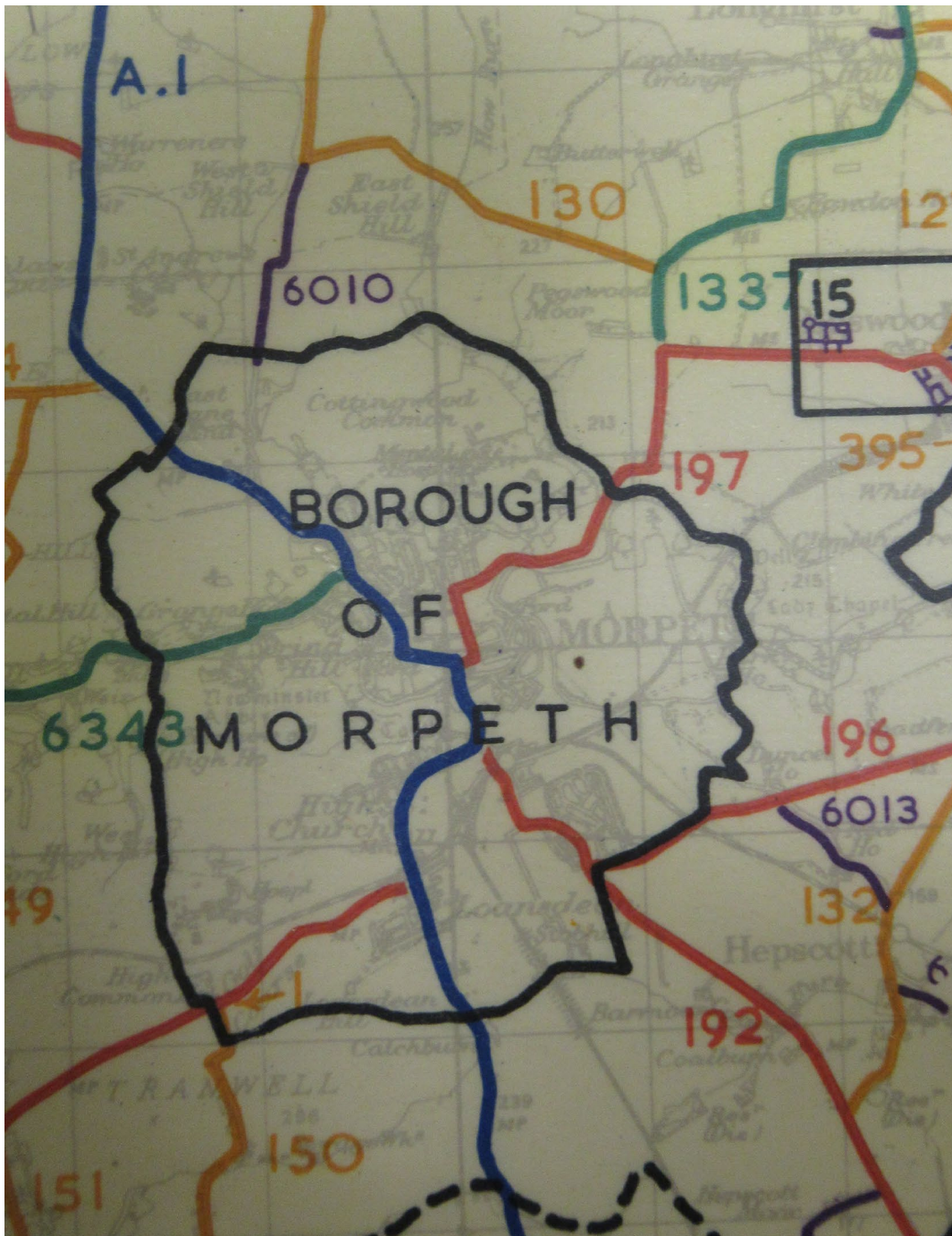
NORTHUMBERLAND COUNTY COUNCIL.

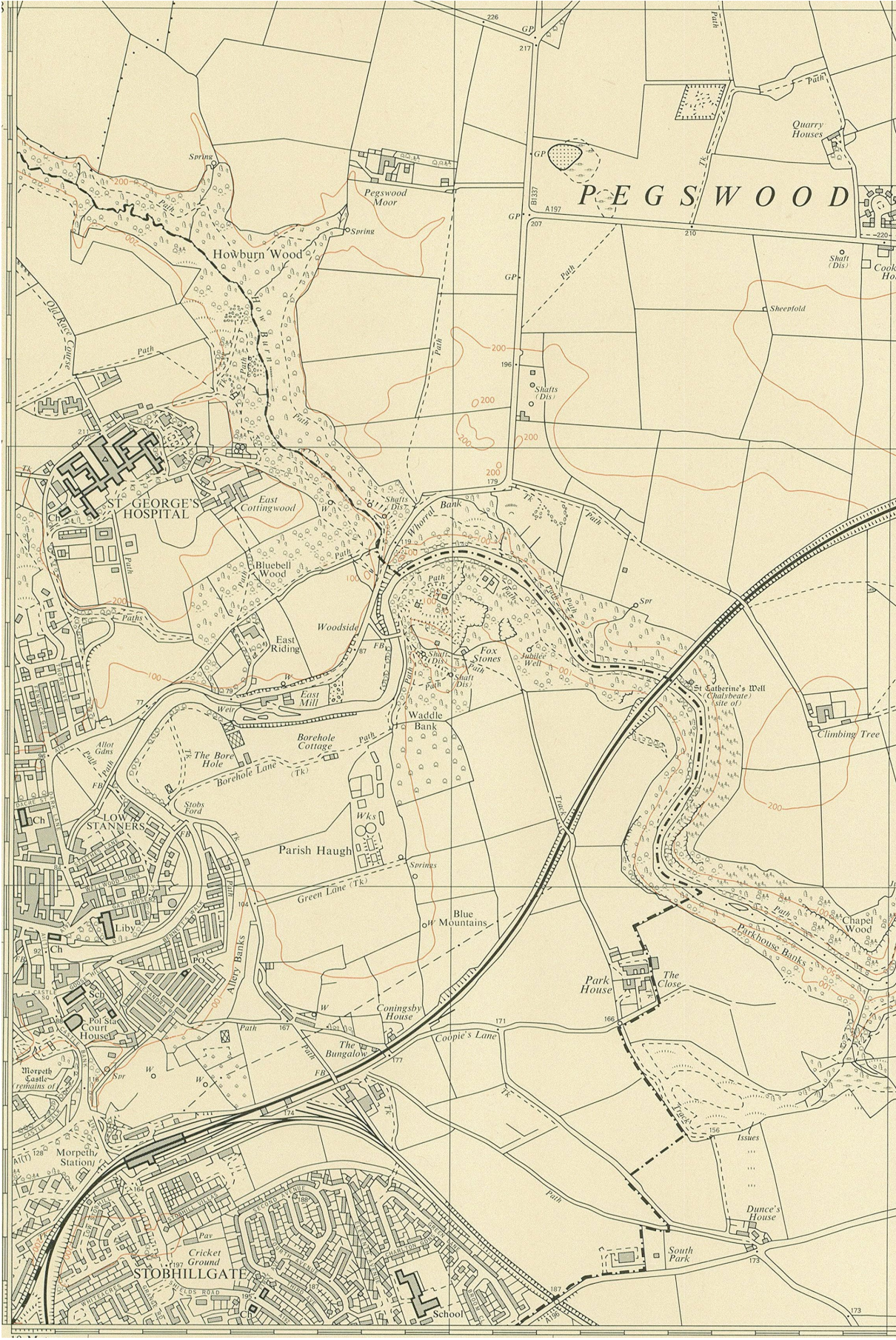
NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.
PART IV.

PUBLIC RIGHTS OF WAY - STATEMENT.

- 1. Borough MORPETH.
- ~~Urban District~~
- ~~Rural District~~
- 2. Parish
- 3. Number of Footpath on Map 4
- 4. Name of Path
- 5. Kind of Path (i.e. FP/BR) F.P., (width varies from 10'0" to 2'0"),.....
Part ashed and metalled for 100 yards.
- 6. General Description of Path From the west bank of the River Wansbeck.....
crossing the river by the footbridge, in an easterly direction along Borehole
Lane, the north side of Borehole Cottage and Waddle Bank to follow the south
bank of the River Wansbeck under the L.N.E. Railway viaduct to Parkhouse Banks,
.....
.....
- 7. Other relevant information Scheduled as a Public Right of Way by Morpeth
Borough Council.
-
-
-





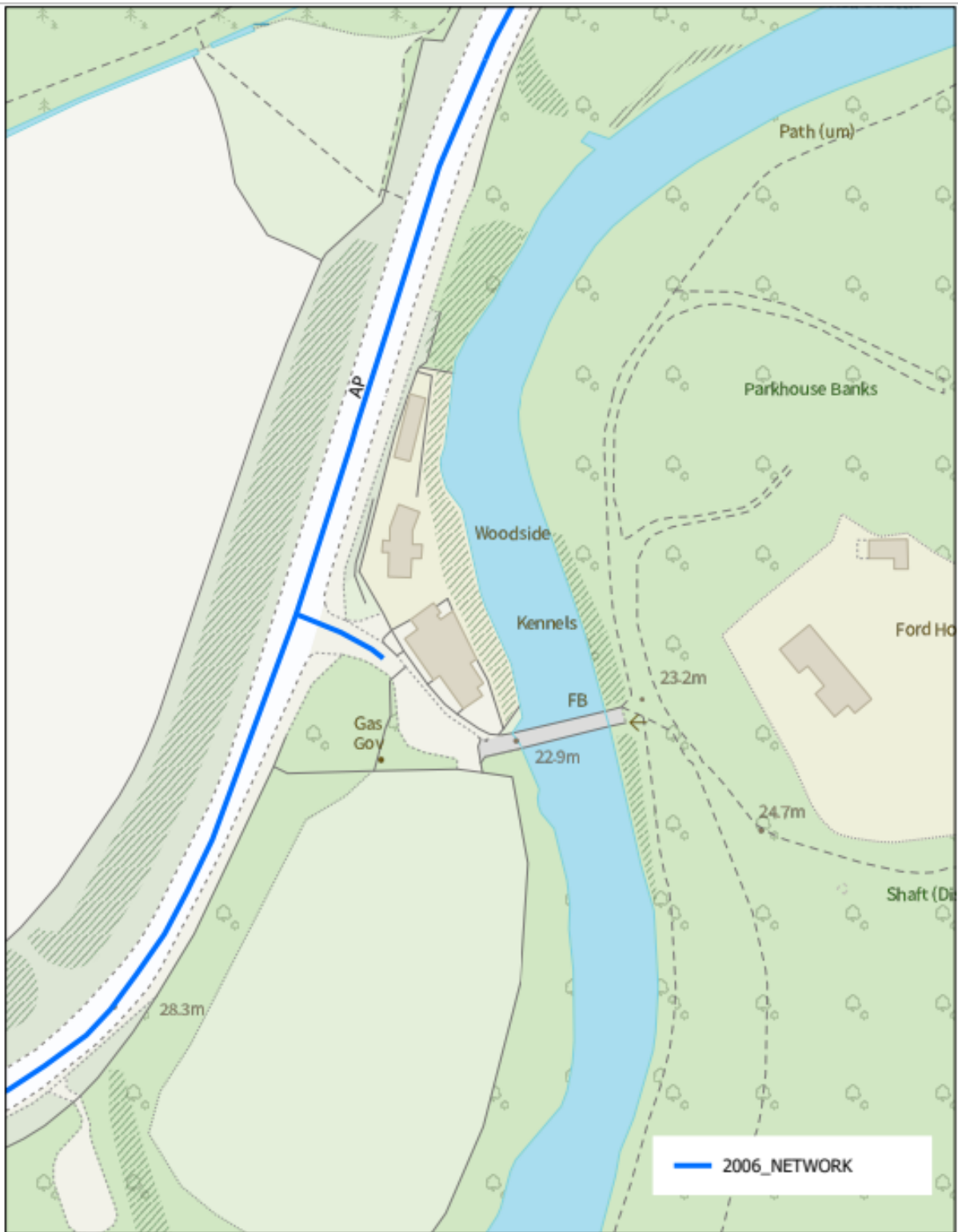


Highways Act 1980 Section 36(6)
County Of Northumberland
List of Streets which are highways maintainable at the public expense
As at 02-May-2006

| <i>Road Number</i> | <i>Description</i> | <i>Length - Metres</i> |
|--------------------|-------------------------------------|------------------------|
| U6111 | | |
| | BRUMELL DRIVE | 37 |
| | BRUMELL DRIVE | 51 |
| | DE MOWBRAY WAY | 156 |
| | WANSDYKE CUL-DE-SAC | 76 |
| | GHYLL EDGE | 68 |
| | GHYLL EDGE | 98 |
| | <i>Total length for U6111</i> | <i>9,422</i> |
| U6112 | | |
| | A197 WHORRAL BANK TO WOODSIDE | 25 |
| | GAS HOUSE LANE / STAITHES LANE | 482 |
| | WELLWOOD GARDENS | 171 |
| | WELLWOOD GARDENS REAR | 156 |
| | GAS HOUSE LANE | 147 |
| | <i>Total length for U6112</i> | <i>980</i> |
| U6113 | | |
| | A197 WEST TO A197 EAST LAY-BY | 162 |
| | <i>Total length for U6113</i> | <i>162</i> |
| U6114 | | |
| | FERNWAY OFFSHOOT - ALLERY BANKS M | 31 |
| | ALDER CLOSE FOOTPATH - ALLERY BANK | 108 |
| | BANKSIDE/ALDER CLOSE FOOTPATH - ALL | 85 |
| | FERNWAY OFFSHOOT HAMMERHEAD - AL | 20 |
| | ORCHARD CLOSE TO ORAM CLOSE FOOT | 22 |
| | WINDMILL WAY FOOTWAY - BENNETS WA | 81 |
| | WINDMILL WAY CUL-DE-SAC - ALLERY BA | 25 |
| | FERNWAY - ALLERY BANKS MORPETH | 58 |
| | ORAM CLOSE - ALLERY BANKS | 81 |

02-May-2006

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Network Management Information System

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| | | |
|--|---------------------|------------------|
| Highways Act 1980 Section 36(6) County of Northumberland List of Streets which are highways maintainable at the public expense as at 02-May-2006 | | |
| Drn: AB | Date: 24/01/2024 | Scale: 1/1250 |

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Northumberland County Council

RIGHTS OF WAY COMMITTEE
28 February 2023

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

ALLEGED BYWAY OPEN TO ALL TRAFFIC No 29 PARISH OF BRINKBURN

Report of the Director of Environment & Transport
Cabinet Member: Councillor John Riddle, Roads & Highways

Purpose of report

In this report, the Rights of Way Committee is asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over the U4041 road, between the B6344 road, and the C188 road, via Cockshot.

Recommendation

It is recommended that the committee agrees that:

- (i) there is sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the route;**
- (ii) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the route;**
- (iii) the route be included in a future Definitive Map Modification Order as a byway open to all traffic.**

1.0 BACKGROUND

- 1.1 By virtue of section 53 of the Wildlife and Countryside Act, 1981 the County Council is required to keep the Definitive Map and Statement under continuous review and make modification orders upon the discovery of evidence, which shows that the map and statement need to be modified.
- 1.2 The relevant statutory provision which applies to adding a public right of way to the Definitive Map and Statement, based on historical documentary evidence, is Section 53(3)(c)(i) of the Wildlife and Countryside Act, 1981. This requires the County Council (as Surveying Authority) to modify the Definitive Map and Statement following:

“the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows:

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

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

2.0 PUBLIC EVIDENCE

- 2.1 In the late 1980s the County Council carried out consultations regarding proposals to add a number of unsealed tracks in the north of the County to the Definitive Map as byways open to all traffic on the basis that the routes were included in the County Council's "List of Streets" as unclassified County roads (UCR). The rationale for doing so was that it would not be obvious to members of the public (particularly horse riders, walkers and cyclists) that they were legally entitled to use routes such as these (which were considered to have vehicular status), because their physical appearance might suggest otherwise.
- 2.2 The view, held by those officers of the Council responsible for maintaining the 'List of Streets' for the County of Northumberland was (and still is) that only public roads (not public bridleways or public footpaths) were shown on this List. The only exceptions to this are the surfaced paths and alleyways providing pedestrian links between roads, in urban streets. Thus, tracks in rural settings, which have their own unique reference numbers (e.g. the "U4041" road), were considered to be all-purpose public highways maintainable at public expense.
- 2.3 Shortly afterwards, the processing of applications from third parties seeking to record public footpath or public bridleway rights was afforded a higher priority. Later on, the process of recording UCRs as byways open to all traffic was effectively suspended because the Ordnance Survey indicated that they would be showing such routes on their published maps as being an "Other route with public access". Although, on that basis, members of the public would still be unclear as to precisely what rights they had over routes identified in this fashion.
- 2.4 The most recent advice from DEFRA (paragraph 4.42, Rights of Way Circular 1/09) is that inclusion on the List of Streets may provide evidence of vehicular rights but that this should be examined on a case by case basis. In view of this advice, it is considered prudent to evaluate the status of the U4041 unclassified County road based upon more than simply its inclusion in the List of Streets.

3. LANDOWNER EVIDENCE

- 3.1 There is no landowner evidence at this stage.

4. CONSULTATION

4.1 In February 2018, the Council carried out a consultation with the Parish Council, known owners and occupiers of the land, the local County Councillor and the local representatives of the “prescribed and local organisations” listed in the Council’s “Code of Practice on Consultation for Public Path Orders”. Two replies were received and are included below.

4.2 By email, on 26th February 2018, Ms H Evans responded to the consultation, on behalf of Cycling UK, stating:

“Ted has now looked at these and come back to me with the attached and also the comment that "Most are standard changes to confirm existing BOATs but a few are really good gains to the access network. No comment means we support and no comments are necessary".

Cycling UK did not make any comments in relation to this particular proposal.

4.3 By email, on 12th April 2018, the British Horse Society responded to the consultation, stating:

“Alleged Byway Open to All Traffic 29 (Cockshot)

This route leaves the B6344 not far from where the alleged BOAT 28 meets it on the south side, so it can be considered to be a continuation from a horse rider’s point of view. The surface is poor quality tarmac which provides the access road to Cockshot. At this point it turns east and continues across fields following the fence lines to meet the road west of Longframlington. There is a finger post at Cockshot indicating this turn as straight on it only a public footpath. This provides a good linking route for horse riders between the network south of the river and the area around Longframlington. For this reason, the BHS supports its addition to the definitive map.”

5. DOCUMENTARY EVIDENCE

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

1769 Armstrong’s County Map

There is no evidence of a road or track approximating to the route of alleged Byway No 29.

1820 Fryer’s County Map

There is clear evidence of an “Other road” approximating to the northern half of the route of alleged Byway No 29 but no evidence of a road or track approximating to the remainder of the route.

1827 Cary's Map

There is clear evidence of a "Parochial Road" approximating to the northern half of the route of alleged Byway No 29, but no evidence of a road/track over the southern part.

1828 Greenwood's County Map

There is clear evidence of a "Cross road" over the route of alleged Byway No 29.

1866 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an unenclosed road / track over the route of alleged Byway No 29. The northern most 60 metres appears to be part of what is now the C188 road.

1897 Ordnance Survey Map: Scale 1:2500

There is clear evidence of an unenclosed road / track over the route of alleged Byway No 29. The northern most 60 metres appears to be part of what is now the C188 road.

1899 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an unenclosed road / track over the route of alleged Byway No 29. The northern most 60 metres appears to be part of what is now the C188 road.

Finance Act 1910 plan

There is clear evidence of a road / track over the route of alleged Byway No 29 on the Ordnance Survey base map. The route is not shown as being separated from the surrounding land by coloured boundaries (where it is, this is generally a good indicator of public highway status) but this is not unexpected because only a short section in the immediate vicinity of Cockshot is enclosed.

1925 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a mostly unenclosed road / track over the route of alleged Byway No 29.

1951 Highways Map

The route of alleged Byway Open to All Traffic No 29 is coloured so as to identify it as a publicly maintainable road. It is labelled as "U4041". There is a small alignment issues across the join of the two maps. On the bottom map, the road is shown as heading north from Cockshot but this is the route of existing Public Footpath No. 2. The road ought to be shown heading east for one field, before turning north. The incorrect route shown would be 0.81 miles long (0.11 miles shorter than the length identified in the County Road Schedules).

c.1952 Definitive Map – original Survey Schedules & Map

The route of alleged Byway Open to All Traffic No 29 exists on the base map and is coloured brown. Known public roads were generally coloured brown to indicate what the extent of the road network was considered to be. In the schedule for existing Longframlington Public Footpath No 19 (at that time identified as Longframlington Public Footpath No 8) the right of way was identified as ending at Cockshot and Brinkburn (presumably the township boundary), without the road being specifically mentioned.

Draft Map

The route of alleged Byway Open to All Traffic No 29 exists on the base map. It is not identified for inclusion on the Definitive Map as either a public footpath, public bridleway or Road Used as a Public Path (RUPP). Two public footpaths are shown beginning or terminating on the route of the alleged byway.

Provisional Map

The route of alleged Byway Open to All Traffic No 29 exists on the base map. It is not identified for inclusion on the Definitive Map as either a public footpath, public bridleway or Road Used as a Public Path (RUPP). Two public footpaths are shown beginning or terminating on the route of the alleged byway.

1957 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a mainly unenclosed road / track over the route of alleged Byway Open to All Traffic No 29.

1958 County Road Schedule

The entry for the U4041 road, in the 1958 County Road Schedule, states:

“U4041 Brinkburn High House – Hare Crossroad
From B6344 near Brinkburn High House via Cockshot to C188
west of the entrance to the Hare Cross.”

The length of the U4041 road is identified as 0.92 miles.

1962 Original Definitive Map

The route of alleged Byway Open to All Traffic No 29 exists on the base map, but is not identified as a public footpath, public bridleway or Road Used as a Public Path (RUPP).

The original Definitive Statements for the public rights of way intersecting with the alleged byway open to all traffic state:

Public Footpath No 2 (Brinkburn)

“From the public road at Cockshot in a north-westerly and westerly direction by Johnson’s Stile crossing the Healey Cote-Longframlington Road, Healey Cote Burn, Hope - New House

Road and Bridleway No 4, to the Cartington Parish Boundary joining Public Footpath No 19 in that parish.”

Public Footpath No 20 (Brinkburn)

“From the Rothbury - Weldon Bridge road (B6314) in a north-easterly and easterly direction through Cockshott Wood and crossing the Cockshott Burn to join the public road at Cockshott south of Cockshott.”

1964 Highways Map

The route of the southern part of alleged Byway Open to All Traffic No 29 is coloured so as to identify it as a publicly maintainable road. It is labelled as “U4041”. The road crosses 2 map sheets. The alignment of the road on the northern map sheet appears to be wrong, with the U4041 road apparently following the route of existing Public Footpath No 2, joining the C188 Road some 360 metres west of where the 1951 Highways Map depicted it. The incorrect route shown would be 1.06 miles long (0.14 miles longer than the length identified in the County Road Schedule).

1964 County Road Schedule

The entry for the U4041 road, in the 1964 County Road Schedule, states:

“U4041 Brinkburn High House – Hare Crossroad
From B6344 near Brinkburn High House via Cockshot to C188 west of the entrance to the Hare Cross.”

The length of the U4041 road is identified as 0.92 miles.

1974 County Road Schedule

The entry for the U4041 road, in the 1974 County Road Schedule states:

“U4041 Brinkburn High House – Hare Crossroad
From B6344 near Brinkburn High House (NZ 116994)
northwards via Cockshot to C188 west of the entrance to the
Hare Cross (NU 120006).”

The length of the U4041 road is identified as 0.92 miles.

2005 Ordnance Survey Explorer 340 Map: Scale 1:25,000

There is clear evidence of a mainly unenclosed track over the route of alleged Byway Open to All Traffic No 29. The northern half of the route is shown as a yellow line. In the map key, under “Roads and Paths” the yellow line symbol denotes “Road generally less than 4 metres wide”. The southern half of the route is marked with green dots, which identify it as an “other route with public access” (i.e. an ORPA).

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

The route of the alleged byway is clearly identified as publicly maintainable highway.

6. SITE INVESTIGATION

- 6.1 From a point marked B, on the B6344 road, a 2.7 to 3 metre wide tarmac surfaced track, in a 5 to 5.5 metre wide corridor, proceeds in a general north-easterly direction for a distance of 750 metres, to a point 10 metres east of Cockshot Farmhouse. Thereafter, an unenclosed grass-stone surface track proceeds in a general north-easterly direction for a distance of 185 metres and then in a northerly direction for a distance of 560 metres. Thereafter a 2.5 to 3 metre wide enclosed stone surface track, in a 8.5 to 12.5 metre corridor, continues in a northerly direction for a distance of 60 metres to a point marked C on the C188 road, 680 metres north of Healeycote.

7. DISCUSSION

- 7.1 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.

- 7.2 When considering an application / proposal for a modification order Section 32 of the Highways Act 1980 provides for “any map, plan or history of the locality or other relevant document” to be tendered in evidence and such weight to be given to it as considered justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.
- 7.3 The representation of a path or track on an Ordnance Survey Map is not evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey.
- 7.4 The route of alleged Byway Open to All Traffic No 29 is identified on the County Council’s current List of Streets as being the U4041 road. The route, subject to the alignment issues already mentioned, appears to have been identified on both the Council’s 1951 Highways Map and the later 1964 Highways Map. It was also included in the 1958, 1964 and 1974 County Road Schedules.
- 7.5 The route has been consistently identified as a road /track on Ordnance Survey maps since 1866. Although the route is not shown on Armstrong’s County Map of 1769, the northern half of the route is shown on Fryer’s County Map of 1820 and on Cary’s Map of 1827, and the full route is shown on Greenwood’s County Map of 1828.

- 7.6 On the plan, prepared under the Finance Act 1910, the route of the alleged Byway is not shown as being separated from the coloured boundaries. This is to be expected because all but a very short section of the route (at Cockshot) is unenclosed. If it had been separated, that would have been a good indication that the route was considered to be a public vehicular highway at the time.
- 7.7 Although other public rights of way were identified nearby, with two public footpaths identified as either beginning or ending on the route, the route itself was not included on the Draft, Provisional or original Definitive Maps as a footpath, bridleway or Road Used as Public Path (RUPP). On the Survey Map the route is coloured brown in the same way that other public roads were identified.
- 7.8 The County Council accepts that, given the way the regulations were written with regard to the way highway authorities could include publicly maintainable highways in the List of Streets, there was no impediment to public bridleways and public footpaths also being included. That is not to say that any bridleways or footpaths were so shown – just that they could be. It must, therefore, be entirely proper to consider each UCR on a case by case basis, but that does not mean that we should begin with the assumption that each UCR is no more than a public footpath unless higher rights can be proven by other means. In Northumberland there is no evidence to suggest that public footpaths and public bridleways were deliberately shown on the 1958, 1964 or 1974 County Road Schedules (forerunners of the modern day List of Streets). The fact that a route is shown on these schedules must, therefore, be evidence of some weight that public vehicular rights exist.
- 7.9 Letters from DEFRA, dated 2003 and November 2006, and Rights of Way Circular 1/09 set out the approach Inspectors and order making authorities should take in determining the status of routes included on the List of Streets. In summary, the guidance states that the inclusion of a route on the List of Streets is not a record of what legal rights exist over that highway but may provide evidence of vehicular rights. However, this must be considered with all other relevant evidence in order to determine the nature and extent of those rights. Highway Authorities are recommended to examine the history of such routes and the rights that may exist over them on a case by case basis in order to determine their status.
- 7.10 The Natural Environment and Rural Communities Act 2006 (NERC Act 2006) had a major impact upon the recording of byways open to all traffic based upon historical documentary evidence. Under section 67 of the Act, any existing, but unrecorded, public rights of way for mechanically propelled vehicles were extinguished unless one of the ‘saving’ provisions applied. In brief, these saving provisions were: (a) if the main lawful public use between 2001 and 2006 was with motor vehicles; (b) if the route was on the List of Streets (on 2 May 2006) and not also on the Definitive Map as something less than a byway open to all traffic; (c) the route was legally created expressly for motor vehicular use; (d) the route was a road deliberately constructed for public motor vehicular use; or (e) the vehicular highway came about as a result of unchallenged motor vehicular use before December 1930.
- 7.11 Of the saving provisions above, (b) will apply to the route of alleged Byway No 29. The public’s motor vehicular rights would not have been extinguished by the NERC Act 2006.

- 7.12 For a route to be a byway open to all traffic, it has to be (i) a public motor vehicular right of way and (ii) a route which is nevertheless used (or is likely to be used) by the public mainly for the reasons which footpaths and bridleways are used.
- 7.13 The southern half of this route (from the B6344 Road to Cockshot Farm) has a reasonable driveable tarmac surface. This part of the route will be used by those living at the dwellings at Cockshot Farm, Cockshot Farmhouse and Jackons Stile, their visitors and also by farm traffic. The northern half of the route (from Cockshot Farm to the C188 Road) has a rougher stone / earth / grass surface and we would not anticipate this section to be driven by 'normal' motor vehicles.
- 7.14 Advice from the Planning Inspectorate in their 'consistency guidelines' states that it is important to have the correct width, where known, recorded in the definitive statement. Usually there is a boundary to boundary presumption for public highways. However, where no defined corridor exists, and there is no (usually) documentary evidence to establish width, the Council has adopted a standard width of 5 metres (wide enough for two vehicles travelling in opposite directions to pass each other) for vehicular rights of way. On this basis it is proposed to record Byway Open to All Traffic No 29 with a width varying from 5 to 5.5 metres for the enclosed southern half of the route, the standard width of 5 metres for the unenclosed northern part of the route, and a width varying from 8.5 to 12.5 metres for the most northerly enclosed 60 metres of the route, as identified in paragraph 6.1 above.

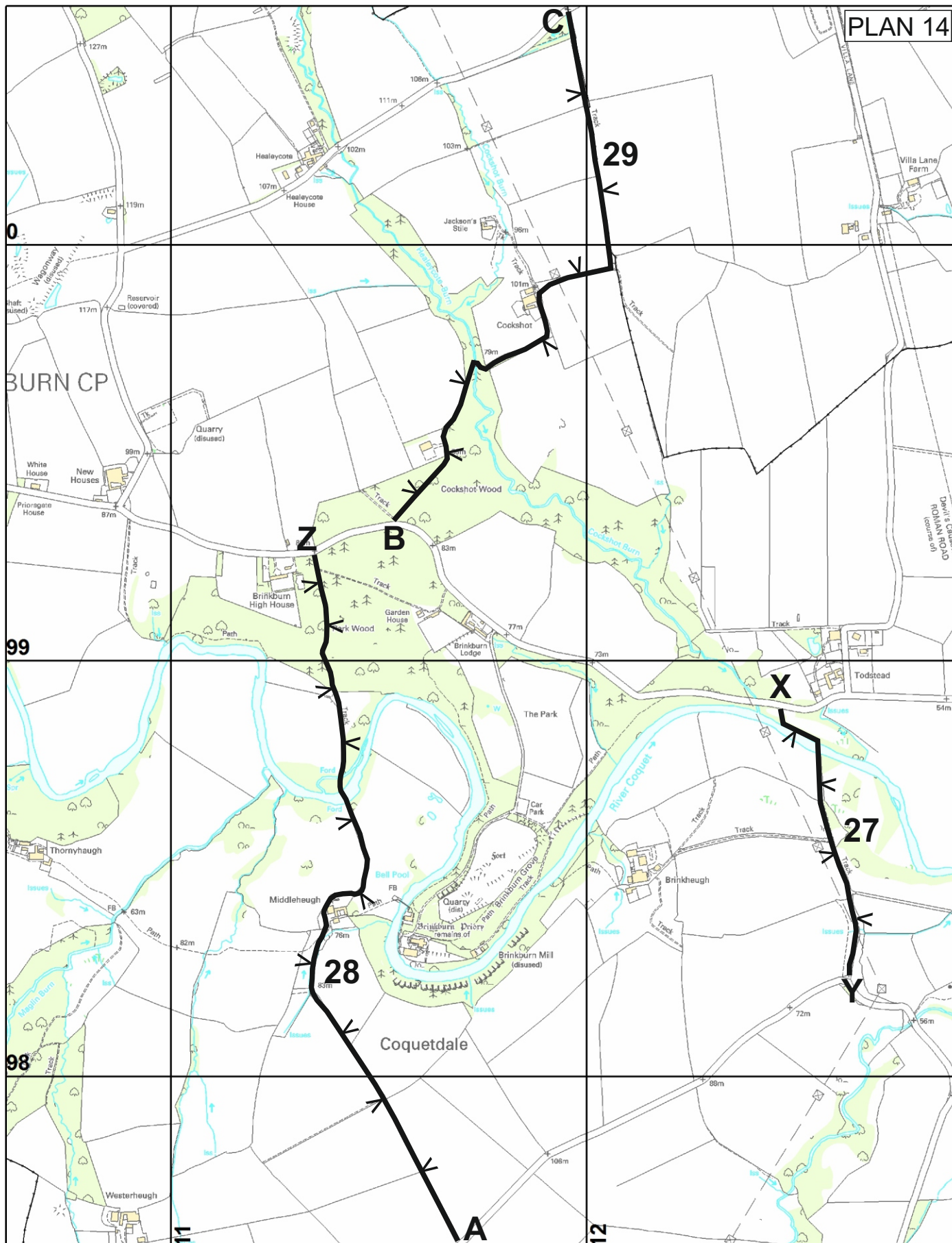
8. CONCLUSION

- 8.1 In light of the documentary evidence submitted, it appears that public vehicular rights have been reasonably alleged to exist over the route of alleged Byway Open to All Traffic No 29.
- 8.2 The Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motor vehicular rights over the route. It would be appropriate to recognize the public's rights over the route by recording it on the Definitive Map as a byway open to all traffic.

BACKGROUND PAPERS

Local Services Group File: 107/029z


Report Author Zara Quinn – Definitive Map & Search Technical Officer
07542 318328
Zara.Quinn@Northumberland.gov.uk



NORTHUMBERLAND

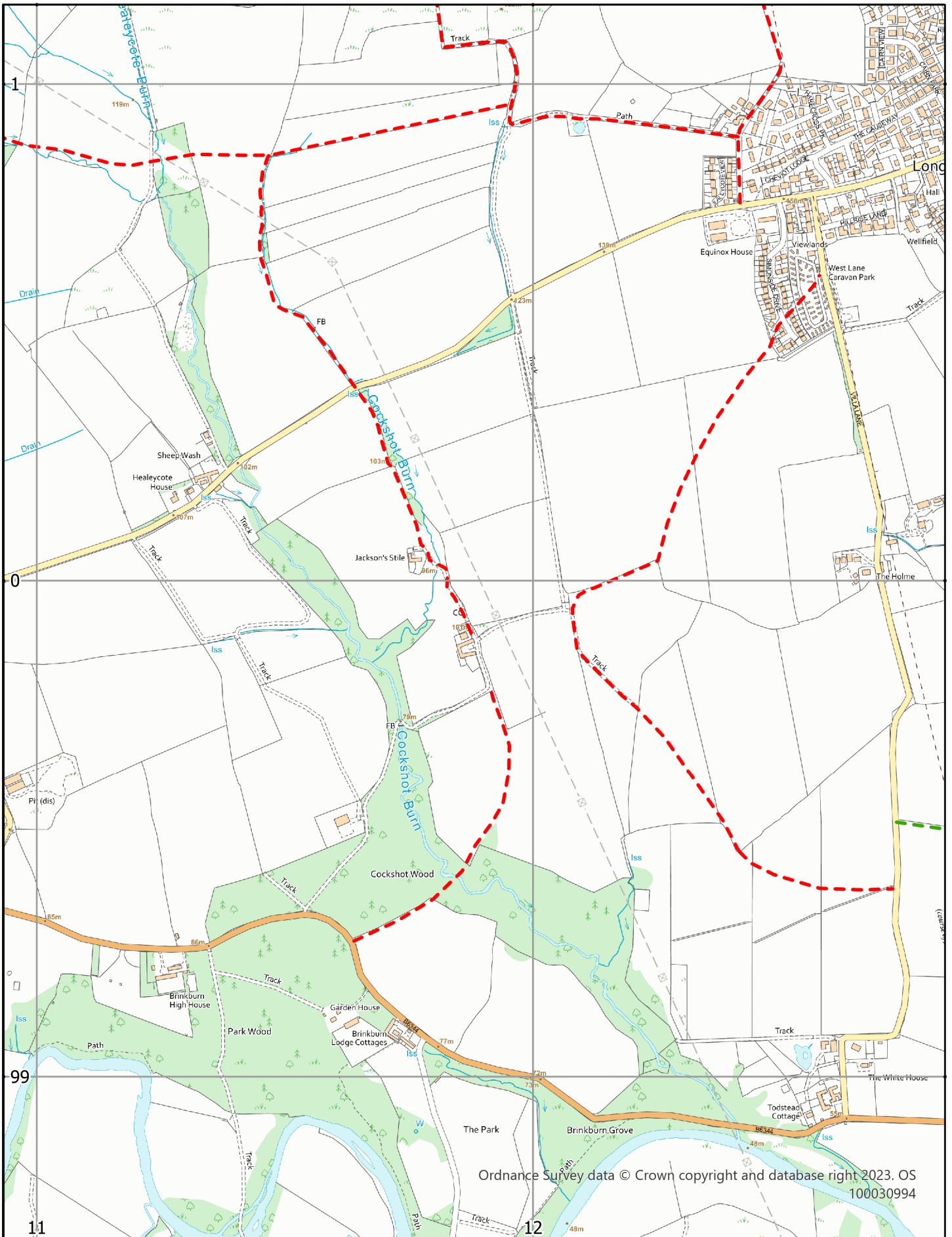
Northumberland County Council
 Infrastructure
 Local Services
 County Hall Morpeth Northumberland
 NE61 2EF
 Telephone 0845 600 6400

Wildlife and Countryside Act 1981 Public Rights of Way

 Alleged Byway Open to All Traffic

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| | | |
|---|--------------------------------|----------------------|
| Former District Page 194 Ainwick | Parish(es) Brinkburn | Scale 1:12,500 |
| Def. Map No. 95/110 | O.S. Map NU 10 SW/ NZ 19 NW | Date October 2016 |



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Northumberland
County Council

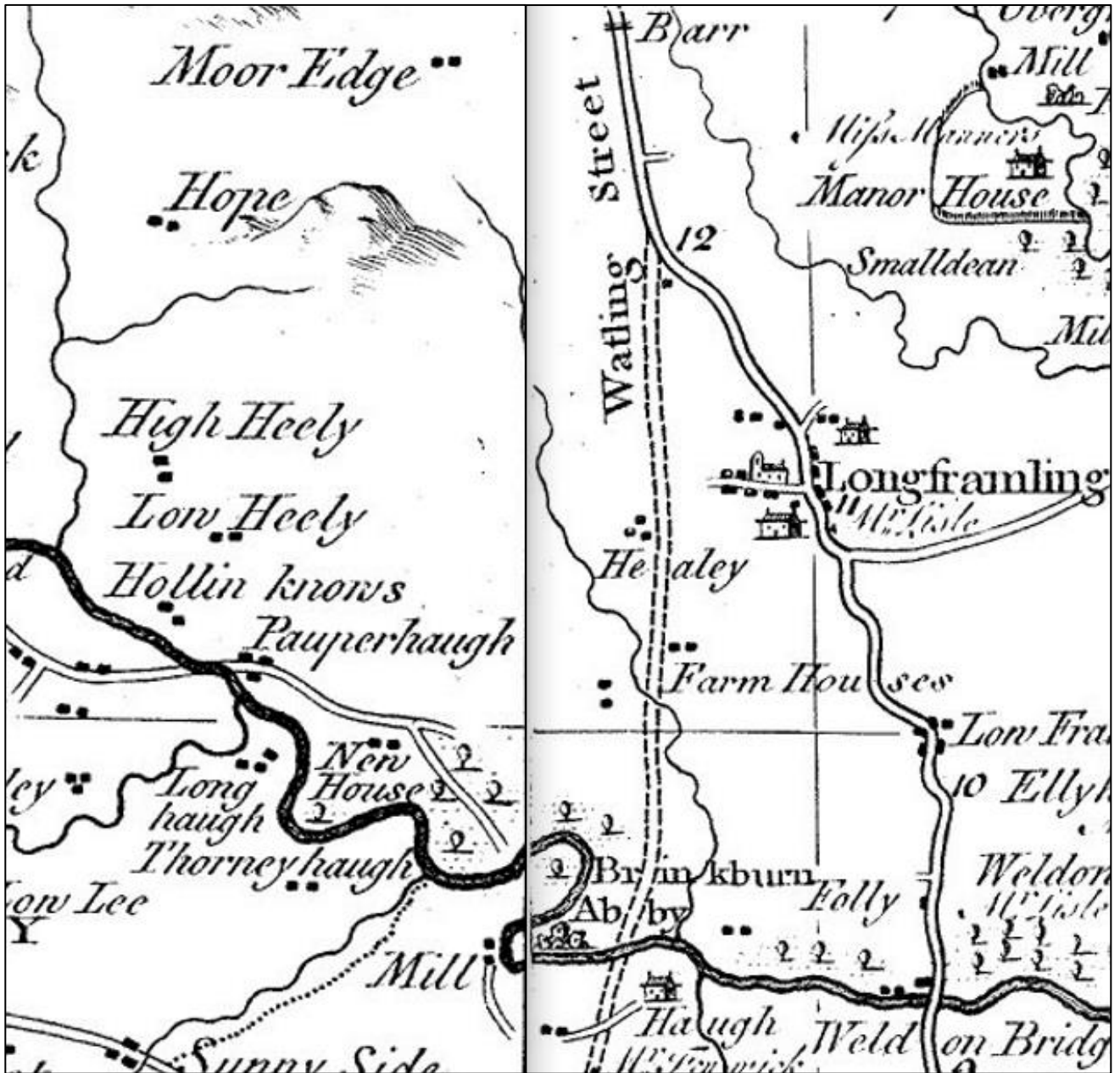
County Hall, Morpeth, NE61 2EF
Contact: Highway Search Team

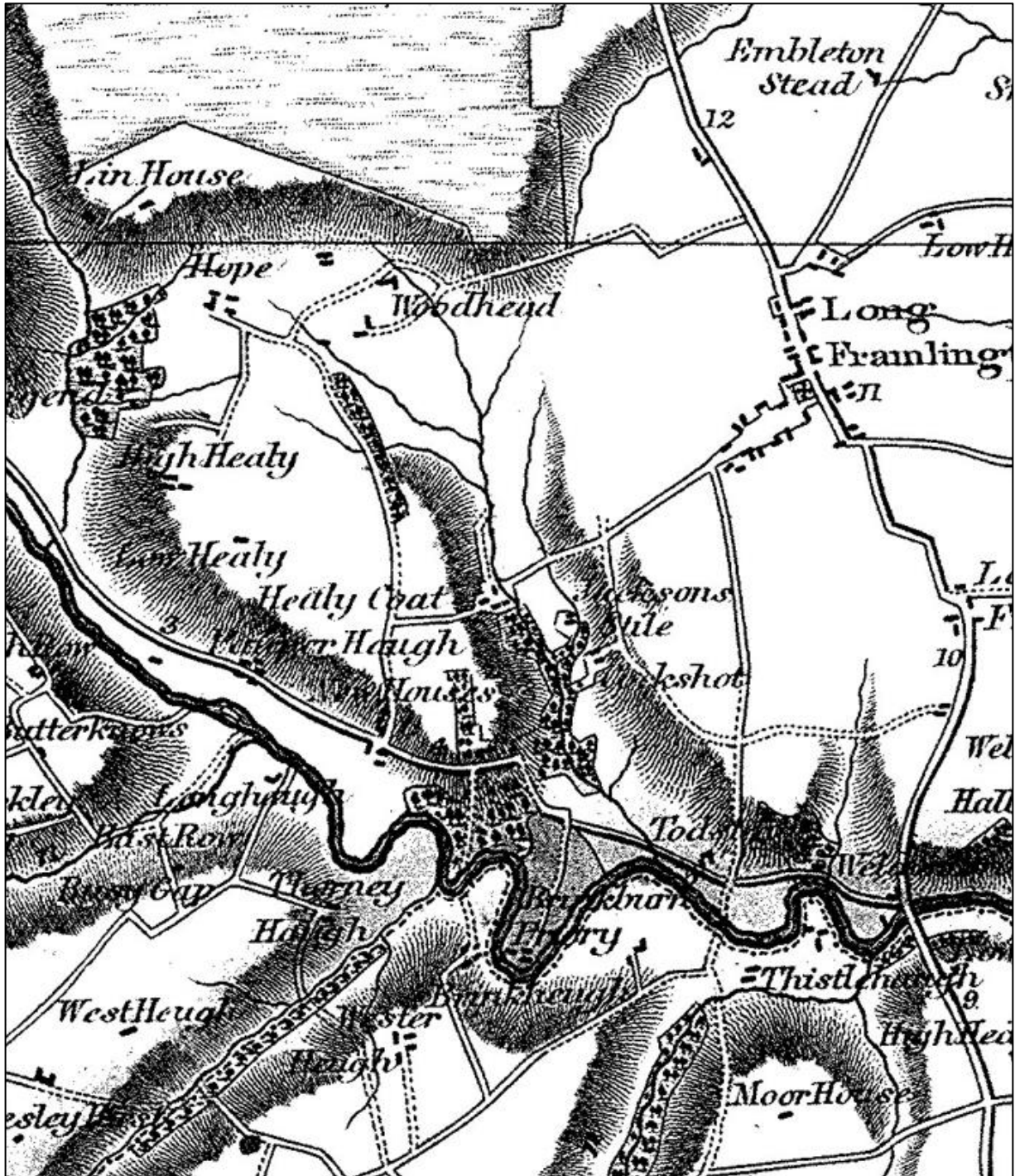
Email: Highwaysearch@northumberland.gov.uk

Legend

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

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



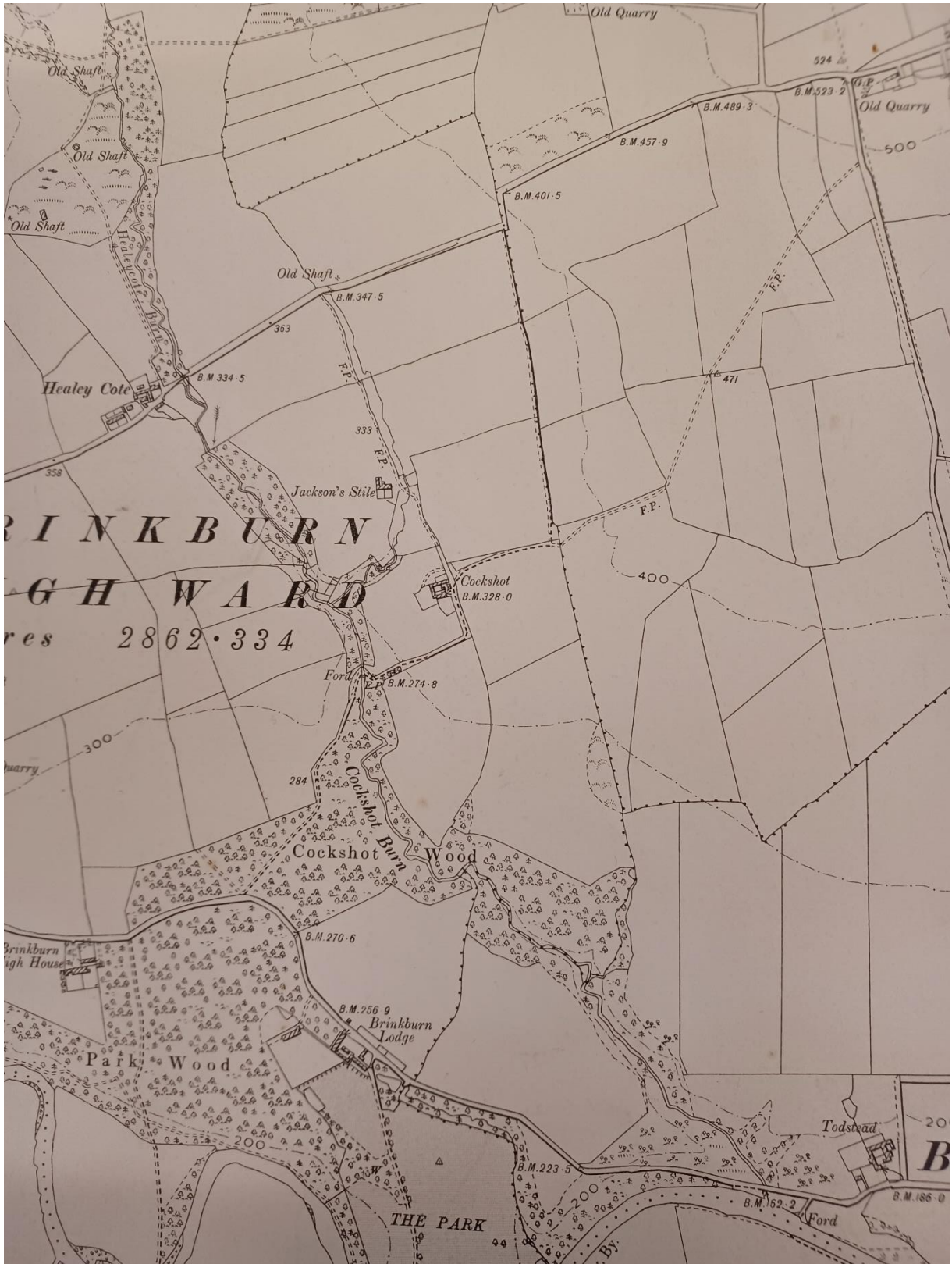


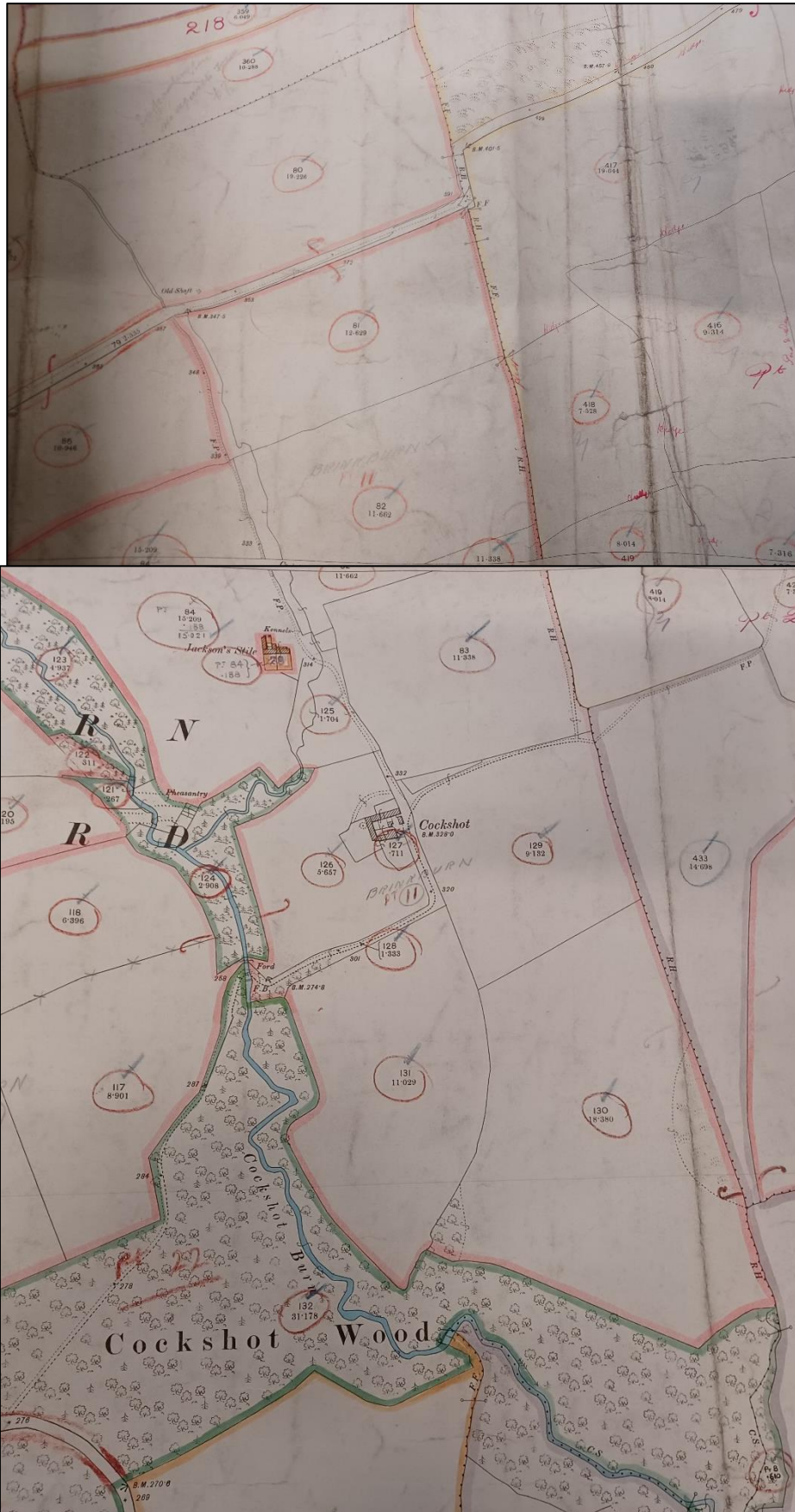


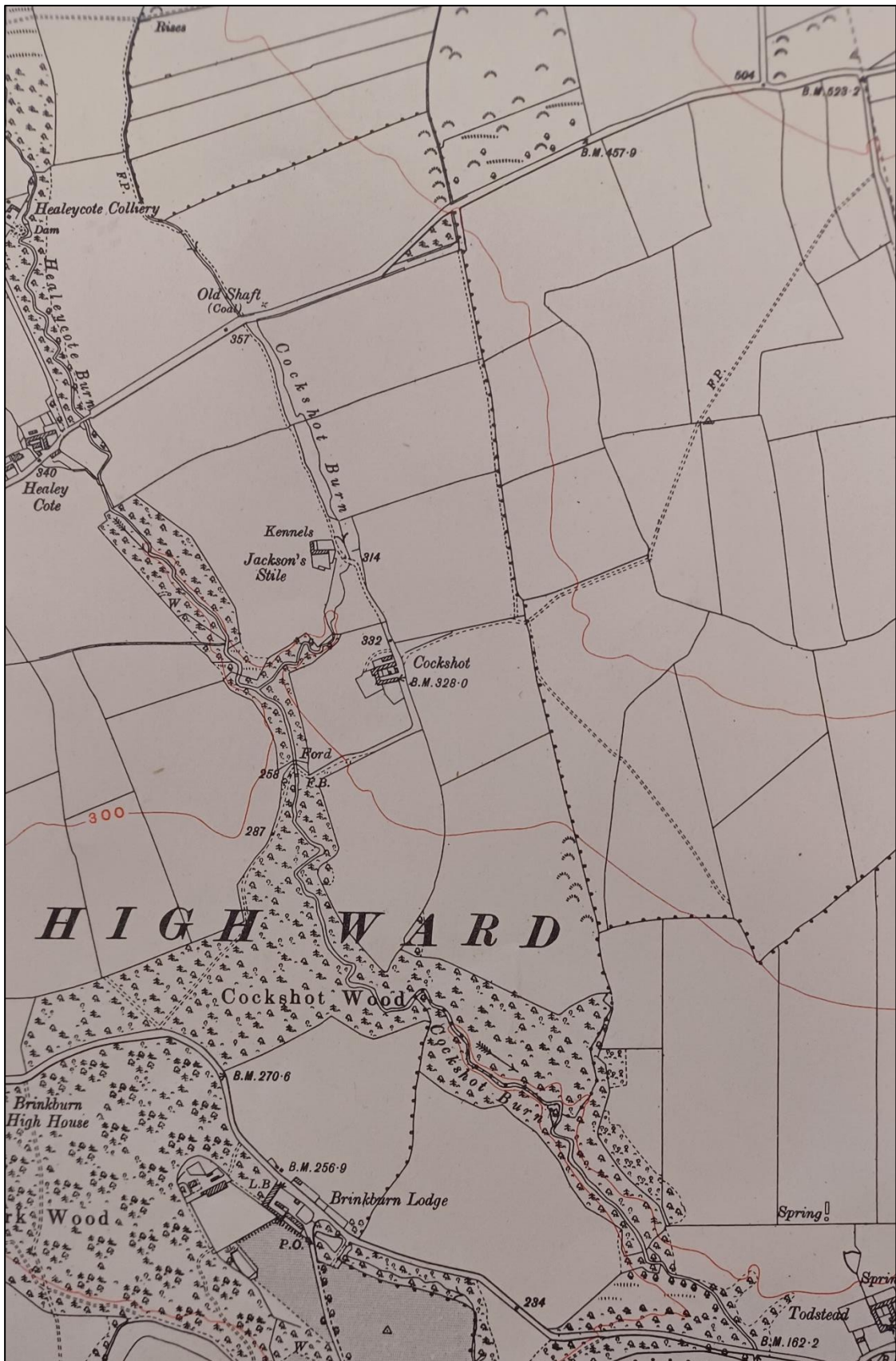












NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.
SCHEDULE ACCOMPANYING SURVEY MAPS.

Parish of LONGFRAMLINGTON in the Rural District of
ROTHSURY R.D.C.

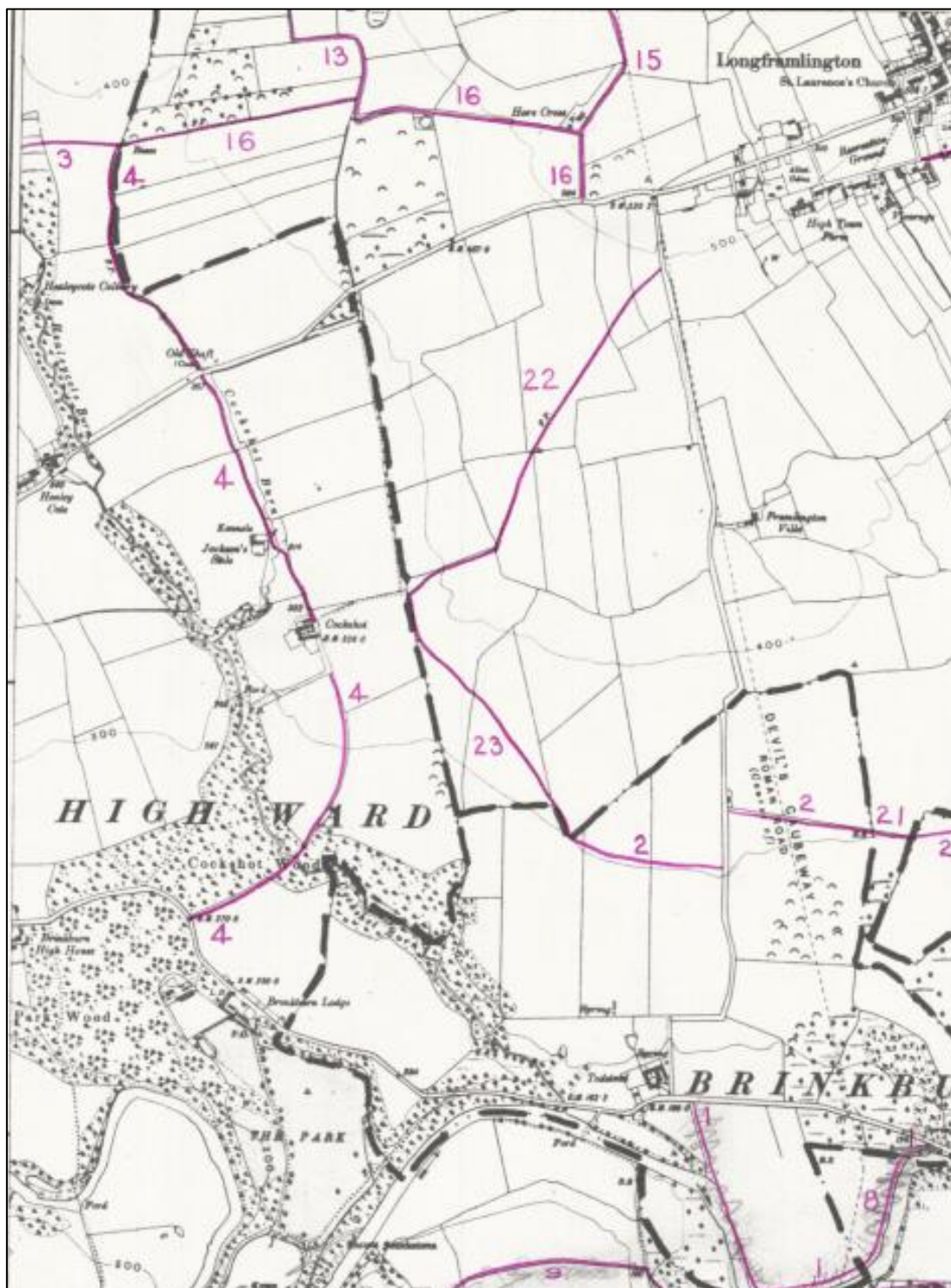
~~Lowmugh~~
~~Urban District~~ } of _____
(Delete whichever is inapplicable).

22

1. Number of highway on Map 8
2. Kind of Path (i.e., F.P., B.R.) F.P.
3. Starts at between lane cottages to Coxshot Barn
4. Name of Path (if any) Coxshot Path
5. Is the Path well defined? Yes
6. Is the Path metalled? If so, define length. No
7. If its width can be stated, insert here _____
8. What is the present condition of the path, stiles, etc.? Good
9. Is it subject to being ploughed out? Yes
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known
None
11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant
No
12. Have persons been prevented using the highway? No
13. Give particulars of any obstructions None
14. Names of owners of freehold and previous owners, if known, for past 30 years
Longframlington Estate
Brinkburn
15. What maps have been consulted, and where are they deposited?
16. What records have been consulted, and where are they deposited?
Longframlington Parish Council
17. Any other relevant information

| Surveyed by | Address | Dates of Survey |
|-------------|---------|-----------------|
| | | |

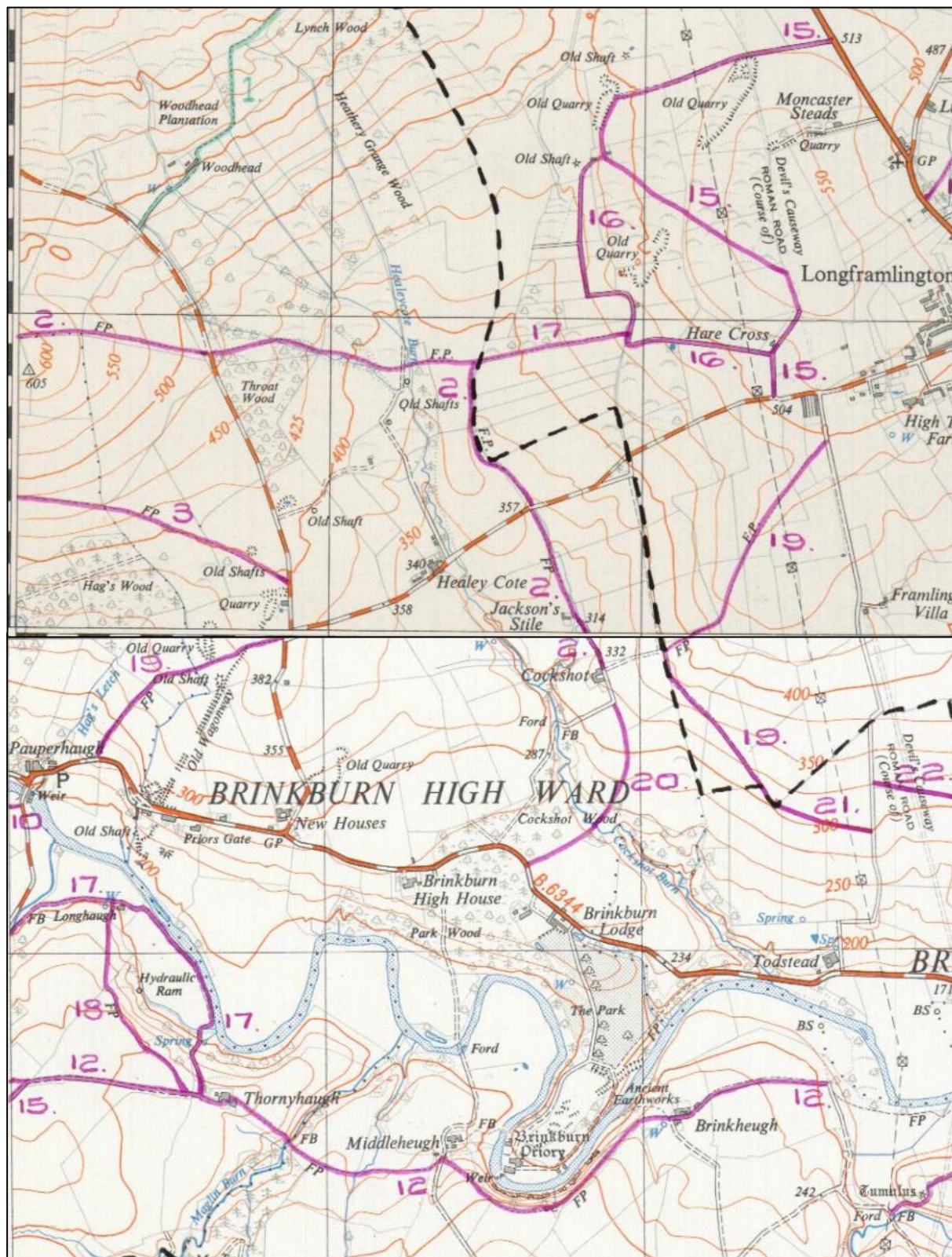
Important:—Sheet No. of Map on which Highway is shown
285 | 35 | 50NE/6





County Road Schedule
1958

| MERTON DIVISION | | | |
|---|--|--|---------------------|
| Unclassified Roads in Rothbury Rural District | | | |
| U.4032 | Bowershiel Road. | From B.6341 south of the entrance to North Riding to Middle Riding. | 0.42 |
| U.4033 | Elsdon - Eastnook Road. | From B.6341 at Elsdon via Lendshot to Eastnook including Branch Road to Hudspeth. | 3.33 |
| U.4034 | Tolly Road | From B.6341 west of the Bird in the Bush (P.H.) Northwards for a distance of 550 yards towards the Tolly. | 0.32 |
| U.4036 | Rothley Village Road. | From C.161 to Rothley Village. | 0.20 |
| U.4037 | Rothley Shiel Road. | From B.6342 at Rothley Shiel East via Rothley Shield West to B.6342 west of Rothley Crossroads. | 1.81 |
| U.4038 | East Row - Brinkburn Burn Station Road. | From C.168 at East Row to Brinkburn Station. | 0.64 |
| U.4039 | North Birks - Todstead Road, with link to Westerheugh. | From C.135 north of North Birks via Tod Burn and River Coquet to B.6344 at Todstead (1.264 mls) and branch road from near Ford over Todburn westwards to C.136 near entrance to Westerheugh (1.327 mls). | 2.591 |
| U.4040 | Brinkburn High House - Westerheugh Road. | From B.6344 at Brinkburn High House to U.4039 east of the entrance to Westerheugh. | 1.15 |
| U.4041 | Brinkburn High House - Hare Crossroad. | From B.6344 near Brinkburn High House via Cockshot to C.153 west of the entrance to the Hare Cross. | 0.92 |
| U.4044 | Vicarsge Road, Longfremlington. | Late A.697 now by-passed. | 0.26 |
| U.4045 | Old Road, Longfremlington. | From U.4045 to High Veldon. | 1.05 |
| U.4046 | High Veldon Road. | From C.188 west of Healey Cote North-westwards to Hope. | 0.34 |
| U.4048 | Healey Cote - Hope Road. | From B.6344 west of Pauperheugh to Healey. | 1.24 |
| U.4049 | The Healey Road. | | 0.55 |
| Carried forward | | | <u>14.821</u> miles |



NORTHUMBERLAND COUNTY COUNCIL.

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

PUBLIC RIGHTS OF WAY - STATEMENT.

1. Borough
Urban District
Rural District **ROTHBURY**

2. Parish **BRINKBURN**

3. Number of Footpath on Map **2**

4. Name of Path

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

6. General Description of Path **From the public road at Cockshott in a north-**
..... **westerly and westerly direction by Johnson's Stile crossing the Healey Cote-**
..... **Longframlington Road, Healeycote Burn, Hope - New House Road and BR 4 to the**
..... **Cartington Parish Boundary joining FP 19 in that parish.**
.....
.....

7. Other relevant information

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

NORTHUMBERLAND COUNTY COUNCIL.

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

PUBLIC RIGHTS OF WAY - STATEMENT.

1. Borough
Weldon District
Rural District ROTHBURY
BRINKBURN
2. Parish
3. Number of Footpath on Map 20
4. Name of Path
5. Kind of Path (i.e. FP/BR) F.P.

6. General Description of Path From the Rothbury-Weldon Bridge Road (B.6314)
..... in a north-easterly and easterly direction through Cockshott Wood and crossing
..... the Cockshott Burn to join the public road at Cockshott south of Cockshott.
.....
.....
.....

7. Other relevant information

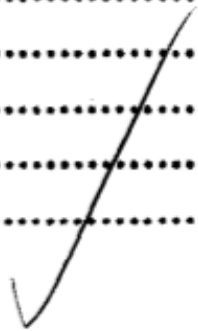
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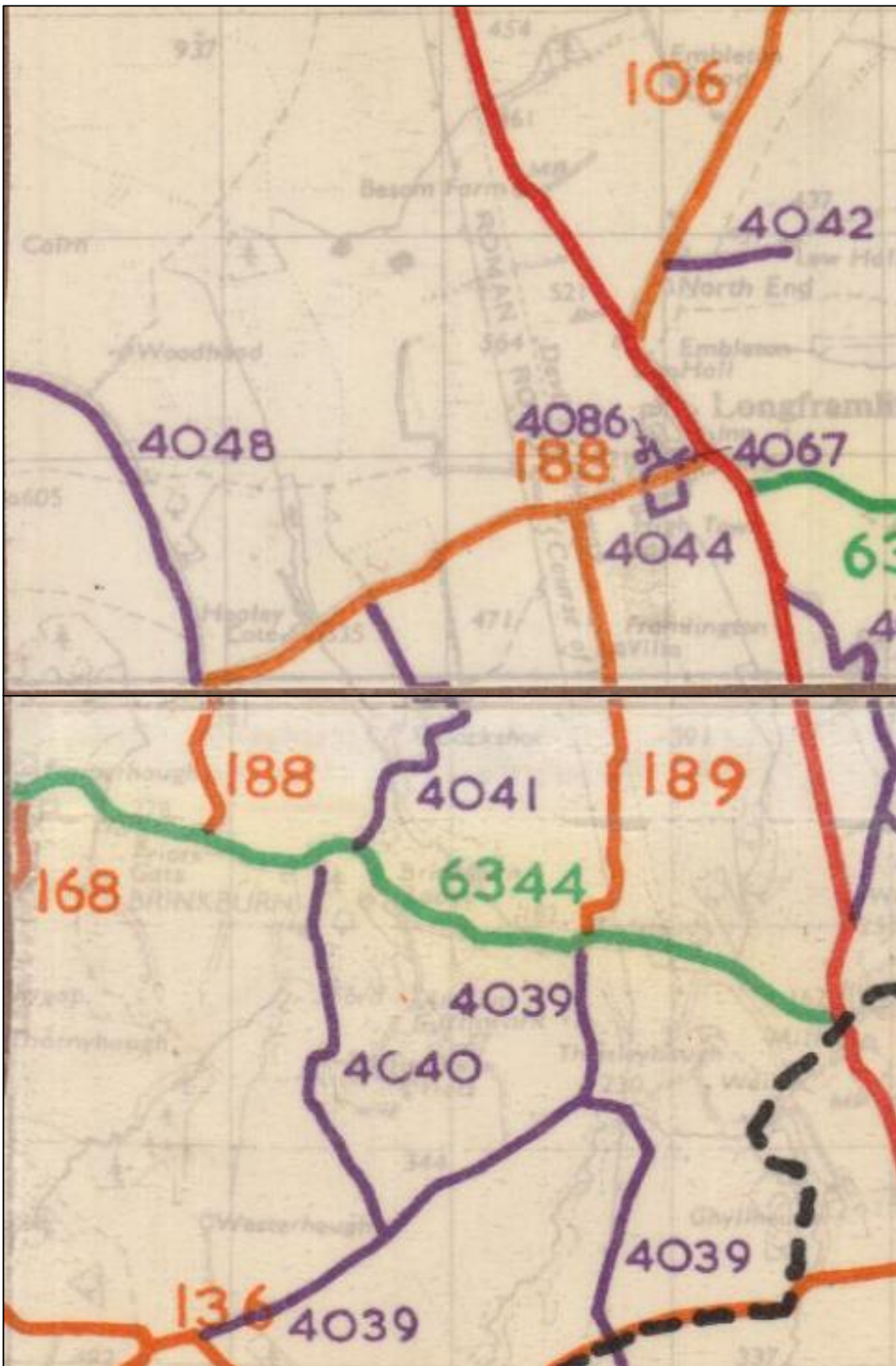
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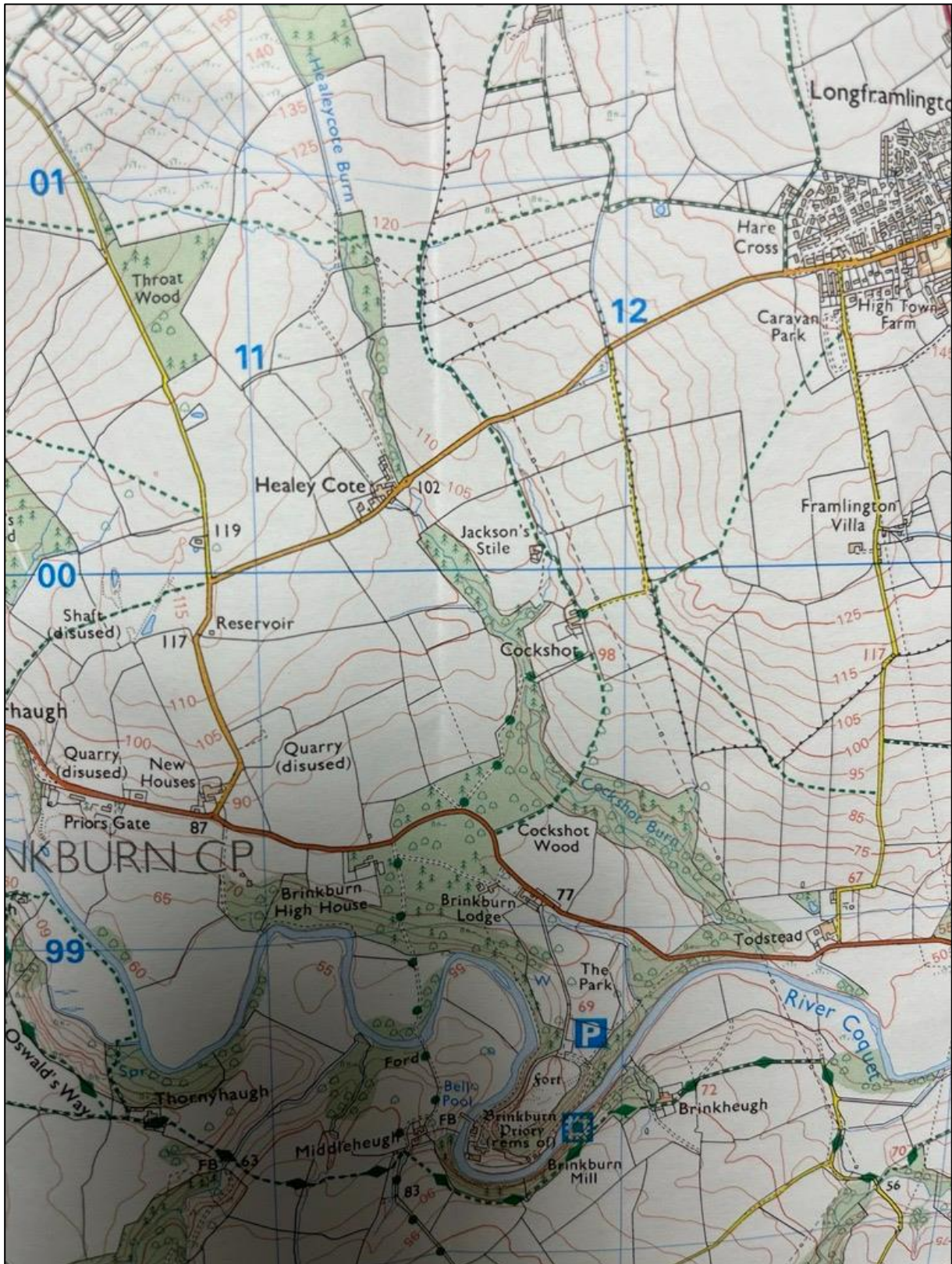
County Road Schedule
1964

- 91 -

| Route No. | Name of Road. | Description. | Responsible Division or Authority. | Mileage. | Total Mileage. |
|-----------|---|---|------------------------------------|----------|----------------|
| U.4037 | Rothley Shield Road. | From B.6342 at Rothley Shield East via Rothley Shield West to B.6342 west of Rothley Crossroads. | Morpeth. | | 1.81 |
| U.4038 | East Row-Brinkburn Station Road. | From C.168 at East Row north-westwards to Brinkburn Station. | Morpeth. | | 0.64 |
| U.4039 | North Birks-Todstead Road, with link to Westerheugh. | From C.135 north of North Birks via Tod Burn and the River Coquet to B.6344 at Todstead, (1.264 miles), and branch road from near the Ford over Todburn westwards to C.136 near the entrance to Westerheugh, (1.327 miles). | Morpeth. | | 2.59 |
| U.4040 | Brinkburn High House-Westerheugh Road. | From B.6344 at Brinkburn High House to U.4039 east of the entrance to Westerheugh. | Morpeth. | | 1.15 |
| U.4041 | Brinkburn High House-Hare Cross Road. | From B.6344 near Brinkburn High House via Cockshot to C.188 west of the entrance to the Hare Cross. | Morpeth. | | 0.92 |
| U.4042 | North End-Low Hall Road. | From C.106 at North End, Longframlington, eastwards to Low Hall. | Alnwick. | | 0.41 |
| U.4043 | Newmoor Hall Road. | From C.106 south of the Swarland Burn south-eastwards to Newmoor Hall at the Rural District boundary. (Continues in Alnwick Rural District as U.3049). | Alnwick. | | 0.43 |
| U.4044 | Vicarage Road and White Cottages Road, Longframlington. | Off south side of C.188 at Longframlington. | Morpeth | | 0.28 |
| U.4045 | Old Road, Longframlington. | Late A.697 now by-passed. Serving Low Town, Longframlington. | Morpeth. | | 1.05 |
| U.4046 | High Weldon Road. | From U.4045 south-eastwards to High Weldon. | Morpeth. | | 0.34 |
| U.4047 | Moor Lodge-Snitter Road. | From B.6341 at Moor Lodge via South Cartington to C.176 at Snitter. | Alnwick. | | 3.23 |
| U.4048 | Healey Cote-Hope Road. | From C.188 west of Healey Cote north-westwards to Hope. | Morpeth. | | 1.24 |

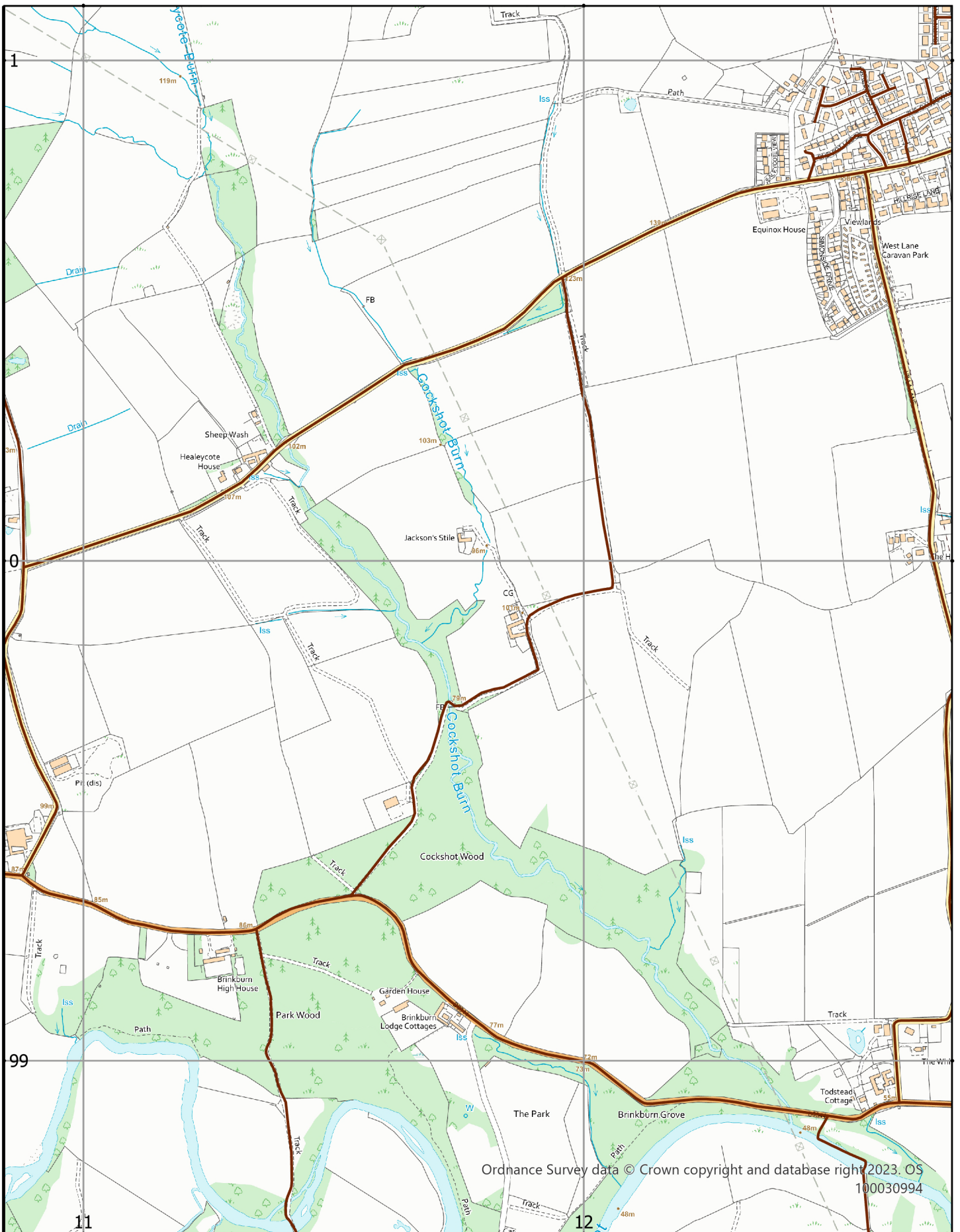
County Road Schedule
1974

| Route No. | Name of Road | Description | Responsible Division or Authority | Mileage | Total Mileage |
|-----------|---|--|-----------------------------------|---------|---------------|
| U. 4040 | Brinkburn High House - Westerheugh Road. | From B. 6344 at Brinkburn High House (NZ. 114994) southwards to U. 4039 east of the entrance to Westerheugh (NZ. 117976). | Morpeth Division. | | 1.15 |
| U. 4041 | Brinkburn High House-Hare Cross Road. | From B. 6344 near Brinkburn High House (NZ. 116994) northwards via Cockshot to C. 188 west of the entrance to the Hare Cross (NU. 120006). | Morpeth Division. | | 0.92 |
| U. 4042 | North End-Low Hall Road. | From C. 106 at North End, Longframlington (NU. 130019) eastwards to Low Hall (NU. 135019). | Alnwick Division. | | 0.41 |
| U. 4043 | | Not allocated to any road. | | | |
| U. 4044 | Vicarage Road and White Cottages Road, Longframlington. | Off south side of C. 188 at Longframlington (NU. 130007). | Morpeth Division. | | 0.28 |
| U. 4045 | Low Town Road, Longframlington. | From A. 697 south of junction B. 6345 (NU. 135004) southwards via Low Town to rejoin A. 697 north of Weldon Bridge (NZ. 138990). | Morpeth Division. | | 1.05 |
| U. 4046 | High Weldon Road. | From U. 4045 at NZ. 140995 south-eastwards to High Weldon (NZ. 144991). | Morpeth Division. | | 0.34 |
| U. 4047 | Moore Lodge-Smitter Road. | From B. 6341 at Moore Lodge (NU. 066027 ⁰⁶⁶⁰³⁴) westwards via South Cartington to C. 176 at Smitter (NU. 025035). | Alnwick Division. | | 3.23 |
| U. 4048 | Healey Cote-Hope Road. | From C. 188 west of Healey Cote (NU. 109000) northwards to Hope (NU. 098015 ⁰⁹⁸⁰¹⁵). | Morpeth Division. | | 1.24 |



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

| <p style="text-align: center;"><i>Highways Act 1980 Section 36(6)</i> <i>County Of Northumberland</i> <i>List of Streets which are highways maintainable at the public expense</i> <i>As at 02-May-2006</i></p> | | |
|--|---------------------------------------|------------------------|
| Road Number | Description | Length - Metres |
| U4038 | | |
| | <i>Total length for U4038</i> | 1,017 |
| U4039 | | |
| | U4039 TO C135 | 1,277 |
| | U4039 TO B6344 | 751 |
| | U4040 TO U4039 | 1,156 |
| | C136 TO U4040 | 1,010 |
| | <i>Total length for U4039</i> | 4,194 |
| U4040 | | |
| | U4039 TO B6344 | 1,872 |
| | <i>Total length for U4040</i> | 1,872 |
| U4041 | | |
| | B6344 TO C188 | 1,571 |
| | <i>Total length for U4041</i> | 1,571 |
| U4042 | | |
| | C106 JCT TO LOW HALL FARM | 618 |
| | <i>Total length for U4042</i> | 618 |
| U4043 | | |
| | C172 TO DRAKESTONE VIEWHARBOTTLE | 33 |
| | <i>Total length for U4043</i> | 33 |
| U4044 | | |
| | BEECH TREE CLOSE | 89 |
| | C188 (W) TO C188 (E) VICARAGE ROAD | 399 |
| | C188 (W) TO C188 (E) WHITE COTTAGES R | 45 |
| | <i>Total length for U4044</i> | 532 |
| U4045 | | |
| | U4046 TO A697 (N) | 1,376 |
| 02-May-2006 | | Page 264 of 730 |



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**Network Management
Information System**

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| | | |
|--|-----------------|--------------------|
| Highways Act 1980 Section 36(6) County of Northumberland List of Streets which are highways maintainable at the public expense as at 02-May-2006 | | |
| Drn: ZQ | Date: Dec 23 | Scale: 1:10,000 |



Northumberland County Council

RIGHTS OF WAY COMMITTEE
28 February 2024

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

ALLEGED BYWAY OPEN TO ALL TRAFFIC No 32 PARISH OF BRINKBURN

Report of the Director of Environment & Transport
Cabinet Member: Councillor John Riddle, Roads & Highways

Purpose of report

In this report, the Rights of Way Committee is asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over the U4049 Road, between the B6344 Road, and a point 80 metres west of Healey Farm.

Recommendation

It is recommended that the committee agrees that:

- (i) there is sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the V-X part of the route;**
- (ii) there is not sufficient evidence to indicate, on the balance of probability, that public vehicular rights have been shown to exist over the X-W part of the route;**
- (iii) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the route;**
- (iv) the route be included in a future Definitive Map Modification Order as a byway open to all traffic.**

1.0 BACKGROUND

- 1.1 By virtue of section 53 of the Wildlife and Countryside Act, 1981 the County Council is required to keep the Definitive Map and Statement under continuous review and make modification orders upon the discovery of evidence, which shows that the map and statement need to be modified.

- 1.2 The relevant statutory provision which applies to adding a public right of way to the Definitive Map and Statement, based on historical documentary evidence, is Section 53(3)(c)(i) of the Wildlife and Countryside Act, 1981. This requires the County Council (as Surveying Authority) to modify the Definitive Map and Statement following:

“the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows:

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

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

2.0 PUBLIC EVIDENCE

- 2.1 In the late 1980s the County Council carried out consultations regarding proposals to add a number of unsealed tracks in the north of the County to the Definitive Map as byways open to all traffic on the basis that the routes were included in the County Council's "List of Streets" as unclassified County roads (UCR). The rationale for doing so was that it would not be obvious to members of the public (particularly horse riders, walkers and cyclists) that they were legally entitled to use routes such as these (which were considered to have vehicular status), because their physical appearance might suggest otherwise.
- 2.2 The view, held by those officers of the Council responsible for maintaining the 'List of Streets' for the County of Northumberland was (and still is) that only public roads (not public bridleways or public footpaths) were shown on this List. The only exceptions to this are the surfaced paths and alleyways providing pedestrian links between roads, in urban streets. Thus, tracks in rural settings, which have their own unique reference numbers (e.g. the "U4049" road), were considered to be all-purpose public highways maintainable at public expense.
- 2.3 Shortly afterwards, the processing of applications from third parties seeking to record public footpath or public bridleway rights was afforded a higher priority. Later on, the process of recording UCRs as byways open to all traffic was effectively suspended because the Ordnance Survey indicated that they would be showing such routes on their published maps as being an "Other route with public access". Although, on that basis, members of the public would still be unclear as to precisely what rights they had over routes identified in this fashion.
- 2.4 The most recent advice from DEFRA (paragraph 4.42, Rights of Way Circular 1/09) is that inclusion on the List of Streets may provide evidence of vehicular rights but that this should be examined on a case by case basis. In view of this advice, it is considered prudent to evaluate the status of the U4049 unclassified County road based upon more than simply its inclusion in the List of Streets.

3. LANDOWNER EVIDENCE

- 3.1 By post, on 27th February 2018, A and H L Nelless of Healey Farm, responded to the Consultation, confirming that they are the owners of Healey Farm, which the U4049 road lies within.

4. CONSULTATION

- 4.1 In February 2018, the Council carried out a consultation with the Parish Council, known owners and occupiers of the land, the local County Councillor and the local representatives of the “prescribed and local organisations” listed in the Council’s “Code of Practice on Consultation for Public Path Orders”. Three replies were received and are included below.

- 4.2 By email, on 26th February 2018, Ms H Evans responded to the consultation, on behalf of Cycling UK, stating:

“Ted has now looked at these and come back to me with the attached and also the comment that "Most are standard changes to confirm existing BOATs but a few are really good gains to the access network. No comment means we support and no comments are necessary".

Cycling UK did not make any comments in relation to this particular proposal.

- 4.3 By email, on 12th April 2018, the British Horse Society responded to the consultation, stating:

“Alleged Byway Open to All Traffic 32 (Healey)

This route is the tarmac access to the farm where it joins a public bridleway. For this reason the BHS supports its addition to the definitive map as otherwise horse riders may not know that the narrow farm access road carries public rights which enable them to get to the bridleway.

- 4.4 By letter, dated 31st May 2018, Northumberland Estates responded to the consultation, stating:

“Parish of Brinkburn Proposed Byway Open to All Traffic No 32 Plan 13

The Estate does not hold an interest in this route other than regarding restrictive covenants and mines and minerals.

5. DOCUMENTARY EVIDENCE

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

1769 Armstrong's County Map

Although settlements at High Healey and Low Healey are depicted; there is no evidence of a road or track approximating to the route of alleged Byway No 32.

1820 Fryer's County Map

There is some evidence of an "Other road" which may approximate to the most northerly 90 metres of the route of alleged Byway No 32 (though given that this "Other Road" begins near Hope and continues north of High Healey, it is perhaps more like to be part of existing Public Bridleway No 4 and Public Footpath No 2) but no evidence of a road or track approximating to the remainder of the route of alleged Byway No 32.

1827 Cary's Map

Although a settlement at Healey is depicted, there is no evidence of a road/track approximating to the route of alleged Byway No 32.

1828 Greenwood's County Map

There is clear evidence of a mainly unenclosed "Cross Road" closely approximating to the route of alleged Byway No 32. In addition, a "Cross Road" is also identified proceeding northwards, along a route resembling existing Public Bridleway No 4.

1866 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a mostly unenclosed road / track over the route of alleged Byway No 32.

1899 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a mostly unenclosed road / track over the route of alleged Byway No 32.

Finance Act 1910 plan

There is clear evidence of a mainly unenclosed road / track over the route of alleged Byway No 32. The enclosed southern third of the route is identified as being separate from the adjacent land by coloured boundaries. This is a good indication that this part of the route road was considered to be public at that time. The northern two thirds of the route is not shown as being separated from the surrounding land by coloured boundaries, but this is not unexpected because this part of the route is not enclosed.

1925 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a mostly unenclosed road / track over the route of alleged Byway No 32.

1951 Highways Map

The route of alleged Byway Open to All Traffic No 32 is coloured so as to identify it as a publicly maintainable road. It is labelled as "U4049".

c.1952 Definitive Map – original Survey Schedules & Map

The route of alleged Byway Open to All Traffic No 32 exists on the base map. Known public roads were generally coloured brown to indicate what the extent of the road network was considered to be. The brown line is only marked as far as the junction with existing Public Bridleway No 4 (here identified as a bridleway numbered "2") with the most north-easterly 15 metres of alleged Byway Open to All Traffic No 32 (and the next 55 metres of existing Public Footpath No 3) both being identified as Public Bridleway.

Draft Map

The route of alleged Byway Open to All Traffic No 32 exists on the base map. It is not identified for inclusion on the Definitive Map as either a public footpath, public bridleway or Road Used as a Public Path (RUPP). Two public footpaths and one public bridleway are shown beginning or terminating on the route of the alleged byway.

Provisional Map

The route of alleged Byway Open to All Traffic No 32 exists on the base map. It is not identified for inclusion on the Definitive Map as either a public footpath, public bridleway or Road Used as a Public Path (RUPP). Two public footpaths and one public bridleway are shown beginning or terminating on the route of the alleged byway.

1957 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a mainly unenclosed road / track over the route of alleged Byway Open to All Traffic No 32.

1958 County Road Schedule

The entry for the U4049 road, in the 1958 County Road Schedule, states:

"U4049 The Healey Road
From B6344 west of Pauperhaugh to Healey."

The length of the U4049 road is identified as 0.55 miles.

1962 Original Definitive Map

The route of alleged Byway Open to All Traffic No 32 exists on the base map, but is, for the most part, not identified as a public footpath, public bridleway or Road Used as a Public Path (RUPP). The most north-easterly 15 metres of the alleged Byway Open to All Traffic route is identified as the western end of Public Footpath No 3.

The original Definitive Statements for the public rights of way intersecting with the alleged byway open to all traffic state:

Public Footpath No 3 (Brinkburn)

“From the Hope - New Houses road south of Throat Wood in a north-westerly, westerly, northerly and westerly direction to join BR4 at Healey.”

Public Bridleway No 4 (Brinkburn)

“From FP3 at Healey in a north-easterly and northerly direction crossing FP 2 to join the Hope - New Houses road south-east of Hope.”

Public Footpath No 5 (Brinkburn)

“From the Healey road south-west of Healey in a westerly and south-westerly direction to join the Rothbury - Weldon Bridge road (B6344) at Blackburn Cottage.”

First Review Definitive Map (Relevant Date 1 Nov 1963)

The route of alleged Byway Open to All Traffic No 32 exists on the base map, but is, for the most part, not identified as a public footpath, public bridleway or Road Used as a Public Path (RUPP). The most north-easterly 15 metres of the alleged Byway Open to All Traffic route is identified as the western end of Public Footpath No 3.

1964 Highways Map

The route of alleged Byway Open to All Traffic No 32 is coloured so as to identify it as a publicly maintainable road. It is labelled as “U4049”. From the scale of the mapping, it isn’t possible to identify precisely where its north-east end is. If the route is only 0.55 miles long (as indicated in all 3 of the County Road Schedules) this would reach a point just short of the existing junction between Public Bridleway No 4 and Public Footpath No 3. A junction with the public bridleway and public footpath would be nearer 0.56 miles and to where the 2006 List of Streets identifies the end would be 0.57 miles.

1964 County Road Schedule

The entry for the U4049 road, in the 1964 County Road Schedule, states:

“U4049 The Healey Road

From B6344 west of Pauperhaugh northwards to Healey.”

The length of the U4049 road is identified as 0.55 miles.

1974 County Road Schedule

The entry for the U4049 road, in the 1974 County Road Schedule states:

“U4049 The Healey Road

From B6344 west of Pauperhaugh (NZ 092999) northwards to Healey (NU 096006).”

The length of the U4049 road is identified as 0.55 miles.

Highways Map Scale: 1:10,560

The route of alleged Byway Open to All Traffic No 32 is coloured so as to identify it as a publicly maintainable road. It is labelled as "U4049".

Highways Map Scale: 1:2500

The route of alleged Byway Open to All Traffic No 32 is labelled as "U4049" and shown to begin or end at Point X, 95 metres west of Healey Farm.

2005 Ordnance Survey Explorer 340 Map: Scale 1:25,000

There is clear evidence of a mainly unenclosed track over the route of alleged Byway Open to All Traffic No 32. The route is shown as a yellow line. In the map key, under "Roads and Paths" the yellow line symbol denotes "Road generally less than 4 metres wide". The yellow line extends beyond the end of the U4049 road, to the extent that somewhere between 55 metres and 70 metres of public footpath might be mistakenly assumed to be public road.

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

The route of the alleged byway is clearly identified as publicly maintainable highway.

6. SITE INVESTIGATION

- 6.1 From a point marked V, on the B6344 road, 35 metres south of 'Coquet Brae', a 2.5 to 3 metre wide tarmac surfaced track, in a 5.5 to 8 metre wide corridor, proceeds in a general northerly direction for a distance of 640 metres, to a point 355 metres south-west of Healey Farm Cottage. Thereafter, a 2.5 to 3 metre wide tarmac track, in a 12.5 to 18 metre wide corridor, proceeds in a general north-easterly direction for a distance of 95 metres and then 2.5 to 3 metre wide tarmac track continues in a general north-easterly direction for a distance 205 metres, in a 8.5 to 10.5 metre wide corridor, to a point marked W, 60 metres west of Healey Farm Cottage.

7. COMMENTS RECEIVED ON THE DRAFT REPORT

- 7.1 In January 2024, a draft copy of the report was circulated to those landowners / occupiers who responded to the initial consultation for their comments.

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 When considering an application / proposal for a modification order Section 32 of the Highways Act 1980 provides for “any map, plan or history of the locality or other relevant document” to be tendered in evidence and such weight to be given to it as considered justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.
- 8.3 The representation of a path or track on an Ordnance Survey Map is not evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey.
- 8.4 The route of alleged Byway Open to All Traffic No 32 is identified on the County Council’s current List of Streets as being the U4049 road. The route appears to have been identified on both the Council’s 1951 Highways Map and the later 1964 Highways Map and it was also included in the 1958, 1964 and 1974 County Road Schedules, though there is a degree of uncertainty in relation to its northern termination point. The three County Road Schedules describe the route as being 0.55 miles long (i.e. 855 metres) long. This would make the termination point some 30 metres west of the field gate entrance at Healey and 15 metres west of the junction with existing Public Footpath No 3 and Public Bridleway No 4. The 1951 Highway Map appears to show the road ending at the junction with Public Footpath No 3 and Public Bridleway No 4 (Point X). The 1964 Highways Map doesn’t show enough detail to exist and the current List of Streets mirrors the 2006 situation by showing the road ending at the gate (Point W).
- 8.5 The route has been consistently identified as a mainly unenclosed road / track on Ordnance Survey maps since 1866. Although the route is not shown on Armstrong’s County Map of 1769 or Cary’s Map of 1827, it is partly shown on Fryer’s County Map of 1820 and the whole route is clearly shown on Greenwood’s County Map of 1828. On the plan, prepared under the Finance Act 1910, the most southern third of the route is clearly identified as being separate from the adjacent land by coloured boundaries, indicating it was considered to be public at that time, but the most northern two thirds of the route was included in a coloured land parcel.
- 8.6 Although other public rights of way were identified nearby, with two public footpaths and one public bridleway identified as either beginning or ending on the route, the route itself was not included on the Draft, Provisional or original Definitive Maps as a footpath, bridleway or Road Used as Public Path (RUPP). On the Survey Map the route is coloured brown in the same way that other public roads were identified.
- 8.7 Although the whole route to Healey identified as a yellow road on OS Explorer Map, and the route identifies as publicly maintainable highway on the current List of Streets and 2 May 2006 List of Streets as far as Point W, the earlier 1:10,560 and 1:2500 scale Highways Maps only show the U4049 Road extending as far as Point X. Point X is also where Public Bridleway No 4 and Public Footpath No 3 meet (the accompanying Definitive Statements for both identify this point as being each other – i.e. there isn’t a short section of road separating them). The 1958, 1964 and 1974 County Road Schedules also

identify the road as not extending as far as Point W. On that basis, on a balance of probability, it would seem that the 'public-vehicular' right of way is only the route V-X. The X-W section of the route is currently recorded on the Definitive Map as a part of existing Public Footpath No 3, and there is no compelling evidence to show, on balance of probability, that this section is anything more than a Public Footpath.

- 8.8 The County Council accepts that, given the way the regulations were written with regard to the way highway authorities could include publicly maintainable highways in the List of Streets, there was no impediment to public bridleways and public footpaths also being included. That is not to say that any bridleways or footpaths were so shown – just that they could be. It must, therefore, be entirely proper to consider each UCR on a case by case basis, but that does not mean that we should begin with the assumption that each UCR is no more than a public footpath unless higher rights can be proven by other means. In Northumberland there is no evidence to suggest that public footpaths and public bridleways were deliberately shown on the 1958, 1964 or 1974 County Road Schedules (forerunners of the modern day List of Streets). The fact that a route is shown on these schedules must, therefore, be evidence of some weight that public vehicular rights exist.
- 8.9 Letters from DEFRA, dated 2003 and November 2006, and Rights of Way Circular 1/09 set out the approach Inspectors and order making authorities should take in determining the status of routes included on the List of Streets. In summary, the guidance states that the inclusion of a route on the List of Streets is not a record of what legal rights exist over that highway but may provide evidence of vehicular rights. However, this must be considered with all other relevant evidence in order to determine the nature and extent of those rights. Highway Authorities are recommended to examine the history of such routes and the rights that may exist over them on a case by case basis in order to determine their status.
- 8.10 The Natural Environment and Rural Communities Act 2006 (NERC Act 2006) had a major impact upon the recording of byways open to all traffic based upon historical documentary evidence. Under section 67 of the Act, any existing, but unrecorded, public rights of way for mechanically propelled vehicles were extinguished unless one of the 'saving' provisions applied. In brief, these saving provisions were: (a) if the main lawful public use between 2001 and 2006 was with motor vehicles; (b) if the route was on the List of Streets (on 2 May 2006) and not also on the Definitive Map as something less than a byway open to all traffic; (c) the route was legally created expressly for motor vehicular use; (d) the route was a road deliberately constructed for public motor vehicular use; or (e) the vehicular highway came about as a result of unchallenged motor vehicular use before December 1930.
- 8.11 Of the saving provisions above, (b) will apply to the V-X part of the route of alleged Byway No 32. The public's motor vehicular rights would not have been extinguished by the NERC Act 2006. This saving provision would not apply to the 15 metre long X-W section, though, because this section is (and was on 2 May 2006) recorded on the definitive map of public rights of way as being recorded as being part of Public Footpath No 3. The point may be academic, though, because the documentary evidence indicates that the U4049 public road should terminate at Point X.
- 8.12 For a route to be a byway open to all traffic, it has to be (i) a public motor

vehicular right of way and (ii) a route which is nevertheless used (or is likely to be used) by the public mainly for the reasons which footpaths and bridleways are used.

- 8.13 All of alleged Byway Open to All Traffic No 32 has a tarmac surface, and is driveable, with a normal car. The road serves farmland and those living at Healey Farm, Healey Farm Cottage, 1 and 2 Storer Court, and Storer Court and their visitors. The route is a cul-de-sac road, unlikely to be much used with motor vehicles, by the general public. The very eastern end of the route forms a junction with 2 existing public rights of way (Public Footpath No 3 and Public Bridleway No 4). In these circumstances it is considered likely that this highway will be used by the general public mainly for the purposes for which footpaths and bridleways are so used; thereby satisfying the criteria for the alleged Byway No 32 section being recorded as a byway open to all traffic.
- 8.14 The Northumberland Estates has suggested that it is not necessary for this route to be recorded as a byway open to all traffic; public rights over the route not being in doubt, by virtue of it already being recorded on the Council's List of Streets. Of course, being recorded on the List of Streets does not prove a route's status - it is more a statement about maintenance liability. A number of landowners in Northumberland (including The Northumberland Estates) have, in the recent past, argued that certain routes on the Council's List of Streets have no public rights of way over them, whatsoever.
- 8.15 Advice from the Planning Inspectorate in their 'consistency guidelines' states that it is important to have the correct width, where known, recorded in the definitive statement. Usually there is a boundary to boundary presumption for public highways. However, where no defined corridor exists, and there is no (usually) documentary evidence to establish width, the Council has adopted a standard width of 5 metres (wide enough for two vehicles travelling in opposite directions to pass each other) for vehicular rights of way. On this basis it is proposed to record the southern third of Byway Open to All Traffic No 32, which appears to have been enclosed since at least the 1820s, with a width varying from 5.5 to 8.5 metres, as identified in paragraph 6.1 above. The remainder of the route only appears to have been enclosed very recently. This section is identified in paragraph 6.1 as 8.5 to 18 metres wide but appears doubtful that the landowner was setting out this fencing to denote the extent of the highway. Officers propose that this section be identified as the standard default width of 5 metres.

9. CONCLUSION

- 9.1 In light of the documentary evidence submitted, it appears that public vehicular rights have been reasonably alleged to exist over the V-X part of the route of alleged Byway Open to All Traffic No 32.
- 9.2 The Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motor vehicular rights over the route. It would be appropriate to recognize the public's rights over the route by recording it on the Definitive Map as a byway open to all traffic.

BACKGROUND PAPERS

Report Author

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Northumberland County Council

Infrastructure Records, Local Services, County Hall,
Morpeth, Northumberland, NE61 2EF
Email: Alex.bell@northumberland.gov.uk

Wildlife & Countryside Act, 1981



Alleged Byway Open to All Traffic

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Former District:
Alnwick

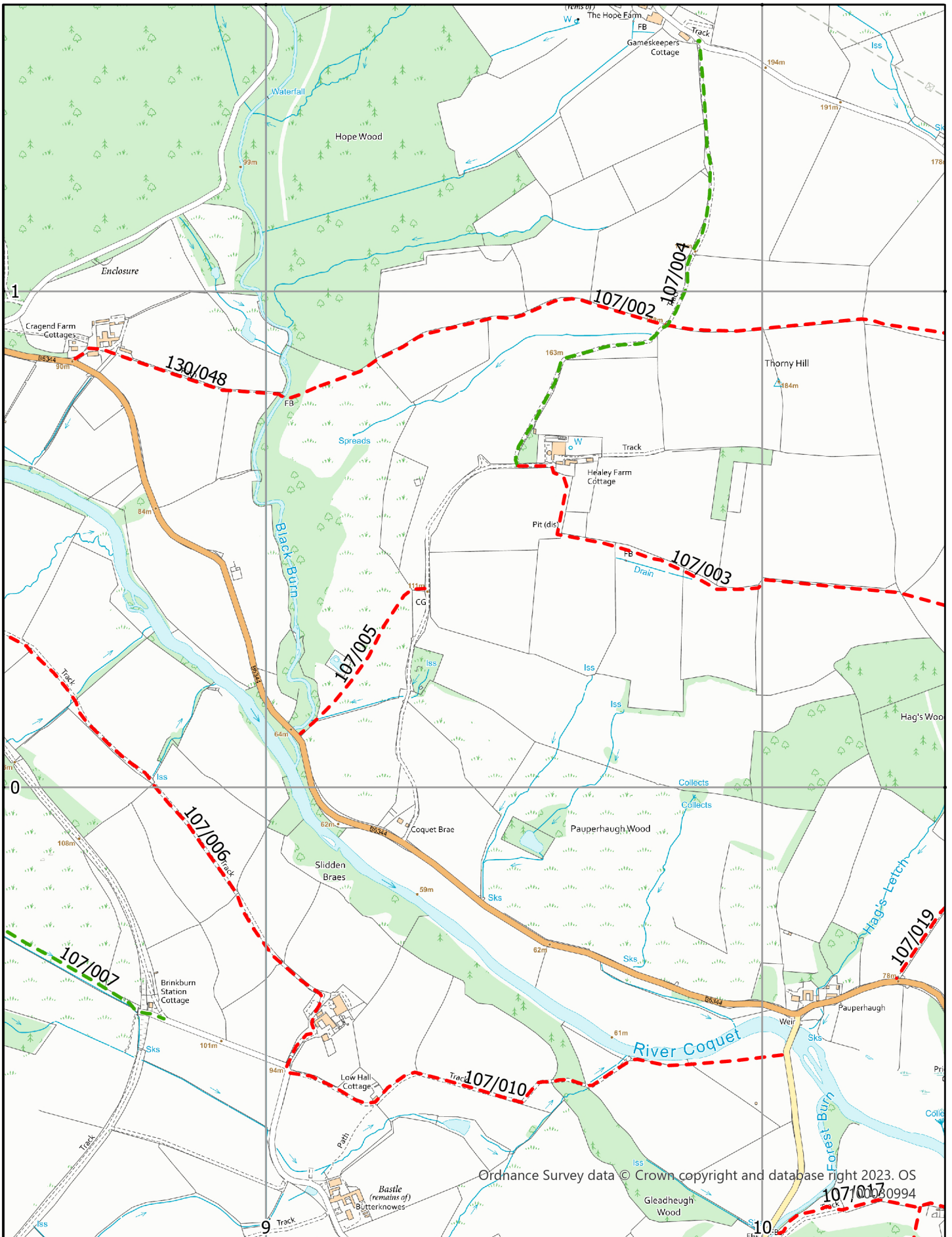
Parish:
Brinkburn

Scale:
1:4000

Def. Map No. 94/109
Page 232

O.S. Map
NU 00 SE/ NZ 09 NE

Date:
January 2024



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 100994



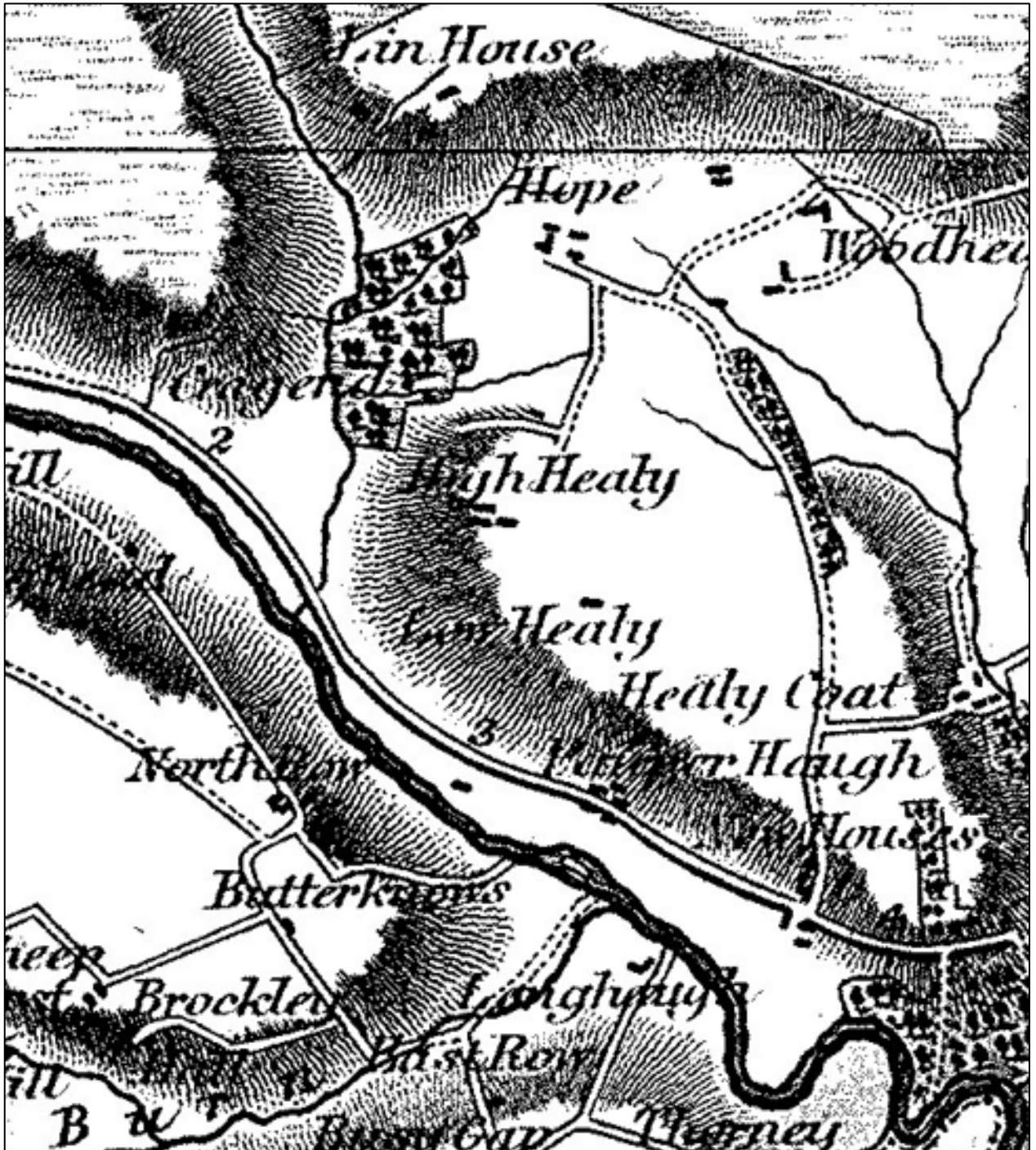
County Hall, Morpeth, NE61 2EF
 Contact: Highway Search Team
 Email: Highwaysearch@northumberland.gov.uk

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

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

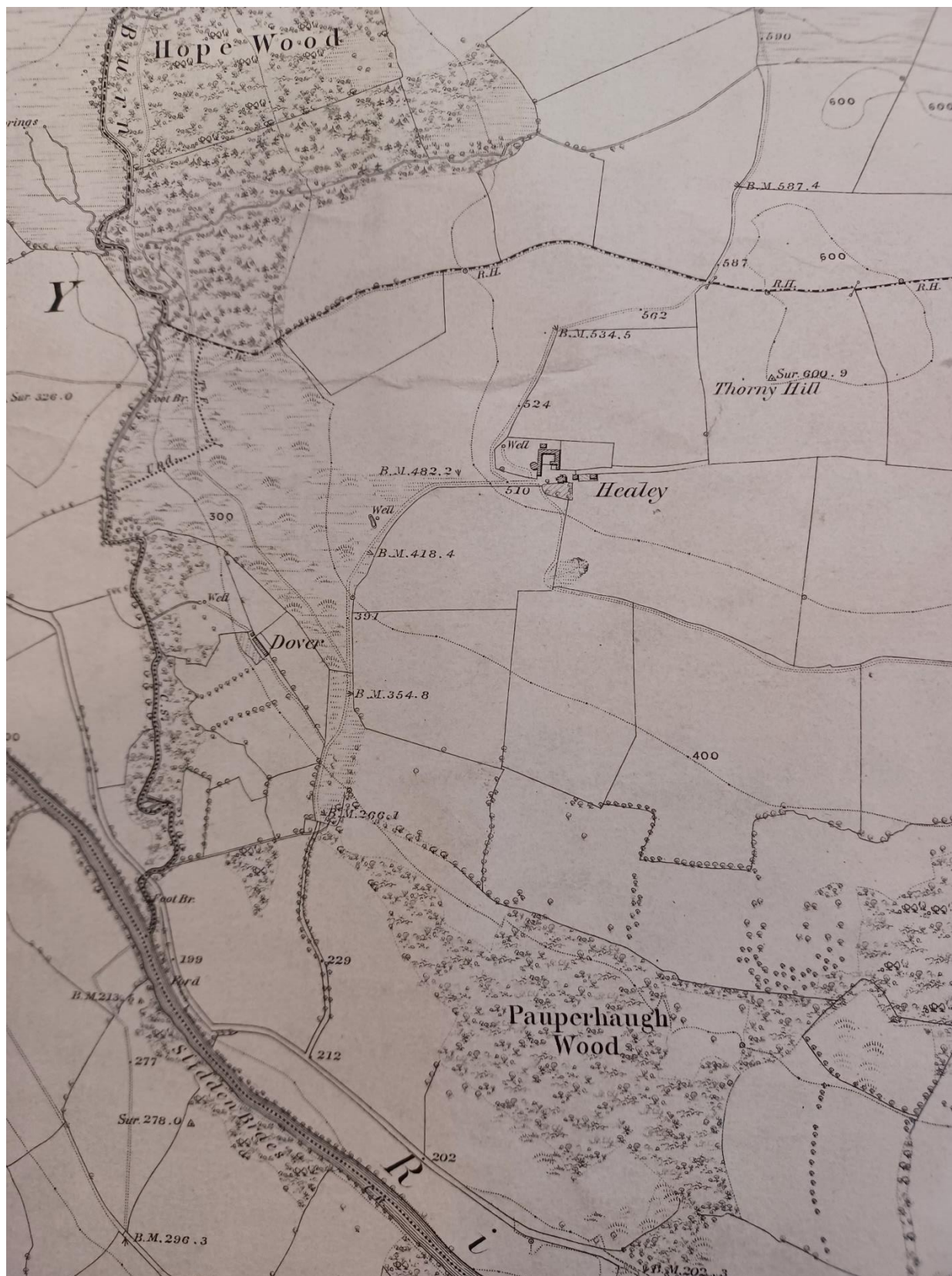
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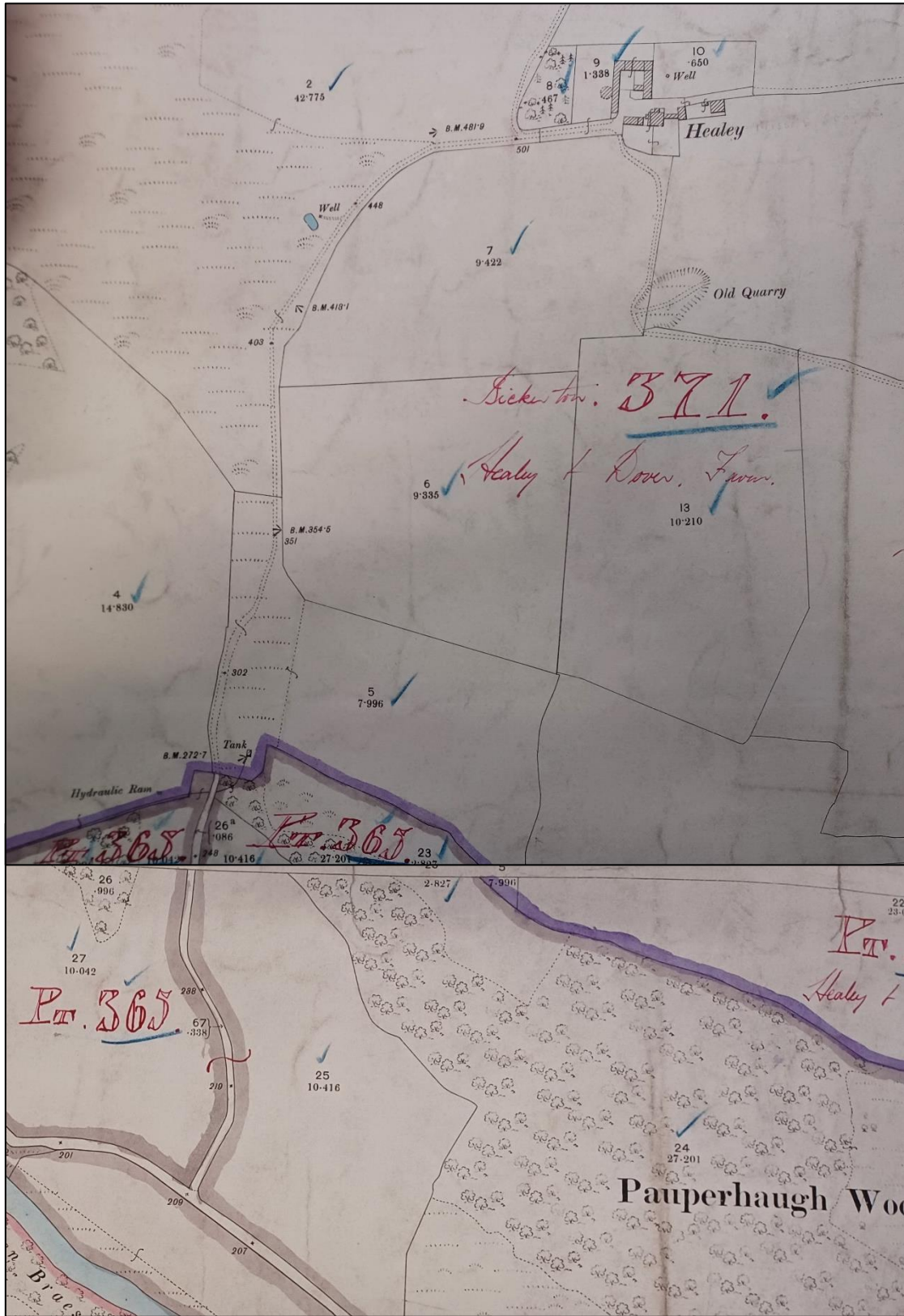


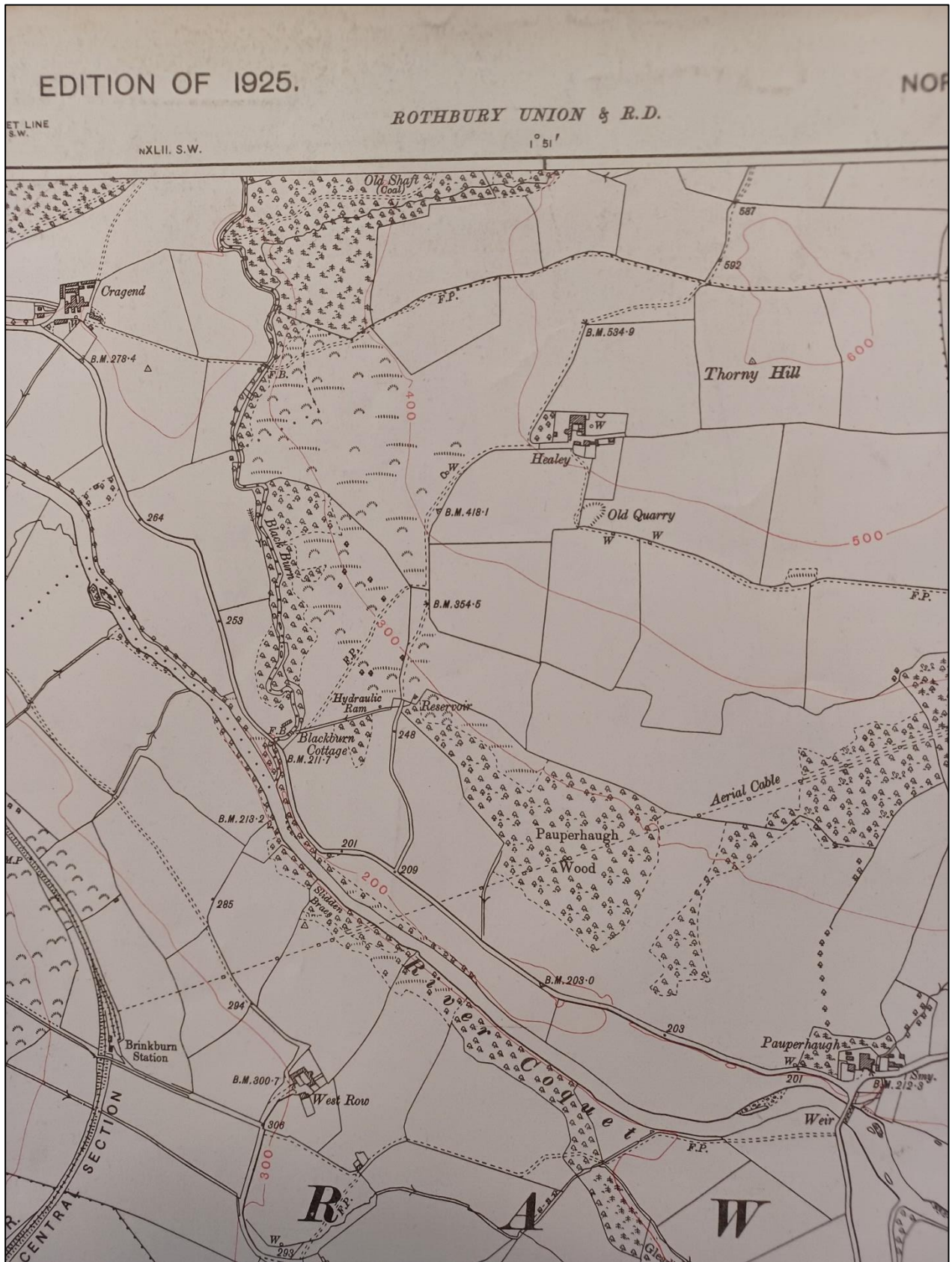


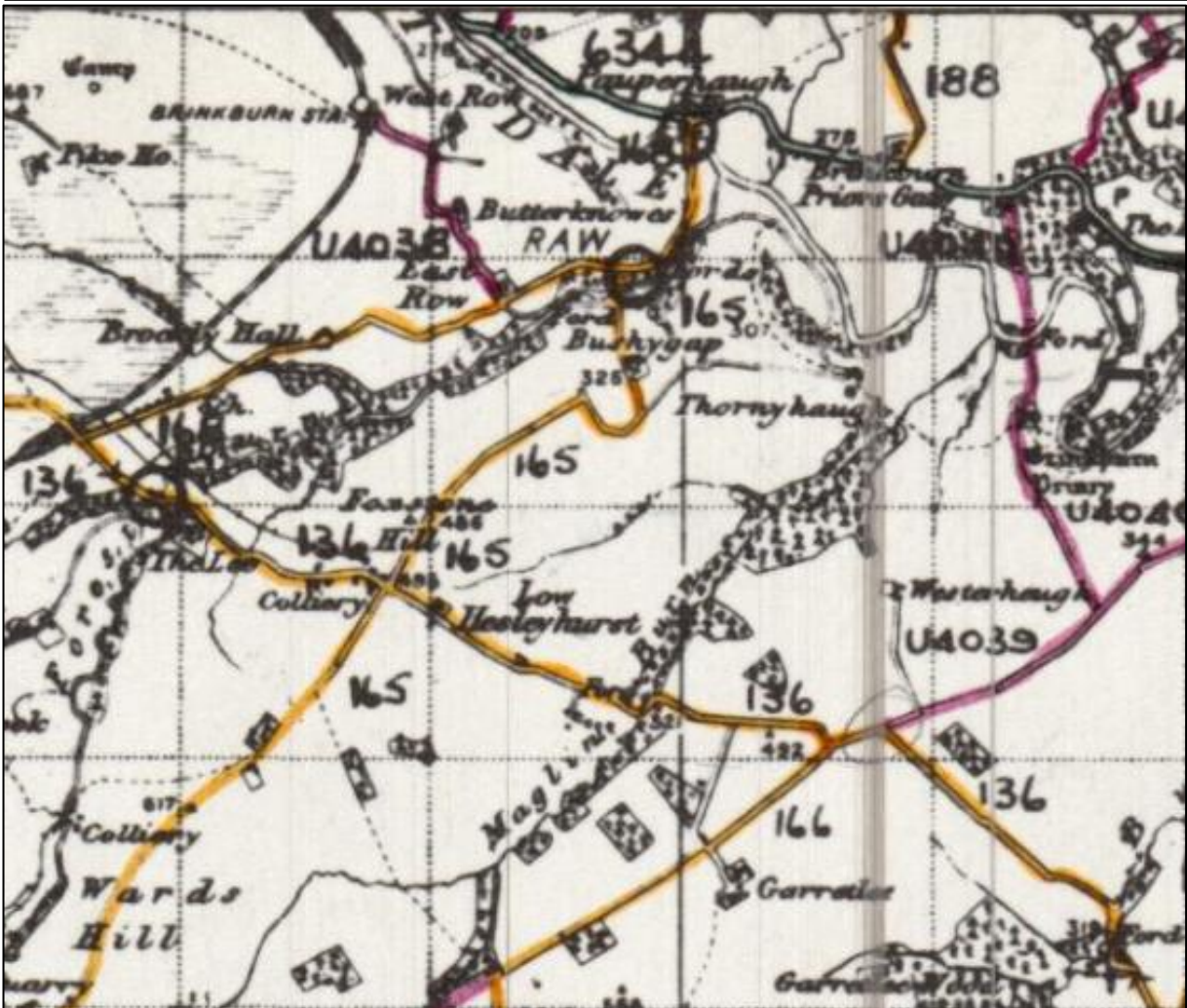




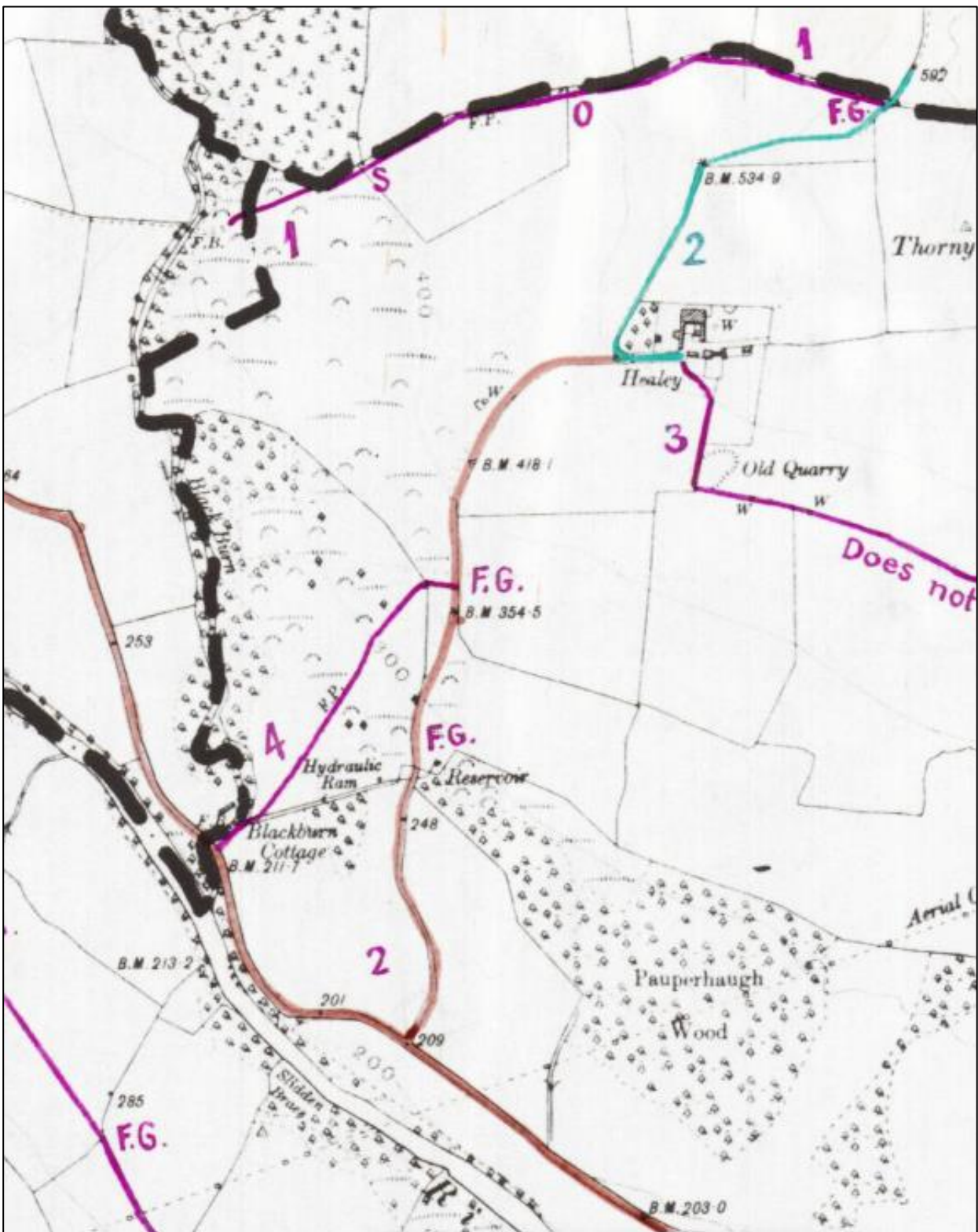








Definitive Map – Original Survey Schedules & Map
c. 1952



NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.
SCHEDULE ACCOMPANYING SURVEY MAPS.

Parish of RAW in the Rural District of _____

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

1. Number of highway on Map 2
2. Kind of Path (i.e., F.P., B.R.) CR. ROAD/TRACK.
3. Starts at COQUET BRIDGE to THORNY HILLS
4. Name of Path (if any) Nil
5. Is the Path well defined? YES as far as HEALEY.
6. Is the Path metalled? If so, define length. YES all the way
7. If its width can be stated, insert here. 6'
8. What is the present condition of the path, stiles, etc.? Fenced gates. OK
9. Is it subject to being ploughed out? No
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known
Nil
11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant
Repaired one part of its length by Council.
12. Have persons been prevented using the highway? No
13. Give particulars of any obstructions Nil.
14. Names of owners of freehold and previous owners, if known, for past 30 years
Duke of NORTHUMBERLAND
W. STORER (Tenant)
15. What maps have been consulted, and where are they deposited?
Nil
16. What records have been consulted, and where are they deposited?
Nil
17. Any other relevant information. From Coquet Bridge to Healey a tarmac road. From Healey to Thorny Hill an irregular grass track metalled underneath. Through road to BRIMSWORTH HOLE. Not suitable for cars in wet weather.

| Surveyed by | Address | Date of Survey |
|----------------|-----------------------------------|----------------|
| <u>J. Ball</u> | <u>Pringate Langhamington</u> | <u>3/5/53</u> |

Important:—Sheet No. of Map on which Highway is shown
285 / 45 / 50 NW

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.
SCHEDULE ACCOMPANYING SURVEY MAPS.

Parish of RAW in the Rural District of _____

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

1. Number of highway on Map 3 2. Kind of Path (i.e., F.P., B.R.) ? F.P.
3. Starts at HEWLEY to 100' NORTH / HAGS WOOD
4. Name of Path (if any) NIL
5. Is the Path well defined? DOES NOT EXIST
6. Is the Path metalled? If so, define length _____
7. If its width can be stated, insert here _____
8. What is the present condition of the path, stiles, etc. ? _____
9. Is it subject to being ploughed out? _____
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known
NIL
11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant
NIL
12. Have persons been prevented using the highway? No one used it.
13. Give particulars of any obstructions No through road.
14. Names of owners of freehold and previous owners, if known, for past 30 years
DUKE OF NORTHUMBERLAND
(Tenant) is STORER.
15. What maps have been consulted, and where are they deposited?
NIL
16. What records have been consulted, and where are they deposited?
NIL
17. Any other relevant information. Has not been used or known to exist in present tenant's lifetime.

| Surveyed by | Address | Date of Survey |
|------------------|--------------------------------------|----------------|
| <u>J. Dullin</u> | <u>Prinsgate Langbarnham etc</u> | <u>3/5/53</u> |

Important :- Sheet No. of Map on which Highway is shown
285 / 45 / 50 NW

**NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.
SCHEDULE ACCOMPANYING SURVEY MAPS.**

Parish of ROTHBY RAM in the Rural District of _____

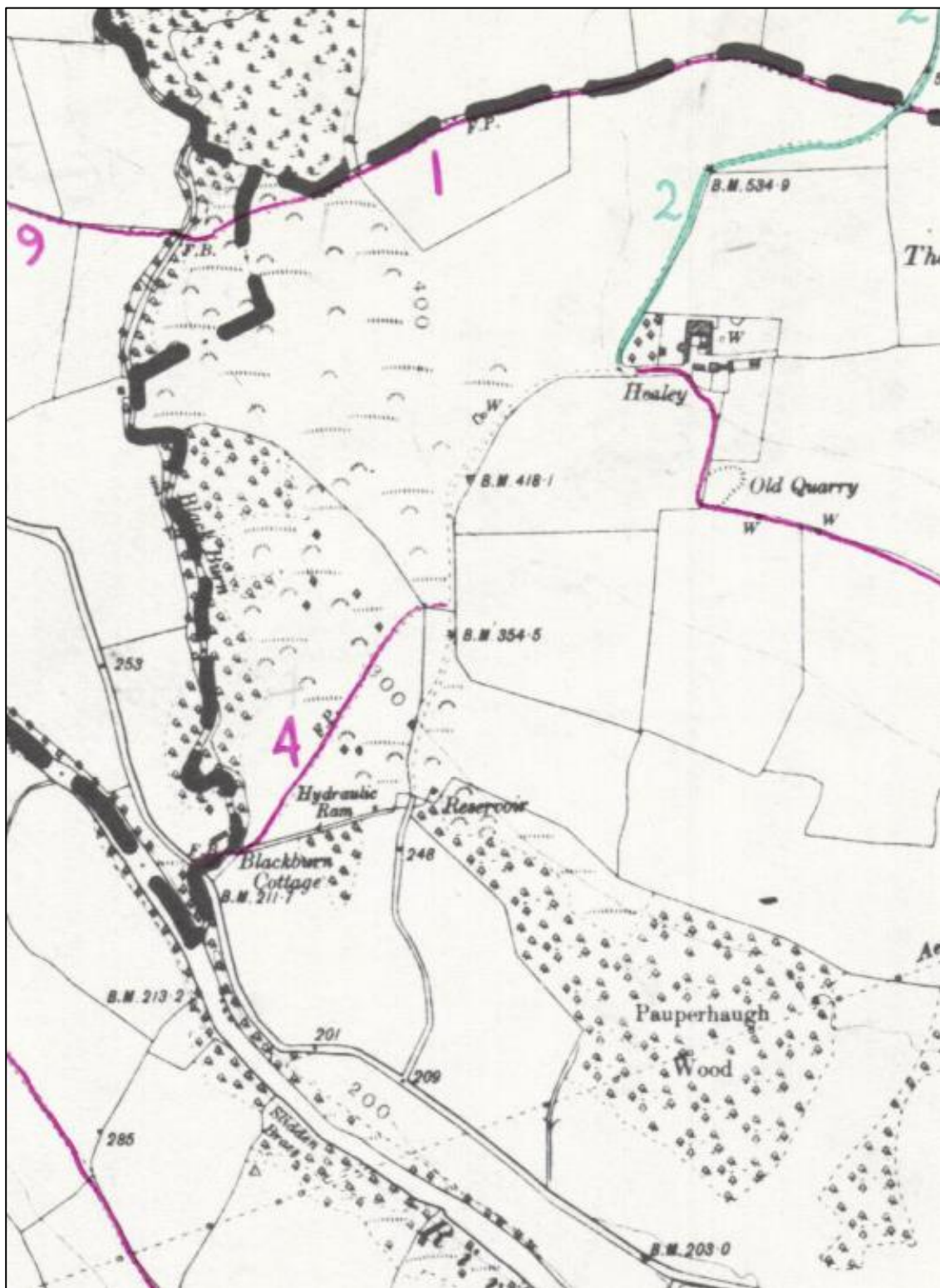
Borough _____
Urban District } of ROTHBY
RURAL } (Delete whichever is inapplicable).

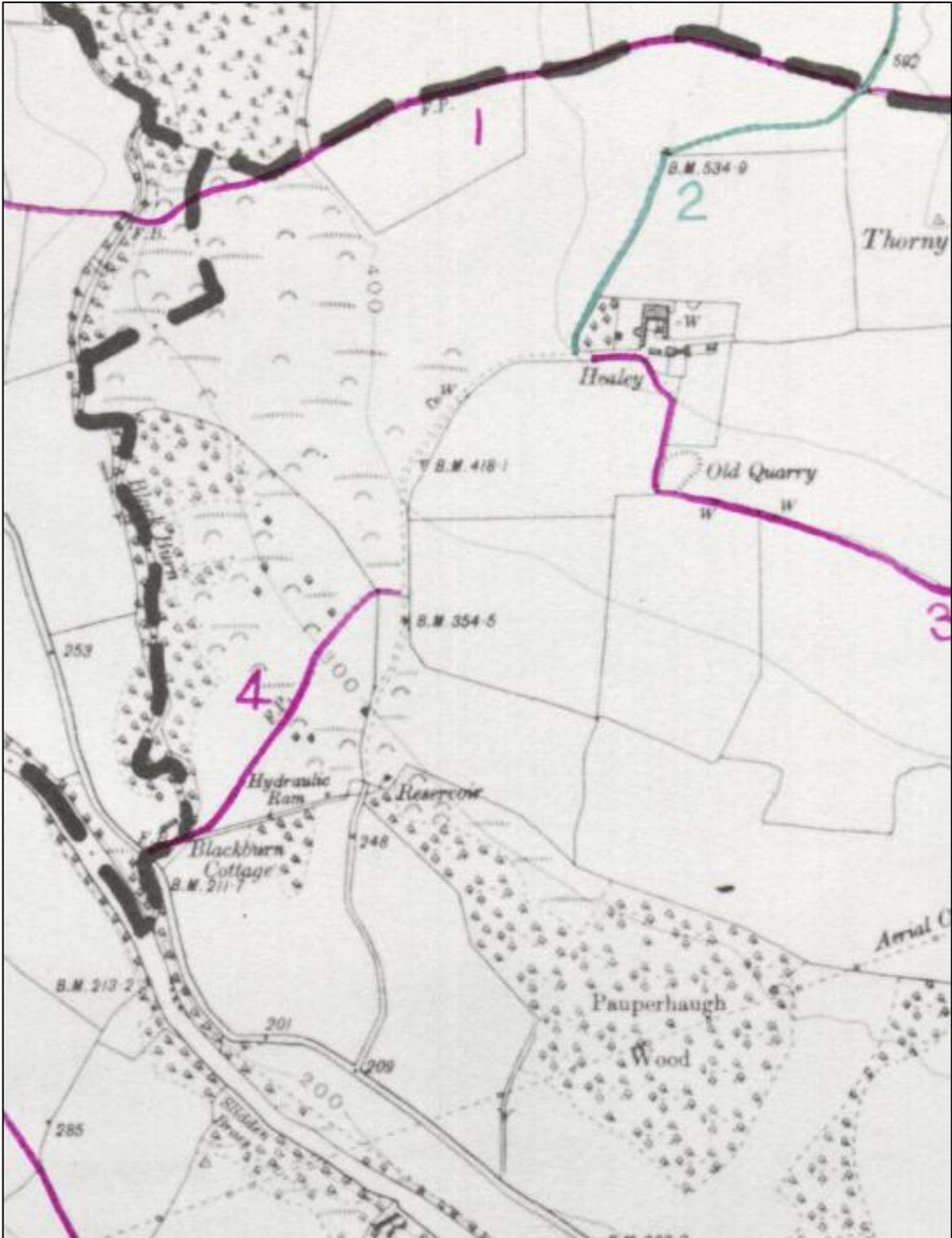
1. Number of highway on Map 4 2. Kind of Path (i.e., F.P., B.R.) FP
3. Starts at BLAKE BURN COTTAGE to HENRY FARM ROAD (amp)
4. Name of Path (if any) Nil
5. Is the Path well defined? NO
6. Is the Path metalled? If so, define length NO
7. If its width can be stated, insert here _____
8. What is the present condition of the path, stile, etc.?
Path not in use no
9. Is it subject to being ploughed out? _____
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known
Nil
11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant
None.
12. Have persons been prevented using the highway? None use it
13. Give particulars of any obstructions No path.
14. Names of owners of freehold and previous owners, if known, for past 30 years
Duke of Northumberland
his steward (tenant)
15. What maps have been consulted, and where are they deposited?
/
16. What records have been consulted, and where are they deposited?
/
17. Any other relevant information Do not consider this
FP now required. Not used.

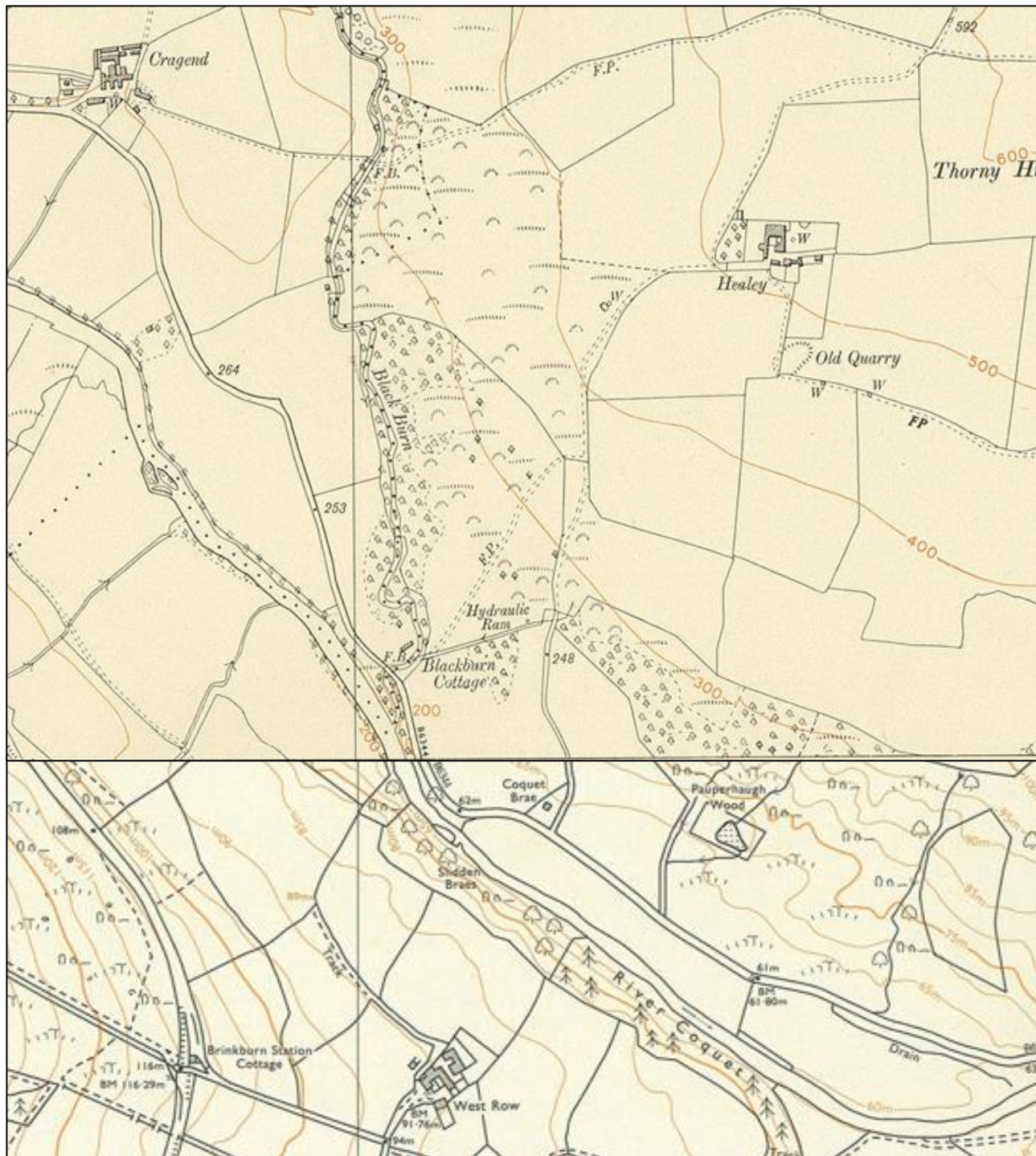
| Surveyed by | Address | Dates of Survey |
|--------------------|---|-----------------|
| <u>[Signature]</u> | <u>Prinsgate</u> <u>Longhamlington</u> | <u>3/5/53</u> |

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

285 | 45 | 50 NW

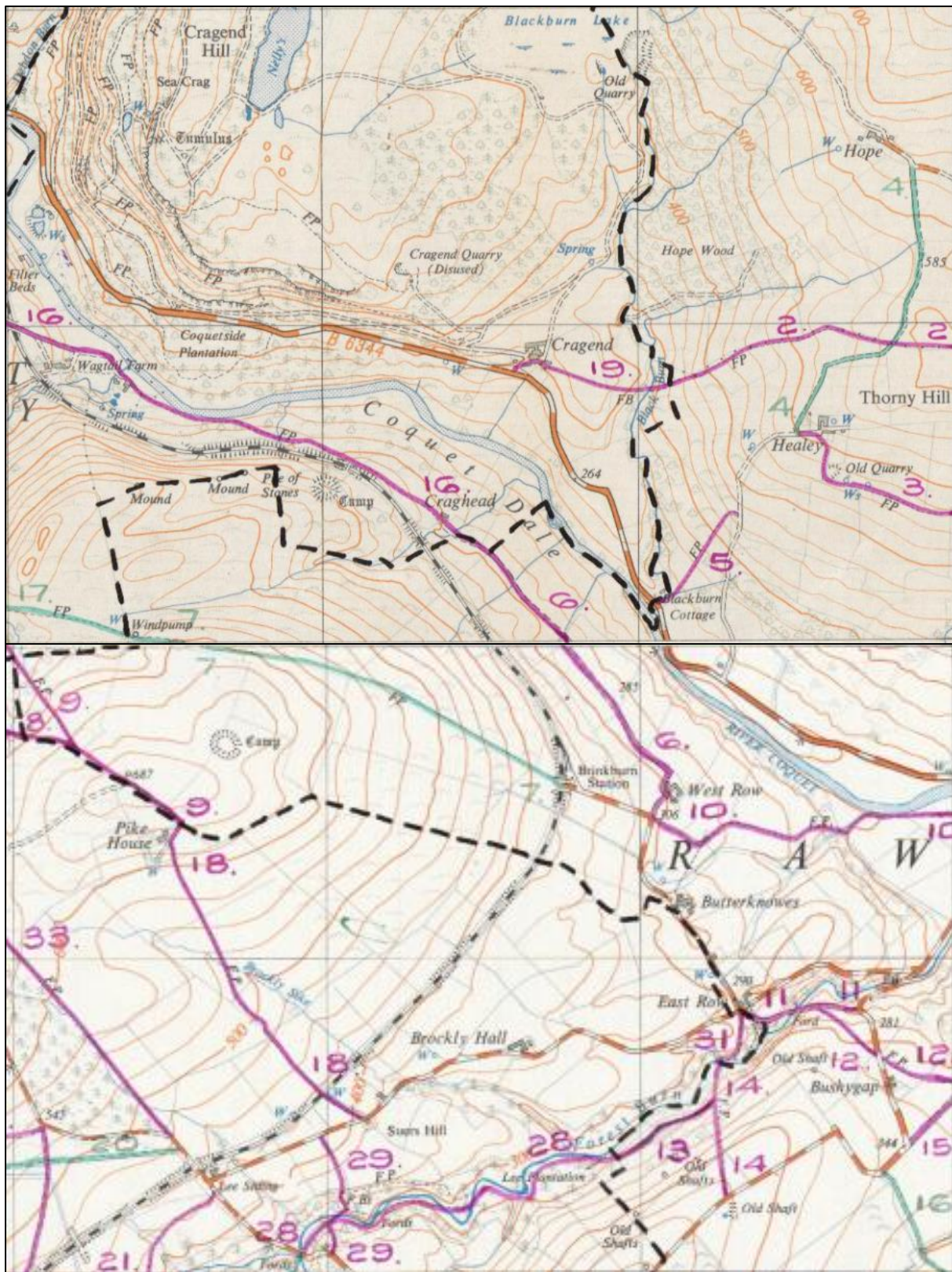






County Road Schedule
1958

| MERTON DIVISION | | | |
|---|--|--|---------------------|
| Unclassified Roads in Rothbury Rural District | | | |
| U.4032 | Bowershiel Road. | From B.6341 south of the entrance to North Riding to Middle Riding. | 0.42 |
| U.4033 | Elsdon - Eastnook Road. | From B.6341 at Elsdon via Lendshot to Eastnook including Branch Road to Hudspeth. | 3.33 |
| U.4034 | Folly Road | From B.6341 west of the Bird in the Bush (P.H.) Northwards for a distance of 550 yards towards the Folly. | 0.32 |
| U.4036 | Rothley Village Road. | From C.161 to Rothley Village. | 0.20 |
| U.4037 | Rothley Shiel Road. | From B.6342 at Rothley Shiel East via Rothley Shiel West to B.6342 west of Rothley Crossroads. | 1.81 |
| U.4038 | East Row - Brinkburn Burn Station Road. | From C.168 at East Row to Brinkburn Station. | 0.64 |
| U.4039 | North Birks - Todstead Road, with link to Westerheugh. | From C.135 north of North Birks via Tod Burn and River Coquet to B.6344 at Todstead (1.264 mls) and branch road from near Ford over Todburn westwards to C.136 near entrance to Westerheugh (1.327 mls). | 2.591 |
| U.4040 | Brinkburn High House - Westerheugh Road. | From B.6344 at Brinkburn High House to U.4039 east of the entrance to Westerheugh. | 1.15 |
| U.4041 | Brinkburn High House - Here Crossroad. | From B.6344 near Brinkburn High House via Coleshot to C.163 west of the entrance to the Hare Cross. | 0.92 |
| U.4044 | Vicrage Road, Longframlington. | Late A.697 now by-passed. | 0.26 |
| U.4045 | Old Road, Longframlington. | From U.4045 to High Veldon. | 1.05 |
| U.4046 | High Veldon Road. | From C.168 west of Healey Cote North-westwards to Hope. | 0.34 |
| U.4048 | Healey Cote - Hope Road. | From B.6344 west of Pauperheugh to Healey. | 1.24 |
| U.4049 | The Healey Road. | | 0.55 |
| | | Carried forward | <u>14.821</u> miles |



NORTHUMBERLAND COUNTY COUNCIL.

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

PUBLIC RIGHTS OF WAY - STATEMENT.

1. ~~Borough~~
~~Urban District~~
Rural District ROTHBURY
2. Parish BRINKBURN
3. Number of Footpath on Map 3
4. Name of Path
5. Kind of Path (i.e. FP/BR) F.P.
6. General Description of Path From the Hope-New Houses Road south of Throat
..... Wood in a north-westerly, westerly, northerly and westerly direction to join
..... BR 4 at Healey.
.....
.....
.....
7. Other relevant information
.....
.....
.....
.....

NORTHUMBERLAND COUNTY COUNCIL.

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

PUBLIC RIGHTS OF WAY - STATEMENT.

1. Borough
Urban District
Rural District ROTHBURY
2. Parish BRINKBURN
3. Number of Footpath on Map 4
4. Name of Path
5. Kind of Path (i.e. FP/BR) BR... (part metalled 8 feet wide)
6. General Description of Path From FP 3 at Healey in a north-easterly and
northerly direction crossing FP 2 to join the Hope-New Houses Road south east of
Hope.
.....
.....
.....
7. Other relevant information
-
-
-
-
-

NORTHUMBERLAND COUNTY COUNCIL.

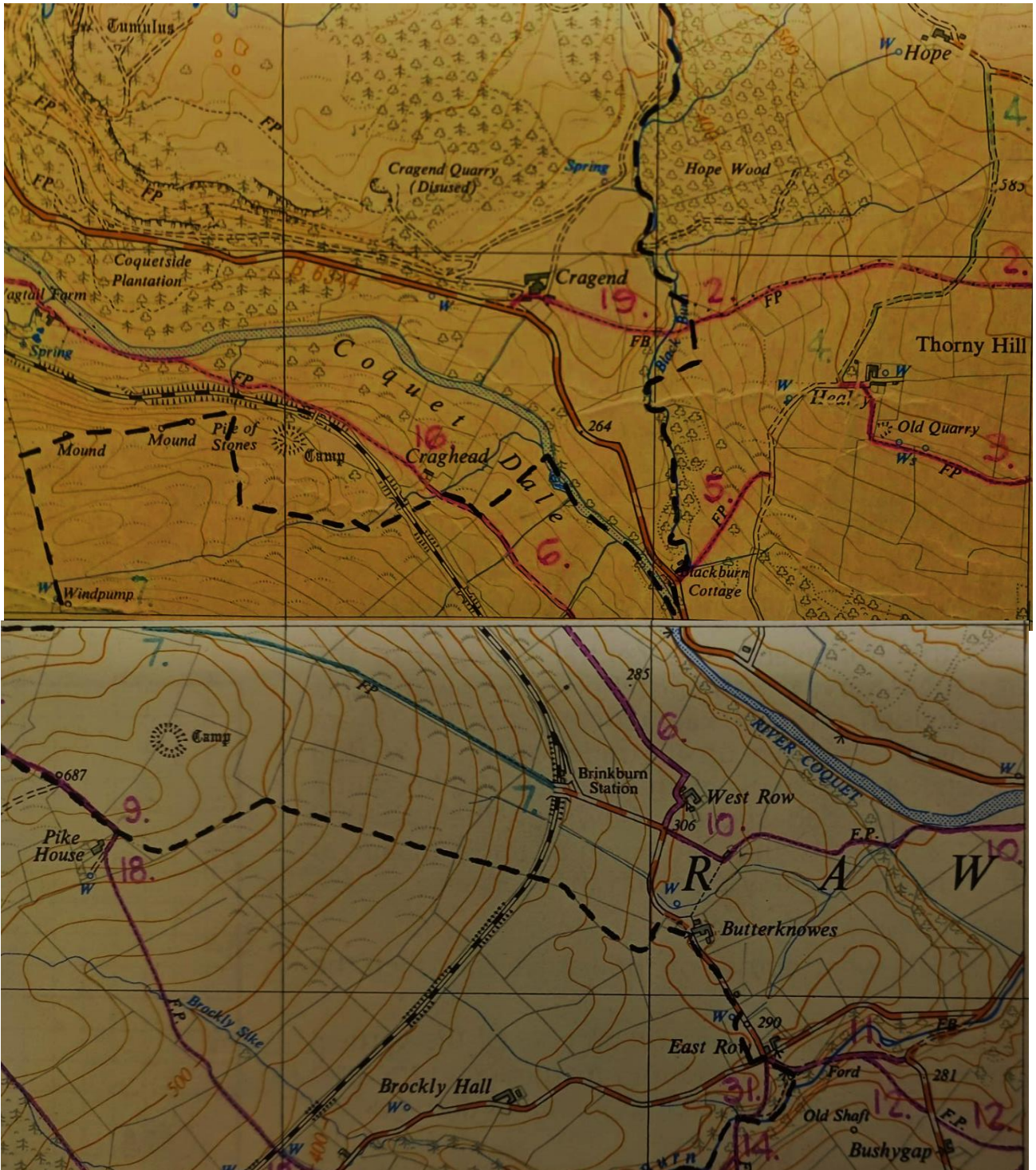
NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949
PART IV.

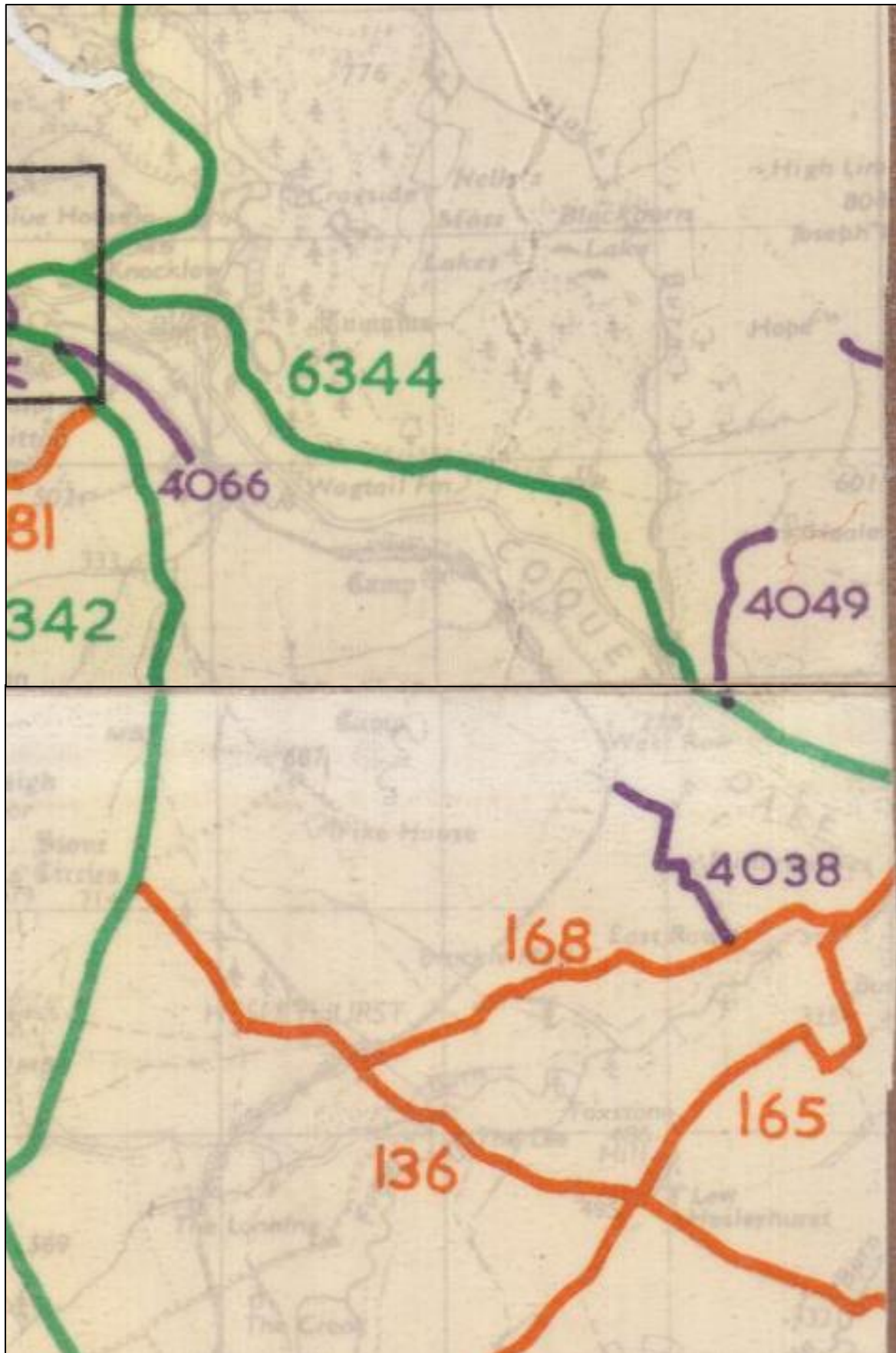
PUBLIC RIGHTS OF WAY - STATEMENT.

1. Borough
Urban District
Rural District **ROTHBURY**
2. Parish **BRINKBURN**
5
3. Number of Footpath on Map,.....
4. Name of Path
5. Kind of Path (i.e. FP/BR) **F.P.**
6. General Description of Path **From the Healey Road south-west of Healey in a**
westerly and south-westerly direction to join the Rothbury - Weldon Bridge Road
(B6344) at Blackburn Cottage.
.....
.....
.....
7. Other relevant information
.....
.....
.....
.....

County Road Schedule 1964

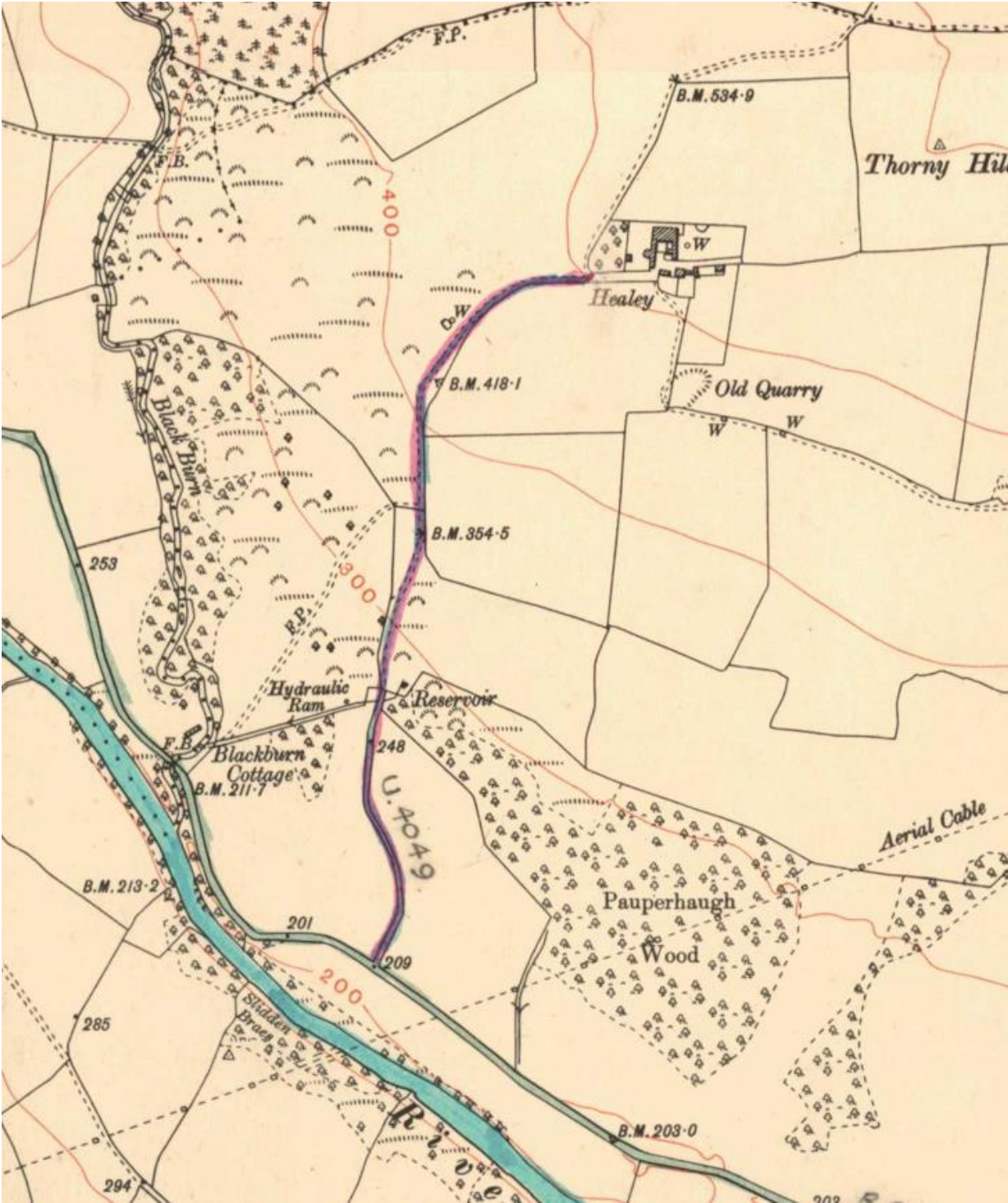
| <u>Route No.</u> | <u>Name of Road.</u> | <u>Description.</u> | <u>Responsible Division or Authority.</u> | <u>Mileage.</u> | <u>Total Mileage.</u> |
|------------------|------------------------------------|---|---|-----------------|-----------------------|
| U.4049 | The Healey Road. | From B.6344 west of Pauperhaugh northwards to Healey. | Morpeth | 0.55 | 0.55 |
| U.4050 | Wingates-Wards Hill Road. | From C.166 south of Wingates Saw Mill north-westwards to C.165 at Wards Hill. | Morpeth | 1.48 | 1.48 |
| U.4051 | Chirm-Chirm Well Road. | From U.4050 south of Chirm, north-eastwards to C.166 at Chirm Well Cottage. | Morpeth. | 0.74 | 0.74 |
| U.4052 | Wingates Village Road. | From C.166 to Wingates Village. | Morpeth. | 0.23 | 0.23 |
| U.4053 | Gallows Hill-Hartington Hall Road. | From B.6342 100 yards east of Harwood Gate via Gallows Hill and Hartington to C.162 south-east of Hartington Hall. | Morpeth. | 0.98 | 0.98 |
| U.4054 | Low Fairnley Road. | From B.6342 south of Harwood Gate westwards to Low Fairnley terminating at Fairnley Farm Gate. | Morpeth. | 0.97 | 0.97 |
| U.4055 | The Chesters Road. | From B.6342 opposite its junction with C.162 westwards via Chesters to U.5007 at the south-west corner of Chesters Plantation and including road southwards to U.6046 at the Rural District boundary. (Continues in Bellingham Rural District as U.5007 and in Morpeth Rural District as U.6046). | Morpeth. | 1.47 | 1.47 |
| U.4056 | The Caistron Road. | From B.6341 $\frac{1}{2}$ of a mile south of Flotterton, south-eastwards towards Caistron for a distance of 245 yards. | Alnwick. | 0.14 | 0.14 |
| U.4057 | Hepple-Wreighill Road. | From B.6341 at Hepple Smithy to a point 250 yards south-east of Wreighill. | Alnwick. | 0.88 | 0.88 |
| U.4058 | Holystone-Campville Road. | From C.180 at Holystone Priory via Holystone School towards Campville, terminating at cattle grid 127 yards west of where the Old Mill Race crosses the road, including 43 yds long branch road northwards to Salmon Inn. | Alnwick. | 0.38 | 0.38 |
| U.4059 | Gravelly Bank, Rothbury. | From B.6341 at County Hotel, westwards via Newcloud House to west entrance to Cove Quarry. | Alnwick. | 0.52 | 0.52 |

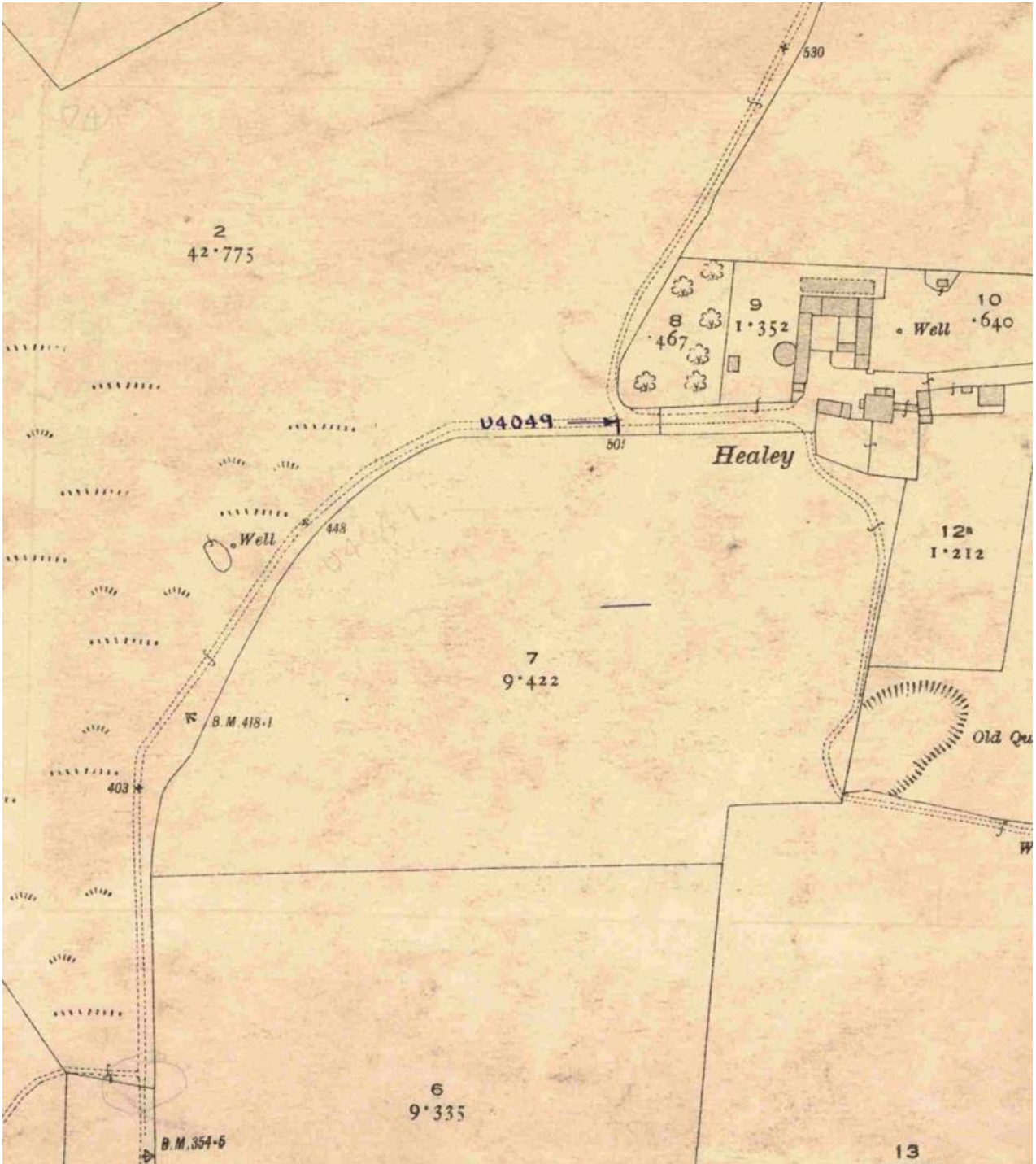


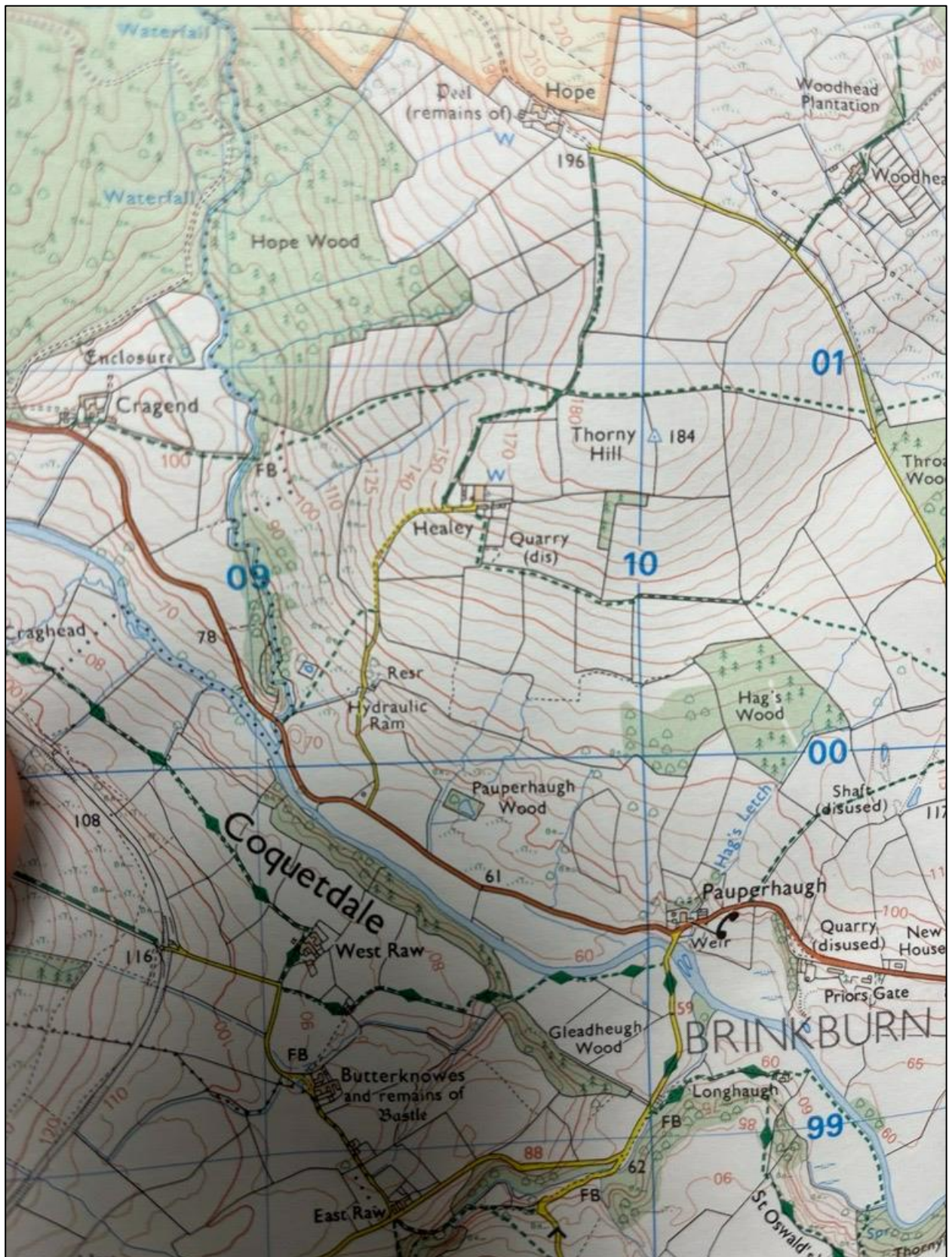


County Road Schedule
1974

| Route No. | Name of Road | Description | Responsible Division or Authority | Mileage | Total Mileage |
|-----------|--------------------------------------|--|-----------------------------------|---------|---------------|
| U.4049 | The Healey Road. | From B.6344 west of Pauperhaugh (NZ 992999 ⁰⁹²⁹⁹⁹) northwards to Healey. (NU 996006 ⁰⁹⁶⁰⁰⁶) | Morpeth Division. | | 0.55 |
| U.4050 | Wingates-Wards Hill Road. | From C.166 south of Wingates Saw Mill (NZ 095948) north-westwards to C.165 at Wards Hill. (NZ 075959). | Morpeth Division. | | 1.48 |
| U.4051 | Chirm-Chirm Well Road. | From U.4050 south of Chirm (NZ 086955) north-eastwards to C.166 at Chirm Well Cottage. (NZ 093961). | Morpeth Division. | | 0.74 |
| U.4052 | Wingates Village Road. | From C.166 at NZ 097950 eastwards to serve Wingates Village. (NZ 101952). | Morpeth Division. | | 0.23 |
| U.4053 | Gallows Hill - Hartington Hall Road. | From B.6342 100 yards east of Harwood Gate (NZ 020895) southwards via Gallows Hill and Hartington to C.162 south-east of Hartington Hall. (NZ 025880). | Morpeth Division. | | 0.98 |
| U.4054 | Low Fairnley Road. | From B.6342 south of Harwood Gate (NZ 020885) westwards to Low Fairnley terminating at Fairnley Farm Gate. (NZ 005887). | Morpeth Division. | | 0.97 |
| U.4055 | The Chesters Road. | From B.6342 opposite its junction with C.162 (NZ 020881) westwards via Chesters to the Tynedale District Boundary at the south-west corner of Chesters Plantation (NZ 003877) and including road southwards to the Castle Morpeth District boundary at NZ 009874. (Continues in Tynedale District as U.5007 and in Castle Morpeth District as U.6046). | Morpeth Division. | | 1.47 |
| U.4056 | Caistron Road. | From B.6341 $\frac{1}{2}$ of a mile south of Flotterton (NI 993014) south-eastwards towards Caistron for a distance of 245 yards. | Alnwick Division. | | 0.14 |



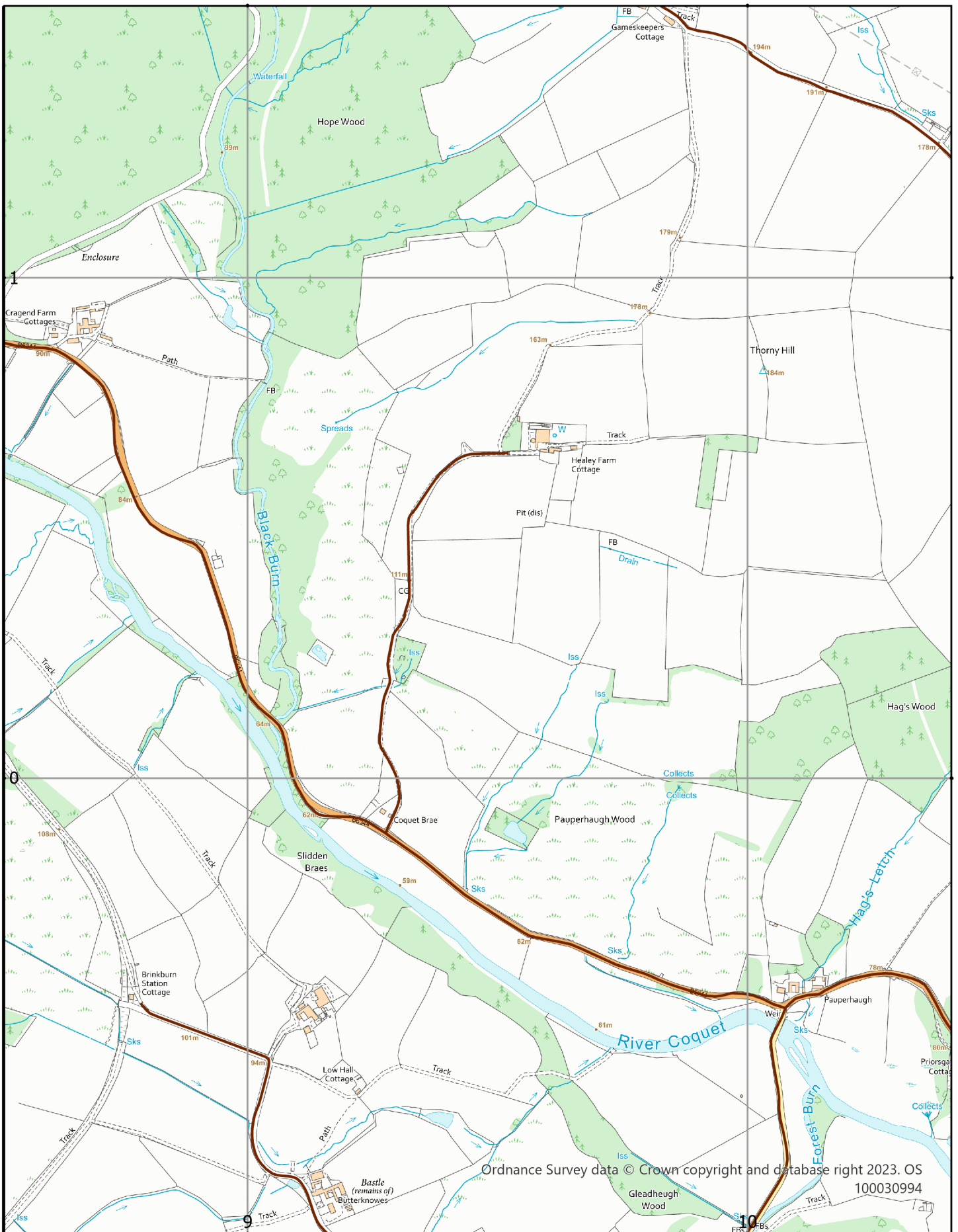




The Council's 'List of Streets' (at 2 May 2006)

*Highways Act 1980 Section 36(6)
County Of Northumberland
List of Streets which are highways maintainable at the public expense
As at 02-May-2006*

| <i>Road Number</i> | <i>Description</i> | <i>Length - Metres</i> |
|--------------------|-----------------------------------|------------------------|
| U4045 | | |
| | A697 TO U4046 | 506 |
| | <i>Total length for U4045</i> | <i>1,883</i> |
| U4046 | | |
| | U4045 TO HIGH WELDON FARM | 546 |
| | <i>Total length for U4046</i> | <i>546</i> |
| U4047 | | |
| | C178 TO PRIMROSE COTTAGE BRIDLEWA | 2,676 |
| | BRIDLEWAY TO DEBDON FARM | 1,094 |
| | C176 TO SNITTER V/S (NORTH) | 142 |
| | C176 TO U4047 | 75 |
| | SNITTER V/S (NORTH) TO C178 | 902 |
| | DEBDON FARM TO B6341 | 404 |
| | <i>Total length for U4047</i> | <i>5,292</i> |
| U4048 | | |
| | C188 TO HOPE FARM | 2,072 |
| | <i>Total length for U4048</i> | <i>2,072</i> |
| U4049 | | |
| | B6344 TO HEALY FARM | 916 |
| | <i>Total length for U4049</i> | <i>916</i> |
| U4050 | | |
| | C165 TO U4051 | 1,281 |
| | U4051 TO C166 | 1,136 |
| | <i>Total length for U4050</i> | <i>2,417</i> |
| U4051 | | |
| | U4050 TO C166 | 1,202 |
| | <i>Total length for U4051</i> | <i>1,202</i> |



**Network Management
Information System**

Page 263

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| | | |
|--|-----------------|--------------------|
| Highways Act 1980 Section 36(6) County of Northumberland List of Streets which are highways maintainable at the public expense as at 02-May-2006 | | |
| Drn: ZQ | Date: Dec 23 | Scale: 1:10,000 |

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