



# Northumberland

## County Council

**Your ref:**

**Our ref:**

**Enquiries to:** Rebecca Little

**Email:** [Rebecca.Little@northumberland.gov.uk](mailto:Rebecca.Little@northumberland.gov.uk)

**Tel direct:** 01670 622611

**Date:** Tuesday, 16 April 2024

Dear Sir or Madam,

Your attendance is requested at a meeting of the **RIGHTS OF WAY COMMITTEE** to be held in **CONFERENCE ROOM 1, COUNTY HALL, MORPETH, NORTHUMBERLAND, NE61 2EF** on **WEDNESDAY, 24 APRIL 2024 at 10.00 AM.**

Yours faithfully

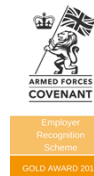
Dr Helen Paterson  
Chief Executive

**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  
[www.northumberland.gov.uk](http://www.northumberland.gov.uk)



# 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 OF PREVIOUS MEETING

(Pages 1  
- 6)

The minutes of the Rights of Way Committee meeting held on Wednesday, 28 February 2024, 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](mailto: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** (Pages 7 - 170)  
**ALLEGED PUBLIC FOOTPATH NO 55**  
**PARISH OF INGRAM**

The Rights of Way Committee is asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public footpath rights over a route between the junction of existing Parish of Ingram Public Footpaths No 10 & 11, 1140 metres north-east of Fawdon Farm and a point on existing Parish of Ingram Public Footpath No 11, 324 metres north-east of Quarterknowe Plantation.

**5. REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY** (Pages 171 - 222)  
**ALLEGED PUBLIC BRIDLEWAY NO 29**  
**PARISH OF LONGHORSLEY**

The Rights of Way Committee is asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of higher public rights over the route of existing Public Footpath No 29, from C141 road, immediately west of High Southward Edge, in a easterly direction to join the C138 road, south of Muckley.

**6. 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.

<b>Name:</b>		<b>Date of meeting:</b>	
<b>Meeting:</b>			
<b>Item to which your interest relates:</b>			
<b>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):</b>			
<b>Are you intending to withdraw from the meeting?</b>		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.

# Agenda Item 2

## NORTHUMBERLAND COUNTY COUNCIL

### RIGHTS OF WAY COMMITTEE

At the meeting of the **Rights of Way Committee** held at Conference Room 2, County Hall, Morpeth on Wednesday, 28 February 2024 at 10.30 am.

#### PRESENT

Jl Hutchinson (Chair)  
(in the Chair)

#### MEMBERS

L Bowman  
C Hardy  
M Swinbank

J Foster  
A Sharp

#### OFFICERS

A Bell  
T Crowe  
H Lamb  
R Little  
Z Quinn

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

One member of the public was present.

18 **APOLOGIES FOR ABSENCE**

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

19 **MINUTES**

**RESOLVED** that the minutes of the meeting of the Rights of Way Committee held on Wednesday, 20 December 2023, as circulated were confirmed as a true record and were signed by the chair.

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

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 non-existence of public footpath rights over parts of existing Public Footpaths Nos 4 and 5, through Quarry Woods, Morpeth.

T. Smith spoke in objection to the application and gave members the following information:

- Mr Smith had not wished for his land to be used by the public as a right of way.
- Northumberland County Council officers had acted illegally and had harassed Mr Smith.
- Mr Smith wished to develop his land into a Caravan Site to provide leisure and employment.
- Morpeth Borough Council had permitted Morpeth residents to cross Job's Well Close Road connecting to Mr Smith's bridge to access their work at J.R. Temple & Son.
- Nos 4 and 5 were not legal Rights of Way.

The Chair confirmed that members had received emails from Mr Smith prior to the meeting, expressing his disappointment with Northumberland County Council for the way that previous issues had been addressed. It was further clarified that complaints submitted by Mr Smith had been through the Council's official complaints procedure and one matter which had been considered by the Ombudsman which concluded that Northumberland County Council were not at fault.

Following the public speaker, members were invited to ask questions of the officers, which the following information was then provided by the Solicitor:

- The Ombudsman decision was dated 30 July 2020, and it they confirmed there was no fault by Northumberland County Council. .

Councillor Hardy proposed to accept the officer's recommendation, this was seconded by Councillor Foster. There was no debate.



A vote was taken and was unanimous.

**RESOLVED** that:

- i. There was 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.
- ii. Further investigation was 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.

*Councillor Foster left the meeting at this point.*

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

A. Bell - Definitive Map and Search Officer, introduced the report with the aid of a PowerPoint presentation, a further map was handed out to committee members to provide further clarity on the maps which were provided in the report.

Committee Members were 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 included 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.

T. Smith spoke in objection to the application and gave members the following information:

- The present condition of the road was from 23 years of illegal behaviour from Northumberland County Council officers.
- The report had contained irrelevant information and had omitted relevant information.
- The route had been illegally recorded and advertised as adopted.
- The plan of the entrance road which had accompanied pre-purchase planning application submitted by the Kennels owner showed that the road was limited to being approximately 15 feet wide including the footpath alongside which was not included in the evidence submitted to the committee.
- Aerial views of the road had not been included in the officer report.
- Mr Smith urged Committee Members to recognise that the entrance road to his property was neither highway nor adopted.
- Mr Smith enquired if members had received the email sent to them, from himself, with further information and voicing his concern that evidence was not available.
- Northumberland County Council officers had entered Mr Smith's land and cut the lock off the chain that he erected.
- The elaborate report produced by Northumberland County Council officers and supported by Northumberland County Council legal officers was a fraud.

Following the public speaker, members were invited to ask questions of the officers, which the following information was then provided by the Solicitor:

Ch.'s Initials.....

- The Ombudsman decision was dated 30 July 2020, and it they confirmed there was no fault by Northumberland County Council. .

Councillor Hardy proposed to accept the officer’s recommendation, this was seconded by Councillor Sharp. There was no debate.

A vote was taken and was unanimous.

**RESOLVED** that:

- 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;
- Public footpath rights had been reasonably alleged to exist over the route N-Y-P-X;
- Public footpath rights had been reasonably alleged to exist over the route Q-P;
- Routes N-Y-P-X and Q-P be included in a future Definitive Map Modification Order as public footpaths.

*A short comfort break was announced at this point.*

## 22 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY**

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 public vehicular rights over the U4041 road, between the B6344 road, and the C177 road, via Cockshot.

Councillor Sharp proposed to accept the officer’s recommendation, this was seconded by Councillor Hardy. There was no debate.

A vote was taken and was unanimous.

**RESOLVED** that:

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

## 23 **REVIEW OF THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY**

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 U4049 Road, between the B6344 Road, and a point 80

metres west of Healy Farm.

Councillor Hardy proposed to accept the officer's recommendation, this was seconded by Councillor Bowman. There was no debate.

A vote was taken and was unanimous.

**RESOLVED** that:

- i. There was sufficient evidence to indicate to indicate that public vehicular rights had been reasonable alleged to exist over the V-X part of the route;
- ii. There was not sufficient evidence to indicate, on the balance of probability, that public vehicular rights had 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 was to be included in a future Definitive Map Modification Order as a byway open to all traffic.

**CHAIR**.....

**DATE**.....

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## Northumberland County Council

RIGHTS OF WAY COMMITTEE  
24 April 2024

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

#### ALLEGED PUBLIC FOOTPATH No 55 PARISH OF INGRAM

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

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#### **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 footpath rights over a route between the junction of existing Parish of Ingram Public Footpaths No 10 & 11, 1140 metres north-east of Fawdon Farm and a point on existing Parish of Ingram Public Footpath No 11, 325 metres north-east of Quarterknowe Plantation.

#### **Recommendation**

**It is recommended that the Rights of Way Committee agrees that:**

- (i) there is insufficient evidence to indicate that public footpath rights have been reasonably alleged to exist over the route C-X-Y-Z-D;**
- (ii) the route should not be included in a future Definitive Map Modification Order as a public footpath.**

#### **1.0 BACKGROUND**

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

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

or

“the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic;” [s53(3)(c)(i)]

- 1.2 It is an unresolved question whether it is permissible to invoke section 53(3)(c)(i) in a case to which section 53(3)(b) applies. There is a case (Bagshaw), which is indirect authority to the effect that in any case of deemed dedication reliance on paragraph (c)(i) is perfectly acceptable. Members are therefore invited to apply the lower test.
- 1.3 Section 31 of the Highways Act 1980 (HA80) provides for the presumption of dedication of a public right of way following 20 years continuous use. Sub-section (1) states:

“Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.”
- 1.4 It is necessary to show that there has been uninterrupted use, as of right, by the public over a period of 20 years or more. ‘As of right’ means openly, not secretly, not by force and not by permission. The public must have used the way without hindrance (e.g. objections, verbal / written warnings, etc.) or permission from the landowner or his agents. The 20 year period may be shown at any time in the past and is generally taken to run backwards from the date when the use of the path was first “brought into question”, whether by a notice or otherwise.
- 1.5 The Committee must consider whether there is sufficient evidence to allege that the presumption is raised. The standard of proof is the civil one that is the balance of probabilities. Members must weigh up the evidence and if, on balance, it is reasonable to allege that there is a public right of way, then the presumption is raised. The onus is then on the landowner to show evidence that there was no intention on their part to dedicate.
- 1.6 Such evidence may consist of notices or barriers, or by the locking of the way on one day in the year, and drawing this to the attention of the public, or by the deposit of a Declaration under section 31(6) HA80 to the effect that no additional ways (other than any specifically indicated in the Declaration) have been dedicated as highways since the date of the deposit.
- 1.7 All the relevant statutory provisions and competing rights and interests have been considered in making this report. The recommendation is in accordance with the law and proportionate, having regard to individuals’ rights and the public interest.

## **2.0 PUBLIC EVIDENCE**

- 2.1 In November 2022, Mr J R Graham of Morpeth, made a formal application in support of a public footpath from the junction of existing Parish of Ingram Public Footpaths No 10 & 11, 1140 metres northwest of Fawdon Farm, to a point on existing Parish of Ingram Public Footpath No 11, 325 metres north-east of Quarterknowe Plantation.
- 2.2 By letter, received December 2022, Mr J Graham submitted further user evidence and stated:

“Thank you for your recent letter and telephone conversations regarding the Wildlife and Countryside Act and Review of definitive map and statement of public rights of way Old Fawdon Hill and Farm Ingram, Certificate of Service of application order on the one owner of the lane, Herne Limited Company number 11677392, Direction Phillip Magor, served by post on this day on Form C with the definitive map and statement for the area.

“I have enclosed 8 further evidence statements under list of documents. There are 2 other statements that I have left with the persons concerned if they are returned to me before your enquiries are complete, I will immediately send them to you.

“I note that John Bowers statement paragraph 17 notes the website [www.hillbagging.co.uk](http://www.hillbagging.co.uk) has 34 logged descriptions between 1996 and 2021 which refer to walks over Old Fawdon Hill of which 8 refers to West Hill.

“I have used the route from 1969-2022 and part of my time was with other police cadets whom I worked with, and for 15 years, as an instructor for the Duke of Edinburgh Gold, Silver and Bronze Awards. This will probably amount to at least 100 people who have used the route. I cannot now remember the names or whereabouts of these people and therefore realise they cannot be used in this application however, it does explain why I used the route so many times as it was perfect to show people how to navigate, how to produce route plans and how to say safe on the hills. I received my Mountain Leadership Certificate in the late seventies and have used it regularly on this route.

“Finally, I mentioned to you The Secretary of the Ingram Parish Council, Helen Wilde who knows the route extremely well and has indicated she knows a number of local people in Ingram who may wish to support this application.”

- 2.3 The proposal is supported by user evidence from 16 local people, 12 of whom claim to have used the route on foot for periods in excess of 20 years.

## **3. LANDOWNER EVIDENCE**

- 3.1 By letter, dated 22 February 2023, Robin Carr Associates responded to the application on behalf of the landowner, Mr E Magor, stating:

“Robin Carr Associates is in receipt of instructions from Mr Edward Magor of Rogam Farms Limited of Fawdon Farm, Powburn, Nr Alnwick, Northumberland, England, NE66 4JQ in respect of the above matter.

“Firstly, may I take the opportunity to thank you for sending me a copy of the above application and the redacted user evidence that has been submitted in support.

“My Clients are the owners of the land crossed by the application route and wish to register their objection to the application and any subsequent Order. The grounds for objection are that there is insufficient evidence to give rise to a reasonable allegation in support of the establishment of a public right of way, and there is certainly insufficient evidence to prove the case on balance of probability.

“I have now had the opportunity to undertake an assessment of the user evidence and have the following comments:

“Lorna Lazzari from Northumberland National Park has confirmed that a permissive path/access agreement was in place from August 1993 (and then amended in 1997, when the national park became a free-standing authority) and was in place for 12 years (until 2009). The agreement was between Northumberland County Council and the landowner and tenant and covered an area of open access land on the Ingram Valley haughland and a series of permissive Hillfort trails – of which East Hill was one.

“It is my clients understanding that the permissive nature of the access was signposted and made clear to any person wishing to use it.

“The effect of this permissive agreement is that any use between 1993 and 2009 was in the exercise of an express and documented permission. Such use cannot therefore be considered to be ‘as of right’. As such it cannot be attributed to the exercise of a public right of way. Furthermore, the period of permission also demonstrates an interruption to use (that is ‘as of right’) and is clear overt act which demonstrates a lack of intention to dedicate.

“With regard to the user evidence, much of this evidence provides evidence of use during the permissive period referred to above (1993-2009) and must be disregarded so far as that period is concerned.

“I should further add that whilst the actual permissive access agreement may have lapsed in 2009, the permissive path signage remained on site, and was renewed recently (2021) by my Clients. The effect of this is that from 2009 to present, signage has been maintained which is wholly inconsistent with any intention to dedicate.

“Furthermore, none of the users give evidence of use of a frequency greater than every few months to once a year. There are also suggestions that no single route has been used, with use more akin to a general wandering between the fixed higher points on the hills. Overall, this would suggest that use has not been of a defined route, nor has there been a sufficiency of use to give rise to any presumption of dedication. The application should therefore be refused.



“I should be obliged if you would confirm safe receipt of this objection on behalf of my Clients and keep me informed of any progress with the application.”

3.2 By email, dated 7 July 2023, Mr E Magor responded to the consultation, stating:

“Thank you for your letter dated 27 June 2023

“Mr Robin Carr of Robin Carr Associates has been appointed to handle the matter of the Alleged Public Footpath on behalf of Rogam Farms Ltd.

“I understand that Mr Carr wrote to you on 22<sup>nd</sup> February 2023 confirming our objection to the application and any subsequent Order. I can confirm that Mr Carr will write to you again regarding our objection to the application.

“In the meantime I can confirm that all of the alleged route marked C to D on the Map 55/66 dated May 2023 supplied with your letter is owned by Rogam Farms Ltd.

“Please confirm receipt of this letter.”

3.3 By letter, dated 5 September 2023, Robin Carr Associates responded to the consultation on behalf of the landowner, Mr E Magor, stating:

“I refer to your letter to my Client dated 27<sup>th</sup> June 2023 regarding the above matter and seeking evidence which may assist with your investigations. I can confirm that the whole of this claimed footpath is situated on my Client’s land.

“The majority of our comments were submitted to you in our letter dated 22<sup>nd</sup> February 2023, a copy of which is attached, and which I should request be taken into account when any decision is made. To assist you further I can add that the route shown in pink highlighter on the attached plan is a permissive footpath and is signed as such. This was the subject of a now lapsed permissive path agreement between the former landowner and the County Council and or National Park Authority. Whilst the agreement may have lapsed the signage has remained and been replaced/ renewed as and when required. Any use of the permissive path is not of a nature that can be defined as being ‘as of right’ and therefore cannot be taken into consideration when determining the DMMO application. The permissive path agreement and signage etc. also clearly demonstrate overt acts on the part of the landowner, directed at users of the path, that he has no intention to dedicate public rights of way.

“With regard to the area of land highlighted in green on the attached plan, this is Access Land and anyone walking over that area will be doing so ‘by right’ in exercise of the so-called ‘right to roam’. Any such use is inadmissible when considering the DMMO application.

“I trust that this information is of assistance, however if you require anything more, please do not hesitate to contact me.”

## 4. CONSULTATION

- 4.1 In June 2023, 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, in July 2023, the British Horse Society responded to the consultation, stating:

“Although the BHS has no specific comment to make, it is aware that the route is regularly used by both local people and visitors and that part of it is over Open Access Land (Old Fawdon Hill). As an alternative to a new footpath, would it not be possible for the West Hill and the East Hill to be dedicated as Open Access Land as well as there is no apparent difference in the vegetation of these areas? The CROW Act 2000 provides for such a development.”

- 4.3 By email, dated 29 September 2023, Ms M Anderson, responded to the consultation on behalf of the Berwick Ramblers, stating:

“Df map 55/66 NU01 NW/SW: to create a right of way over East Hill and West Hill in the Breamish Valley near Ingram. The path over East Hill has been walked many times over the years by the Ramblers on our walks programmes and also by individuals. We support an attempt to extend this over West Hill making the entire route a right of way.”

## 5. DOCUMENTARY EVIDENCE

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

c.1860 Ordnance Survey Map: Scale 1:10,560

There is no evidence of a path / track approximating to the route of alleged Footpath No 55.

1899 Ordnance Survey Map: Scale 1:10,560

There is no evidence of a path / track approximating to the route of alleged Footpath No 55.

1926 Ordnance Survey Map: Scale 1:10,560

There is no evidence of a path / track approximating to the route of alleged Footpath No 55.

1957 Ordnance Survey Map: Scale 1:10,560

There is no evidence of a path / track approximating to the route of alleged Footpath No 55.

Survey Map: Scale 1:10,560

There is no evidence of a path / track approximating to the route of alleged Footpath No 55 on the base map used, and this route is not identified for inclusion as a public right of way.

Draft Map: Scale 1:10,560

As with the Survey Map, there is no evidence of a path / track approximating to the route of alleged Footpath No 55 on the base map used, and this route is not identified for inclusion as a public right of way.

Provisional Map: Scale 1:10,560

As with the Survey and Draft Maps, there is no evidence of a path / track approximating to the route of alleged Footpath No 55 on the base map used, and this route is not identified for inclusion as a public right of way.

Original Definitive Map: Scale 1:10,560

There is no evidence of a path / track approximating to the route of alleged Footpath No 55 on the base map used. This route is not identified as a public right of way.

1987 Ordnance Survey Map: Scale 1:10,560

There is no evidence of a path / track approximating to the route of alleged Footpath No 55.

1997 Section 31(6) deposits by Northumberland Estates

The alleged public footpath route crosses land identified by the Northumberland Estates as being land within its ownership. The alleged footpath route is not acknowledged, by the landowner, as being a public right of way.

1997 Permissive Agreement between Northumberland County Council and the Landowner

Document stating that the permissive path agreement shall have effect for a period of 12 years from the 6th day of August 1993.

## **6. SITE INVESTIGATION**

- 6.1 From Point C, at the junction of existing Public Footpaths No. 10 and No. 11, an unenclosed trodden grass earth track proceeds in a south westerly direction, for a distance of 560 metres to the top of East Hill, and then continues in south westerly direction, following the route of the current permissive path, for a distance of 795 metres to a Point marked Y on existing Byway Open to All Traffic No 40 at Long Plantation, 535 metres north-west of Fawdon Farm.
- 6.2 The middle section of the route could not be surveyed between Point Y and Point Z, due to obstructions at either end. At Point Y, there is an 8ft high metal fence that prevents any access to Snail Knowe and West Hill. At Point Z, there was a large padlocked gate with barbed wire and signs stating "End of access land" and "West Hill is not access land and has no public right of way", which prevented access to West Hill.
- 6.3 From Point D, an unenclosed grass surface track proceeds in a north-easterly direction for a distance of 1205 metres over the open access land to the top of Old Fawdon Hill and then continues in a north-easterly direction on a less well-defined route for a distance of 510 metres, to Point Z, 1165 metres south-west of Fawdon Farm, at the boundary between the open access land and West Hill.

## 7. COMMENTS RECEIVED ON THE DRAFT REPORT

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

7.2 By email, dated 15 March 2024, Robin Carr Associates made the following comments, on behalf of Mr Magor, in relation to the draft report:

“Thank you for your email and attached report. I submit the following comments on self of Mr Magor who has recently emailed you advising that I will be in touch.

“The only comments that I have are as follows:

“**Paras 8.9 & 8.14.** - As you will be aware, before Section 31 of the Highways Act 1980 comes into effect there must be an event which brings into question the existence of the alleged public right of way and the required 20 year period is then calculated back from that date. For an act to constitute a bringing into question it must be sufficient to bring it home to the public that their right to use the way is being challenged, thus allowing the opportunity for the user to respond (e.g. apply for a DMMO). In the absence of a bringing into question the date of a DMMO applicant can now be used instead.

“The designation of the land as Access Land in 2005 would not meet the definition of a bringing into question because it does not raise any challenge over public use, on the contrary it does exactly the opposite. As such Section 31 would not come into effect and therefore there would be no 20 years period to consider dating back from 2005.

“**Para 8.16** on similar lines to the above, a deposition and stat declares made in 1998 would not constitute a bringing into questioning within the menacing ion Section 31 of the 1980 Act. Unlike now, where I agree that the submission of these documents now would almost certainly be a bringing into question (due to advertising, notice posting and entry to a registers etc) back in 1998 there were no publicity requirements for this documents, they were simply received by the Council and placed on a file. No need for register entries or publicity of any form. As a result the submission would not bring it home to the public that their right was being challenged because users would not be aware that they had been submitted. Again this would mean that Section 31 of the 1980 Act would not be triggered and there would be no 20 year period to consider.

“I appreciate that neither point will alter the conclusions of your report; And we do of course welcome the conclusions as they are in our favour, however I should request the report be amended to reflect the above not least because the applicant should not be inadvertently encouraged to pursue alternate 20 year periods as part of any appeal, when they have no real basis in the scheme of things.”

7.3 By email, dated 29 March 2024, Mr Graham made the following comments in relation to the draft report:

“Thank you for. Your report regarding the above and your recommendations that the footpath should not be adopted. The report is quite complicated to follow and understand and we have had little time in researching all of the documents that maybe available. I have sent copies to all of the people whom submitted an Evidence Statement and most are happy for me to respond on their behalf but others may also write separately to you.

“Unfortunately, most of us feel that the future of the Cheviot Hills and the National Park in Northumberland is in some jeopardy if decisions like this continue. We are a group of walkers who love who have spent most of our lives enjoying the beautiful countryside in the. area we are passionate about what we do and we follow the countryside code and will continue to do this. Our view is that we go there quietly without a fuss walk each week on the many hundreds of footpaths ,bridleways and other places available and when we leave nobody realises we have been there. The paths in this part of the Ingram valley are very quiet and some days we never see another soul but we are confident that many hundreds of people have been over the path we describe in our evidence statement.

“This reminds us of going back nearly 100 years to 1926 when hundreds of walkers marched up Kinder Scout in The Peak District and protested against the owners who prevented We hope that future generations do not have to face the same.

“In your report you rightly state that the evidence that can be used is at a lower level where we only show that what we say happened on the balance of probabilities not beyond all reasonable doubt as in criminal law .However Mr Magor only took over the farm in about 2022 and we first saw the signs that had been put up on the route .The ugly sign for us at the start of West Hill which told us for the first time that West Hill iis not. Access Land has no public right of way. Also reminding is one of several key wildlife habitat areas that should be left undisturbed. We know that because we had walked on them for many years and not disturbed them. Later Mr Magor then added other barriers and the 8 ft metal deer fence to ensure no public go that way. Is the fence to keep the wildlife in or out (which wildlife is he talking about) His legal advisors Robin Carr became involved around about that time and you yourself later to write your report. Where and when did any of you see the supposed signs that told us not to enter.

“EAST HILL the main decision you have dismissed. Our appeal is that the permissive path on East Hill was in place for some of the time in the 90s and into early 2000 and because of the wording it was allowed but never to be permanent. Can you inform us who asked for the path to be created and why and who removed the path and therefore it was never intended for public access. Even so this part of the total route from the start to the top of the hill is only about one tenth of the total route why cannot down East Hill up West Hill and across to Old Fawdon Hill to the end where it rejoins the Public Path become a right of way. There are many permissive paths in the area we use them quite a lot .Nobody ever suggested that we needed to seek permission How does it work in practice. The other point I wish to add that many paths that cross the cheviots are not always seen on the ground you can walk quite a few miles and there is nothing on the ground to tell you your on a path many

do not measure between 1 or 2 metres and luckily with the map and compass spot heights and now the magic of sat nav's and the ordinance survey with lap tops and phones we can find where we are because the nature of the terrain and underfoot conditions you cannot see the path.

“West Hill the route goes across flattish ground to Long Plantation and at this point there was always a farm gate with no signs and which easily opened. The legal advisors say that we wandered about between fixed points on a defined route nor has it been a sufficiency of use to give rise to any presumption of dedication. Paths are not straight and the natural way is to use fixed points.

“OLD FAWDON HILL going off west hill down and up to Fawdon Hill was a little more difficult but if done properly we stuck to a route .You first see trees just before the stream and. aim for a ford to aid crossing. Previously there was another open farm gate with no warning signs not to enter. The new owner MR Magor also put up a sign at this gate telling us to go back a few hundred metres to the south and rejoin the public footpath that comes around Old Fawdon Hill between the heights of 250 and 225 which takes you on flatish ground to old Fawdon farm. Previously there was no sign and most walkers generally like to go uphill to Triangulation Points that thanks to Ordinance Survey are the highest point around and on clear days allow you to see your route ahead take bearings on your compass and spot which way to go by identifying features on the route ahead. I must have done this route at least 50 times with the groups of police cadets and later Duke of Edinburgh students learning how to Map read it was ideal for this type of work. The public footpath does not go to the top. But you can come down virtually in a straight line to the public path that comes around the hill and at the end of our prescribed route D013134.

“Our group feel that the loss of this route would be a disgrace and would entice other landowners in The Cheviots to put up more signs and prevent walkers from our right to roam. Can you tell me when and where the decision will be ratified by the council will any of us be allowed to come to the meeting and state our case.”

## **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 Under Section 31 of the Highways Act 1980, a particular way may be presumed to be a highway if it can be shown that there has been twenty years uninterrupted use by the public, as a right of way, and that the landowners have not taken steps to rebut this presumed dedication during that twenty-year period.
- 8.5 The proposal is supported by user evidence from 16 people, 12 of whom claim to have used the route on foot for periods in excess of 20 years and 1 of whom claims to have used the route on horseback. The frequency of use ranges from weekly through to once per year.
- 8.6 1 out of the 16 users claimed to have used the route on horseback for a period in excess of 20 years. The frequency of this use is weekly.
- 8.7 The landowner's agent, Robin Carr Associates, has identified various points to rebut the footpath application in their letter dated 22 February 2023. Firstly, they have indicated that a permissive path/access agreement was made between Northumberland County Council and the landowner/ tenant in 1993, over the land between Point X, at the top of East Hill, and Point Y and this was in place for 12 years until 2009. None of 12 of the users have made reference to this permissive agreement or the permissive waymarks.
- 8.8 In their letter, dated 22 February 2023, Robin Carr Associates also mention that when the permissive agreement lapsed in 2009 (though the paragraph 10 in the document itself suggests that it lapsed in 2005), the permissive path signs were maintained on the ground and renewed by Mr E Magor in 2021. All of the users claim to have continued to use the route after 2009, even though the route is clearly currently signposted as a permissive route, so user evidence since 1993 should be disregarded for this part of the route (Point X to Point Y).
- 8.9 The route of alleged Public Footpath No 55 passes over Open Access Land between Points Z and D. Section 12(3) of the Countryside and Rights of Way Act 2000 states:

“For the purposes of any enactment or rule of law as to the circumstances in which the dedication of a highway or grant of an easement may be presumed, or may be established by prescription, the use by the public or by any person of a way across the land in the exercise of the right conferred by Section 2(1) is to be disregarded.”

Access land that was dedicated under the Countryside and Rights of Way Act 2000 came into being on 28 May 2005. Only pedestrians can exercise a 'right to roam' over Access Land so pedestrian use should be disregarded from that date. As cyclists and horse riders do not benefit from land being designated, their use would still count. In this case, pedestrian use from 28 May 2005 onwards will be disregarded for the southern third of the route between Points

Z and D, which leaves 5 out of the 16 user evidence providers claiming to have walked the path for 20 years prior to this date.

- 8.10 The historical maps do not provide any evidence to suggest that a path may have physically existed over the claimed route for any great length of time.
- 8.11 None of the evidence providers have acknowledged ever having been given permission to use the route, and 2 of them claim to have been prevented from using the route, due to recent barriers and signs.
- 8.12 All 16 of the user evidence providers have acknowledged the existence of gates or barriers on the alleged route, at Long Plantation and/or at the bottom of West Hill on the boundary of the open access land, and 4 of the evidence providers have acknowledged the existence of 'private' and 'end of access land' signs on the route since March 2022.
- 8.13 For the section of alleged footpath between Point X and Point Y, the permissive agreement was in place between 1993 and 2009 and the current landowner alleges that signage was and has been maintained on site since 2009. If the date that the public's right to use the section of the alleged path was called into question is taken to be 1993, then 2 out of the 16 user evidence providers claim to have used that section of the route for a 20 year period prior to 1993. The frequency and purpose of this use is considered to be insufficient to raise a presumption of dedication over the route X-Y.
- 8.14 For the section of alleged footpath between Point Z and Point D, the land has been designated as Open Access Land since May 2005. If public use after May 2005 cannot count towards establishing public footpath rights, then 5 out of the 16 user evidence providers claim to have used that section of the route for a 20 year period prior to 2005. Although the frequency and purpose of this use might be considered sufficient to raise a presumption of dedication, there isn't any evidence of a valid 'calling into question' over this section. As argued by Robin Carr Associates, the designation as Access Land, itself, wouldn't qualify and there is currently no evidence of any other acts of rebuttal prior to this date, save for the section 31(6) deposits, which are covered in paragraph 8.16, below.
- 8.15 The sections of alleged footpath between Points C-X and Points Y-Z do not appear to be compromised by previous permissive path agreements or designated as Access Land. If the date that the public's right to use the path was called into question is taken to be November 2022, the date the application was submitted, then 12 out of the 16 user evidence providers claim to have walked these sections of the route for the 20 year period prior to this date. This remains as 12 out of 16 user evidence providers having claimed to have used the route for the 20 year period prior to this date, if the fencing, locked gates and signage from March 2022 is taken as the earliest effective challenge to public use of the route. This frequency and purpose of use is considered to be sufficient to raise presumption of dedication for the routes C-X and Y-Z.
- 8.16 The Map and Statement and Statutory Declaration deposited under Section 31(6) of the Highways Act 1980 in 1997 and 1998 respectively, by Northumberland Estates, the landowners at the time covers the whole application, if made correctly, and repeated, such deposits, would generally be effective at 'cancelling out' public use occurring after the date the first Declaration was received. The 1997 Map and Statement and the 1998



Statutory Declaration were followed up with a further Statutory Declaration in May 2003. Northumberland Estates made a further Statutory Declaration in 2013, but this specifically excluded the land at Fawdon, the Northumberland Estates having sold this land to Mr Telford in 2004. On this basis, it would seem appropriate is discount the user evidence for the route between 1998 and 2003. There is an issue that might compromise the effectiveness of the Northumberland Estates deposit. At the time, deposits made under Section 31(6) of the Highways Act 1980 could only be made by the landowner and only cover the land that was owned by them. In this case, Northumberland Estates made one large deposit covering all of the land in their collective ownership, rather than identifying all the individual component landownership. If January 1998 is taken to be the earliest date when the public's right to use the C-X and the Y-Z-D sections of the route were called into question, then only 4 of the 16 claimed to have used the path for 20+ years prior to this date, though a further 7 people have used the route C-X and 6 people the route Y-Z-D for periods of less than 20 years. This frequency and purpose of use is borderline but on balance, not quite sufficient to raise presumption of dedication for the routes C-X and Y-Z-D.

- 8.17 Commenting on the draft report, Robin Carr Associates, for the landowner, indicated that they did not consider either the designation as Access Land in 2005, or the earlier deposits under section 31(6) of the Highways Act 1980 to be acts which would call into question the public's right to use the route (and so be a valid trigger to count backwards from, when establishing a 20 year period of public user). Whilst officers would agree with this view, in respect of the Access Land designation, they do not feel it is applicable to the section 31(6) deposits. The 1997 Map & Statement and the 1998 Statutory Declaration were on deposit at County Hall, available to anyone who wished to view them. Officers are not aware of any caselaw examples that set any precedent in this regard.
- 8.18 The applicant, Mr Graham, also submitted comments in relation to the draft report. Clearly, he is concerned that public access to this and other sections of the Cheviot Hills would be jeopardized if the committee accepted the officer recommendation. Whilst it is recognized that he and others have previously enjoyed many years of unhindered access to the application route (and other routes in the area), this does not mean they have necessarily become public rights of way, or that the public automatically have an ongoing right to continue using them. This needs to be determined by looking at all the available evidence and by the correct application of highway law.
- 8.19 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. The user evidence providers have identified a path width ranging from 1 to 2 metres. From measurements taken on my site visit, in March, the current width that physically exists on the ground would appear to range from 0.5 to 2 metres and unenclosed. If the path is included in a future Definitive Map Modification Order, it would seem appropriate to identify the whole route with the Council's standard default width of 1.5 metres (i.e. wide enough for two people travelling in opposite directions to pass each other).

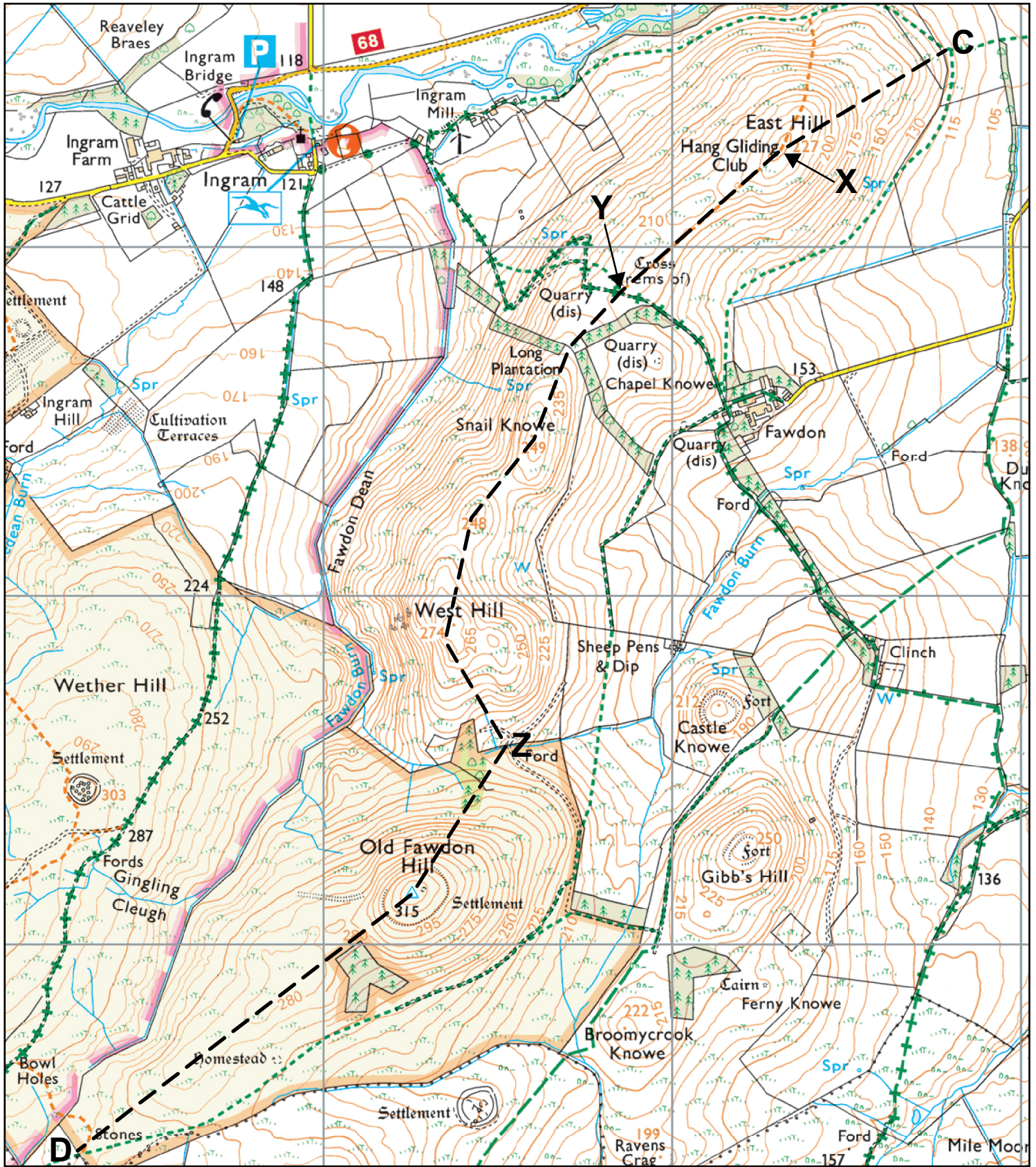
## **9. CONCLUSION**


- 9.1 In the light of the evidence submitted, it appears that there is not sufficient evidence to justify that public footpath rights have been reasonably alleged to exist over the claimed route C-X and Y-Z-D.

## **BACKGROUND PAPERS**

Local Services Group File: 224/055z

Report Author        Zara Quinn – Definitive Map & Search Technical Officer  
07542 318328  
[Zara.Quinn@Northumberland.gov.uk](mailto:Zara.Quinn@Northumberland.gov.uk)



 <p><b>Northumberland</b> County Council</p> <p>Infrastructure Records, Local Services, County Hall, Morpeth, Northumberland, NE61 2EF Email: Alex.bell@northumberland.gov.uk</p>	<p align="center"><b>Wildlife &amp; Countryside Act, 1981</b> <b>Public Rights of Way</b></p> <p align="center">----- Alleged Public Footpath</p>		
<p>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. 100049048 (2013).</p>	<p>Former District(s): Berwick</p> <p>Def. Map: NU 01 NW/SW</p>	<p>Parish(es): Ingram</p> <p>O.S. Map: 55/66</p>	<p>Scale: 1:15,000</p> <p>Date: March 2024</p>



PARISH OF INGRAM ALLEGED FOOTPATH NO 55

	1960	1970	1980	1990	2000	2010	2020	Frequency and Type of Use	Prevented from using the route?
J R Graham		█	█	█	█	█	█	Every few months on foot	No
W Went		█	█	█	█	█	█	Once a year on foot	No
D Peart			█	█	█	█	█	Every few months/ once a year on foot	No
M Lewers			█	█	█	█	█	Every few months on foot	No
A Dickinson				█	█	█	█	Every few months on foot	No
T Mullen					█	█	█	Every few months on foot	No
P Reed						█	█	Monthly/ once a year on foot	Yes
R Oldfield						█	█	Weekly on foot	No
K Hoskin						█	█	Weekly on foot and horseback	No
A P Moralee						█	█	Weekly on foot	Yes
D Rickaby							█	Every few months on foot	Yes
J Bower							█	Every few months on foot	No
G McDougal							█	Every few months on foot	No
T Hardie				█	█	█	█	Weekly on foot	No
J Vickers					█	█	█	Weekly on foot	No
C Kelly							█	Twice a week on foot	Yes

PUBLIC RIGHTS OF WAY

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

APPLICATION FOR MODIFICATION ORDER

Former Borough/District BERWICK

Parish INGRAM

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

I/We John Robert GRAHAM (Name)

of 1, FELTON CLOSE, STOBHILL FARM (Address)  
ESTATE, MORPETH, NORTHUMBERLAND

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

from THE RESTRICTED FOOTPATH AT EAST HILL GOING SOUTH

to AND SOUTH WEST PASSED LONG PLANTATION OVER SNAIL KNOWE TO POINT 274 AT WEST HILL DOWN TO FADDON BURN AND UP TO TRIG POINT 315 OLD FADDON HILL. AND DOWN TO FOOTPATH RUNNING EAST TO WEST BELOW SETTLEMENT.

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

List of Documents

- |   |                      |                    |
|---|----------------------|--------------------|
| 1 | EVIDENCE STATEMENT - | JOHN ROBERT GRAHAM |
| 2 | _____ " _____        | DAVID RICKABY      |
| 3 | _____ " _____        | ALAN DICKINSON     |
| 4 | _____ " _____        | WILLIAM WENT       |
| 5 | _____ " _____        | DAVID PEAR         |
| 6 | _____ " _____        | GEORGE MCDUGAL     |
| 7 | _____ " _____        | TERENCE MURKIN     |
| 8 | _____ " _____        | JOHN BOWER.        |
| 9 | _____ " _____        |                    |

Dated 14.11.2022 Signed 

NOTE: This application must be accompanied by a map showing the right(s) of way applied for. Legally such a map must be at a scale of not less than 2 1/2" to 1 mile, but 1:10,000 scale (being the scale at which the Definitive Map is to be prepared and maintained) will normally be preferable.

A(038165)



D013134



**Northumberland  
County Council**

Infrastructure Records, Local Services, County Hall, Morpeth,  
Northumberland, NE61 2EF  
Email: Alex.bell@northumberland.gov.uk

**Wildlife & Countryside Act, 1981**

————— Claimed Public Right of Way

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Former District: Berwick	Parish: Ingram	Scale: 1:15,000
Def. Map No. NU 01 NW/SW	O.S. Map 55/66	Date: October 2022

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name JOHN ROBERT GRAHAM

Address 1, FELTON CLOSE STOB HILL FARM MORPETH, NORTHUMBERLAND

Postcode NE61 2TG

Year of Birth 27.01.1953

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years [full addresses are not required]

28, FAIRWAY HOANSdene MORPETH 1981-2015
CADET MESS ROOM THE KYMNS MORPETH 1969-1972.
BENFIELD ROAD 1974 - 1975, CRAMINGTON 1975 - 1979
DINNINGTON 1979 - ST. WALKSEND 1972 - 1974.

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
As a bridleway (public rights on foot and on horseback or bicycle)
As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

SEE ATTACHED MAP THE ROUTE IS FROM (038165) A TO D (013134) VIA EAST HILL SPOT HEIGHT 227, TO B SNAIL KNOWE SPOT HEIGHT 249 TO C WEST HILL SPOT HEIGHT 265 AND OLD FAWDON HILL TRIG POINT 315 AND END AT STONES (D 013134)

MAP OF THE APPLICATION ROUTE

(A1) 034166 COULD USE PERMISSIVE PATH

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.



**YOUR USE OF THE APPLICATION ROUTE**

1. In which years did you use the application route?

From 1969 To 2022

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

I have used the CHEVIOT HILLS FOR 53 YEARS FROM 1969 TO 2022 WALKING THE ROUTE AT LEAST ONCE BUT OFTEN 3 OR 4 TIMES. I HAVE NOT MISSED ANY YEAR.

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot				✓		
On horseback						
By pedal cycle						
By car						
Other [ ]						

4. Has the application route always followed the same course?

Yes       Don't know       No

If no – how and when was the route altered?

.....  
 .....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

The route itself has no continuous path but it is easy to climb and walk first to East Hill (spot 227) down to Long Plantation (approx 200) up to Snail Knowe (249) along to (248) up to West Hill (265). We continue down the hill to track/Ford junction (FAWDON BURN). Then uphill to OLD FAWDON HILL (TRIG POINT (315) then again down to follow the natural contours to public footpath at D 013134) There is no path but the surface is well marked in many areas. Scarred by years of use and easy to follow.

6. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

The surface is mainly grass but gravel and earth is spread in places due to use by travellers over many years.

7. Have there ever been any of the following on the application route?

- a. Stiles [state locations and show on your map]

NO

How long were they in place?

I NEVER SAW ANY

- b. Gates [state locations, indicate whether locked – and when - and show on your map]

THE ONLY GATE I REMEMBER IS AT LONG PLANTATION THERE WERE NO SIGNS AND IT WAS ALWAYS UNLOCKED

- c. Other barriers [state what they were and location, how long they were in place and show on your map]

NONE

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", "No Right of Way", "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

THE NEW OWNER PUT UP THE SIGNS AND WE SAW THEM IN MARCH 2022. THIS WAS FIRST TIME WE SAW THE WORDS PRIVATE

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

WE HAVE PASSED SMALL GROUPS MANY TIMES BUT THE ROUTE IS NOT AS WELL USED AS OTHER ROUTES IN INGRAM BUT WOULD MAKE FIFTY/SIXTY PEOPLE OVER THE YEARS.

**Land Ownership**

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No                       Yes

If yes, provide details and dates

.....  
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No                       Yes

If yes,

a. From whom?

.....

b. When?

.....

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No                       Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No                       Yes

If yes, please give details including when this happened

.....  
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No                       Yes

If yes, please give details including when this happened

.....  
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No

Yes

If yes, please give full details, including who gave the permission, why and when

.....  
.....

**Other Information**

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No

Yes

If yes – please provide details

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

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way? [Continue on a separate sheet if necessary] [If you wish to provide a separate sketch map, please do so and attach to this statement]

*IT IS SIMPLY ONE OF THE BEST ROUTES IN THE WHOLE OF THE CHEVIOTS YOU CAN EASILY GET ONTO THE PERMISSIVE PATH AT EAST HILL AND WALK ALONG BETWEEN THE HIGH POINTS FOR 2+3 HOURS IN THE MORNING AND WHEN REACHING THE PUBLIC PATH AT ! RETURN ON IT FROM PRENDWICK TO INGRAM*

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Yes

**PART F: Statement of Truth**  
*(all applicants must complete this Part)*

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE**

Signature (of the person making the statement of truth):



Print full name:

JOHN ROBERT GRAHAM

Date:

14. 11. 2022

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



D-013134



**Northumberland  
County Council**

Infrastructure Records, Local Services, County Hall, Morpeth,  
Northumberland, NE61 2EF  
Email: Alex.bell@northumberland.gov.uk

**Wildlife & Countryside Act, 1981**

————— Claimed Public Right of Way

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Former District: Berwick	Parish: Ingram	Scale: 1:15,000
Def. Map No. NU 01 NW/SW	O.S. Map 55/66	Date: October 2022

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name *William West*

Address *Budgers Hollow*  
*Trenwell Woods Mexth*  
*Northumberland* Postcode *NE61 6AQ*

Year of Birth *1951*

Have you lived at any other addresses during the time you have used the path or way?  
If so, please provide details and years [full addresses are not required]

*Redsteke*  
*Trenwell Woods Mexth*

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

*034167 start of path East Hill. 024142 old Fawceton Hill. 023142 junction of paths at South of Fawceton*

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

**YOUR USE OF THE APPLICATION ROUTE**

1. In which years did you use the application route?

From 1969 ..... To 2020 .....

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

Not that I recall used at least once a year  
.....  
.....

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot					✓	
On horseback						
By pedal cycle						
By car						
Other [                    ]						

4. Has the application route always followed the same course?

Yes                       Don't know                       No

If no – how and when was the route altered?

.....  
.....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

previously I have walked from Farnham Hill to West Hill  
to Spail knowe to East Hill as in reverse as shown



6. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

*mainly grass & earth*

7. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

*N/A*

How long were they in place?

*N/A*

b. Gates [state locations, indicate whether locked – and when - and show on your map]

*as far as I recall at long plantations which used to be open*

c. Other barriers [state what they were and location, how long they were in place and show on your map]

*/*

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

.....

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", "No Right of Way", "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

.....

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

*persons unknown to me*

**Land Ownership**

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No  Yes

If yes, provide details and dates

.....  
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No  Yes

If yes,

a. From whom?

.....

b. When?

.....

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No  Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No  Yes

If yes, please give details including when this happened

.....  
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No  Yes

If yes, please give details including when this happened

.....  
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No

Yes

If yes, please give full details, including who gave the permission, why and when

.....  
.....

**Other Information**

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No

Yes

If yes – please provide details

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

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way? [Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

*Walked on regularly by number of people who enjoy the beautiful countryside in this area*

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

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Yes

**PART F: Statement of Truth**  
*(all applicants must complete this Part)*

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE**

Signature (of the person making the statement of truth):



Print full name:

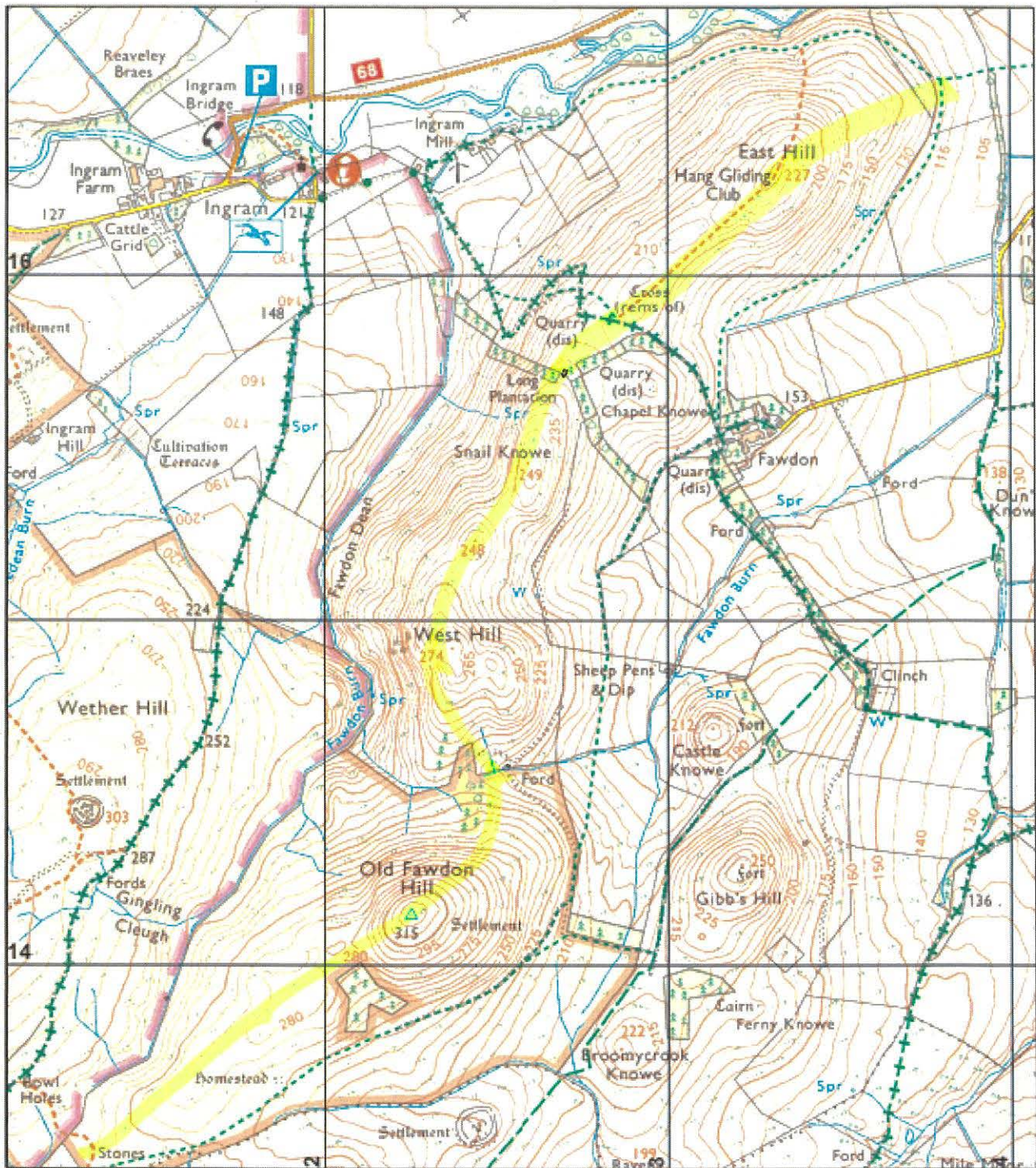
*William West*

Date:

*10/11/2022*

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



**Northumberland  
County Council**

Infrastructure Records, Local Services, County Hall, Morpeth,  
Northumberland, NE61 2EP  
Email: Alex.bell@northumberland.gov.uk

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**Wildlife & Countryside Act, 1981**

————— Claimed Public Right of Way

Former District: Berwick	Parish: Ingram	Scale: 1:15,000
Def. Map No. NU 01 NW/SW	O.S. Map 55/66	Date: October 2022

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name DAVID PEARCE

Address 49 SWALEDALE GARDENS  
HIGH HEATON, NEWCASTLE UPON TYNE  
Postcode NE7 7TB

Year of Birth 1943

Have you lived at any other addresses during the time you have used the path or way?  
If so, please provide details and years [full addresses are not required]

NONE.

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
As a bridleway (public rights on foot and on horseback or bicycle)
As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

START POINTS. BRANTON VILLAGE & INGRAM.
FROM INGRAM:- EAST & SOUTH TO PERMISSIVE FOOTPATH 029159 - LONG PLANTATION 025158 - SNAIL KNOWE 026155 - WEST HILL 024149 - FORD 025146 - OLD FAWDON HILL 022142 - W.S.W. TO JOHN FOOTPATH 013134 - NW TO TRACK 011137. FROM BRANTON 045163 - FOOTPATH 042166 - WEST TO TRACK 038166 - EAST HILL 033163 - W.S.W. TO TRACK JUNC. 029159 THEN WEST TO LONG PLANTATION. 025158 THEN FOLLOW ROUTE TO OLD FAWDON HILL AS ABOVE

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

**YOUR USE OF THE APPLICATION ROUTE**

1. In which years did you use the application route?

From 1974 To 2021

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

COVID RESTRICTIONS FROM 2020

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	APPROX Once a year	Other (please describe)
<u>On foot</u>						
On horseback				✓ PRIOR 1990.	✓ AFTER 1990	
By pedal cycle						
By car						
Other [ ]						

4. Has the application route always followed the same course?

Yes

Don't know

No

If no – how and when was the route altered?

.....

.....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

NO CONTINUOUS PATH. OPEN MOORLAND. ROUTE  
USED VISITS LINE OF SPOT HEIGHTS

6. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

ROUGH GRASS & FERN

7. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

NONE

How long were they in place?

b. Gates [state locations, indicate whether locked – and when - and show on your map]

GATE BETWEEN WOODS LONG PLANTATION Q25158 NOT LOCKED  
METAL GATE NOT LOCKED 013134

c. Other barriers [state what they were and location, how long they were in place and show on your map]

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", "No Right of Way", "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

ONLY FROM DISTANCE - ONE WALKER AT OLD FAWDON HILL  
TRIG POINT



16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No

Yes

If yes, please give full details, including who gave the permission, why and when

.....  
.....

**Other Information**

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No

Yes

If yes – please provide details

.....  
PHOTOGRAPH ATTACHED OF 'NO ACCESS' SIGN AT  
LONG PLANTATION.  
.....

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way? [Continue on a separate sheet if necessary] [If you wish to provide a separate sketch map, please do so and attach to this statement]

.....  
ACCESS TO THE ROUTE INDICATED ON MAP IS  
NOW IMPRACTICABLE AS IT IS FENCED OFF  
WITH A 4 FEET METAL FENCE.  
.....  
.....

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Yes

**Land Ownership**

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No                       Yes

If yes, provide details and dates

.....  
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No                       Yes

if yes,

a. From whom?

.....

b. When?

.....

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No                       Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No                       Yes

If yes, please give details including when this happened

.....  
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No                       Yes

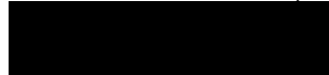
If yes, please give details including when this happened

.....  
.....

**PART F: Statement of Truth**  
*(all applicants must complete this Part)*

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE**

Signature (of the person making the statement of truth):



Print full name:

DAVID PEART pp David PEART.

Date:

20/11/22.

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



# Northumberland County Council

Infrastructure Records, Local Services, County Hall, Morpeth,  
Northumberland, NE61 2EF  
Email: Alex.bell@northumberland.gov.uk

## Wildlife & Countryside Act, 1981



Claimed Public Right of Way

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Former District:  
Berwick

Parish:  
Ingram

Scale:  
1:15,000

Def. Map No.  
Page 46  
NU 01 NW/SW

O.S. Map  
55/66

Date:  
October 2022



**PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT**

**ABOUT YOU**

Name ..... MICHELE LEWARS .....

Address ..... 18-22 SPORTSMANS LANE .....

..... HATFIELD PEVEREL .....

..... CHELMSFORD ..... Postcode ..... CM3 2NW .....

Year of Birth ..... 1953 .....

Have you lived at any other addresses during the time you have used the path or way?  
If so, please provide details and years [full addresses are not required]

..... NO .....

**ABOUT THE APPLICATION ROUTE**

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

..... From point A (038165) straight up to the .....

..... summit of East Hill and across to join .....

..... the bridleway from Fawdon to Ingham. ....

**MAP OF THE APPLICATION ROUTE**

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

**YOUR USE OF THE APPLICATION ROUTE**

1. In which years did you use the application route?

From ..... 1978 ..... To ..... present .....

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

..... No .....

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot				✓		
On horseback						
By pedal cycle						
By car						
Other [                    ]						

4. Has the application route always followed the same course?

Yes                     Don't know                     No

If no – how and when was the route altered?

.....  
 .....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

..... Variable - narrow through bracken, 1-2m .....

..... wide across pasture .....

6. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

..... mostly grass .....

7. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

..... No .....

How long were they in place?

.....

b. Gates [state locations, indicate whether locked – and when - and show on your map]

..... Gates, always accessible, marked on map "gate" .....

c. Other barriers [state what they were and location, how long they were in place and show on your map]

..... No .....

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

.....

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", "No Right of Way", "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

.....

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

..... Frequently used by locals + visitors to access the south of East Hill. .....



**Land Ownership**

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No                       Yes

If yes, provide details and dates

.....  
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No                       Yes

If yes,

a. From whom? .....

b. When? .....

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No                       Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No                       Yes

If yes, please give details including when this happened

.....  
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No                       Yes

If yes, please give details including when this happened

.....  
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No

Yes

If yes, please give full details, including who gave the permission, why and when

.....  
.....

**Other Information**

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No

Yes

If yes – please provide details

.....  
..... Photos attached .....  
.....

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

..... Have used the path straight up East .....  
..... Hill for 45 years, every few months .....  
.....  
.....  
.....

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Yes

**PART F: Statement of Truth**  
*(all applicants must complete this Part)*

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE**

**Signature (of the person making the statement of truth):**



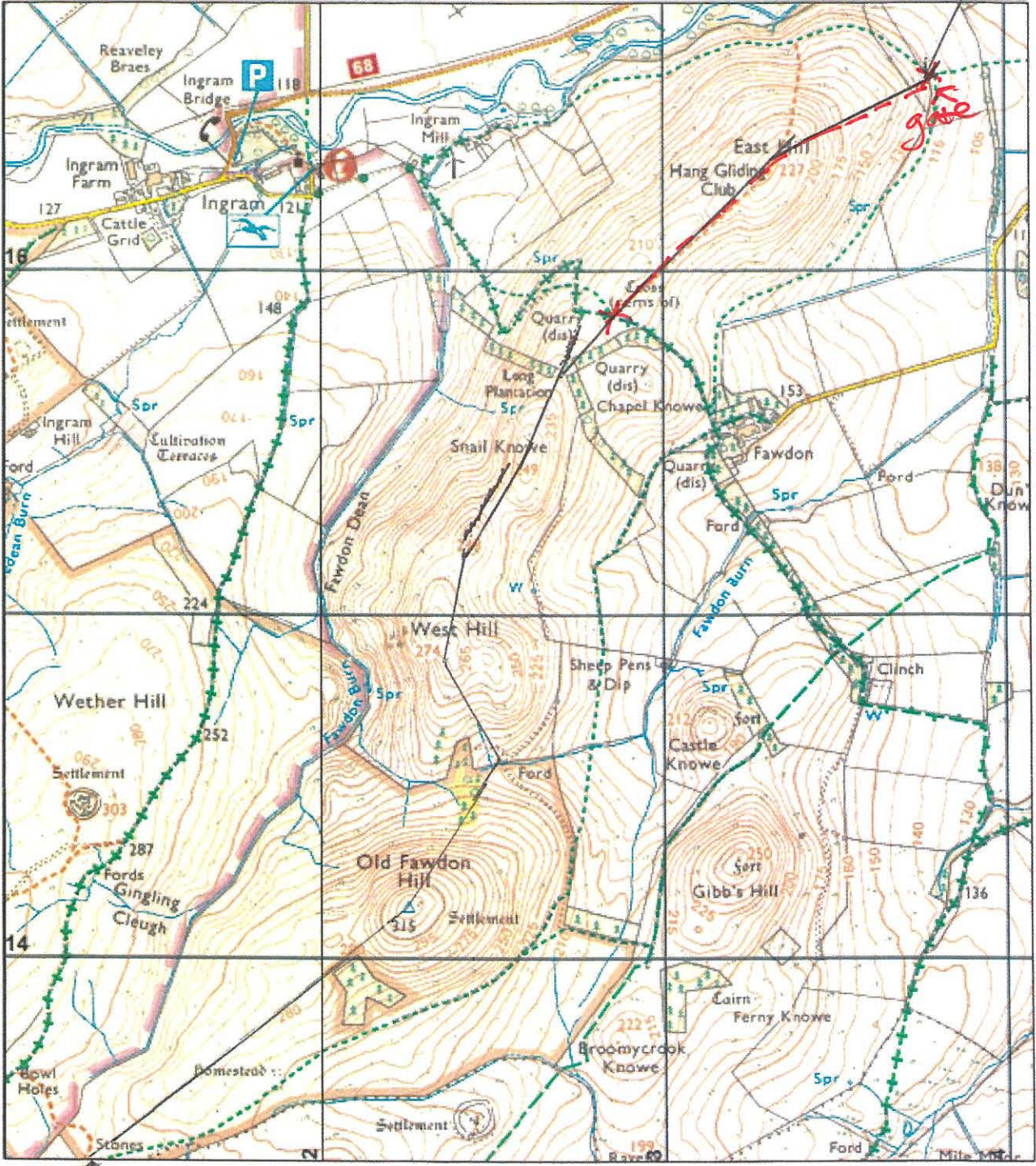
**Print full name:** MICHELE LEWARS

**Date:** 19.04.2023

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

A(038165)



D013134



**Northumberland  
County Council**

Infrastructure Records, Local Services, County Hall, Morpeth,  
Northumberland, NE61 2EF  
Email: Alex.bell@northumberland.gov.uk

**Wildlife & Countryside Act, 1981**

————— Claimed Public Right of Way

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Former District:  
Berwick

Parish:  
Ingram

Scale:  
1:15,000

Def. Map No.  
NU 01 NW/SW

O.S. Map  
55/66

Date:  
October 2022

circa 1994

Sledging down East Hill towards  
Branford



The gate to the path up  
East Hill



On the top  
of East  
Hill after  
climbing  
straight  
up.



PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name ALAN DICKINSON

Address 38 BRUMELL DRIVE, LANCASTER PARK MORPETH Postcode NE 21 3RB

Year of Birth 10.2.1950

Have you lived at any other addresses during the time you have used the path or way? If so, please provide details and years [full addresses are not required]

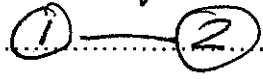
ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
As a bridleway (public rights on foot and on horseback or bicycle)
As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

Refers to the map on the back marked



MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

**YOUR USE OF THE APPLICATION ROUTE**

1. In which years did you use the application route?

From 1983 To 2022

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

From Spring 2014 to Spring 2019. I was living in Surrey with extended family.

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot				✓		
On horseback						
By pedal cycle						
By car						
Other [ ]						

4. Has the application route always followed the same course?

Yes       Don't know       No

If no – how and when was the route altered?

.....  
 .....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

Two metres (max)  
 .....

6. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

*grass/heather/bracken.*

7. Have there ever been any of the following on the application route?

- a. Stiles [state locations and show on your map]

*stiles*

How long were they in place?

*do n't know*

- b. Gates [state locations, indicate whether locked – and when - and show on your map]

*gates*

- c. Other barriers [state what they were and location, how long they were in place and show on your map]

*/*

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

.....

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", "No Right of Way", "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

*The new owner put the signs and noticed them in March 2022 for the first time*

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

*single and small groups of fell walkers*



**Land Ownership**

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No  Yes

If yes, provide details and dates

.....  
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No  Yes

If yes,

a. From whom?

.....

b. When?

.....

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No  Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No  Yes

If yes, please give details including when this happened.

.....  
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No  Yes

If yes, please give details including when this happened

*Fell runner Mr. Terry Muller from Bedlington  
Summer 2022*

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No

Yes

If yes, please give full details, including who gave the permission, why and when

.....  
.....

**Other Information**

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No

Yes

If yes – please provide details

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

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way? [Continue on a separate sheet if necessary] [If you wish to provide a separate sketch map, please do so and attach to this statement]

*This is a valued route and one of the best of the Cheviots. It is easy to get onto the permissive path East Hill and walk along between the high points for approx 3 hours. Returning route when returning with a route of Penderwell to Ingram.*

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Yes

**PART F: Statement of Truth**  
*(all applicants must complete this Part)*

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE**

Signature (of the person making the statement of truth):



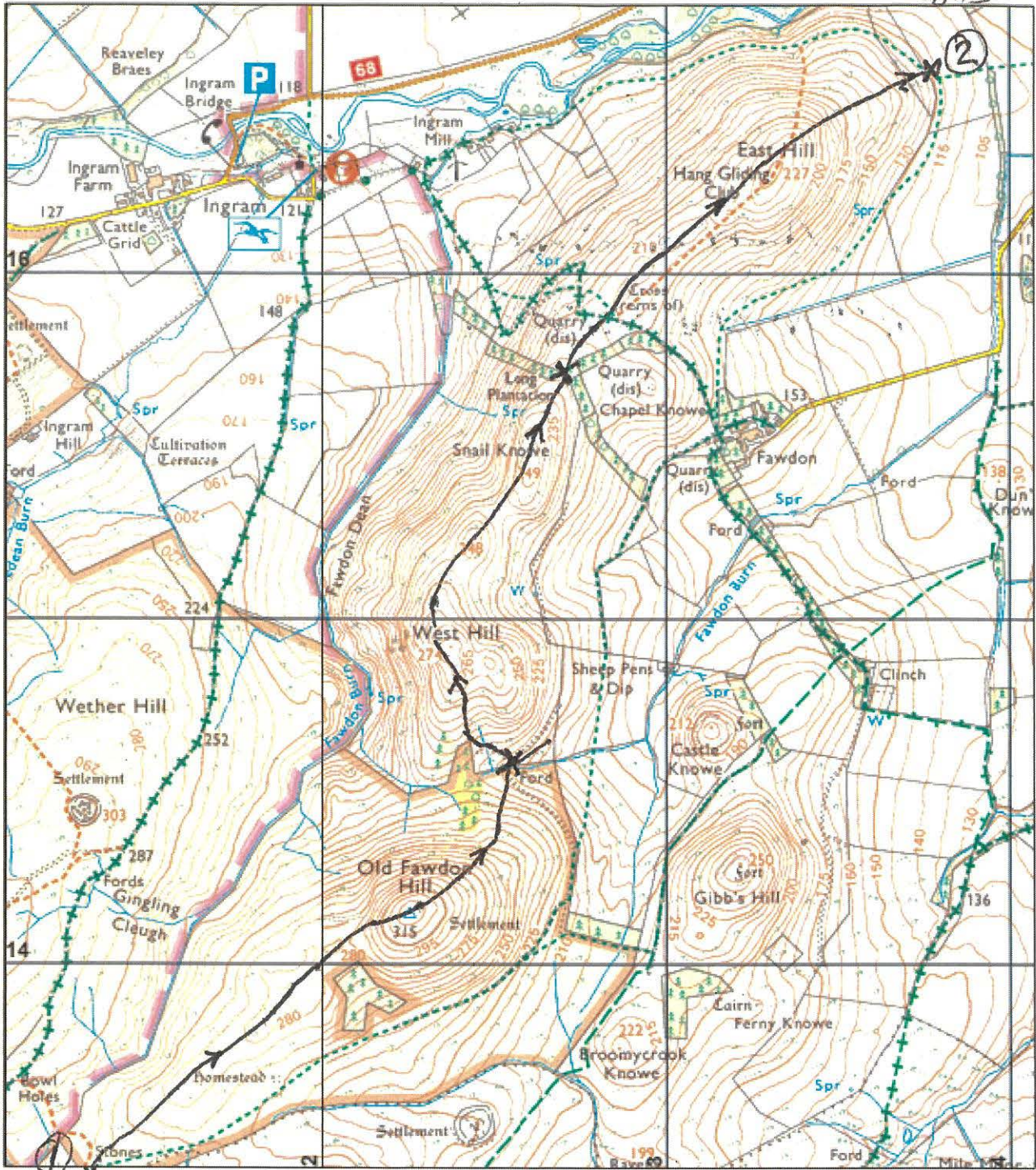
Print full name: **ALAN DICKINSON**

Date: **11<sup>TH</sup> NOVEMBER 2022**

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

038165



Ln. 013134



**Northumberland  
County Council**

Infrastructure Records, Local Services, County Hall, Morpeth,  
Northumberland, NE61 2EF  
Email: Alex.bell@northumberland.gov.uk

**Wildlife & Countryside Act, 1981**

————— Claimed Public Right of Way

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Former District: Berwick	Parish: Ingram	Scale: 1:15,000
Def. Map No. NU 01 NW/SW	O.S. Map 55/66	Date: October 2022

## PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

### ABOUT YOU

Name

TERENCE MULLEN

Address

10 THORNTREE DRIVE  
BEDLINGTON

Postcode

NE22 7LR

Year of Birth

1957

Have you lived at any other addresses during the time you have used the path or way?  
If so, please provide details and years [full addresses are not required]

### ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

Metal gate to east of long plantation  $\approx$  027 157  
across West Hill, and via gate to Old Fawdon Hill  
summit to join public right of way footpath  
at  $\approx$  013 134

### MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

marked on back page

**YOUR USE OF THE APPLICATION ROUTE**

1. In which years did you use the application route?

From ..... 1990 ..... To ..... 2022 .....

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

..... Only from beginning of 2022 after conversation with new owner .....

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot				✓		
On horseback						
By pedal cycle						
By car						
Other [ ]						

4. Has the application route always followed the same course?

Yes

Don't know

No

If no – how and when was the route altered?

..... Discernible path/track is noticeable at certain points but not the full section of concern .....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

..... Although I, and the one or two runners who accompany me tend to run the 'tops' of West and Old Fawdon hills there is plenty of scope to vary specific route to top of Old Fawdon Hill on the North Face .....

6. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

Grass

7. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

.....

How long were they in place?

.....

b. Gates [state locations, indicate whether locked – and when - and show on your map]

Two gate ① large metal ② small wooden - neither locked prior to new ownership and ① was generally left open.

c. Other barriers [state what they were and location, how long they were in place and show on your map]

.....

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

.....

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", "No Right of Way", "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

Only on change of ownership were signs stating there warnings evident

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

only very occasional walkers, perhaps maximum of 10 in the 30 years I've ran across the area

**Land Ownership**

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No  Yes

If yes, provide details and dates

.....  
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No  Yes

If yes,

a. From whom?

.....

b. When?

.....

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No  Yes

If yes, by whom and when?

*The new owner this year, but not before this*

14. Have you ever been stopped or turned back when using the application route?

No  Yes

If yes, please give details including when this happened

*Stopped by new owner who explained that he'd taken ownership of the land and intended to change the open access policy of previous owner*

15. Has anyone else ever told you that they were prevented from using the application route?

No  Yes

If yes, please give details including when this happened

*Several people have informed me of either visiting the owner to seek permission & being denied access, or being confronted whilst in this section over the course of this year.*



16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No

Yes

If yes, please give full details, including who gave the permission, why and when

.....  
.....

**Other Information**

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No

Yes

If yes – please provide details

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

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way? [Continue on a separate sheet if necessary] [If you wish to provide a separate sketch map, please do so and attach to this statement]

I've attached a copy of an email I sent to Philip Bradley explaining my reasoning and feelings on this issue.

.....  
.....

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Yes

**PART F: Statement of Truth**  
*(all applicants must complete this Part)*

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE**

Signature (of the person making the statement of truth):



Print full name:

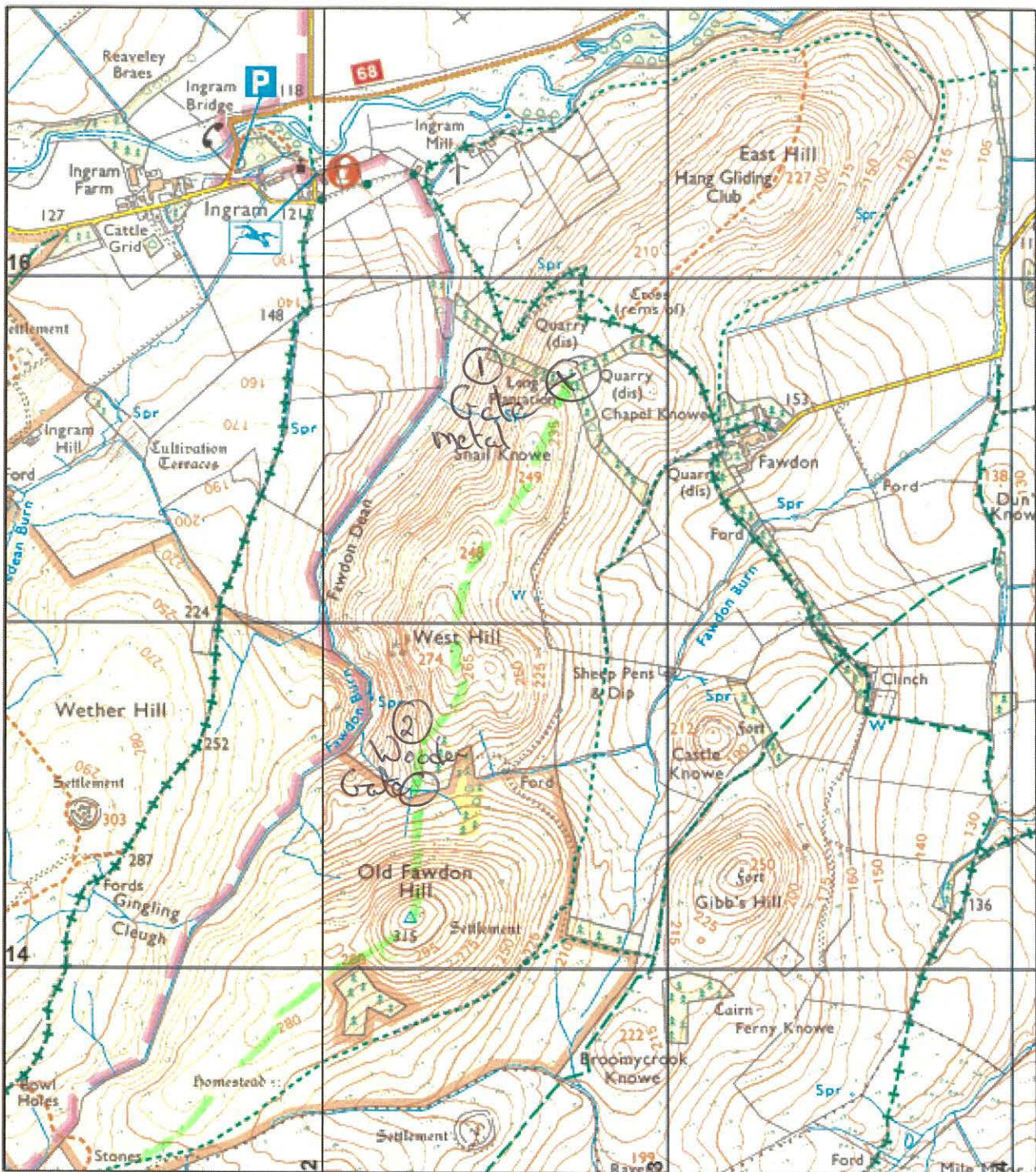
TERENCE MULLEN

Date:

25/11/2022

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



**Northumberland  
County Council**

Infrastructure Records, Local Services, County Hall, Morpeth,  
Northumberland, NE61 2EF  
Email: Alex.bell@northumberland.gov.uk

**Wildlife & Countryside Act, 1981**

 Claimed Public Right of Way

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Former District:  
Berwick

Parish:  
Ingram

Scale:  
1:15,000

Def. Map No.  
NU 01 NW/SW

O.S. Map  
55/66

Date:  
October 2022

**Re: West Hill: Report a countryside footpath, bridleway or byway problem**

To Philip Bradley [REDACTED]

Hi Philip,

Thanks very much for your reply to my letter of concern about access to West Hill. Yes, myself and others are aware of the open access areas around Ingram and it was the issue that access had been allowed for many years prior to the change of ownership that we are hoping would enable continued access. To be truthful I don't think it is a well used area as is evident from the condition of the ground however it does allow for walkers and runners to travel across the 'tops' of West and neighbouring hills which affords lovely views especially from the top of West hill. Indeed a fell race has been using this route, as part of its course, for a number of races having been established by members of North Shields poly. I am aware that they have been told they cannot have access.

The ground within West hill has been respected, I have never seen any discarded rubbish and I do feel that the new owner has just completely ignored the feelings and traditions of the local community. Additionally to walkers and runners, I have witnessed West hill being used by hang glider enthusiasts given the height and steepness of the north facing side it no doubt is a good takeoff position. I am aware of similar problems occurring in the Lake District where new land owners have immediately denied any access to what had been allowed before. I do feel that this is an issue that needs to be seriously addressed especially as you need only step across the border with Scotland, being only 10 miles or so away, to have open access. In fact the whole issue of open access, as I'm sure you are aware, is an increasingly contentious issue and has been given some media coverage by people such as Nick Hayes. My main concern is protecting the position we have in the Cheviots and surrounding areas that allows access to areas by considerate owners who know that people will respect the land and abide by the country code. I would hate to see a situation where this lack of consideration by this new land owner is replicated by in the future by other non-locals buying up land and then basically setting up an enclosure.

Kindest Regards

Terence Mullen

On 29 June 2022 at 10:07 Philip Bradley &lt;[REDACTED]&gt; wrote:

Dear Mr Mullen,

Further to my colleague's response to your report, I have had a look on our mapping of the area, which includes area's of Open Access. Unfortunately, West Hill isn't included, neighbouring Old Fawdon Hill is (two extracts of maps attached showing open access land marked on OS base map and in green from our mapping system). So, on initial desktop research it would appear that the landowner's signage may well be correct, from the point of view of Open Access. I will in due course carry out a site visit to see the issues myself.

If you have been using routes over this area of land for over 20 years, Public Rights may potentially be claimed through use. There is a process to be gone through and I can pass your details onto my colleague who deals with claims for new routes, if this is something you would like to pursue?

Please note we have a large back log of problem reports to record, and it is taking us longer to investigate issues than we would normally expect.

Best Regards,

**Philip Bradley**  
**Area Countryside Officer**

Countryside & Green Spaces  
Neighbourhood Services  
Northumberland County Council  
County Hall  
Morpeth  
NE61 2EF

Working from home

Mobile: [REDACTED]

E-mail: [REDACTED]

Website: [www.northumberland.gov.uk](http://www.northumberland.gov.uk)

---

**From:** Tony Derbyshire <[REDACTED]>**Sent:** 10 June 2022 10:03  
[REDACTED]

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name ..... PETER REED

Address ..... 20 EMILY DAVISON AVENUE

..... MORPETH

NORTHUMBERLAND ..... Postcode NE61 2PL

Year of Birth ..... 1951

Have you lived at any other addresses during the time you have used the path or way?  
If so, please provide details and years [full addresses are not required]

..... 1 CRAWHALL CRESCENT, MORPETH

..... 20 years

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

..... As marked on the map enclosed, from the  
..... bottom of East Hill, over West Hill & Old Fawcote  
..... to the Brendwick - Ingon track.

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

**YOUR USE OF THE APPLICATION ROUTE**

1. In which years did you use the application route?

From 1990 To 2022

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

.....  
 .....

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
On horseback						<i>with tall running friends</i>
By pedal cycle						<i>Powder Hill Race</i>
By car						
Other [ ]						

4. Has the application route always followed the same course?

Yes

Don't know

No

If no – how and when was the route altered?

.....  
 .....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

*1-2 metres wide but max width taken up by the Powder Show Hill race*

6. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

Grass

7. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

.....

How long were they in place?

.....

b. Gates [state locations, indicate whether locked – and when - and show on your map]

Marked by X on the map.

c. Other barriers [state what they were and location, how long they were in place and show on your map]

Barrio from 2022 indicated by O

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

Nothing + barbed wire + deer fencing.

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", "No Right of Way", "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

.....

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

Large number to top of East Hill for Powdery Hill Race

**Land Ownership**

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No  Yes

If yes, provide details and dates

.....  
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No  Yes

If yes,

a. From whom? .....

b. When? .....

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No  Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No  Yes

If yes, please give details including when this happened

.....  
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No  Yes

If yes, please give details including when this happened

.....  
.....



16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No  Yes

If yes, please give full details, including who gave the permission, why and when

.....  
.....

**Other Information**

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No  Yes

If yes – please provide details

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

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

I have competed in the Powder Snow Hill Race for many years and enjoyed the route up Esk Hill which is now denied. I have also often run over the route with my full running friends.

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No  Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No  Yes

**PART F: Statement of Truth**  
*(all applicants must complete this Part)*

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE**

**Signature (of the person making the statement of truth):**

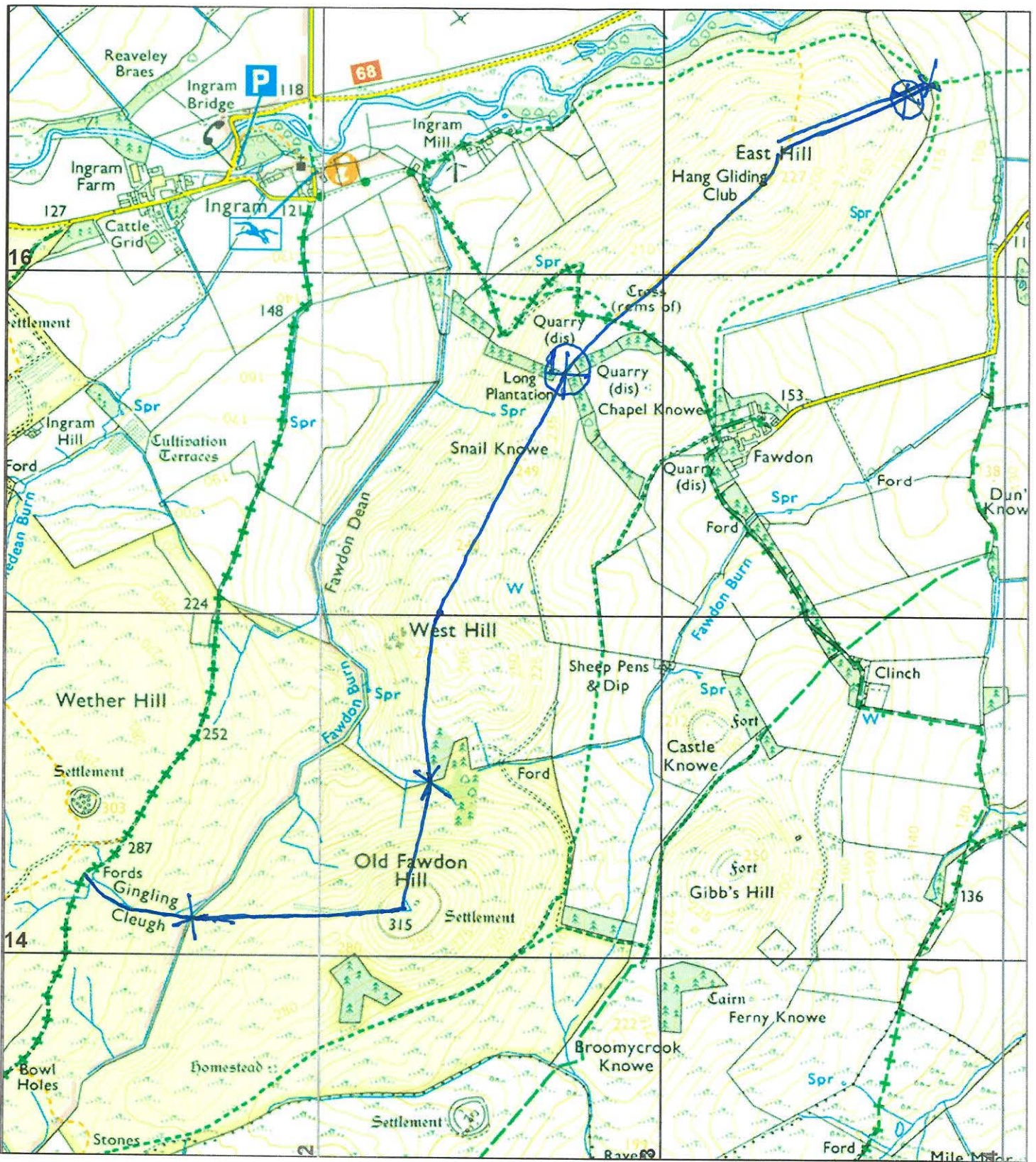


**Print full name:** PETER REED

**Date:** 7/3/24

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



# Northumberland County Council

Infrastructure Records, Local Services, County Hall, Morpeth,  
Northumberland, NE61 2EF  
Email: Alex.bell@northumberland.gov.uk

## Wildlife & Countryside Act, 1981



Claimed Public Right of Way

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Former District:  
Berwick

Parish:  
Ingram

Scale:  
1:15,000

Def. Map No.  
NU 01 NW/SW

O.S. Map  
55/66

Date:  
October 2022

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name Ruth Oldfield

Address Wineburn Cottage

Bolton

Alnwick Postcode NE66 2EE

Year of Birth 1980

Have you lived at any other addresses during the time you have used the path or way?  
If so, please provide details and years [full addresses are not required]

Branton Westside House, 10 years

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

See map - I would like to be able to  
go straight up to the top of East  
Hill as I have done for 30 years.

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

**YOUR USE OF THE APPLICATION ROUTE**

1. In which years did you use the application route?

From 1992 ..... To 2022 .....

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

4 years when I lived in Australia

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot		✓				
On horseback						
By pedal cycle						
By car						
Other [                    ]						

4. Has the application route always followed the same course?

Yes                     Don't know                     No

If no -- how and when was the route altered?

.....  
 .....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

1.5 metres

.....  
 .....

6. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

Grass

7. Have there ever been any of the following on the application route?

- a. Stiles [state locations and show on your map]

No

How long were they in place?

- b. Gates [state locations, indicate whether locked – and when - and show on your map]

There was a wicket, which has now been removed.

- c. Other barriers [state what they were and location, how long they were in place and show on your map]

No

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", "No Right of Way", "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

**Land Ownership**

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No                       Yes

If yes, provide details and dates

.....  
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No                       Yes

If yes,

a. From whom? .....

b. When? .....

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No                       Yes

If yes, by whom and when?

*But only until recently ~~by~~ as it has been blocked  
by the owner of Fawdon Farm.*

14. Have you ever been stopped or turned back when using the application route?

No                       Yes

If yes, please give details including when this happened

.....  
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No                       Yes

If yes, please give details including when this happened

.....  
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No

Yes

If yes, please give full details, including who gave the permission, why and when

.....  
.....

### Other Information

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No

Yes

If yes – please provide details

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

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

I walked this route as a child with my family and have now walked it with my own children. It is a very important path in our community and it is also a great challenge for our physical health.

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Yes



**PART F: Statement of Truth**  
*(all applicants must complete this Part)*

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE**

Signature (of the person making the statement of truth):

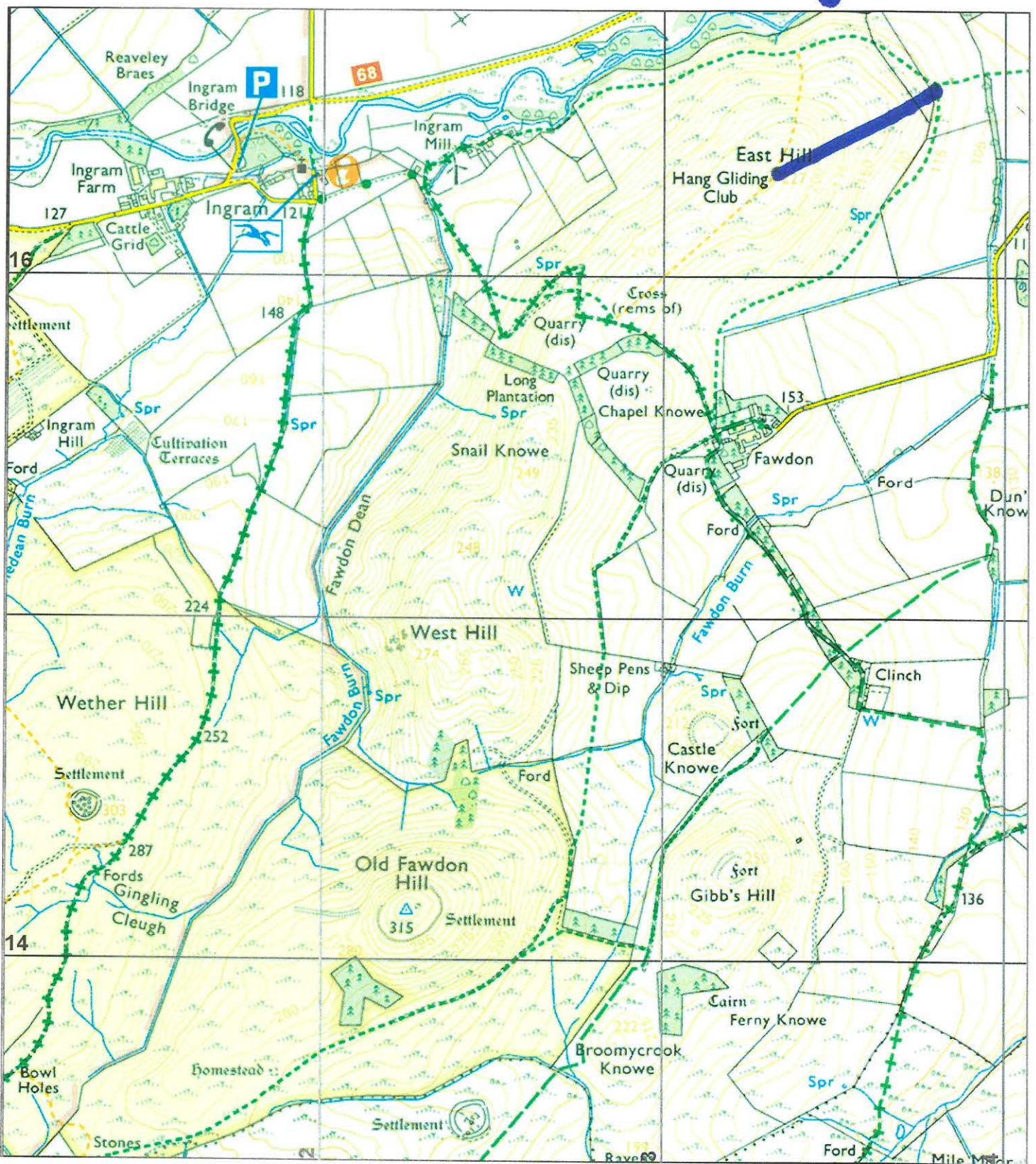


Print full name: RUTH OLDFIELD

Date: 28 / 2 / 24

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



## Northumberland County Council

Infrastructure Records, Local Services, County Hall, Morpeth,  
Northumberland, NE61 2EF  
Email: [Alex.bell@northumberland.gov.uk](mailto:Alex.bell@northumberland.gov.uk)

## Wildlife & Countryside Act, 1981



Claimed Public Right of Way

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Former District:  
Berwick

Parish:  
Ingram

Scale:  
1:15,000

Def. Map No.  
NU 01 NW/SW

O.S. Map  
55/66

Date:  
October 2022

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name KATHRYN HOSKIN

Address 9 WEST TURNPIKE

GLANTON, ALNWICK

NORTHUMBERLAND

Postcode NE66 4AN

Year of Birth 1986

Have you lived at any other addresses during the time you have used the path or way?  
If so, please provide details and years [full addresses are not required]

BRANTON WESTSIDE HOUSE, 15 YEARS

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

I WOULD LOVE TO BE ABLE TO RUN OVER THE TOP  
OF EAST HILL, WEST HILL AND UP OLD FAWDON  
WHERE I HAVE ALWAYS RUN OVER

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

**YOUR USE OF THE APPLICATION ROUTE**

1. In which years did you use the application route?

From 1992 ..... To 2022 .....

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

7 YEARS WHILST I LIVED IN AUSTRALIA  
.....  
.....

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot		<input checked="" type="checkbox"/>				
On horseback		<input checked="" type="checkbox"/>				
By pedal cycle						
By car						
Other [                    ]						

4. Has the application route always followed the same course?

Yes                     Don't know                     No

If no – how and when was the route altered?

.....  
.....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

1.5 METRES  
.....  
.....

6. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

GRASS

7. Have there ever been any of the following on the application route?

- a. Stiles [state locations and show on your map]

NO

How long were they in place?

- b. Gates [state locations, indicate whether locked – and when - and show on your map]

- c. Other barriers [state what they were and location, how long they were in place and show on your map]

THERE USED TO BE A WCKET, WHICH HAS SINCE BEEN REMOVED

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", "No Right of Way", "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

**Land Ownership**

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No                       Yes

If yes, provide details and dates

.....  
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No                       Yes

If yes,

a. From whom? .....

b. When? .....

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No                       Yes

If yes, by whom and when?

YES THE OWNER OF FAWDON FARM WON'T ALLOW  
US OVER THE ROUTE ANYMORE

14. Have you ever been stopped or turned back when using the application route?

No                       Yes

If yes, please give details including when this happened

.....  
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No                       Yes

If yes, please give details including when this happened

.....  
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No

Yes

If yes, please give full details, including who gave the permission, why and when

.....  
.....

**Other Information**

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No

Yes

If yes -- please provide details

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

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

I USED TO RUN, RIDE, WALK THIS ROUTE ALL THE TIME AS A CHILD. AS I AM NOW, WITH MY CHILDREN, FRIENDS AND WITH MY PERSONAL TRAINING CLIENTS AND MY PILATES CLIENTS, TRYING TO IMPROVE MY OWN HEALTH, THE HEALTH OF MY FAMILY AND OTHERS ASWELL AS IMPROVING ALL OUR MENTAL HEALTH ASWELL. IT IS

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Yes

A VERY IMPORTANT ROUTE TO US

**PART F: Statement of Truth**  
*(all applicants must complete this Part)*

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE**

**Signature (of the person making the statement of truth):**



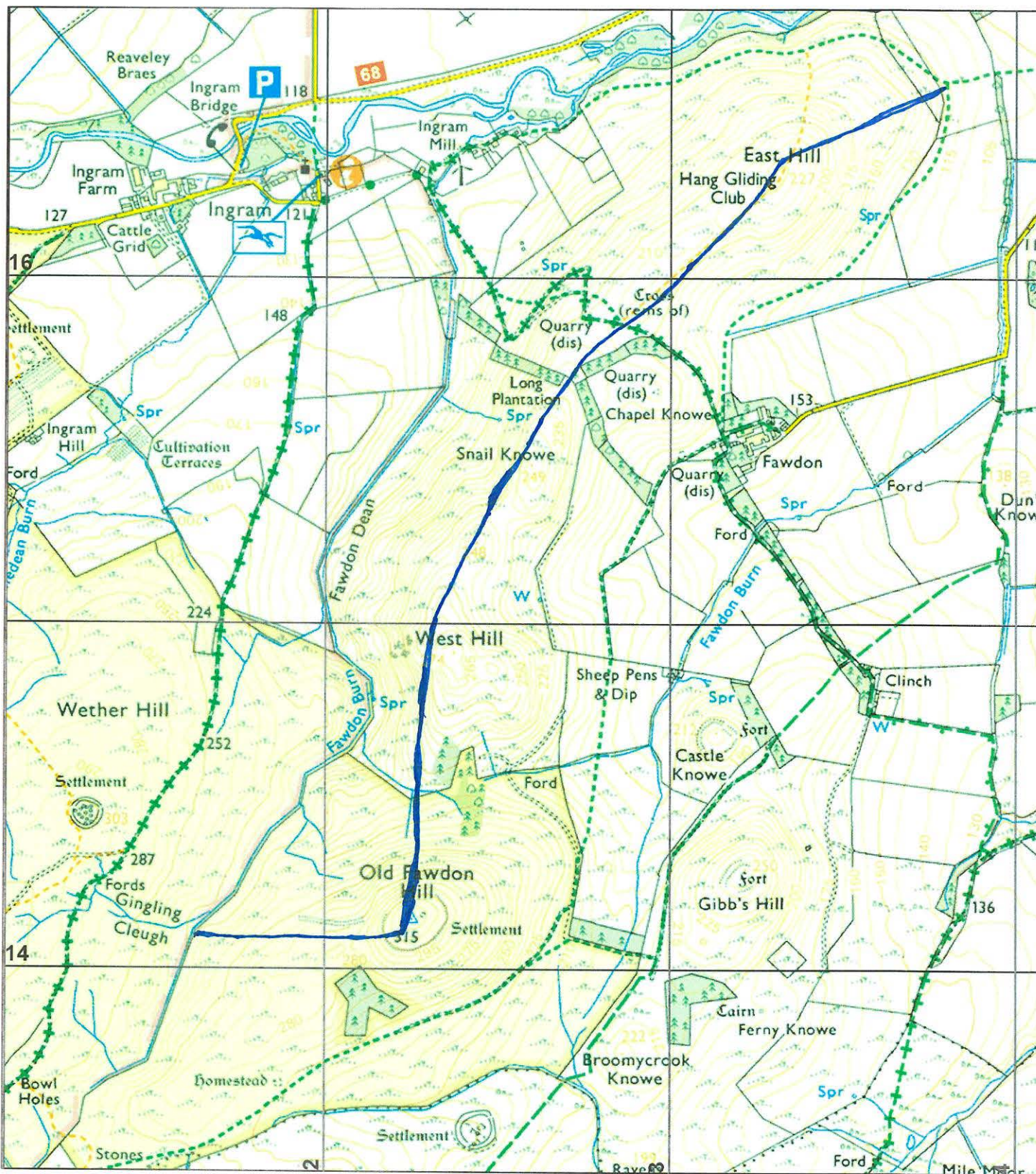
**Print full name:** KATHRYN HOSKIN

**Date:** 2/3/2024

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.





## Northumberland County Council

Infrastructure Records, Local Services, County Hall, Morpeth,  
Northumberland, NE61 2EF  
Email: [Alex.bell@northumberland.gov.uk](mailto:Alex.bell@northumberland.gov.uk)

## Wildlife & Countryside Act, 1981

 Claimed Public Right of Way

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Former District:  
Berwick

Parish:  
Ingram

Scale:  
1:15,000

Def. Map No.  
NU 01 NW/SW

O.S. Map  
55/66

Date:  
October 2022

## PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

### ABOUT YOU

Name ..... ANDREW PETER MORALES

Address ..... HEMMEL HOUSE, GRANITON

..... ALNWICK

..... NORTHAMBERLAND) Postcode NE66 4AG.

Year of Birth ..... 1950

Have you lived at any other addresses during the time you have used the path or way?  
If so, please provide details and years [full addresses are not required]

..... BRANTON WEST SIDE HOUSE

..... BRANTON, ALNWICK, NORTHAMBERLAND NE66 4LW.

### ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

..... starting from 038165 at the foot of Park Hill  
going over Park Hill, above Hill to Old Fawden Hill to  
018134 where Fawden changes to Ingham Lane

### MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

**YOUR USE OF THE APPLICATION ROUTE**

1. In which years did you use the application route?

From ..... 1993 ..... To ..... 2022 when access was denied .....

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

..... No .....

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot		<input checked="" type="checkbox"/>				
On horseback						
By pedal cycle						
By car						
Other [ ]						

4. Has the application route always followed the same course?

Yes       Don't know       No

If no – how and when was the route altered?

.....  
 .....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

..... fairly narrow, has been made by quad tracks .....

..... by the farmer in previous years .....

6. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

..... grass  
.....

7. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

.....

How long were they in place?

.....

b. Gates [state locations, indicate whether locked – and when - and show on your map]

..... wooden gates or gates never locked previously

c. Other barriers [state what they were and location, how long they were in place and show on your map]

.....

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

.....

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", "No Right of Way", "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

.....

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

..... said hello - passing.

**Land Ownership**

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No  Yes

If yes, provide details and dates

.....  
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No  Yes

If yes,

a. From whom? .....

b. When? .....

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No  Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No  Yes

If yes, please give details including when this happened

*Nov 22 gaps fenced off at end*  
.....  
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No  Yes

If yes, please give details including when this happened

*I have seen other people stopped by the fence on East Hill*  
.....  
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No  Yes

If yes, please give full details, including who gave the permission, why and when

My wife and I were given permission by the new owners to access the top of East Hill head

Other Information

not by the direct route. I feel that this was a sop thrown to me after efforts by me to get the route reopened failed.

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No  Yes

If yes – please provide details

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

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]  
[If you wish to provide a separate sketch map, please do so and attach to this statement]

We lived at Branton West Side House from 1973 to 2021 and ran Breanish Valley Cottages. We encouraged our guests to climb East Hill and many did so. I have, over the same period, run the full length of the path indicated many times with full running boots

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No  Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No  Yes

**PART F: Statement of Truth**  
*(all applicants must complete this Part)*

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE**

Signature (of the person making the statement of truth):



Print full name:

ANDREW DEER HORTLE

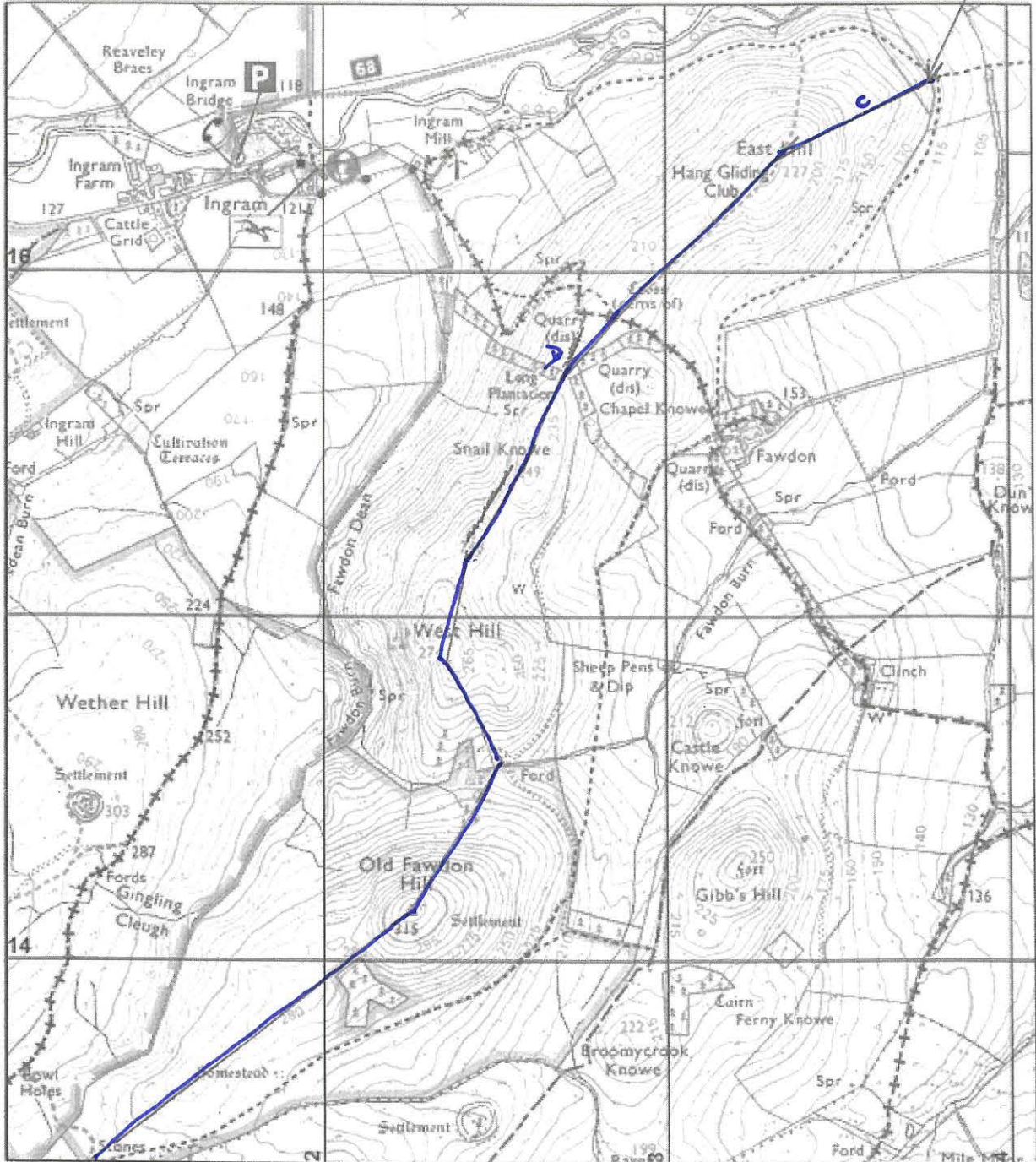
Date:


31.5.2023.

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

A(038165)



<p>D 013134</p>  <p><b>Northumberland</b> County Council</p> <p>Infrastructure Records, Local Services, County Hall, Morpeth, Northumberland, NE61 2EF Email: Alex.bell@northumberland.gov.uk</p>	<p><b>Wildlife &amp; Countryside Act, 1981</b></p> <p>————— Claimed Public Right of Way</p>		
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	<p>Def. Map No. NU 01 NW/SW</p>	<p>O.S. Map 55/66</p>	<p>Date: October 2022</p>



**PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT**

**ABOUT YOU**

Name David Rickaby

Address 3 Whitebridge Close  
Newcastle upon Tyne  
Postcode NE3 2DN

Year of Birth 1954

Have you lived at any other addresses during the time you have used the path or way?  
If so, please provide details and years [full addresses are not required]

.....  
.....

**ABOUT THE APPLICATION ROUTE**

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

Please see attached map. The route is from A (038165) to D  
(013134) via East Hill, Pt 210, B, Snail Knowe, Pt 248,  
West Hill, C, and Old Fawdon Hill.

**MAP OF THE APPLICATION ROUTE**

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

**YOUR USE OF THE APPLICATION ROUTE**

1. In which years did you use the application route?

From 2008 ..... To 2022 .....

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

Nil .....

.....

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot				✓		
On horseback						
By pedal cycle						
By car						
Other [                    ]						

4. Has the application route always followed the same course?

Yes

Don't know

No

If no – how and when was the route altered?

.....

.....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

Minimal. A walk across open moorland. .....

.....

6. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

All grass. Between B and C, mainly  
short turf

7. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

No

How long were they in place?

b. Gates [state locations, indicate whether locked – and when - and show on your map]

Unlocked gates at A. Gates with no entry signs at B and C.

c. Other barriers [state what they were and location, how long they were in place and show on your map]

Nil

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

No entry - private land signs first observed  
at B and C on 24.3.22. which have stopped further use  
on this section.

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", "No Right of Way", "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

See above.

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

Minimal usage over the years.

**Land Ownership**

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No                       Yes

If yes, provide details and dates

.....  
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No                       Yes

If yes,

a. From whom?

.....

b. When?

.....

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No                       Yes

If yes, by whom and when?

*(Other than by the recently erected signs mentioned)*

14. Have you ever been stopped or turned back when using the application route?

No                       Yes

If yes, please give details including when this happened

.....  
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No                       Yes

If yes, please give details including when this happened

.....  
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No  Yes

If yes, please give full details, including who gave the permission, why and when

.....  
.....

**Other Information**

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No  Yes

If yes – please provide details

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

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way? [Continue on a separate sheet if necessary] [If you wish to provide a separate sketch map, please do so and attach to this statement]

Route A to D provides one of the finest ridge walks in Northumberland with marvellous views. Users of the route will naturally stick to the highest ground and will cause no nuisance or disturbance. The issue is all about new restrictions between B and C on the attached map. Previously there were no restrictions whatsoever.

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No  Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No  Yes

**PART F: Statement of Truth**  
*(all applicants must complete this Part)*

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE**

Signature (of the person making the statement of truth):



Print full name:

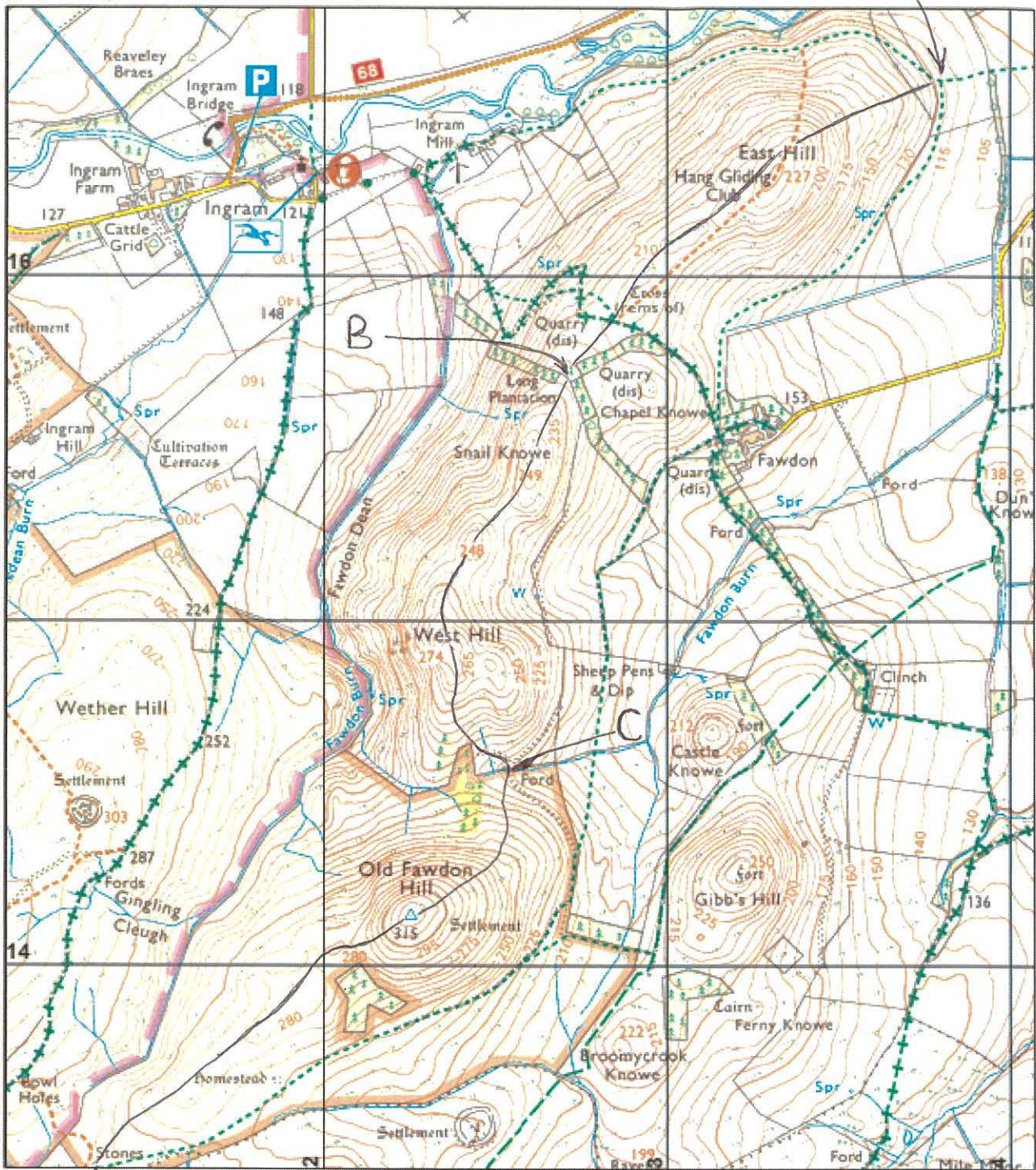
DAVID MALCOLM RICKABY

Date:

8.11.22

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



D



**Northumberland  
County Council**

Infrastructure Records, Local Services, County Hall, Morpeth,  
Northumberland, NE61 2EF  
Email: Alex.bell@northumberland.gov.uk

**Wildlife & Countryside Act, 1981**

————— Claimed Public Right of Way

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Def. Map No.  
NU 01 NW/SW

O.S. Map  
55/66

Date:  
October 2022

8/11/22

## PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

### ABOUT YOU

Name

JOHN BOWER

Address

5 LONGRIDGE DRIVE  
WHITLEY BAY

Postcode

NE26 3EL

Year of Birth

1957

Have you lived at any other addresses during the time you have used the path or way?  
If so, please provide details and years [full addresses are not required]

NO

### ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

THE ROUTE IS THE OBVIOUS CONTINUOUS RIDGELINE OVER  
EAST HILL, SNAIL KNOWE, WEST HILL, OLD FAWDON HILL  
MARKED ON THE MAP BETWEEN POINTS A AND B  
GRID REFS 037 165 AND 013 133 RESPECTIVELY

### MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement.  
Please sign and date your map.



**YOUR USE OF THE APPLICATION ROUTE**

1. In which years did you use the application route?

From 2009 To 2022

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

NO

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot				✓		
On horseback						
By pedal cycle						
By car						
Other [ ]						

4. Has the application route always followed the same course?

Yes

Don't know

No

If no – how and when was the route altered?

.....

.....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

THE ROUTE COVERS OPEN MOORLAND WITH TRACKS VARYING IN WIDTH FROM APPX 6 FEET WIDE TO 3 FEET WIDE.

6. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

MAINLY GRASSY MOORLAND WITH OCCASIONAL  
GRAVELY SECTIONS

7. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

NO

How long were they in place?

N/A.

b. Gates [state locations, indicate whether locked – and when - and show on your map]

GATE AT LONG PLANTATION NORTH OF WEST HILL USED TO  
BE OPEN BUT NOW IS LOCKED }  
GATE WHERE PATH MEETS FORD AT SOUTH OF WEST HILL. }

c. Other barriers [state what they were and location, how long they were in place and show on your map]

BOTH  
THESE  
GATES  
NOW HAVE  
SIGNS SAYING  
PRIVATE LAND  
FANDON FARM

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

IN MARCH 2022 THE LOCKED GATE AT LONG PLANTATION TOGETHER  
WITH A NEW SIGN SAYING PRIVATE NO ENTRY FORCED ME AWAY  
FROM THE ROUTE

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", "No Right of Way", "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

NOTHING PRIOR TO THE RECENTLY ERRECTED SIGNS

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

I GENERALLY WALK IN QUIET TIMES MIDWEEK  
WHEN FEW PEOPLE ARE WALKING IN THE HILLS  
BUT I HAVE OCCASIONALLY SEEN OTHERS ON THIS  
ROUTE PERHAPS BECAUSE IT IS AN OBVIOUS RIDGELINE  
WITH VARIOUS SITES OF ARCHEOLOGICAL INTEREST.

**Land Ownership**

**11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?**

No

Yes

If yes, provide details and dates

.....  
.....

**12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?**

No

Yes

If yes,

a. From whom?

.....

b. When?

.....

**13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?**

No

Yes

If yes, by whom and when?

.....

**14. Have you ever been stopped or turned back when using the application route?**

No

Yes

If yes, please give details including when this happened

.....  
.....

**15. Has anyone else ever told you that they were prevented from using the application route?**

No

Yes

If yes, please give details including when this happened

.....  
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No  Yes

If yes, please give full details, including who gave the permission, why and when

.....  
.....

**Other Information**

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No  Yes

If yes – please provide details

THE WEBSITE [www.hill-bagging.co.uk](http://www.hill-bagging.co.uk) HAS 34 LOGGED DESCRIPTIONS OF WALKS OVER OLD FAWDON HILL. EIGHT OF THESE WALKS SPECIFICALLY MENTION THE

\* BETWEEN INCLUSION OF WEST HILL AND OTHERS IMPLY IT WAS VISITED 1996 AND 2021.

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way? [Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

THIS IS AN OBVIOUS RIDGEWALK WHICH IS OF APPEAL TO HILLWALKERS BUT HAS ALSO BEEN ACCESSED BY HANGGLIDERS (SEE HANGGLIDING CLUB ON MAP REF 032 162) THERE ARE ALSO SITES OF ARCHAEOLOGICAL INTEREST ALONG THE ROUTE.

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No  Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No  Yes

**PART F: Statement of Truth**  
*(all applicants must complete this Part)*

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE**

**Signature (of the person making the statement of truth):**



**Print full name:**

JOHN BOWER

**Date:**

30/11/22

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



# Northumberland County Council

Infrastructure Records, Local Services, County Hall, Morpeth,  
Northumberland, NE61 2EF  
Email: [Alex.bell@northumberland.gov.uk](mailto:Alex.bell@northumberland.gov.uk)

## Wildlife & Countryside Act, 1981

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Former District:  
Berwick

Parish:  
Ingram

Scale:  
1:15,000

Def. **Page 112**  
NU 01 NW/SW

O.S. Map  
55/66

Date:  
October 2022

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name GEORGE MCDONALD

Address 13 SPILSBY CRES, ST NICHOLAS MANOR,  
CRAMLINGTON, NORTHUMBERLAND

Postcode NE23 1AT

Year of Birth 1956

Have you lived at any other addresses during the time you have used the path or way?  
If so, please provide details and years [full addresses are not required]

Present address 2 years  
Prior to this lived in Morpeth 27 years

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

\* Describe the application route (include start and finish points and provide OS grid references if you can)

034167 Start of path East Hill, 024142 old  
Fawdon  
fordon hill, 023142 junction of paths South of  
Fawdon

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

**YOUR USE OF THE APPLICATION ROUTE**

1. In which years did you use the application route?

From 2010 ..... To 2022 .....

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

During Covid lockdown, previous to this used it 2-3 times/year .....

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot				✓		
On horseback						
By pedal cycle						
By car						
Other [ ]						

4. Has the application route always followed the same course?

Yes

Don't know

No

If no – how and when was the route altered?

.....  
 .....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

In the past I have walked from Fawcett Hill over West Hill Snail U route to East Gill (or vice versa) following the highest line as marked .....



6. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

*Grass and earth, maybe some gravel*

7. Have there ever been <sup>seen</sup> any of the following on the application route?

- a. Stiles [state locations and show on your map]

*Nil*

How long were they in place?

*N.A.*

- b. Gates [state locations, indicate whether locked – and when - and show on your map]

*At long plantation, always open till the last year - now locked*

- c. Other barriers [state what they were and location, how long they were in place and show on your map]

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", "No Right of Way", "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

*First seen march 2022*

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

*Several small groups in the past*

**Land Ownership**

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No                       Yes

If yes, provide details and dates

.....  
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No                       Yes

If yes,

a. From whom?

.....

b. When?

.....

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No                       Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No                       Yes

If yes, please give details including when this happened

.....  
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No                       Yes

If yes, please give details including when this happened

.....  
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No                       Yes

If yes, please give full details, including who gave the permission, why and when

.....  
.....

**Other Information**

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No                       Yes

If yes – please provide details

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

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way? [Continue on a separate sheet if necessary] [If you wish to provide a separate sketch map, please do so and attach to this statement]

*A great part of the chevils, one of the few areas where can keep your feet dry in the winter*

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

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No                       Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No                       Yes

**PART F: Statement of Truth**  
*(all applicants must complete this Part)*

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE**

Signature (of the person making the statement of truth):

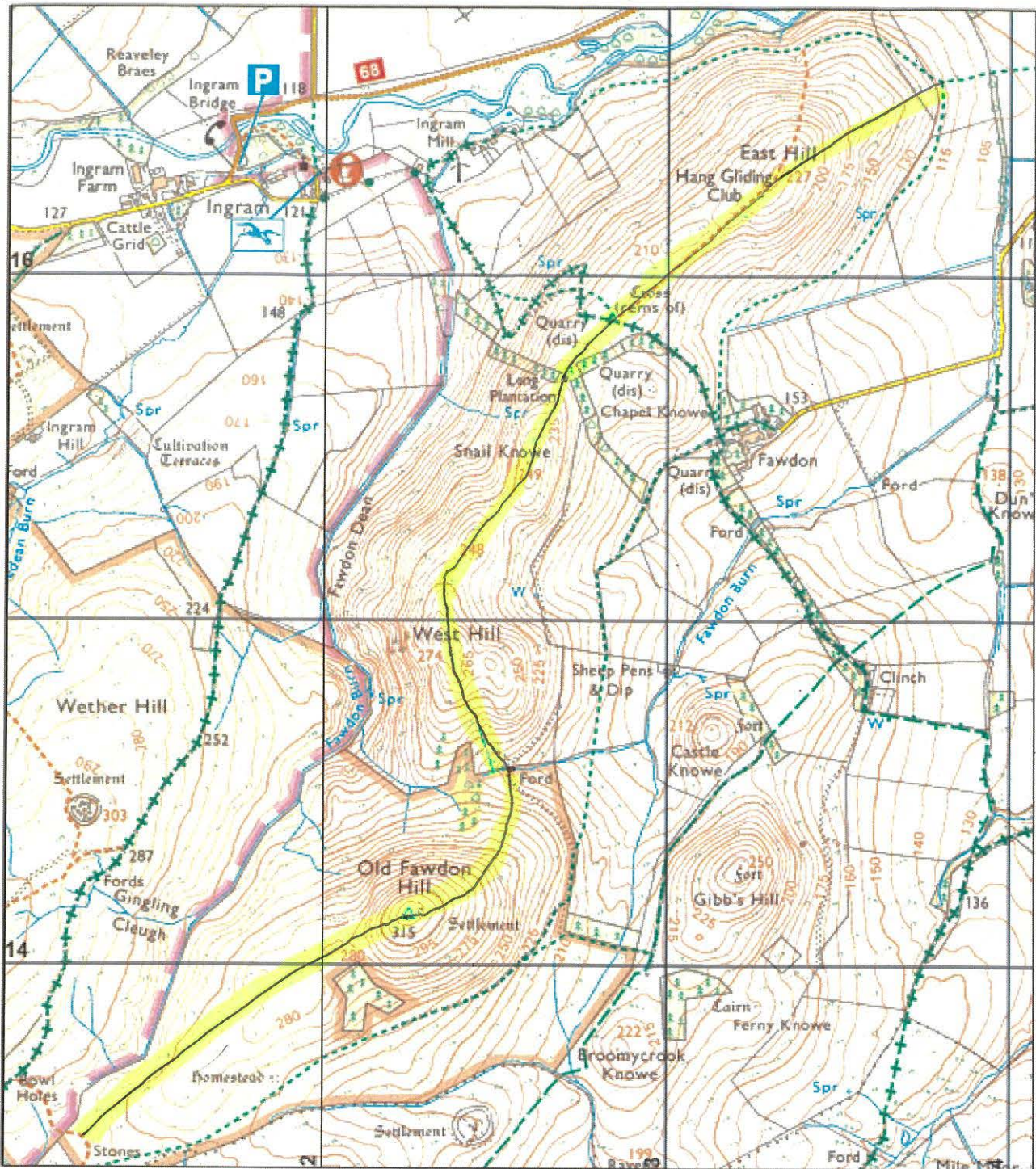


Print full name: *GEORGE McJAGAL*

Date: *10.11.22*

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



**Northumberland  
County Council**

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**Wildlife & Countryside Act, 1981**

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Berwick  
Def. Map No.  
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Parish:  
Ingram  
O.S. Map  
55/66

Scale:  
1:15,000  
Date:  
October 2022

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name TIM HARDIE

Address WESTFIELD HOUSE FARM  
THROPTON

Postcode NE65 7LS

Year of Birth 28.3.1979

Have you lived at any other addresses during the time you have used the path or way?  
If so, please provide details and years [full addresses are not required]

YES - BRANTON WEST SIDE (1979-1992)

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

SEE MAP

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

**YOUR USE OF THE APPLICATION ROUTE**

1. In which years did you use the application route?

From 1985 To ~~1992~~ 2022

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

I used the route less after 1992 but still used it once a month or so

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot		✓				
On horseback						
By pedal cycle						
By car						
Other [            ]						

4. Has the application route always followed the same course?

Yes                       Don't know                       No

If no how and when was the route altered?

.....  
 .....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

1 to 2 metres  
 .....

6. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

grass

7. Have there ever been any of the following on the application route?

- a. Stiles [state locations and show on your map]

No

How long were they in place?

n/a

- b. Gates [state locations, indicate whether locked – and when - and show on your map]

There had been a small gate

- c. Other barriers [state what they were and location, how long they were in place and show on your map]

no

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

.....

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", "No Right of Way", "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

.....

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

.....



**Land Ownership**

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No  Yes

If yes, provide details and dates

.....  
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No  Yes

If yes,

a. From whom? .....

b. When? .....

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No  Yes

If yes, by whom and when?

*It was recently blocked off*  
.....

14. Have you ever been stopped or turned back when using the application route?

No  Yes

If yes, please give details including when this happened

.....  
.....

15. Has anyone else ever told you that they were prevented from using the application route?

No  Yes

If yes, please give details including when this happened

.....  
.....

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No                       Yes

If yes, please give full details, including who gave the permission, why and when

.....  
.....

**Other Information**

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No                       Yes

If yes – please provide details

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

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

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

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No                       Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No                       Yes

**PART F: Statement of Truth**  
*(all applicants must complete this Part)*

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE**

**Signature (of the person making the statement of truth):**



**Print full name:**

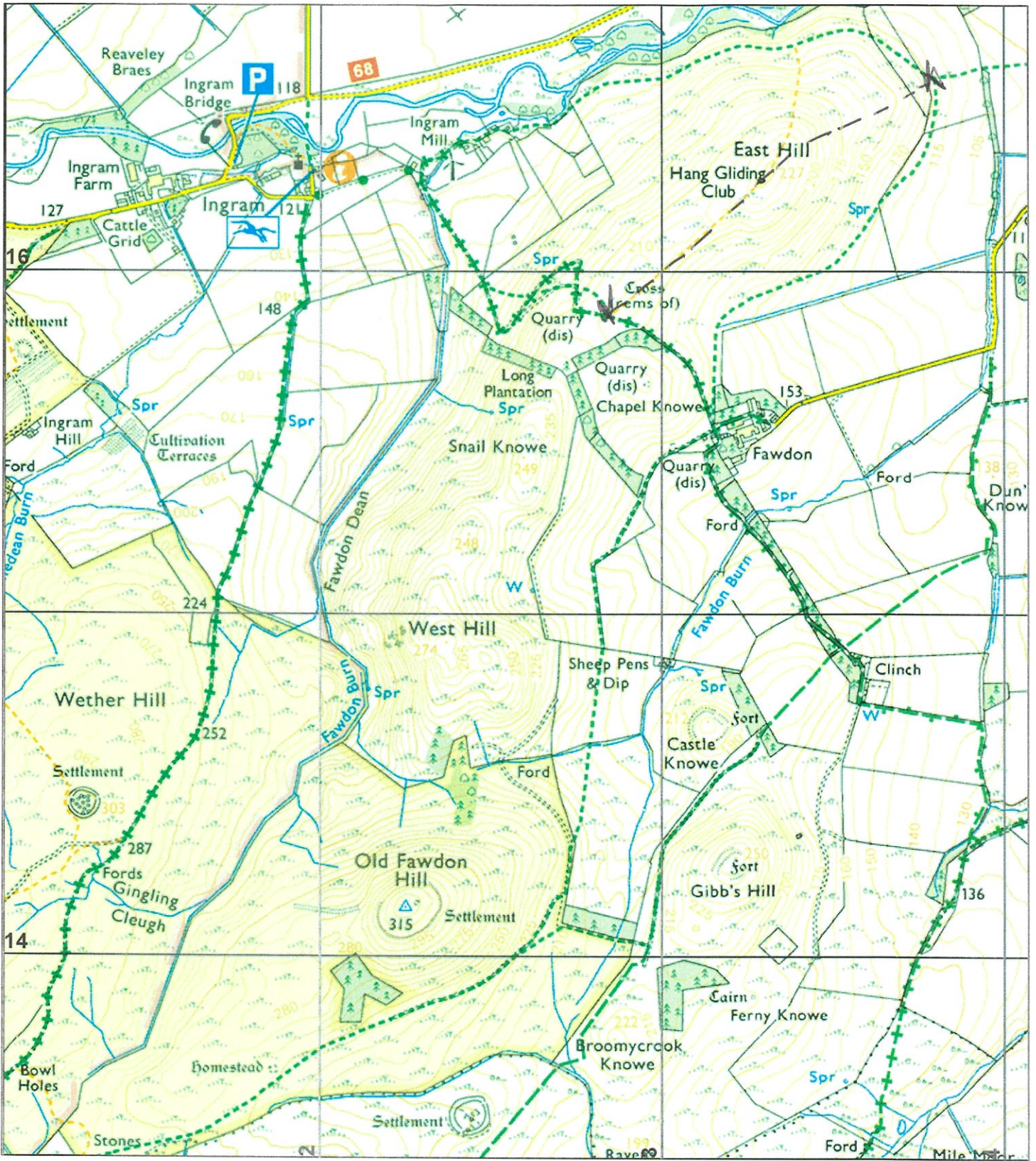
TIM HARDIE

**Date:**

10-3-2024

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



**Northumberland**  
County Council

Infrastructure Records, Local Services, County Hall, Morpeth,  
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**Wildlife & Countryside Act, 1981**



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Parish:  
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Scale:  
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Def. Map No.  
**Page 126**

O.S. Map  
55/66

Date:  
October 2022

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name Jenny Vickers.

Address The Steel Barn  
Tritlington.

Worplesham Postcode NE61 3EO

Year of Birth 1982

Have you lived at any other addresses during the time you have used the path or way?  
If so, please provide details and years [full addresses are not required]

Branton Westside House, 9 yrs.

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

See map - I would like to be able to continue  
along this route that I have been doing  
for 30 years.

MAP OF THE APPLICATION ROUTE

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

**YOUR USE OF THE APPLICATION ROUTE**

1. In which years did you use the application route?

From 1993 To 2022

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

No

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot		✓				
On horseback						
By pedal cycle						
By car						
Other [ ]						

4. Has the application route always followed the same course?

Yes       Don't know       No

If no -- how and when was the route altered?

.....  
 .....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

1.5 metres

6. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

Grass.

7. Have there ever been any of the following on the application route?

- a. Stiles [state locations and show on your map]

No.

How long were they in place?

- b. Gates [state locations, indicate whether locked – and when - and show on your map]

There was a wicket which has now been removed.

- c. Other barriers [state what they were and location, how long they were in place and show on your map]

No

8. Did any of the above prevent you from using the application route?

No

Yes

If yes, please give details

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", "No Right of Way", "Trespassers will be Prosecuted")

Yes

Don't know

No

If yes – state when and give details, including when they were present and mark their location on your map

10. Have you seen other people using the application route whilst you have been using it?

No

Yes

If yes, please provide any additional information about this

**Land Ownership**

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No                       Yes

If yes, provide details and dates

.....  
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No                       Yes

If yes,

a. From whom? .....

b. When? .....

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No                       Yes

If yes, by whom and when?

*only in last 2yrs when it was blocked by the owners of fawden farm*

14. Have you ever been stopped or turned back when using the application route?

No                       Yes

If yes, please give details including when this happened

.....  
.....

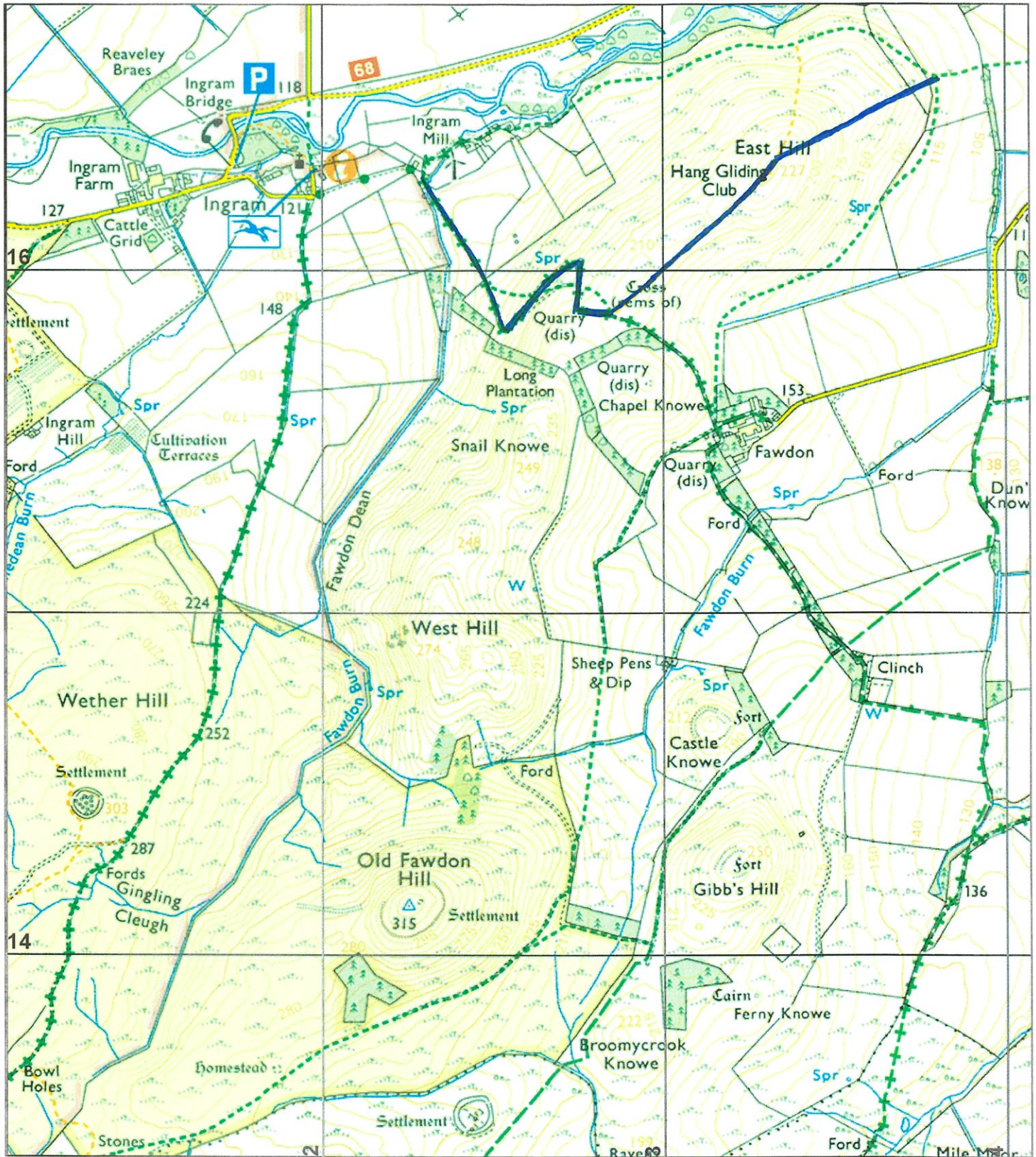
15. Has anyone else ever told you that they were prevented from using the application route?

No                       Yes

If yes, please give details including when this happened

.....  
.....





## Northumberland County Council

Infrastructure Records, Local Services, County Hall, Morpeth,  
Northumberland, NE61 2EF  
Email: [Alex.bell@northumberland.gov.uk](mailto:Alex.bell@northumberland.gov.uk)

## Wildlife & Countryside Act, 1981



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Berwick

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Def. Map No.  
**Page 131**  
NU 01 NW/SW

O.S. Map  
55/66

Date:  
October 2022

**PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT**

**ABOUT YOU**

Name CHRISTINE KELLY

Address 1-2 THE OLD BARN

BRANTON.

N1 ALNWICK Postcode NE66 4LW

Year of Birth 1959

Have you lived at any other addresses during the time you have used the path or way?  
If so, please provide details and years [full addresses are not required]

NO

**ABOUT THE APPLICATION ROUTE**

How do you think the application route should be recorded?

- As a footpath (public rights on foot only)
- As a bridleway (public rights on foot and on horseback or bicycle)
- As a restricted byway (public rights on foot, on horseback or any non-motorised vehicle)
- As a byway open to all traffic (public rights for all classes of use, including motor vehicles)

Describe the application route (include start and finish points and provide OS grid references if you can)

ROUTE TO GO STRAIGHT UP THE EAST HILL TO SUMMIT  
THEN DOWN PERTIKSIVE PATHS TO RIGHT AND LEFT TO JOIN  
RIGHTS OF WAY (AS PER MAP).

**MAP OF THE APPLICATION ROUTE**

Please attach an extract from a map of your own choice to identify the route you are providing evidence about, and annotate it with anything you provide details about in this statement. Please sign and date your map.

**YOUR USE OF THE APPLICATION ROUTE**

1. In which years did you use the application route?

From 2018 ..... To END OF '21 - BEG '22 .....

2. Were there any extended periods during which you did not use the route at all? If so, please state when and why?

NOT SINCE WE MOVED HERE - USED IT  
AT LEAST TWICE A WEEK UNTIL FENCED OFF .....

3. How did you use the application route and how often? [Please tick any that apply]

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot		✓				
On horseback						
By pedal cycle						
By car						
Other [                    ]						

4. Has the application route always followed the same course?

Yes                     Don't know                     No

If no – how and when was the route altered?

AVERAGE 1.5 MIN .....

.....

5. Approximately how wide is the application route?

[Please give your estimate of the width across which you used the route including the width used when passing others or walking with others. Take care to consider the overall width of the route. If this varies, please describe how] [Or please state 'Don't know']

SOME PINCH POINTS (NARROWED TO 1.0M). OVERALL  
PASSING POINTS APPROX 1.33M. PATH WELL DEFINED  
FROM YEARS OF REGULAR USE

6. What type of surface does the application route have? (for example grass, gravel, earth)  
[For varying surfaces, please describe with reference to your map]

GRASS  
.....  
.....

7. Have there ever been any of the following on the application route?

a. Stiles [state locations and show on your map]

..... D/K .....

How long were they in place?

..... D/K .....

b. Gates [state locations, indicate whether locked – and when - and show on your map]

..... YES, GATES ALWAYS OPEN DURING OUR USE .....

c. Other barriers [state what they were and location, how long they were in place and show on your map]

..... D/K .....

8. Did any of the above prevent you from using the application route?

No                       Yes

If yes, please give details

.....

9. Have you ever seen any signs or notices suggesting whether or not the application route is a public right of way? (for example "Private", "Keep Out", "No Right of Way", "Trespassers will be Prosecuted")

Yes                       Don't know                       No

If yes – state when and give details, including when they were present and mark their location on your map

..... CURRENTLY THERE IS A WIRE AND POST FENCE  
BLOCKING ACCESS .....

10. Have you seen other people using the application route whilst you have been using it?

No                       Yes

If yes, please provide any additional information about this

..... WHILST THE ROUTE WAS NEVER A 'HIGHWAY' IT WAS  
REGULARLY USED BY I.A. TRUCKS TO THE VILLAGES AND .....

**Land Ownership**

11. Were you working for any owner or occupier of land crossed by the application route at the time when you used it, or were you then a tenant / licensee of any such owner?

No                       Yes

If yes, provide details and dates

.....  
.....

12. Did the owner or occupier ever give you permission (or did you seek permission) to use the application route?

No                       Yes

If yes,

a. From whom? .....

b. When? .....

13. Has anyone ever told you the application route was not public (including by an owner, tenant of the land or by anyone in their employment)?

No                       Yes

If yes, by whom and when?

.....

14. Have you ever been stopped or turned back when using the application route?

No                       Yes

If yes, please give details including when this happened

WHEN OWNERSHIP OF THE LAND CHANGED AND  
NEW OWNER'S FENCED OFF ESTABLISHED ROUTE.

15. Has anyone else ever told you that they were prevented from using the application route?

No                       Yes

If yes, please give details including when this happened

AS ABOVE. NO ONE CAN USE THE ROUTE UNLESS  
THEY CLIMB OVER THE FENCE.

16. Have you ever had a private right to use the application route? (for example, an easement, private right of access, licence, etc.)

No

Yes

If yes, please give full details, including who gave the permission, why and when

.....  
.....

**Other Information**

17. Do you have, or do you have knowledge of, any documentary evidence which is relevant to the application route or which indicates public use? (for example photographs, guidebooks, letters, sale documents, old maps, etc.)

No

Yes

If yes – please provide details

.....  
SCOUT IN VIA EMAIL  
.....

18. Please give any further information which you consider would be helpful in reaching a decision as to whether the application route should be recorded as a public right of way?

[Continue on a separate sheet if necessary]

[If you wish to provide a separate sketch map, please do so and attach to this statement]

THERE HAS BEEN GREAT UPSET AND CONSTERNATION AT THE CLOSURE OF THIS HISTORIC ESTABLISHED ROUTE UP EAST HILL. THE PATH NOW SWINGS AROUND TO THE RIGHT (AS YOU GO UP THE HILL FROM GRANTON VILLAGE) AND DROPS DOWN TO A PERSUASIVE PATH AT A REALLY DANGEROUS ANGLE. THE NEW ROUTE TAKES ONE BACK UP THE HILL AGAIN - STEEP SLIPPERY SLOPE AND ALWAYS YOU GET A FEW METERS FROM WHERE THE ORIGINAL PATH IS BLOCKED.

19. During the investigation the OMA may want to interview some or all of the claimants in order to gather additional information. Would you be willing to talk to an officer from the OMA about your knowledge of the application route?

No

Yes

20. Would you be willing to attend a hearing, or public inquiry to give evidence if necessary?

No

Yes

**PART F: Statement of Truth**  
*(all applicants must complete this Part)*

**I BELIEVE THAT THE FACTS AND MATTERS CONTAINED IN THIS STATEMENT ARE TRUE**

Signature (of the person making the statement of truth):



Print full name:

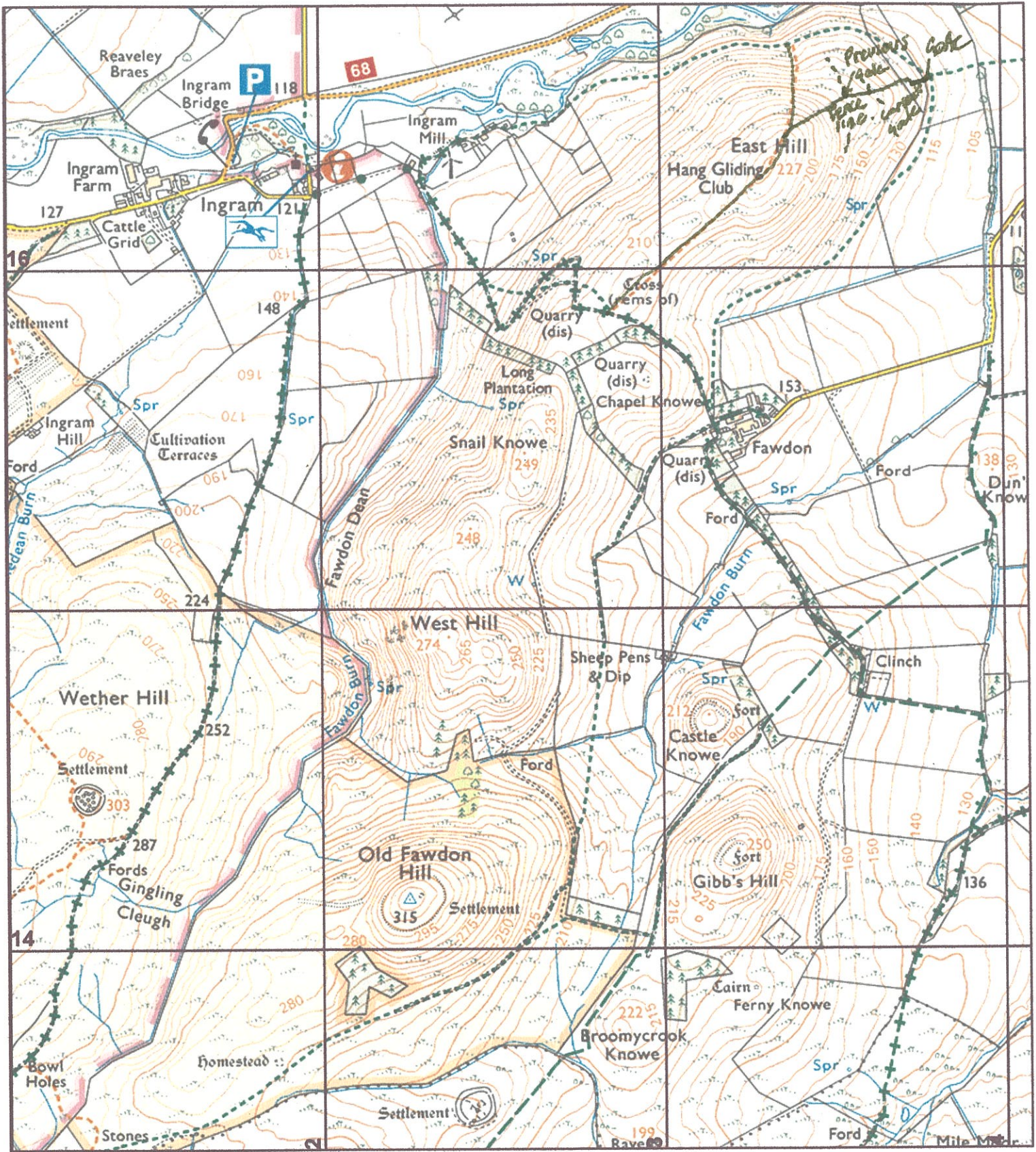
CHRISTINE KELLY

Date:

12th MARCH 2024

**You should keep a copy of the completed statement**

Warning: If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.



**Northumberland**  
County Council

Infrastructure Records, Local Services, County Hall, Morpeth,  
Northumberland, NE61 2EF  
Email: Alex.bell@northumberland.gov.uk

**Wildlife & Countryside Act, 1981**

— Claimed Public Right of Way

Page 138

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Former District:  
Berwick

Parish:  
Ingram

Scale:  
1:15,000



Just after the route was fenced off piece showing clear delineation of well used and oft trodden path directly up the hill

christine kelly <[REDACTED]>

Wed 28/02/2024 8:15 PM

To: Zara Quinn <Zara.Quinn@northumberland.gov.uk>

You don't often get email from [REDACTED]. [Learn why this is important](#)

**CAUTION: This email originated from outside of Northumberland County Council.** Do not click links or open attachments unless you recognise the sender and know the content is safe.



DATED 6 MARCH 1996 7

NORTHUMBERLAND COUNTY COUNCIL

-and-

LORD JAMES PERCY  
and  
MESSRS F J P C and J WILSON

---

ACCESS AGREEMENT  
under the provisions of Part V  
National Parks and Access to the  
Countryside Act 1949 (as amended)  
in respect of land in the Parish of Ingram  
in the County of Northumberland

---

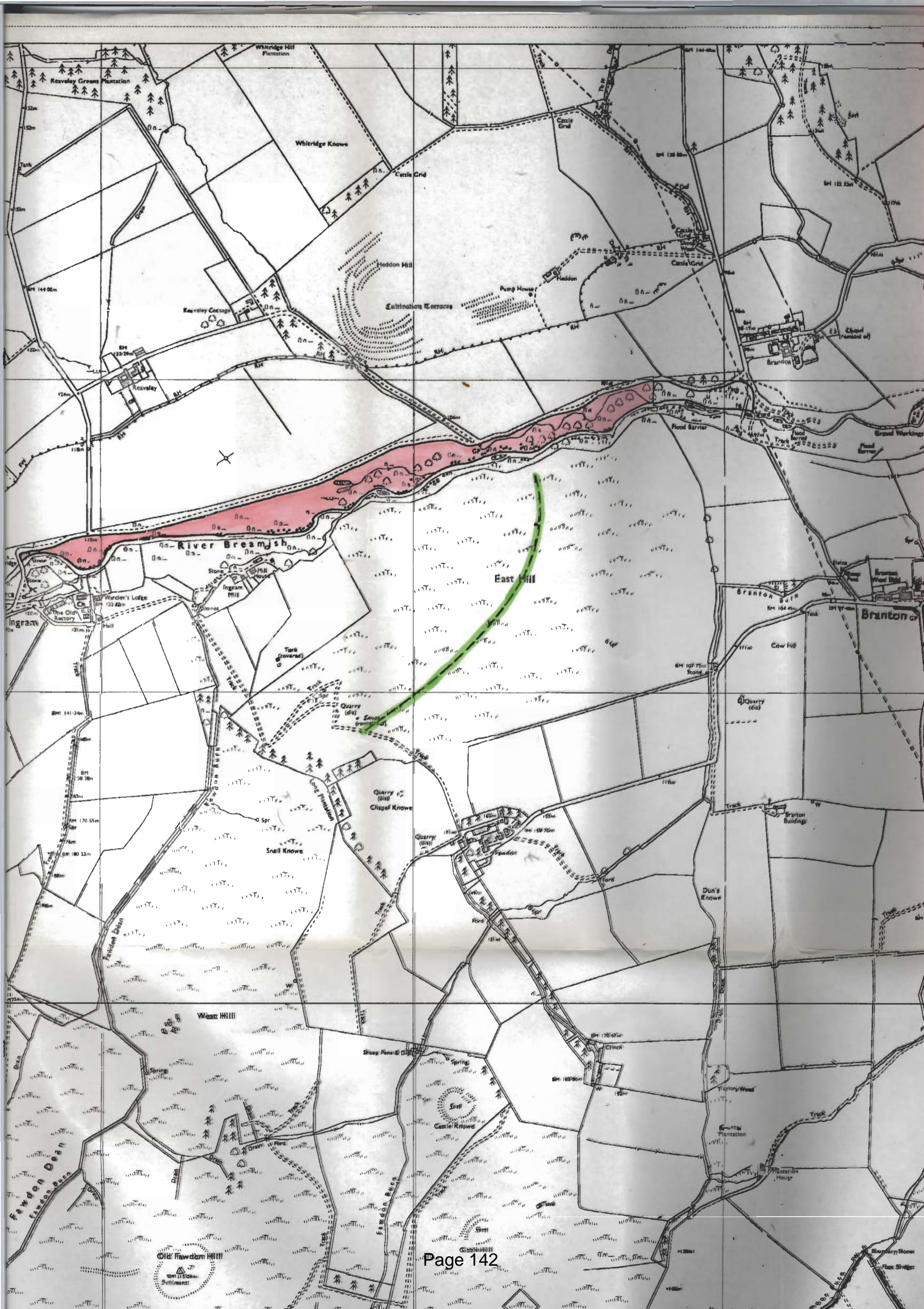
May, May & Merrimans  
12 South Square  
Gray's Inn  
London WC1R 5HH

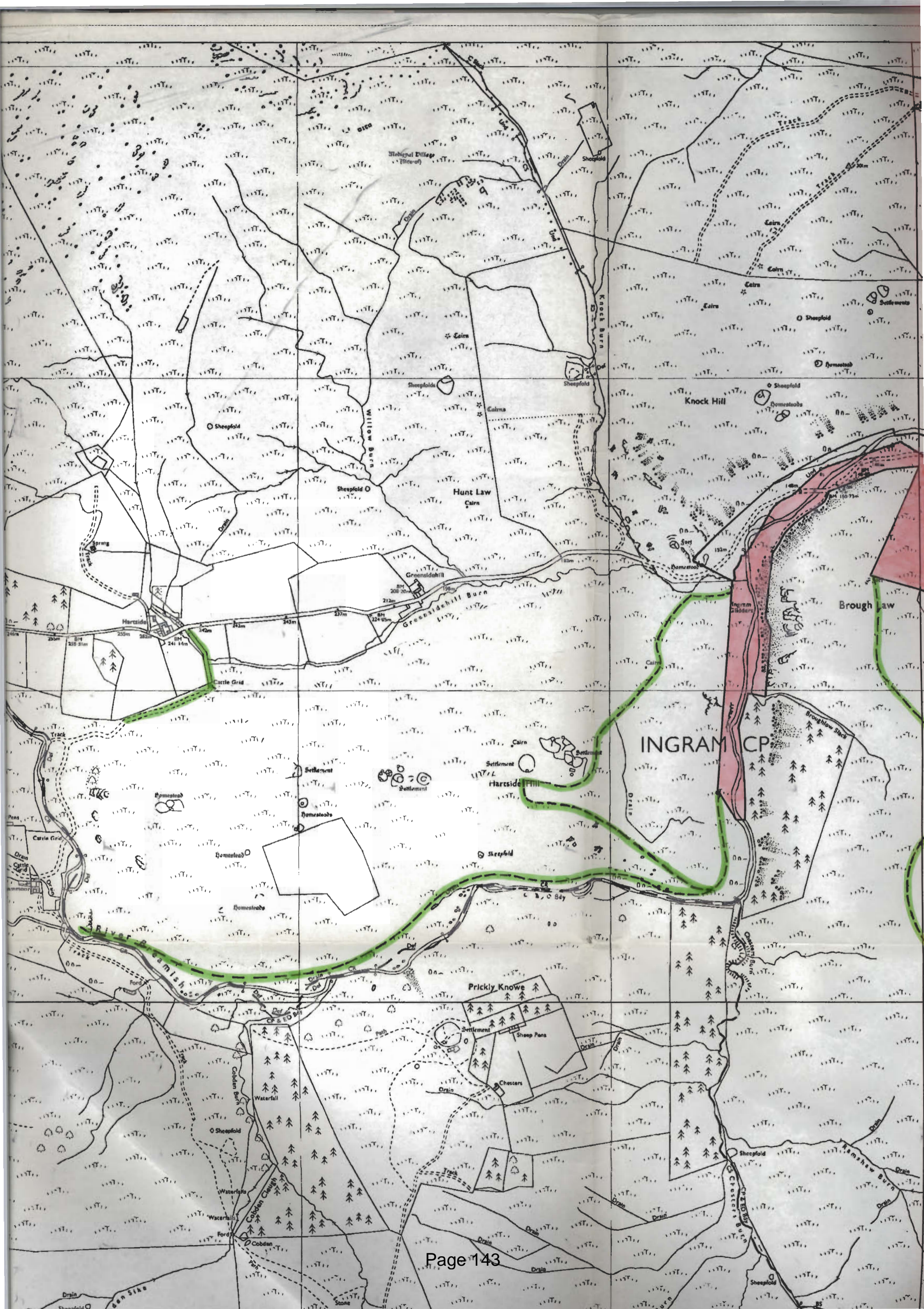
Tel: 0171-405 8932  
Réf: LS48614/MJP.6

THIS AGREEMENT is made the <sup>March 6<sup>th</sup></sup> day of  
<sup>MARCH</sup> One thousand nine hundred and  
<sup>seven</sup> ninety-six BETWEEN THE COUNTY COUNCIL OF NORTHUMBERLAND  
(hereinafter called "the Authority") of the first part  
THE HONOURABLE JAMES WILLIAM EUSTACE PERCY (commonly  
called Lord James Percy) of Alwick Castle  
Northumberland (hereinafter called "the Owner") of the  
second part and FRANCIS WILSON JAMES PATRICK COMRIE  
WILSON and JOHN WILSON of Ingram Farm Powburn Alwick  
Northumberland (hereinafter called "the Tenants") of the  
third part

WHEREAS

- (1) Part V of the National Parks and Access to the Countryside Act 1949 (hereinafter called "the 1949 Act") as amended and extended by the Countryside Act 1968 (hereinafter called "the 1968 Act") makes provision for enabling the public to have access for Open-air Recreation to Open Country to which the provisions of Section 60 of the 1949 Act are applied by an access agreement made under that Act
- (2) By virtue of Section 64(1) of the 1949 Act as amended by Schedule 8 of the Local Government Act 1974 a local planning authority may make an access agreement with any person having an interest in land being Open Country in the area of the Authority whereby the provisions in that behalf of







Part V of the 1949 Act shall apply to that land

- (3) The Authority is a local planning authority for the area of Northumberland in which the land being Open Country comprised in this agreement is situated ("the Access Land")
- (4) The Access Land is vested in the Owner for a legal estate in fee simple in possession subject to the tenancy of the Tenants upon the trusts of a settlement affecting the same and a proper vesting instrument has been duly executed in his favour pursuant to the Settled Land Act 1925
- (5) The Access Land being partly in the Northumberland National Park the Authority has consulted with the Countryside Commission as respects the making of this Agreement
- (6) The Owner and the Tenants are together hereinafter called "the Grantors"

NOW IT IS AGREED as follows:

1. IN this Agreement the following expressions shall mean
- |                     |  |
|---------------------|--|
| "The Access Land"   | means the land described in the First Schedule |
| "The Excepted Land" | shall have the meaning defined                 |

in Section 60(5) of the 1949 Act

"Means of Access" shall have the meaning defined in Section 67(6) of the 1949 Act

"Open Country" shall have the meaning defined in Section 59(2) of the 1949 Act

"Open Air Recreation" shall have the meaning defined in Section 114(1) of the 1949 Act

2. (1) ANY undertaking or agreement contained herein shall be deemed to have been given or made by or with each of the Grantors jointly and severally

(2) Any of the Grantors whose interest in the Access Land is changed or terminated shall within one month thereafter give notice in writing to the Authority of such change or termination

3. (1) THE provisions of Section 60 of the 1949 Act as amended and extended by the provisions of the 1968 Act shall apply to the Access Land save as varied by this Agreement

(2) Subject to the provisions of Part V and the Second Schedule to the 1949 Act (general restrictions to be observed by persons having access to open country or waterways by virtue of Part V of the 1949 Act) and



subject to the provisions of this agreement any member of the public who enters upon the Access Land for the purpose of Open-air Recreation without breaking or damaging any wall fence hedge fixture or fitting or gate disturbing stock or crops or who is on such land for that purpose after having so entered thereon shall not be treated as a trespasser on that land or incur any other liability by reason only of so entering or being on that land and provided that motor vehicles may be parked on the Access Land but only in the parts of the Access Land indicated on the plan attached hereto

4. (1) THE means whereby members of the public may obtain entry to Access Land shall be as specified in the Second Schedule hereto

(2) For the purpose of securing that sufficient Means of Access will be available for the public the Authority shall undertake the carrying out of the works specified in the Third Schedule and shall undertake the following works with regard to the following matters:

- (a) the improvement or repair of any Means of Access to the Access Land in existence at the date of this agreement
- (b) the construction of new Means of Access to the Access Land and
- (c) the maintenance of any such Means of Access to the Access Land as are mentioned in sub-paragraph (a) and (b) hereof

(3) The Authority shall maintain the footpaths referred to in the Second Schedule hereto and shall make good all damage caused to the Access Land and any adjoining or neighbouring land of the Owner as a result of the agreement for public access hereinbefore contained save that the Authority shall not be responsible for any damage caused by a member of the public breaching the provisions of Paragraph 1 of the Fourth Schedule nor shall the Authority be responsible for the enforcement of this provision

5. (1) THE Authority shall at its own expense provide and maintain:

- (a) The map showing the Access Land
- (b) The Map showing footpaths to and from the Access Land
- (c) suitable and sufficient notices informing persons of the restriction upon public access and suitable waymarks on all footpaths

at such places as may be agreed in writing between the Authority and the Grantors subject to the design of the notices maps and waymarks being first approved by the Grantors

(2) The Authority may if it thinks fit provide and maintain warning notices informing persons of dangers to public safety at such places as may be agreed in writing between the Authority and the Grantors

6. (1) SUBJECT to paragraphs (2) and (3) hereof the Authority shall pay to the Grantors on the completion of this agreement and on the Sixth day of August in each year the sum of £8,000 in consideration of the making of this agreement PROVIDED that if any of the Grantors shall terminate his interest in the Access Land he shall if so required by the Authority repay to the Authority such proportion of any payment under this clause as represents the period after the termination of his interest

(2) Any sum payable under paragraph (1) above shall be apportioned between the Grantors in such manner as may from time to time be agreed in writing between the Grantors and any such apportionment shall be notified in writing to the Authority The sum of £8,000 shall be apportioned as to £3,000 to the Owner and as to £5,000 to the Tenants

(3) The amount payable by the Authority under paragraph (1) above may be varied:

(a) with effect from the dates three six and nine years respectively from the 6th day of August 1993

(b) at any time in the event of any part of the Access Land becoming Excepted Land

such variation to be agreed between the Grantors and the Authority or in default of agreement to be determined by an Arbitrator agreed by the parties or failing such agreement appointed by the President for the time being of the Royal Institution of Chartered Surveyors pursuant

to the Arbitration Acts 1950 to 1979

7. (1) THE Grantors undertake that they will not do or suffer or permit to be done any work on the Access Land which will substantially reduce the area to which the public are able to have access by virtue of this agreement

(2) The Grantors undertake that they or any of them will not without the consent in writing of the Authority (such consent not to be unreasonably withheld) plough or fence or do or suffer or permit to be done anything on the Access Land resulting in any part of the Access Land becoming Excepted Land

(3) The Grantors undertake that they or any of them will not destroy remove alter or stop up any Means of Access to the Access Land or do or suffer or permit to be done anything resulting in the use of any such Means of Access by the public being impeded

(4) The Grantors undertake that they or any of them will not provide or maintain or suffer or permit on the Access Land any misleading notice or keep on the Access Land any animal known to have a mischievous propensity or do or suffer or permit to be done any other thing which is likely to deter the public from exercising their right of access

(5) If the Grantors or any of them fail to comply with the provisions of paragraphs 7(3) or 7(4) above the Authority may on giving not less than 14 days notice

enter upon the Access Land and take such steps as may be reasonable to remedy the said breach and prevent its continuance and the Authority may recover from the Grantors any expenditure which the Authority may incur taking such action

8. (1) THE restrictions to be observed by persons having access to the Access Land are:

(a) the general restrictions contained in the Second Schedule to the 1949 Act save that motor vehicles may be parked on the Access Land

(b) the special restrictions set out in the Fourth Schedule below and

(c) such other restrictions as may from time to time be agreed in writing between the Authority and the Grantors

(2) If the County Planning Authority makes a direction under Section 69 of the 1949 Act as substituted by Section 1 and Schedule 3 of the Local Government Planning and Land Act 1980 (Suspension of public access to avoid exceptional risk of fire) that Section 60 (1) of the 1949 Act shall not have effect in relation to the Access Land or any part of it the right of persons under this agreement or otherwise to enter and be on the Access Land or such part thereof and to use Means of Access thereto shall be suspended during the period specified in that direction

9. \_\_\_\_\_ IN accordance with the provisions of Section 92 of the 1949 Act (as amended by the 1968 Act) the Authority shall appoint such number of persons as appear to the Authority to be necessary or expedient to act as wardens as respects land including the Access Land and the Means of Access to it in relation to which bye-laws made by the Authority are in force and shall consult the Grantors as to the provision and operation of the warden service on the Access Land

10. (1) SUBJECT to the following paragraphs hereof this agreement shall have effect for a period of 12 years from the 6th day of August 1993

(2) This agreement may be terminated forthwith (i) by the Authority giving notice in writing to all the Grantors in the event of a breach by any of the Grantors of any of the undertakings on their part contained in this agreement or (ii) by the Grantors or any of them giving notice and in writing to the Authority in the event of a breach by the Authority of any of the undertakings on its part contained in this agreement

(3) Termination under paragraphs (2) or (3) hereof shall be without prejudice to any rights of the Authority or the Grantors which may have accrued up to the date of the termination

11. \_\_\_\_\_ THE Authority shall indemnify the Owner and the Tenants as the case may be in respect of any action

proceeding claim or demand brought by a third party that arises out of any act or default of the Authority its servant or agents but not further or otherwise

12. THE Authority shall pay the reasonable legal and surveyors costs of and incidental to the preparation and completion of this agreement and any duplicate copy thereof and any stamp duty payable incurred by the Grantors

IN WITNESS whereof the Authority has caused its Common Seal to be hereunto affixed and the Owner and the Tenants have executed this instrument as their deed the day and year first before written

THE FIRST SCHEDULE

All those pieces or parcels of land situate in the Parish of Ingram in the County of Northumberland comprising an area of one hundred and forty one acres or thereabouts as the same are delineated on the plan attached hereto and are thereon coloured red

THE SECOND SCHEDULE

By means of the footpaths shown by green colouring on the said plan and the footpath mentioned in paragraph 2 of the Third Schedule hereto subject as therein mentioned

THE THIRD SCHEDULE

1. The construction at the expense of the Authority of a public car park at Hartside Farm at the site shown on the said plan and to a specification to be agreed by the Owner such agreement not to be unreasonably withheld
2. The creation and maintenance at the expense of the Authority of a public footpath between the proposed public car park at Hartside Farm by way of Grieve's Ash to Linhope Spout

THE FOURTH SCHEDULE

1. Members of the public shall not be permitted to bring dogs on the Access Land unless the dogs are kept under proper control and held on a lead at all times
2. Members of the public shall not be permitted to bring or ride horses on the Access Land except with the consent of the Grantors
3. Members of the public shall not interfere with any animal pen shed implement stack or other thing on the Access Land

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

Chairman

*T. Wallace*

*T. P. Wors.*

Duly Authorised Officer





SIGNED and DELIVERED AS A DEED by )  
the said THE HONOURABLE JAMES )  
WILLIAM EUSTACE PERCY in the )  
presence of:- )

*J. James Percy*

Witness Name *Olga*  
Address *8 Bay View*  
*Amble.*

Occupation *Accounts clerk.*

SIGNED and DELIVERED AS A DEED by )  
the said FRANCIS WILSON in the )  
presence of:- )

*F. W. Wilson*

Witness Name *[Signature]*  
Address *Old Shepherd's Cottage*  
*Ingram Farm NEBBLETT*  
Occupation *Retired*

SIGNED and DELIVERED AS A DEED by )  
the said JAMES PATRICK COMRIE )  
WILSON in the presence of:- )

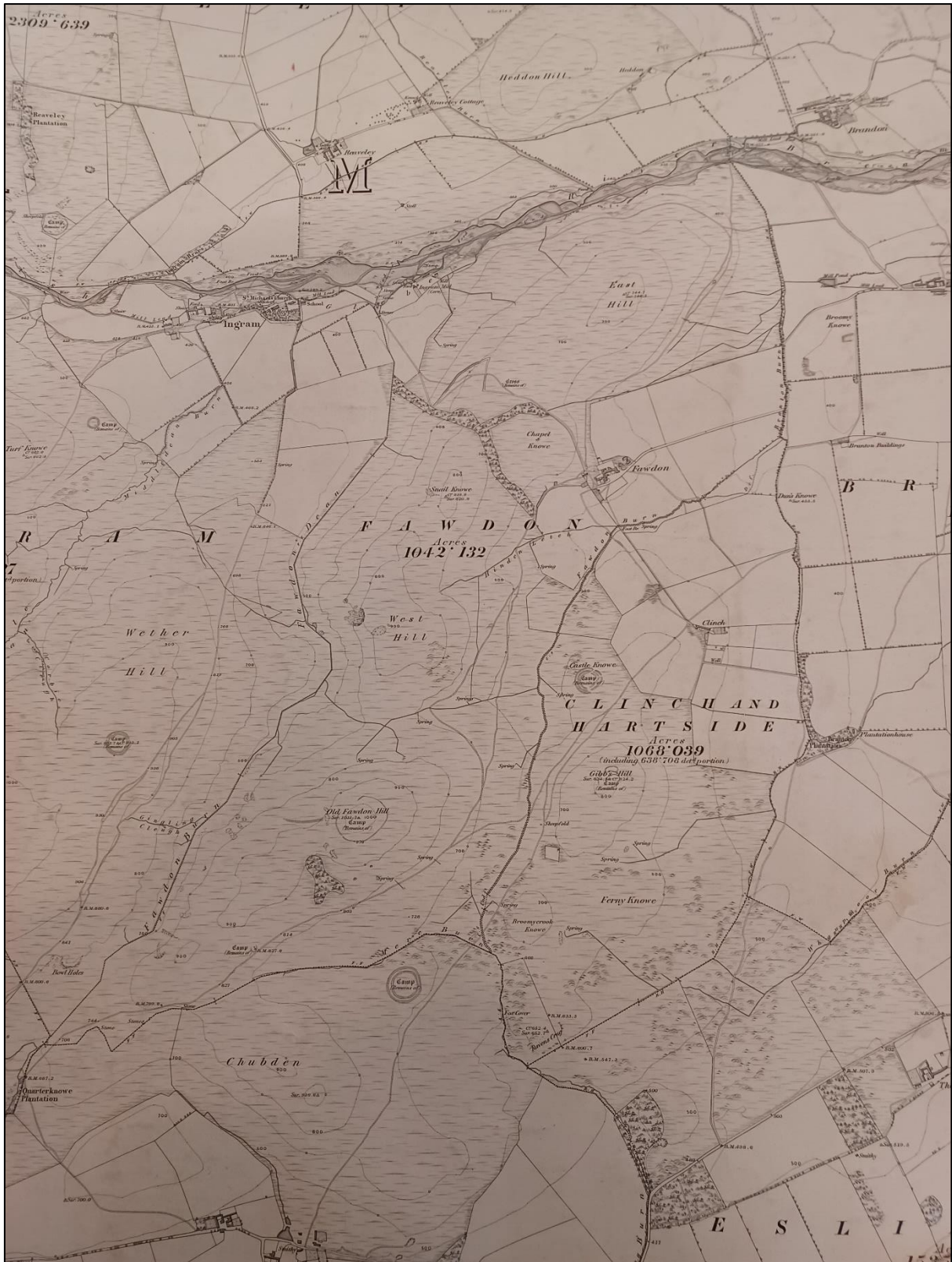
*J.P.C. Wilson*

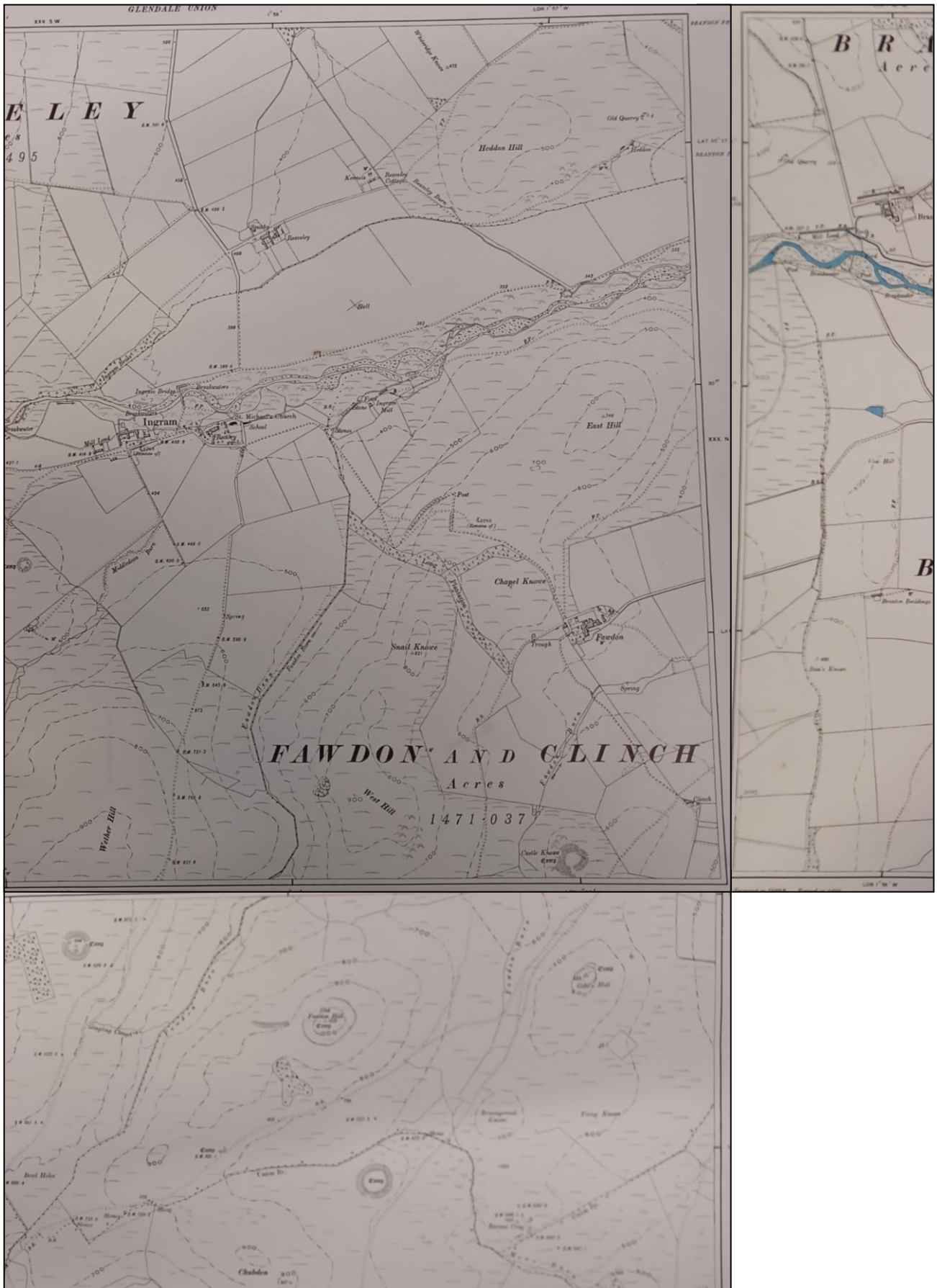
Witness Name *[Signature]*  
Address *Old Shepherd's Cottage*  
*Ingram Farm*  
*NEBBLETT*  
Occupation *Retired*

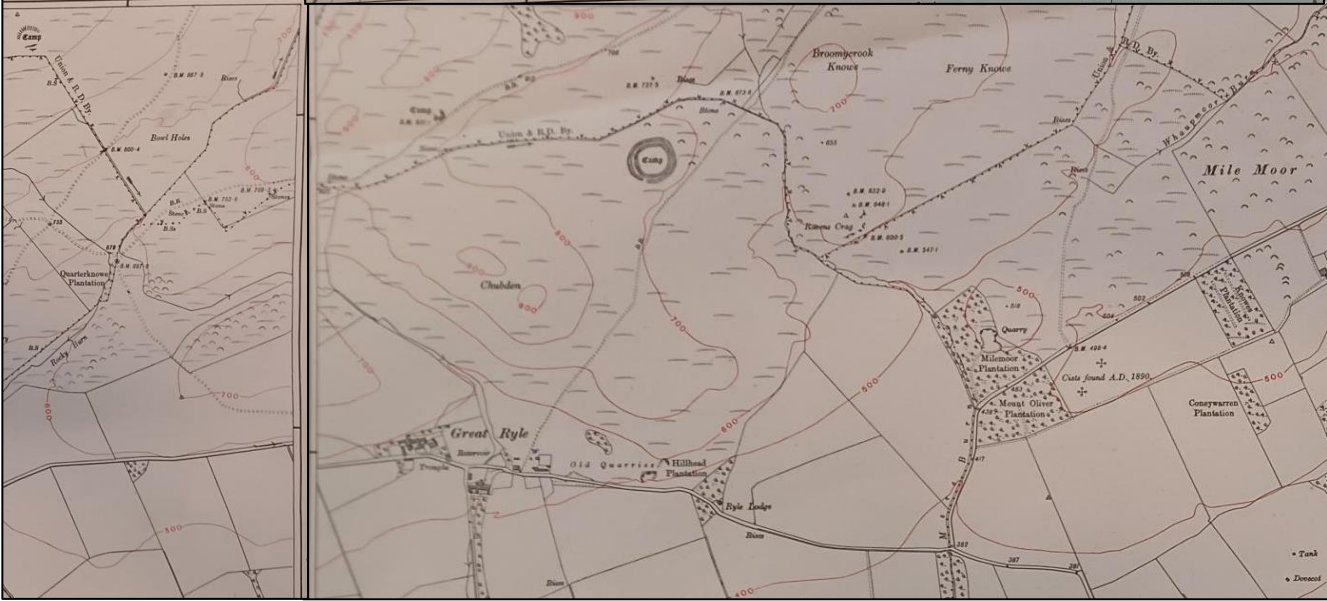
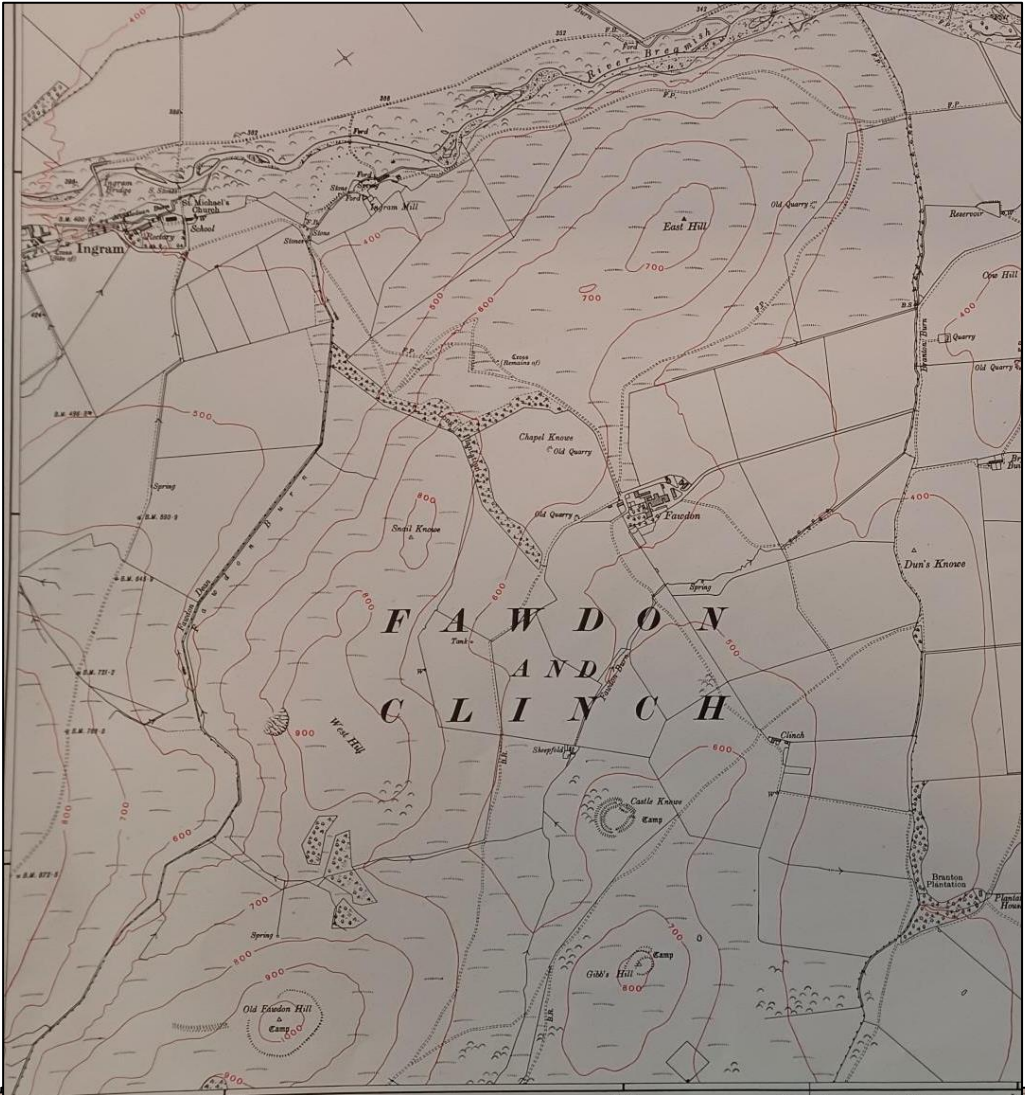
SIGNED and DELIVERED AS A DEED by )  
the said JOHN WILSON in the )  
presence of:- )

*[Signature]*

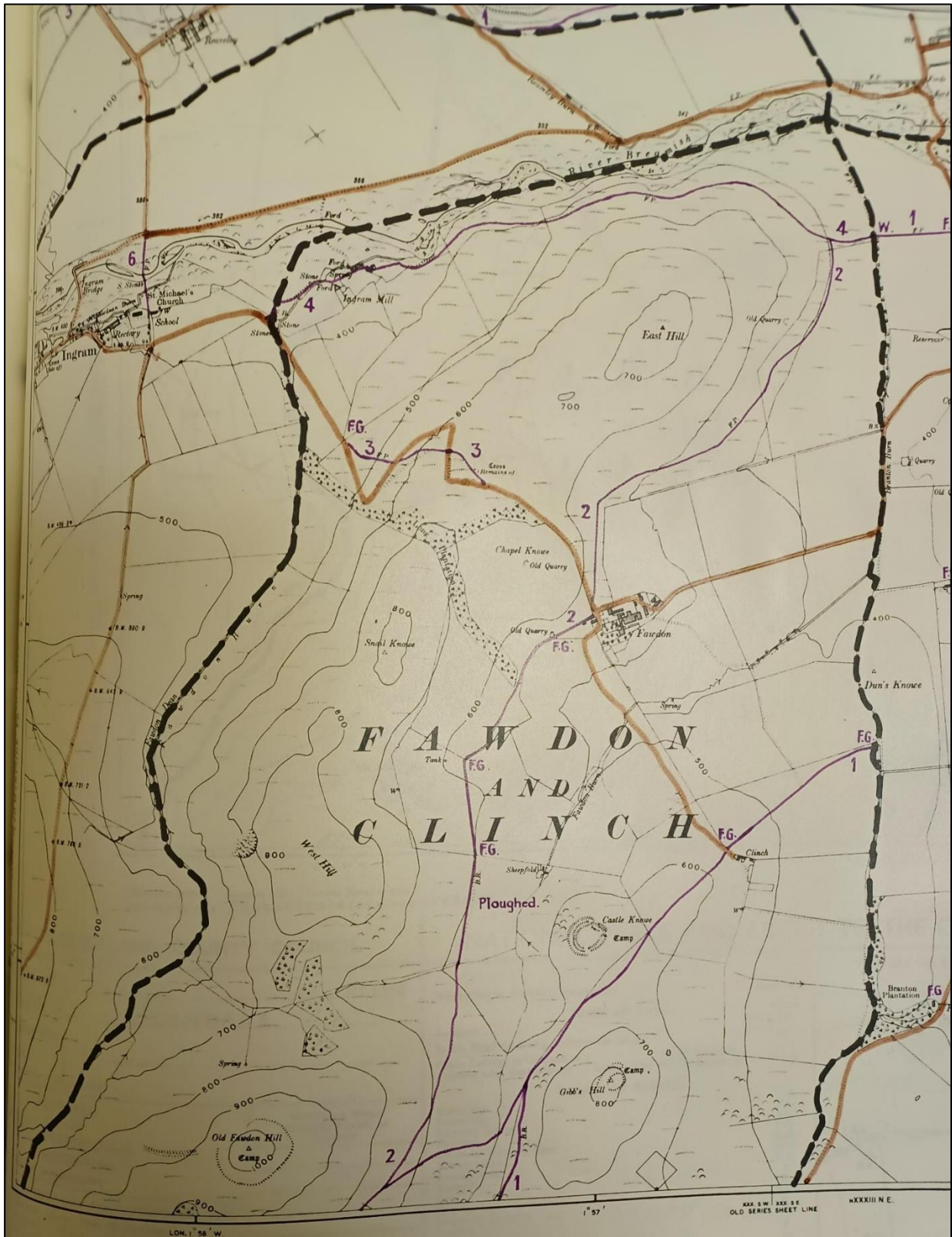
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Address *Old Shepherd's Cottage*  
*Ingram Farm NEBBLETT*  
Occupation *Retired*

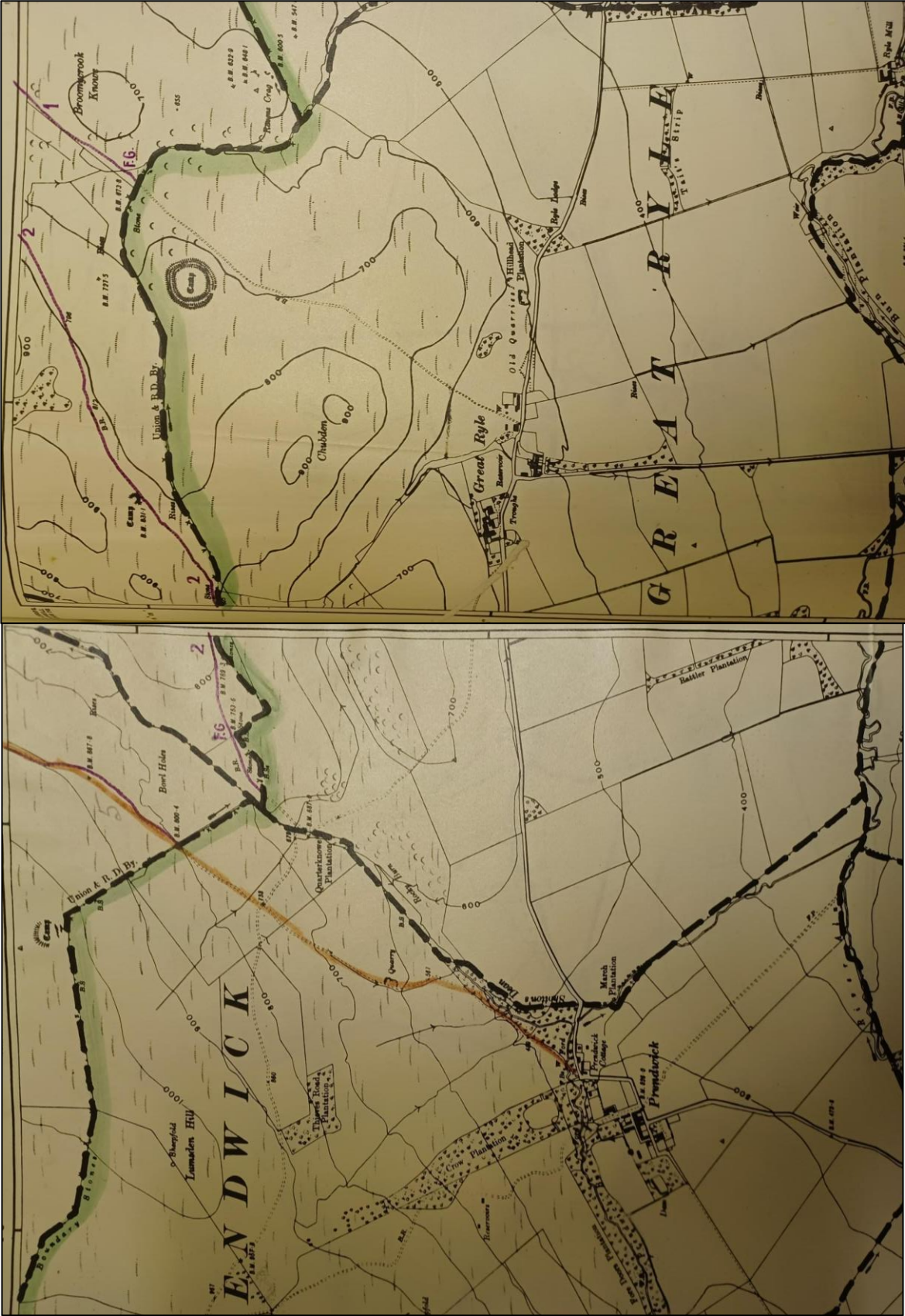


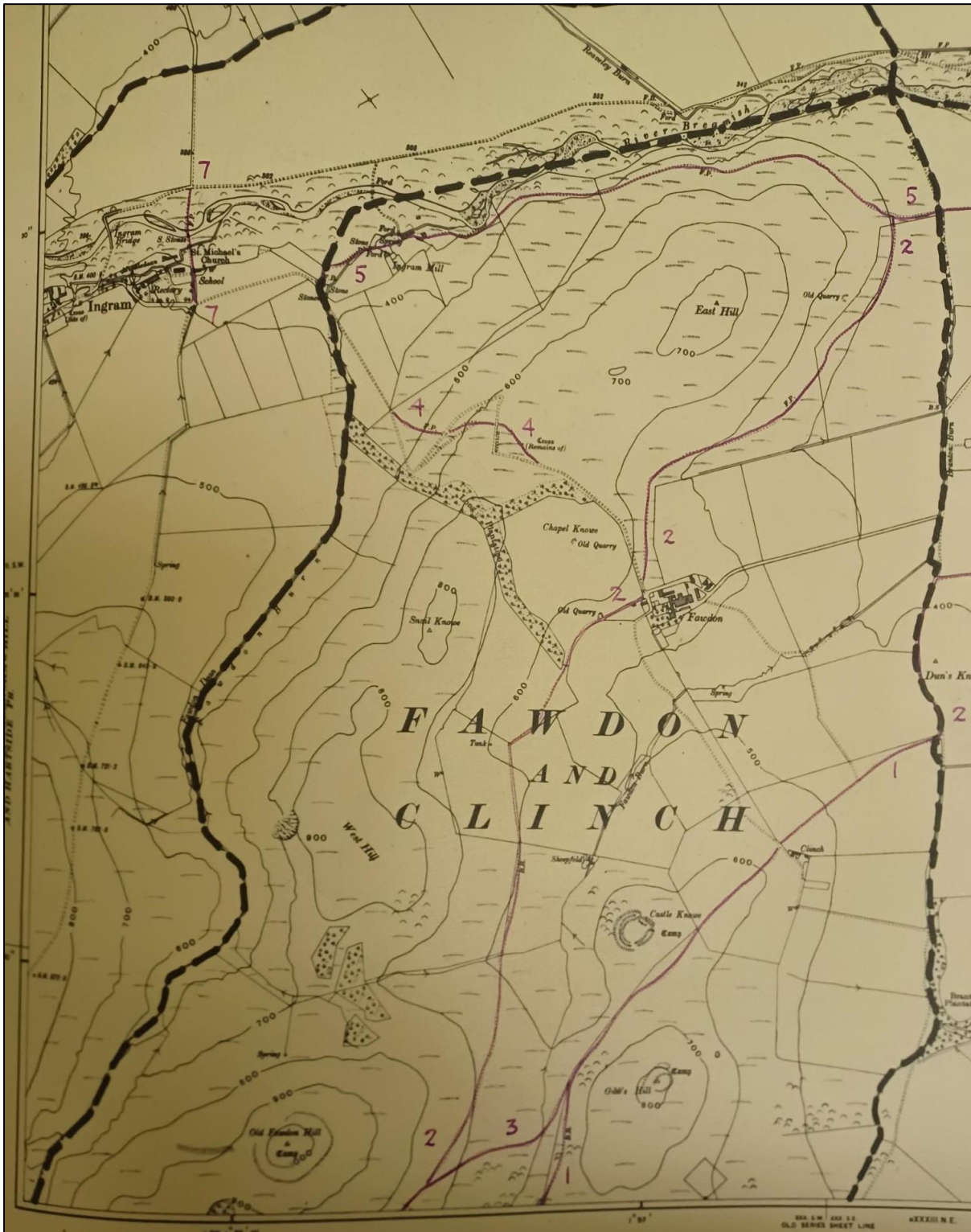






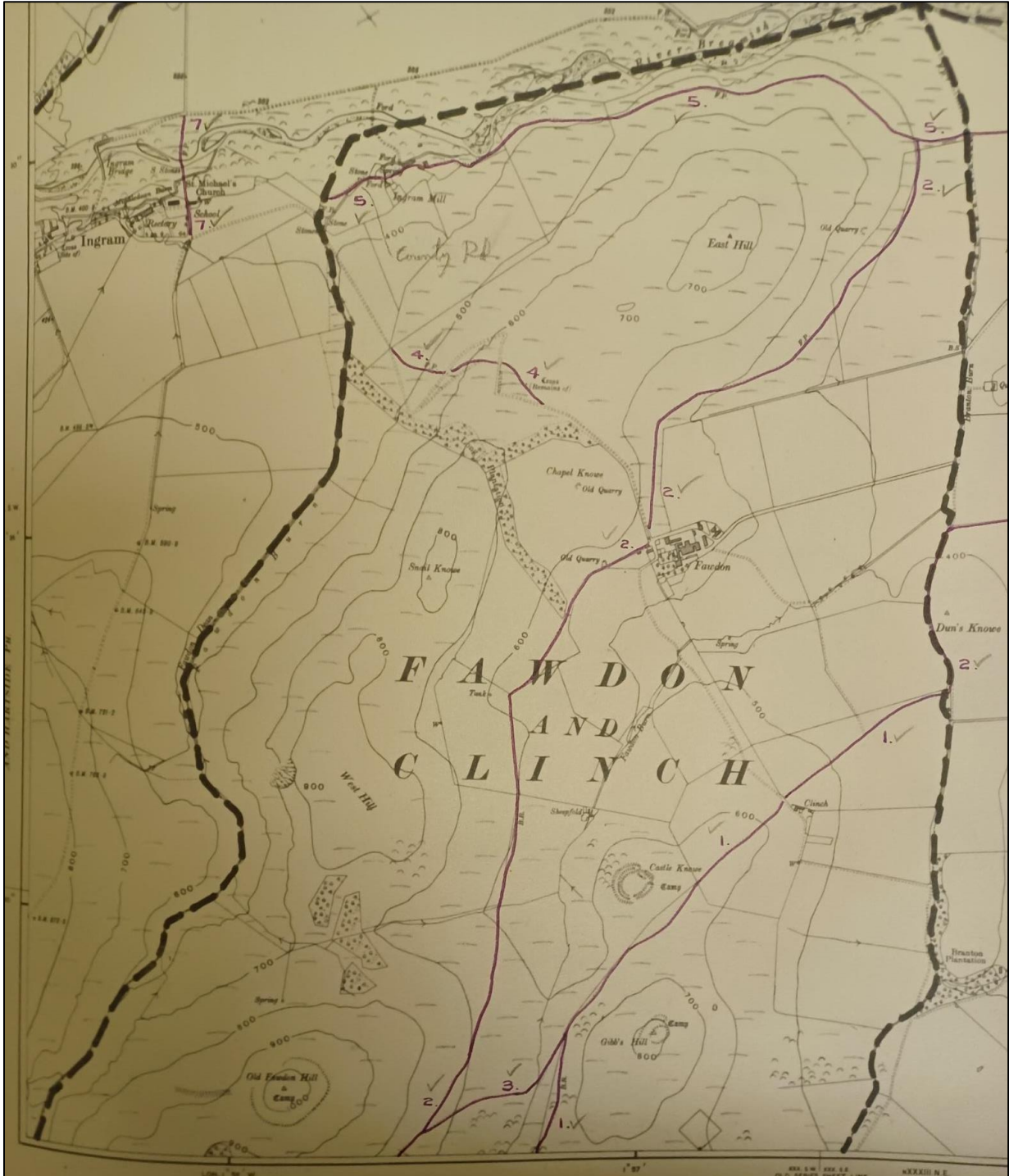




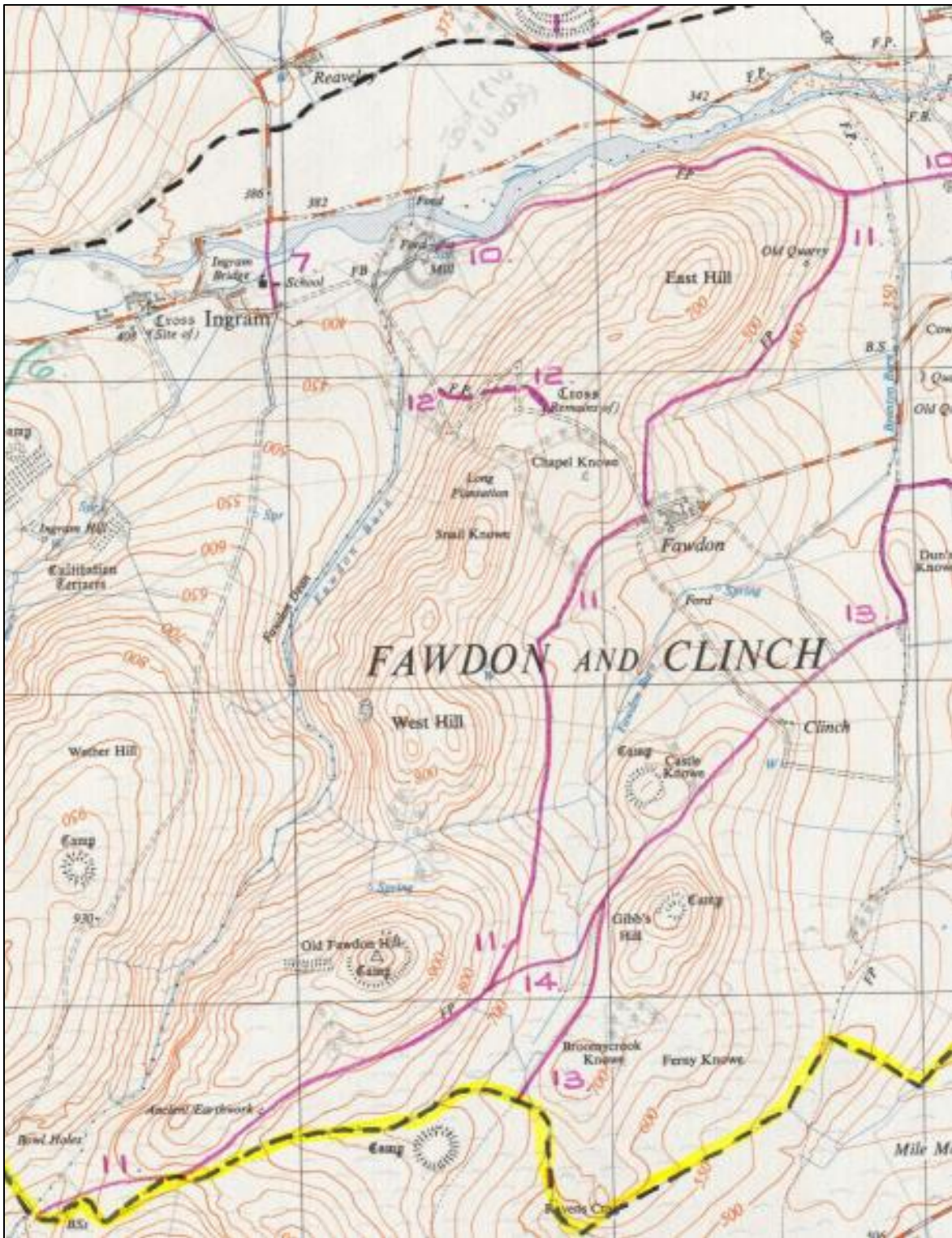


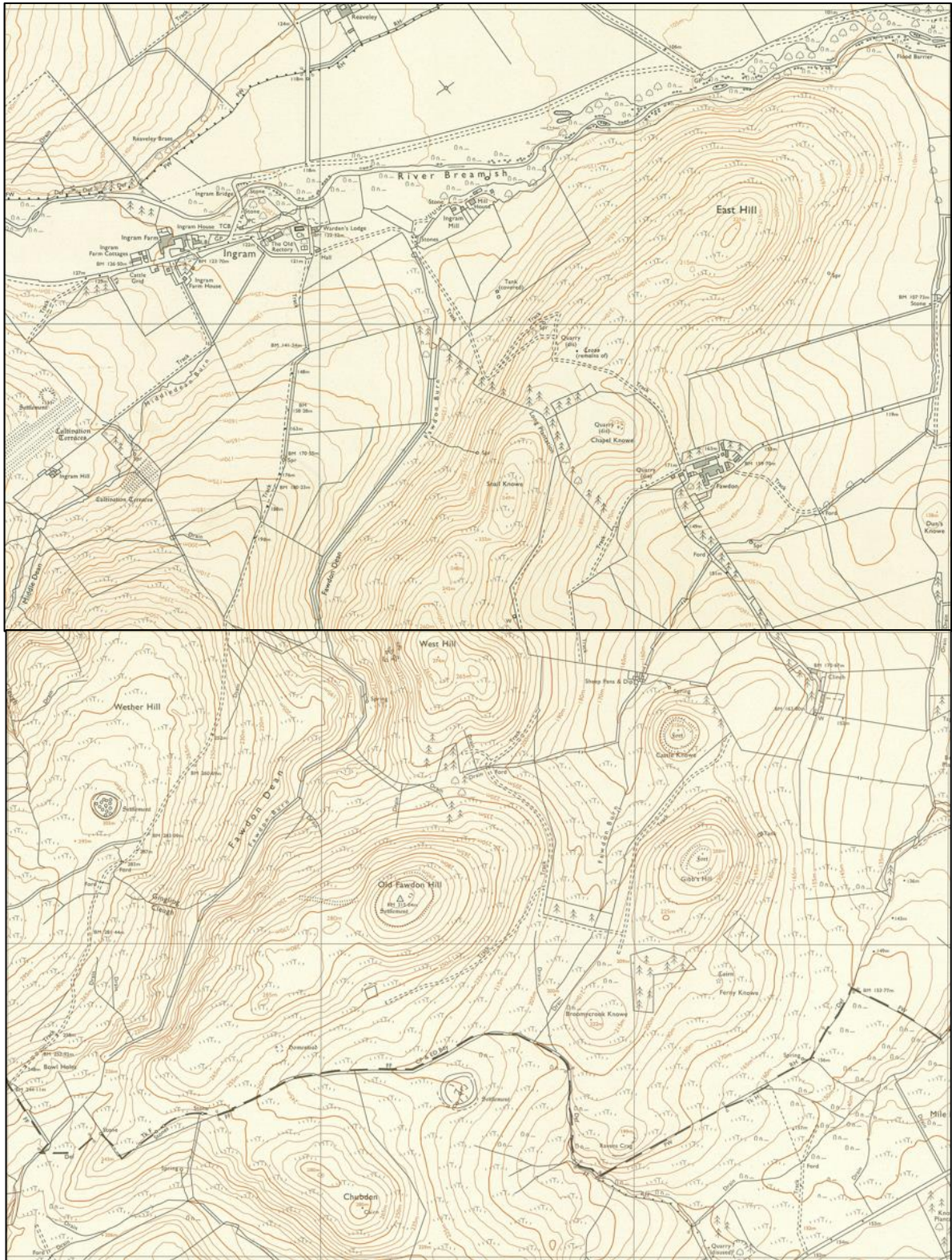






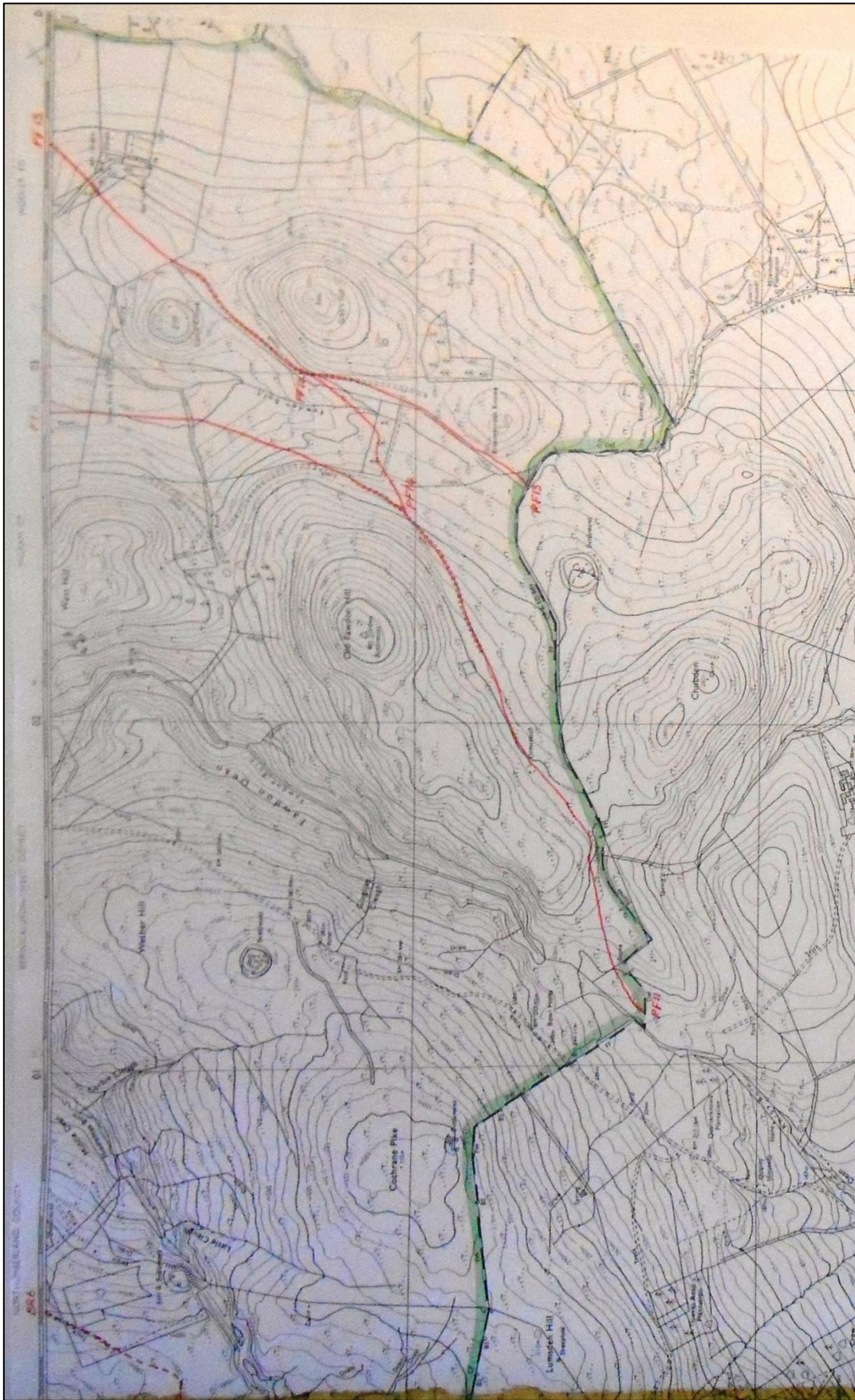






Northumberland Estates Section 31(6) deposit (North)  
1997





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## Northumberland County Council

### RIGHTS OF WAY COMMITTEE

24 April 2024

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

#### ALLEGED PUBLIC BRIDLEWAY No 29 PARISH OF LONGHORSLEY

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 existence of higher public rights over the route of existing Public Footpath No 29, from C141 road, immediately west of High Southward Edge, in an easterly direction to join the C138 road, south of Muckley.

#### **Recommendation**

**It is recommended that the committee agrees that:**

- (i) there is not sufficient evidence to show, on a balance of probabilities, that public vehicular rights exist over the route Q-R;**
- (ii) there is sufficient evidence to show, on a balance of probabilities, that public bridleway rights exist over the route Q-R;**
- (iii) the route be included in a future Definitive Map Modification Order as a public bridleway.**

#### **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 upgrading an existing public right of way on the Definitive Map and Statement, based on historical documentary evidence, is Section 53(3)(c)(ii) 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 highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description.”

- 1.3 All the relevant statutory provisions and competing rights and interests have been considered in making this report. The 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 June 2019, Diane Holmes of Ulgham made a formal application seeking to modify the Definitive Map of Public Rights of Way by upgrading to public bridleway status, existing Public Footpath No 29, from the C141 road at High Southward Edge, in an easterly direction to join the C138 road, south of Muckley.
- 2.2 Ms Holmes supplied the following analysis of the evidence to accompany her application:

“The route

“1. The application route is in the parish of Longhorsley and follows the line of FP 411/029. It can be seen on OS Explorer 325, Morpeth and Blyth.

“2. It leaves the C141 at GR NZ 119 936 (A) and goes in a south-easterly direction to join the C138 at GR NZ 138 930 (B).

“3. It has the character of an old road with distinct edges marked by the remnants of hedges, wall footings, a bank and / or ditch. Overall it is wide, approximately 7 metres, but parts are narrowed as a result of infilling with gorse and saplings.

See photographs.

### “Documentary evidence

#### **“1. 1869 Armstrong’s map of Northumberland**

The line of the application route is shown on this early county map which was sold to the travelling public indicating the more important roads over which they had the right to travel. It is shown as an enclosed route, which is what the existing remnants of hedges and wall footings would suggest.

“At its western end (A), it continues along what is now a minor tarmac county road in the direction of Wingates. Its junction with another road at its eastern end (B) is clearly shown, not far from Muckley, as today.

*See map extract*

**“2. 1828 Greenwood’s map of Northumberland**

The full length of the application route is clearly shown on this map, even including the kink that exists today not far from High Southward Edge. Again it is shown as enclosed to form a distinct lane. It should be noted that the major north-south bridleway (411/019) which is on the definitive map today is not shown. This suggests that the application route was likely to be of a higher status, as a public highway, at that time.

*See map extract*

**“3. 1842 Tithe plan for the parish of Longhorsley, township of Freeholder’s Quarter DT 192 M**

The township boundary crosses the application route so it appears on two tithe plans.

“This one covers the western part of the route from (High) Southward Edge (A). It is shown as an enclosed lane and at its south-eastern end where it crosses into Muckley Ground in the next township, it is labelled ‘*to Morpeth*’. This shows it was recognised as a public route leading to the nearest market town even though some distance away.

*See extract*

**“4. 1847 Tithe plan for the parish of Longhorsley, township of Riddell’s Quarter DT 391 M**

On this plan it is again labelled as a road, this time ‘*from Tosson*’, where it enters this township. This is further evidence that it was a public road of some importance which passed through a number of townships. Its junction with the road near Muckley can be located in relation with the farm labelled ‘*Smallburns*’.

“This road from Longhorsley is labelled ‘*from Rothbury*’, suggesting that this was an area through which people travelled, probably with livestock, from the area around Rothbury to the important market which was held at Morpeth.

*See extract*

**“5. 1859 OS Boundary Remark Book  
TNA OS 26/7848**

These records are kept at The National Archives at Kew.

“The Ordnance Survey was given the duty of ascertaining and recording all public boundaries by the Ordnance Survey Act 1841. It laid out the statutory duties and legal requirements with regard to public boundaries and their mapping.

“The Act allowed the Ordnance Survey to summon the Clerk of the Peace and any books, maps, papers or other documents he held and provided that it was an offence to obstruct or hinder the Ordnance Survey surveyor. The production of these sketch books was advertised and they were open to public inspection.

“This survey work was done by ‘meresmen’ who were respected members of the community. The process of ‘mereing’ included the perambulating of boundaries ascertaining their position relative to

ground features, obtaining a 'mered' agreement from the local authorities [parishes or townships] on either side of the boundary. This information is taken from 'Public Boundaries and the Ordnance Survey 1840 – 1980' by J R S Booth, edited by R A G Powell, published 1980 and can be seen on the open access shelves at Woodhorn.

"Amongst other features, these sketch maps show where a public road passes through or along a parish boundary. They are not easy to read as the details are recorded by hand and the sketch follows the township boundary across the page from left to right, unrelated to the orientation of the boundary.

"The extract provided should be compared with that given for the OS 2<sup>nd</sup> edition, 1895 on which the township boundaries show up clearly. It can be seen that the boundary of Freeholders' Quarter with Riddells Quarter cuts across the application route and then follows its northern boundary from that point to its south eastern point (B) where it joins the current county road network.

"The key feature to note on page 18 (the upper extract) is the shape of the junction with the road labelled 'from Morpeth' and 'to Rothbury'. The first fence line on the south side of the route is also shown in the same position as today.

"On page 19 (the lower extract) the key feature is the kink in the fence line on the north side of the old road which shows up clearly on the OS 2<sup>nd</sup> edition and can still be seen on the OS today and can be found on the ground too. The joining fences can also be checked against the OS 2<sup>nd</sup> edition.

"This evidence shows that the application route was considered to be a public road in the mid 19<sup>th</sup> century by those responsible for mapping boundaries between parishes and townships.

*See extract*

**"6. 1866 OS 1<sup>st</sup> ed. Scale 1:10,560 (6")**

**Roll 11**

The relevant sheet in the 25" series is missing from Woodhorn. However it can be seen on roll 11 at the scale of 1:10,560 (6") which shows it to be in the parish of Longhorsley, in the township of Freeholders' Quarter for the western section and in Riddells Quarter township for the eastern section.

"An extract made from [www.old-maps.co.uk](http://www.old-maps.co.uk) at the scale of 6" to the mile (1:10,560) shows the application route with its enclosing walls/hedges with the same changes in shape that were visible on the documents mentioned above. The boundary between the two townships shows up on this map.

*See extract*

**"7. 1895 OS 2<sup>nd</sup> ed. Scale 1:10,560 (6")**

**Sheets LIV SW & SE**

These map show the application route following the same line as on the 1<sup>st</sup> edition OS and the earlier documents.

“The application route is not labelled FP and is joined by a path with that labelling at its east end which suggests that it is of higher status, as the earlier documents indicate.

*See extract*

#### “8. **1910 Finance Act plan** **NRO 436/LIV/14**

It is interesting to note that the attitude of the landowner on either side of the township boundary was different. One was keen to ensure that he did not risk having to pay any development tax should he wish to sell his land at a later date and the other was unconcerned, as was often the case in Northumberland.

“In **Riddells Quarter**, the land agent or owner has made it clear on the plan that he does not own the land included within the boundaries of the old lane as shown by his annotation ‘Not with Haredene’. This indicates that he believed that the land had public rights as a road and therefore would not be liable to tax.

“However in **Freeholders Quarter**, it can be seen from the plan that the owner of hereditament 100 did not have those concerns and included the land within the lane as part of his land holding of the adjacent two fields. Likewise the owner of the next section of the application route which falls within hereditament 97 (outlined in grey) also took this opportunity to include the land in the lane within his ownership.

“Neither of the owners of these two hereditaments claimed a deduction for ‘right of way or user’. But then nor did any landowner in this township or any of the other townships in this parish. Anyway there was no obligation under this Act for this claim to be made even if it was well known that a route with public rights crossed the land.

“This information can be seen in the **Field Book** associated with this parish. **NRO 2000/42**

*See extracts*

#### “9. **1947 OS County Series Scale 1:25,000 (2 ½”)**

On this 20<sup>th</sup> century OS map, but one prepared before the definitive map had been created, the application route is not shown labelled as either ‘FP’ or ‘BR’ in spite of the fact that two paths labelled ‘FP’ are shown joining it. This suggests they would be joining a lane with higher public rights as otherwise they would be pointless dead ends. This is further evidence that it is likely that the application route had public rights for horses and carts ie as a public road.

*See extract*

#### “Conclusion

It would appear that the application route was a significant minor road in the late 18<sup>th</sup> and early 19<sup>th</sup> centuries as shown by the early county maps, the tithe plans and the OS Boundary Remark Book. However it is possible that it fell out of regular use as travel speeded up and the short cut it provided was no longer needed resulting in it being shown as no more than a footpath in the parish survey for the definitive map in the early 1950s.

“Please will you consider the evidence for upgrading it to public  
bridleway from its current status of public footpath?”

### **3. LANDOWNER EVIDENCE**

3.1 By letter, dated 18 October 2019, Mrs DL Pickering of High Southward Edge responded to the consultation, stating:

“Further to your letter of the 17<sup>th</sup> September, 2019, regarding the above:

“I hereby strongly object to the proposed modification of Public Footpath No 29 on the Definitive Map, to a Bridleway. Footpath comes up onto my land through my Garden / Driveway, Stile at both ends for Walkers.

“There is already on the Definitive Map a Bridleway No 19, The Devil’s Causeway, the most historic of all from Hadrian’s times. Bridleway goes across my field and continues both sides onto other peoples’ land for a very long distance both ways. Don’t see why there should be an additional Bridleway.

“The proposed modification of Footpath No 29 would go no further, for instance than to the end of my Garden / Driveway onto the road. The road is on a road junction with very fast travelling traffic of all kinds and this would be a danger to both Drivers and horse riders. Likewise it would be hazardous to Drivers and horse riders if they were coming INTO the entrance of my Garden / Driveway. The Bridleway would go no further than to a road at the other end.

“Living here I work in garden both sides of Driveway, lawn and border both sides, some hedging too, I feel a Bridleway would be a further infringement and intrusion of my rights for quality of life, privacy and peace to be able to work and maintain garden without interruption, also for relaxation when I have visiting relatives.

“The outer Gates of my property are locked for security reasons, property having been broken into three times in the past, twice in a daytime, once nighttime.

“If Bridleway is granted there will be a further two Bridleway Wickets which I would be responsible for maintaining – I believe I would have to pay 75% cost of any repairs.

“I have Public Liability Insurance which is an added expense for me as a Pensioner.

“Personally I feel utterly humiliated, distressed and disgusted at the resurrection of something initially from 250 years ago, should be presented now and that someone else has applied for the ADDED Bridleway. In my Grandparents’, Parents and my time there has never been a Bridleway through Garden / Driveway.

“If my objections are overruled then I will NEVER believe that I have any personal rights at all EVER for what happens to what I own and pay for, and that Others’ rights and what you decide take precedence over

mine and for what Others' want for recreational purposes. By the way I won't be picking up any horse muck off my Garden / Driveway in the event of ADDED Bridleway. (I use other ORGANIC feed on my garden plants)."

#### **4. CONSULTATION**

4.1 In September 2019, 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 15 October 2019, Longhorsely Parish Council responded to the consultation stating:

"Members of Longhorsley Parish Council considered the above mentioned document at its meeting held on 9<sup>th</sup> October 2019. Members fully supported and welcomed this application."

4.3 By email, in October 2019, the British Horse Society responded to the consultation, stating:

"Parish of Longhorsley, alleged public bridleway 29  
"This route has the appearance of an old road, being wide and between hedges or the remains of old walls. It links minor roads and so would help to create a safer network for the numerous local riders to use."

#### **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 evidence of a "Country Road" over a route approximating to that of alleged Bridleway No 29.

1820 Fryer's County Map

There is no evidence of a road or track over the route of alleged Bridleway No 29.

1827 Cary's Map

There is no evidence of a road or track over the route of alleged Bridleway No 29.

1828 Greenwood's County Map

There is clear evidence of a "Cross Road" over the route of alleged Bridleway No 29.

1842 Tithe Award (Township of Freeholders' Quarter) [Applicant's copy]

There is clear evidence of an enclosed road or track over the westernmost 60% of the alleged bridleway route. Where it passes into the next township (Muckley) it is labelled "to Morpeth".

1847 Tithe Award (Township of Riddell's Quarter) [Applicant's copy]

There is clear evidence of an enclosed road or track over the easternmost 40% of the alleged bridleway route. At its western end (where it comes in from the abovementioned Freeholders' Quarter) it is labelled "From Tosson". At its eastern end it connects with a road "From Rothbury".

1859 Boundary Remarks Book [Applicant's copy]

Whilst the eastern part of the alleged bridleway route is clearly identifiable (as a physical entity) in the sketch contained within the extract supplied by the applicant, its status remains ambiguous. It's not possible to make out all of the text in the extract, but I wasn't able to make out anything which specifically addressed the route's status.

c.1860 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an enclosed road / track of variable width along the route of existing Footpath No 29 / alleged Bridleway No 29. The middle section is generally the widest and the western part appears to be the narrowest.

c.1860 Ordnance Survey Map: Scale 1:2500

There isn't a copy of the relevant map sheet at the Northumberland Record Office and the applicant hasn't supplied a copy with her application. In the Book of Reference which accompanied this map (there is a copy of this at the Record Office), there are various parcels of land in both the Freeholders Quarter and in Riddell's Quarter which are identified as either "Public Road" or "Private Road". The application route is broken down into four separate land parcels on the 1897 OS map, with the areas for those parcels being identified as (working from west to east) 0.996 acres, 1.615 acres, 2.056 acres and 3.695 acres. It looks like the western section might have grown by about 8%, with the addition of a small rectangle of land projecting into Southward Edge Plantation but, otherwise, the parcels appear to be the same, when comparing the 1<sup>st</sup> and 2<sup>nd</sup> edition 1:10,560 scale maps. There are parcels in Freeholders Quarter with areas of 0.904 acres (#77), 1.615 acres (#78) and 2.056 acres (#100) and one in Riddell's Quarter with an area of 3.695 acres (#118). For all four of these parcels, the corresponding entry in the Book of Reference is "Private Road".

1897 Ordnance Survey Map: Scale 1:2500

There is clear evidence of an enclosed road / track of variable width along the route of alleged Public Bridleway No 29.



1898/9 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an enclosed road / track of variable width along the route of alleged Public Bridleway No 29.

Finance Act 1910 plan (2 parts)

There is clear evidence of an enclosed road / track over the route of alleged Bridleway No 29, on the Ordnance Survey base map. The westernmost 60% of 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). The easternmost 40% is, however, shown as being separated from the surrounding land by an amended coloured boundary, with an explanatory annotation stating that the road is "Not within Haredene".

1922/3 Ordnance Survey Map: Scale 1:2500

There is clear evidence of an enclosed road / track of variable width along the route of alleged Public Bridleway No 29.

1924 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an enclosed road / track of variable width along the route of alleged Public Bridleway No 29.

1932 Morpeth Rural District Handover Map

The route of alleged Bridleway No 29 is not coloured to identify it as a publicly maintainable road.

Restriction of Ribbon Development Act 1935 Map

The alleged bridleway route is identified as an enclosed lane (western section) and by a dashed line (the remainder of the route) on the base map, but it is not coloured so as indicate that this is a route to be protected from ribbon development.

1947 Ordnance Survey Map: Scale 1:25,000) [Applicant's copy]

There is clear evidence of a variable width enclosed track over the route of the alleged public bridleway.

1950 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a variable width enclosed track over the route of the alleged public bridleway.

1951 Highways Map

Although a track is identifiable on the base map, the route of alleged Bridleway No 29 is not coloured so as to identify it as a publicly maintainable road.

## c.1952 Definitive Map – original Survey Schedules & Map

The route of existing Public Footpath No 29 exists on the base map, but it was not identified for inclusion as a public right of way at this stage.

### Draft Map

The route of existing Public Footpath No 29 exists on the base map, but it was not identified for inclusion as a public right of way at this stage.

## 1956 Bridges & Roads Committee minutes (17 September 1956)

The minutes state that “The Footpaths Sub-Committee submitted the following report by the Clerk on certain objections and representations relating to the paths in the Rural Districts of Haltwhistle and Morpeth, with the recommendation that it be approved and adopted:

...

“The Sub-Committee will remember that at their last meeting when the recommendations arising out of objections to the draft map for Morpeth District Council were approved, they were informed that representations made by the Ramblers’ Association with regard to omissions from the draft map remained to be dealt with.

“Consideration has now been given to these representations and the Sub-Committee are recommended to approve the inclusion of the footpaths set out below, in the draft map for Morpeth Rural District. Consequent upon the Sub-Committee’s approval the modifications will be advertised and objections heard in accordance with the procedure already laid down.”

Under “FP 2 Stanton & FP 9 Riddells Quarter” a route is described “From County Road C138 south of Muckley Butts to the east end of Linkham Lane – Continuation of FP 2 in Stanton Parish.” This amendment, in effect, added what is now Public Footpath No 13 to the Definitive Map process.

### Provisional Map

The route of existing Public Footpath No 29 exists on the base map, but it was not identified for inclusion as a public right of way at this stage.

A new public footpath (Footpath No 13, though here recorded as FP No 9 in Riddell’s Quarter) has been added, though, and the most northerly 15 metres of this route appears to share the same route as the (added later) Footpath No 29.

## 1962 Original Definitive Map and Statement

There is clear evidence of a wide, enclosed track on the base map, but only the most easterly 15 metres is identified as a public right of way (i.e. the northern end of Public Footpath No 13).

1964 Highways Map

The route of alleged Bridleway No 29 is identified with a dashed line on the base map, but the route is not coloured so as to identify it as a publicly maintainable road.

1966 Highways Committee minutes (12 December 1966)

The minutes state that “The Footpaths Sub-Committee have delegated authority to carry out the appropriate procedure for the preparation and review of the “Footpaths Map” required to be undertaken by the Council. The Definitive Map was completed in 1962 and the first Draft Review of the Map has been prepared and advertised and subsequently arrangements were made for the hearing of objections and representations by Counsel. Following the holding of the public inquiries by Counsel, the Sub-Committee considered a report of the Clerk and their decisions on the individual objections and representations are set out below for the information of the Committee. The Draft Map will now be amended to take account of the Sub-Committee’s decisions which will be advertised as required by the Act and the Map will then be prepared in its “Provisional” form.”

Under “Longhorsley 29” it is noted that the Ramblers’ Association had made a representation that the path should be added to the Definitive Map. The “recommendation” (i.e. sub-committee decision) was “The draft map and statement be modified by the insertion of a footpath (No 29) from High Southward Edge to the junction of County Road C138 and footpath No 13.”

First Review Definitive Map and Statement

The remainder of the alleged bridleway route has now been added as a public footpath (Footpath No 29). Existing Public Bridleways Nos 19 (Longhorsley) and 32 (Netherwitton) have also been added.

2006 List of Streets at 2 May 2006

The route of alleged Bridleway No 29 was not identified as a publicly maintainable highway on the Council’s List of Streets on 2 May 2006.

## **6. SITE INVESTIGATION**

- 6.1 From a point marked R, on the C138 road, south of Muckley, a 2 to 3 metre wide grass track, in a 40 to 46 foot wide (12.19 to 14 metre) corridor proceeds in a westerly direction for a distance of 130 metres, to a field gate with adjacent step stile. Beyond this, a 46 to 58 foot wide (14 to 17.6 metres) grass corridor continues in a westerly direction for a further 430 metres to a stile. From here, the alleged bridleway, continues in a westerly direction, within a 60 to 88 foot corridor (18.29 to 26.8 metres) for 320 metres to a pedestrian gate with step stile alongside. For parts of this section a 1 to 2 metre wide trodden earth / grass path exists through sections of gorse / shrubbery, whilst for other parts an ill-defined route easily proceeds between sparsely spread trees. A 2 metre wide trodden earth / grass path, between shrubbery, within a 60 to 68 foot (18.29 – 20.7 metres) corridor continues westerly for a further 225 metres to another step stile. Then an ill-defined grass surfaced track within a 60 to 68

foot (18.29 – 20.7 metres) corridor, containing some trees and bushes, continues westerly for a further 185 metres to a field gate with adjacent step stile. Beyond this, the route follows the edge of a field in a westerly direction for 340 metres to another step stile. It then proceeds in a south-westerly direction, within a 14 to 16 metre wide corridor, for a distance of 30 metres. It then continues as a grass track in a north-westerly direction for a distance of 350 metres to a field gate. The middle section, here, is largely indistinguishable from the adjacent field, but both ends appear to be 21 to 30 foot wide (6.5 to 9.14 metres) corridors. Through this field gate, the alleged bridleway proceeds along a 2.5 metre wide tarmac driveway along the edge of the garden of High Southward Edge for a distance of 20 metres to a double field gate (with adjacent step stile) at Point Q, on the C141 road.

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

- 7.1 In March 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. No additional comments have been received.

## **8. DISCUSSION**

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

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

- 8.2 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 Although Ms Holmes’ application only sought to record this route as a public bridleway, when determining this application, the Council must consider all the available evidence. It is sometimes the case that the evidence which is gathered may point to the existence of higher (or lower) public rights than those that were originally applied for.
- 8.4 The representation of a path or track on an Ordnance Survey Map is not evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey.
- 8.5 The route of the alleged bridleway is readily identifiable on Armstrong’s, and Greenwood’s County Maps of 1769 and 1828, but not on Fryer’s County Map of 1820 or Cary’s Map of 1827. 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 recent 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.

- 8.6 On the plans produced in association with the Finance Act of 1910, the eastern part of route of the alleged bridleway is shown as being separated from the surrounding land by coloured boundaries. This is generally taken to be a good indication that the route was considered to be a public vehicular highway, at that time. That said, the western part of the route is not shown as being separated from the surrounding land by coloured boundaries.
- 8.7 The route of the alleged public bridleway has been consistently identified as an enclosed track on Ordnance Survey maps between c.1860 and 1950. The Book of Reference accompanying the 1<sup>st</sup> Edition OS map appears to have identified the route as a "Private Road".
- 8.8 In the Freeholders' Quarter and Riddell's Quarter Tithe Awards, the alleged route is clearly shown as a road / track and is annotated as "From Tosson" on the Riddell's Quarter tithe map. This doesn't mean that the route was necessarily a public road, but it does indicate that a significant route did exist at that time.
- 8.9 On the Survey maps produced in association with preparation of the first Definitive Map of Public Rights of Way, in the early 1950s, the route of existing Footpath No 29 was not identified as a public right of way for inclusion. Neither the route of Public Footpath No 13, nor that of Public Bridleway No 19, were included, either.
- 8.10 Footpath No 13 was not on the original Draft Map, published in the early 1950s. From the Bridges and Roads Committee minutes, in 1956, the route was added as the result of a successful representation made by the Ramblers' Association. It was then included on the Provisional Map.
- 8.11 Footpath No 29 and Bridleway No 19 (and its continuation, Bridleway No 32 in the Parish of Netherwitton) were both added at the First Review of the Definitive Map (Relevant Date 1 November 1963), Footpath No 29 on the basis of another representation by the Ramblers' Association. It is not known what evidence was presented or considered in relation to this. Since the Ramblers are a walking organisation, if this was a user evidence based application, it is not hard to see why a route which may, potentially, have higher rights might nevertheless only get recorded as a public footpath.
- 8.12 The Natural Environment and Rural Communities Act 2006 (NERC Act 2006) had a major impact upon the recording of byways open to all traffic based upon historical documentary evidence. Under section 67 of the Act, any existing, but unrecorded, public rights of way for mechanically propelled vehicles were extinguished unless one of the 'saving' provisions applied. In brief, these saving provisions were: (a) if the main lawful public use between 2001 and 2006 was with motor vehicles; (b) if the route was on the List of Streets (on 2 May 2006) and not also on the Definitive Map as something less than a byway open to all traffic; (c) the route was legally created expressly for motor vehicular use; (d) the route was a road deliberately constructed for public motor vehicular use; or (e) the vehicular highway came about as a result of unchallenged motor vehicular use before December 1930. None of these saving provisions would appear to apply here so, if public vehicular

rights are determined to exist over this route, the motor vehicular element would seem to have been extinguished, leaving just restricted byway rights.

- 8.13 Mrs Pickering, who owns the land crossed by the most westerly 500 metres of the alleged bridleway route, is opposed to the upgrading of the existing public footpath. The presence of another bridleway, crossing the alleged bridleway route, doesn't mean that bridleway rights can't exist over the application route too. Public bridleways often end on public roads. The perceived safety (or lack, thereof) of these junctions isn't relevant when determining what public rights actually exist. If higher rights do exist over this route, it is likely that they came into existence before the internal combustion engine was invented. Mrs Pickering's fears that a bridleway would impact her privacy and security more than the existing footpath are understandable, but these aren't factors which can be taken into account when determining what public rights exist.
- 8.14 This case is not a clear cut one. The route is shown on Armstrong's and Greenwood's maps of 1769 and 1828, but not on Fryer's and Cary's maps of 1820 and 1827. Armstrong's map is less detailed than the others, so shows fewer routes. The fact that this route is shown on Armstrong suggests that he considered it to be reasonably important and probably vehicular. The route is shown on the two 1840s tithe maps. Clearly it existed and the labelling in relation to more distant destinations "to Morpeth" and "from Tosson" is certainly suggestive of public rights, but no more. It doesn't preclude the possibility of the route being a private road that also carried public bridleway or public footpath rights. The route is consistently identified on OS maps as a very wide enclosed lane. This is very strong evidence that such a route physically existed but says nothing about its status. If the accompanying Book of Reference had identified it as a "Public Road" this would have been taken as a small nod in that direction, but it appears that the Book of Reference actually identified the route as a "Private Road" so this should be taken as a small nod in that direction, instead. The eastern end of the route is separated from the surrounding land by coloured boundaries on plans produced in association with the 1910 Finance Act, but the western end is not. This route appears to fit in well, with the existing road network. It could be seen as a logical continuation of the existing (tarmacked) public road west of Point Q. The fact that it wasn't identified for inclusion on the original Definitive Map could have been because it was already thought of as a public road.
- 8.15 If this route was not already recorded on the Definitive Map (as Public Footpath No 29) I would have no hesitation recommending that public vehicular rights had been reasonably alleged to exist and that the route should be included in a future Definitive Map Modification Order as a restricted byway. Since the route is already recorded on the Definitive Map, any application to upgrade its status needs to be considered against the higher level 'balance of probabilities' test. It may seem that there isn't much to go on, when making a distinction between public bridleway and public vehicular rights, however, whilst I believe that, on a balance of probabilities, higher rights probably do exist over this route, I do not feel that I can recommend that these higher rights have been demonstrated to be vehicular. Although it could be argued otherwise, my recommendation is that, on a balance of probabilities, only public bridleway rights have been shown to exist.
- 8.16 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 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 historical map evidence suggests that this route used to be entirely enclosed by physical boundaries. Much of it still is. On that basis, it is proposed that the enclosed public bridleway be identified with the variable widths ranging from 6.5 metres to 26.8 metres, as identified in paragraph 6.1 above, and that the two currently unenclosed field edge sections be identified with their former enclosed widths of between 6.5 and 9.14 metres in the field immediately east of High Southward Edge and 18.29 to 20.7 metres in the field immediately east of the short dog-leg. The short section through the garden of High Southward Edge itself should be recorded with the lower width of 6.5 metres, reflecting the width identified on the 1:2500 scale OS map of 1897.

- 8.17 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. The majority of this route is not currently recorded on the List of Streets, as Footpath No 29 was only added at the First Review (Relevant Date: 1 November 1963) on the basis of a representation by the Ramblers' Association.
- 8.18 If the claimed route is actually an old road (rather than just a footpath or bridleway) then it wouldn't automatically be publicly maintainable. In *Attorney General v Watford Rural District Council* (1912) it was determined that once a route had been found to be a public highway, the onus lay on the highway authority to demonstrate that it wasn't publicly maintainable, rather than for anyone else to prove that it was. But given that the map evidence appears to show that this road existed prior to 1835 then, in the absence of any clear evidence that the 'newly discovered' part of this road is privately maintainable, the presumption must be that it is publicly maintainable and, on that basis, if it is recorded on the Definitive Map as a restricted byway, it should also be recognised as a publicly maintainable road on the Council's List of Streets.
- 8.19 However, if the claimed route is a public bridleway, then it must have been a public bridleway before 1949. It is therefore likely to be publicly maintainable, and on that basis it should also be recognised as a publicly maintainable bridleway on the Council's List of Streets.

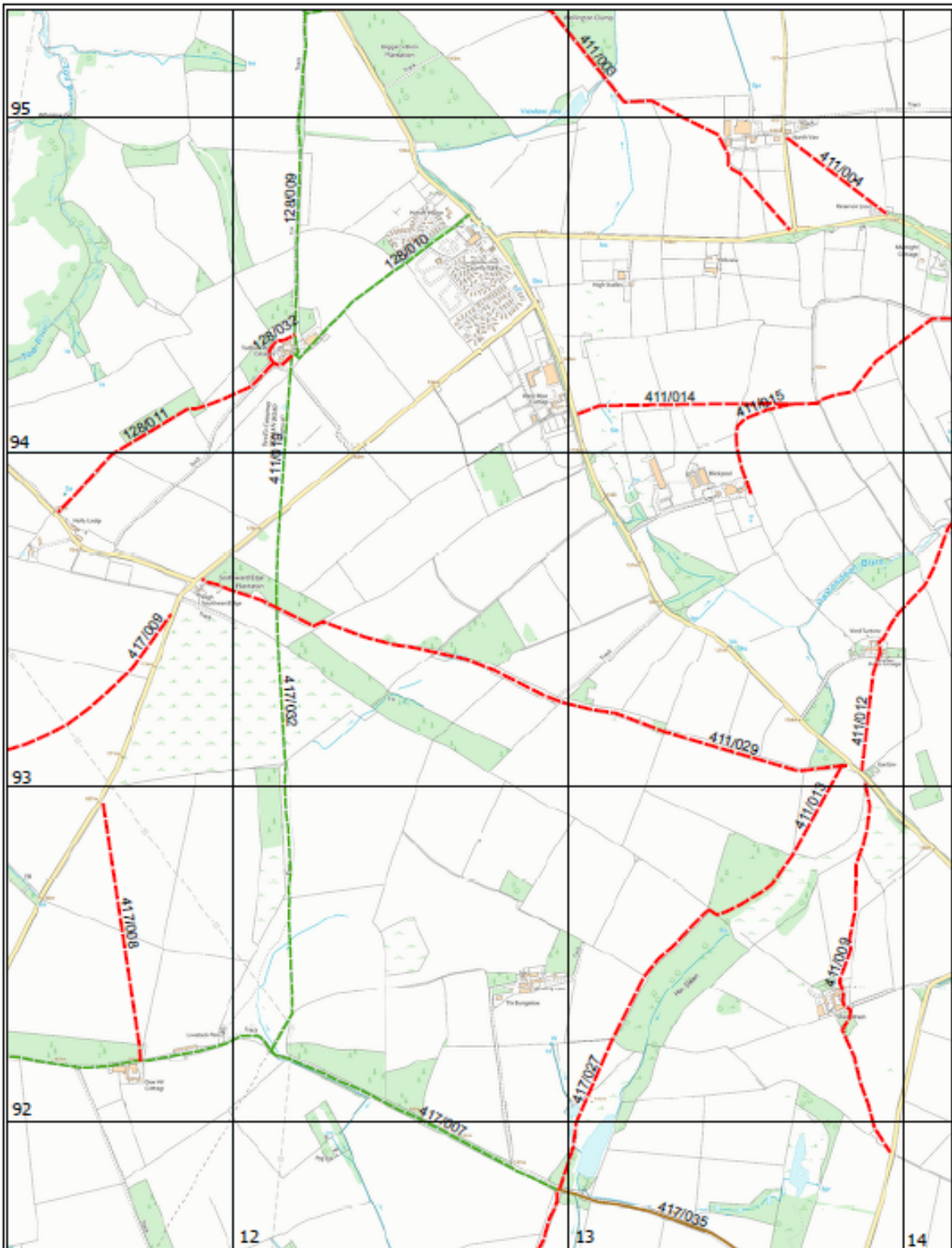
## **9. CONCLUSION**

- 9.1 Based on the documentary evidence available, it appears that public bridleway rights have been shown to exist, on a balance of probabilities, over the Q-R route.









  
**Northumberland**  
 County Council  
 County Hall, Morpeth, NE61 2EF  
 Contact: Highway Search Team  
 EMail: [Highwaysearch@northumberland.gov.uk](mailto:Highwaysearch@northumberland.gov.uk)

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

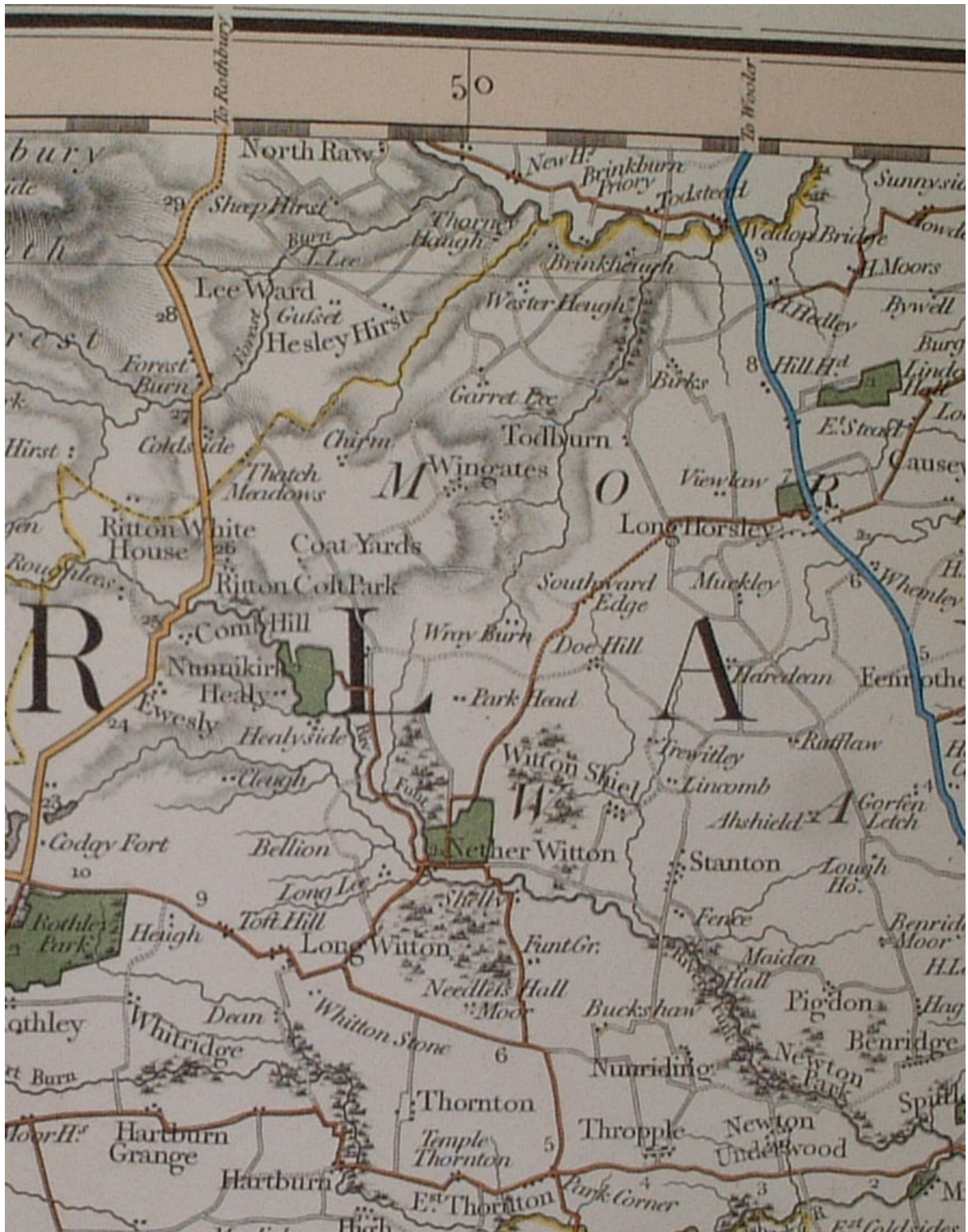
This is a computer generated extract of the Working Copy of the Definitive Map of Public Rights of Way

Scale: 1:15,000

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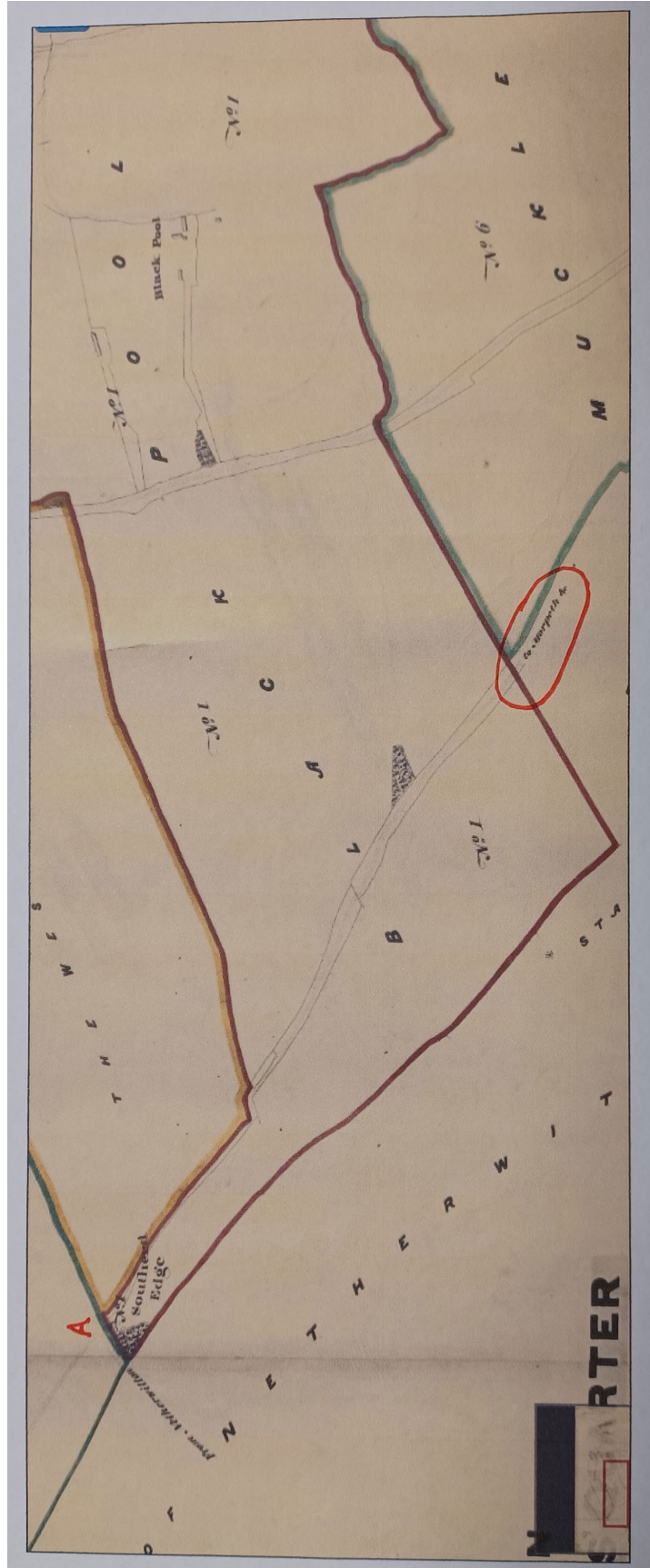




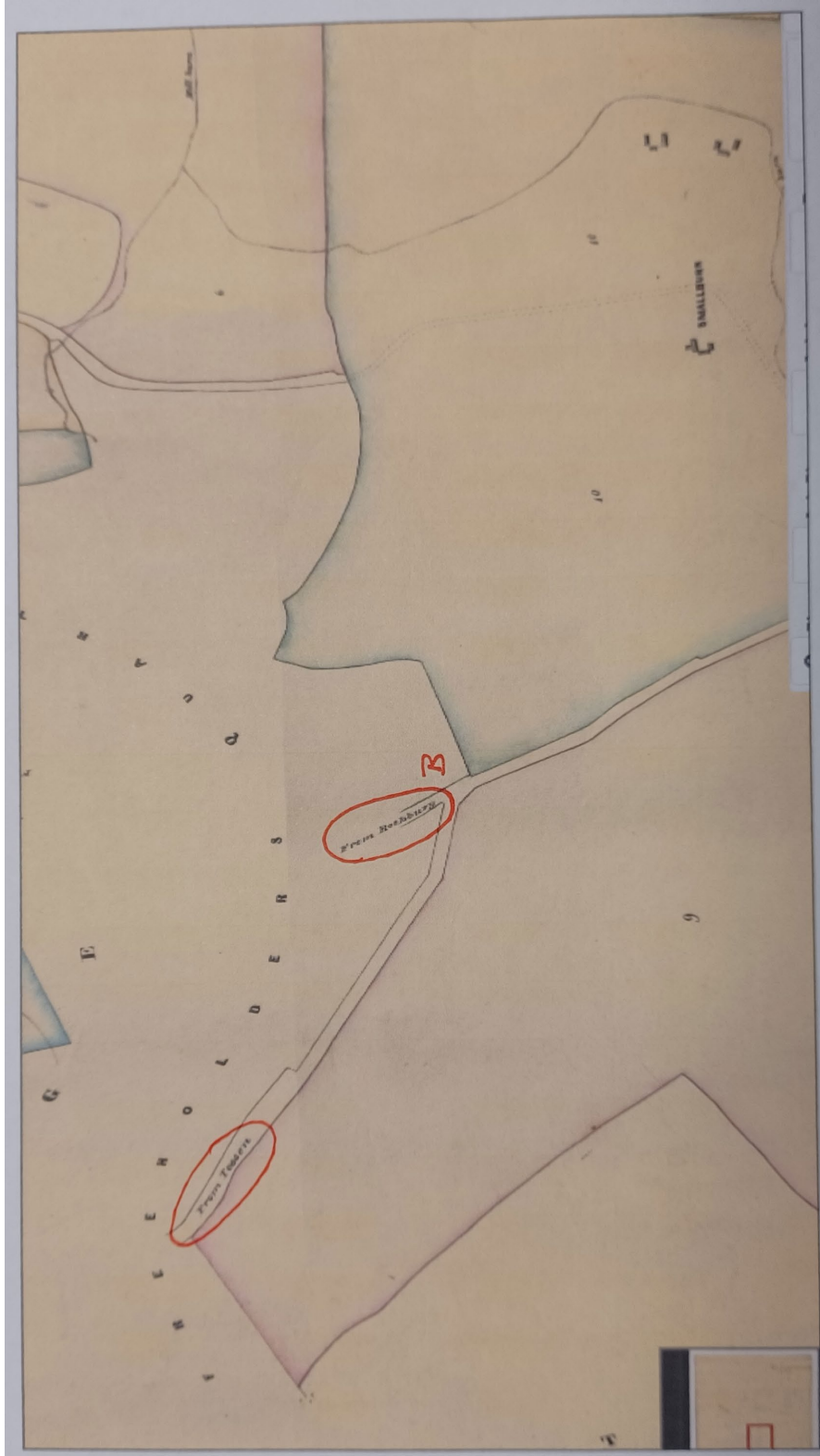




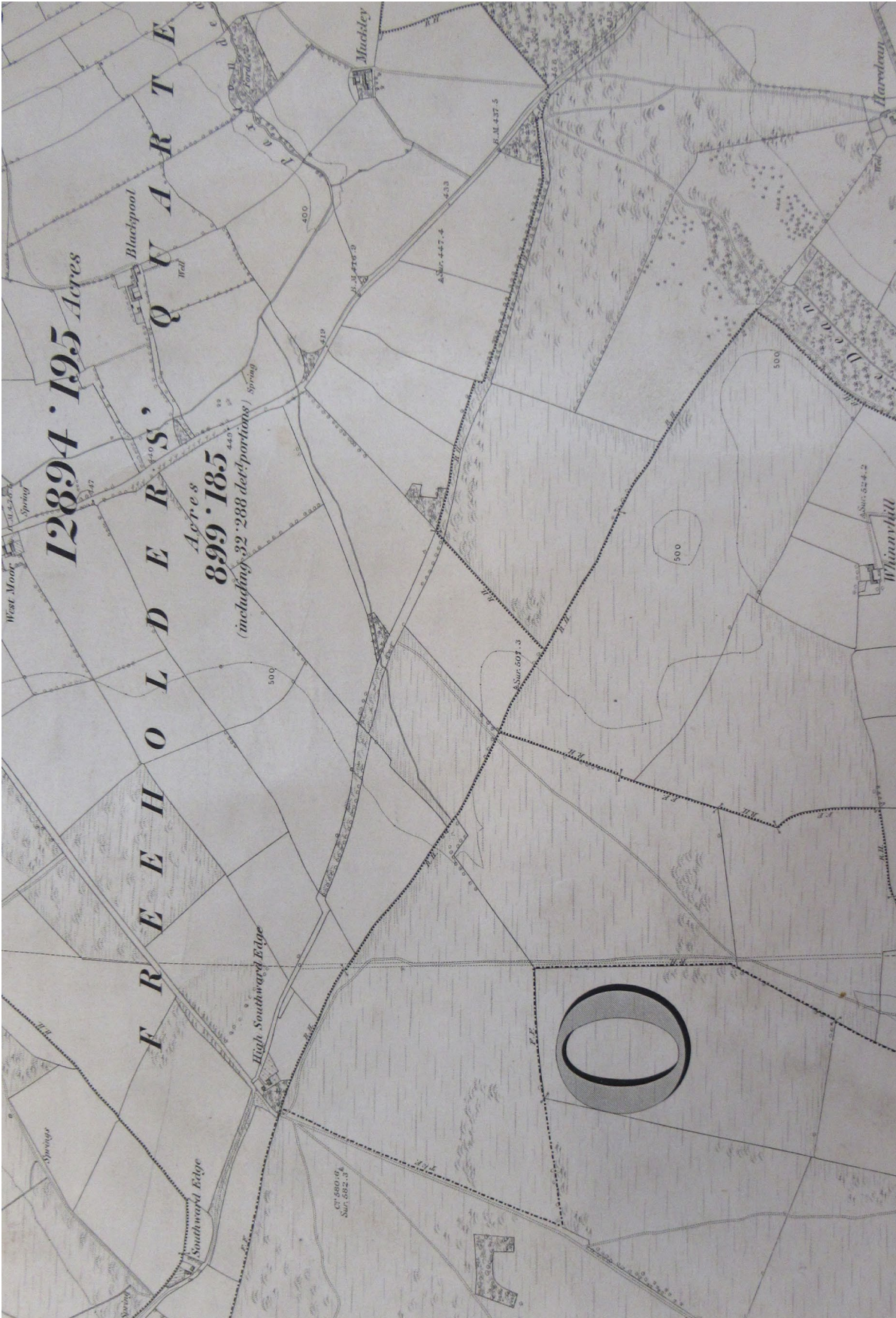
Title Award (Freeholders' Quarter)  
1842  
[Applicants copy]



Tithe Award (Riddell's Quarter)  
1847  
[Applicants copy]







F LONGHORSLEY.				PARISH OF LONGHORSLEY.					
	No. on Plan.	Area in Acres.	Remarks.	No. on Plan.	Area in Acres.	Remarks.	No. on Plan.	Area in Acres.	Remarks.
		296.104	<i>Brought forward.</i>		116.040	<i>Brought forward.</i>		400.308	<i>Brought forward.</i>
R-	22	14.961	Pasture.	9	6.110	Arable.	55	5.304	Pasture, &c.
	23	22.013	Pasture, &c.	10	9.561	Arable.	56	23.632	Rough pasture, &c.
	24	9.055	Arable, &c.	11	2.822	Arable.	57	9.942	Arable.
&c.	25	12.494	Arable, &c.	12	1.967	Arable.	58	.456	Houses, gardens, &c.
	26	38.919	Pasture, furze, &c.	13	2.082	Arable.			(Southward Edge).
	27	11.883	Pasture, &c.	14	2.156	Arable.	59	1.363	Arable.
	28	.499	Wood.	15	13.356	Arable.	60	5.625	Arable.
		405.928		16	9.595	Arable.	61	4.292	Arable.
				17	.698	Houses, garden, &c.	62	5.367	Arable.
						(West Moor).	63	3.255	Public road.
				18	4.104	Arable.	64	15.516	Arable, &c.
				19	.451	Grass, &c.	65	4.287	Public road.
				20	27.325	Pasture, &c.	66	.093	Wood.
				21	7.330	Arable.	67	.511	Wood.
				22	5.550	Arable, &c.	68	.445	Houses, gardens, &c.
				23	2.999	Arable.			(High Southward Edge).
				24	6.973	Arable.	69	2.420	Pasture.
				25	6.484	Arable, &c.	70	.142	Arable.
				26	6.835	Arable, &c.	71	14.096	Arable, &c.
				27	6.438	Arable, &c.	72	6.925	Pasture.
				28	6.495	Arable, &c.	73	3.167	Pasture, &c.
				29	9.007	Arable, &c.	74	14.975	Rough pasture and furze.
				30	3.875	Arable.	75	10.945	Pasture.
				31	1.079	Arable.	76	14.459	Pasture.
				32	3.615	Arable.	77	.904	Private road.
				33	4.785	Pasture.	78	1.615	Private road.
				34	.302	Public road.	79	11.829	Pasture.
				35	.313	Houses, garden, &c.	80	8.243	Arable.
				36	3.583	Pasture.	81	23.640	Pasture.
				37	21.718	Pasture, &c.	82	14.971	Pasture.
				38	6.511	Furze, &c.	83	15.214	Pasture.
				39	14.054	Pasture.	84	8.326	Public road.
				40	14.291	Arable.	85	16.264	Arable, &c.
				41	.142	Pasture.	86	5.843	Pasture.
				42	1.048	Private road.	87	9.443	Arable.
				43	5.430	Arable.	88	8.265	Arable.
				44	11.497	Arable, &c.	89	3.009	Wood.
				45	.226	Wood.	90	.337	Wood.
				46	3.458	Public road.	91	9.547	Arable, &c.
				47	.781	Houses, yards, gardens, &c. (Black-pool).	92	11.407	Arable, &c.
						Garden.	93	3.263	Pasture.
				48	.140	Pasture.	94	10.496	Pasture.
				49	13.444	Pasture.	95	8.048	Arable.
				50	11.798	Arable.	96	6.761	Pasture.
				51	6.976	Pasture, &c.	97	1.214	Public road.
				52	5.771	Pasture, &c.	98	13.313	Rough pasture, &c.
				53	5.905	Pasture, &c.	99	.524	Wood, &c.
				54	5.133	Arable, &c.			
					400.308	<i>Carried forward.</i>		740.162	<i>Carried forward.</i>

RECAPITULATION.		
401.293	Land.	
4.635	Public roads.	
405.928	Area of the Township of Bigge's Quarter (Detached, No. 7).	

RECAPITULATION FOR THE TOWNSHIP.		
2884.951	Land.	
33.908	Public roads.	
6.664	Water.	
2925.523	Total area of the Township of Bigge's Quarter.	

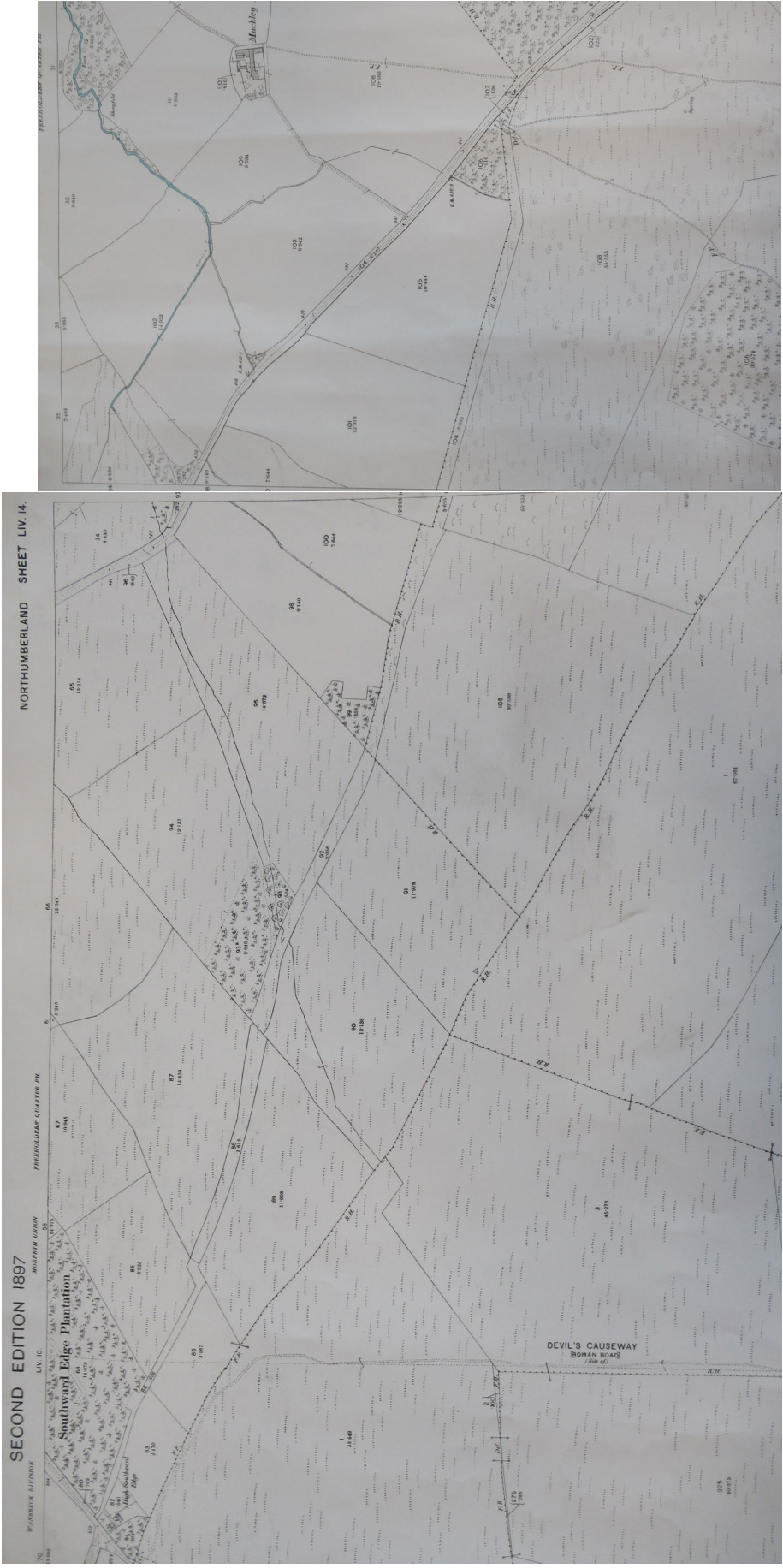
  

TOWNSHIP OF FREEHOLDERS' QUARTER.		
1	57.852	Pasture, rough pasture, &c.
2	11.178	Pasture, &c.
3	10.466	Rough pasture and furze.
4	7.232	Arable.
5	4.714	Arable, &c.
6	6.082	Arable.
7	14.578	Arable.
8	3.988	Arable.
	116.040	<i>Carried forward.</i>

No. on Plan.	Area in Acres.	Remarks.	No. on Plan.	Area in Acres.	Remarks.
	740.162	<i>Brought forward.</i>	<b>TOWNSHIP OF FREEHOLDERS' QUARTER (Detached, No. 2).</b>		
100	2.056	Private road.	1	.703	Houses, gardens, &c.
101	11.978	Pasture.	2	.953	Garden.
102	14.672	Pasture, &c.	3	3.286	Pasture.
103	.858	Wood.	4	4.390	Arable.
104	9.140	Pasture.		9.332	Area of the Township of Freeholders' Quarter (Detached, No. 2).
105	7.644	Arable.			
106	12.013	Arable.			
107	.282	Wood.			
108	14.522	Pasture, &c.			
109	.065	Wood.			
110	9.577	Pasture.			
111	5.126	Pasture, &c.			
112	6.835	Arable.			
113	.772	Houses, yards, garden, &c. (Muckley).	<b>TOWNSHIP OF FREEHOLDERS' QUARTER (Detached, No. 3).</b>		
114	.039	Garden.	1	1.950	Houses, yards, garden, &c.
115	10.444	Arable.	2	1.193	Pasture.
116	1.116	Wood.	3	.450	Pasture.
117	19.596	Pasture, &c.	4	3.328	Arable.
	866.897		5	.800	Arable.
			6	1.178	Public road.
			7	.811	Furze, &c.
			8	1.953	Arable.
			9	1.721	Arable.
				13.384	
<b>RECAPITULATION.</b>			<b>RECAPITULATION.</b>		
846.055	Land.		12.206	Land.	
20.842	Public roads.		1.178	Public road.	
866.897	Area of the Township of Freeholders' Quarter, exclusive of the detached portions.		13.384	Area of the Township of Freeholders' Quarter (Detached, No. 3).	
<b>TOWNSHIP OF FREEHOLDERS' QUARTER (Detached, No. 1).</b>			<b>TOWNSHIP OF FREEHOLDERS' QUARTER (Detached, No. 4).</b>		
.077	House, garden, &c.		1	.230	Houses, garden, &c.
.077	Area of the Township of Freeholders' Quarter (Detached, No. 1).		2	.461	Pasture.
			3	.703	Arable.
				1.394	Area of the Township of Freeholders' Quarter (Detached, No. 4).

## PARISH OF LONGHORSLEY.

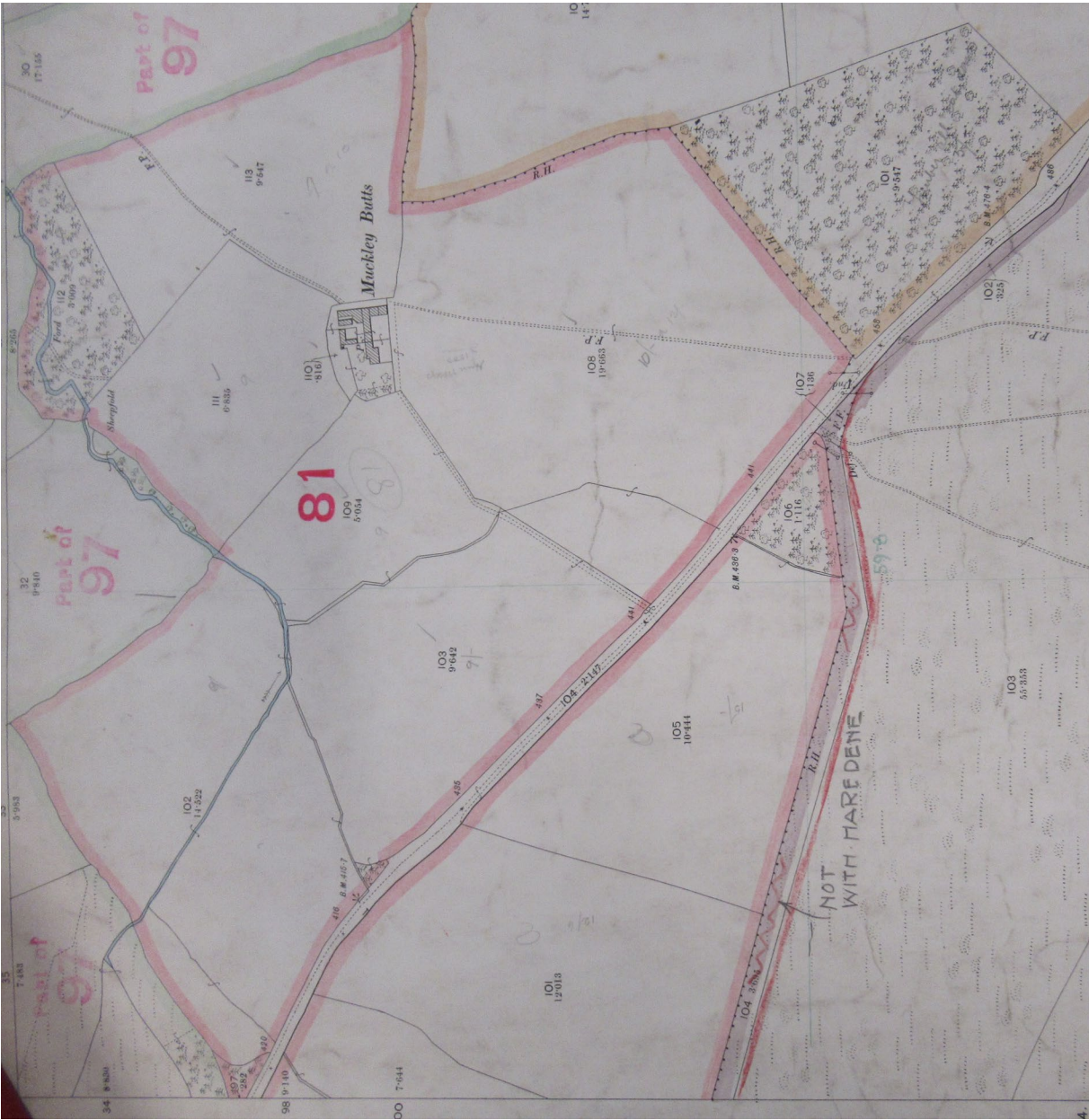
No. on Plan.	Area in Acres.	Remarks.	No. on Plan.	Area in Acres.	Remarks.
	547-289	<i>Brought forward.</i>		1058-833	<i>Brought forward.</i>
68	-617	Rough pasture and furze.	113	11-098	Arable.
69	-142	Pasture.	114	16-920	Arable.
70	4-533	Furze, &c.	115	19-594	Arable.
71	5-289	Arable.	116	25-475	Pasture.
72	5-625	Arable.	117	12-928	Arable, &c.
73	14-094	Arable, &c.	118	3-695	Private road.
74	-975	Houses, yards, garden, &c. (Whemleyburn).	119	20-530	Rough pasture & furze.
			120	55-353	Rough pasture, furze, &c.
75	-217	Gardens.	121	36-236	Pasture, &c.
76	8-000	Pasture, &c.	122	2-391	Wood.
77	4-242	Pasture.	123	1-000	Wood.
78	9-651	Arable.	124	29-612	Arable.
79	7-502	Arable, &c.	125	13-536	Arable, &c.
80	8-182	Arable.	126	7-618	Pasture, &c.
81	-020	Houses.	127	-946	Houses, yards, gardens, &c. (Smallburn).
82	1-533	Public road.			
83	3-757	Public road.	128	14-835	Arable.
84	8-336	Arable.	129	9-183	Pasture.
85	9-994	Arable.	130	11-952	Pasture, quarry, &c.
86	25-620	Arable, &c.	131	19-466	Pasture, &c.
87	14-361	Arable.	132	7-964	Pasture, &c.
87a	-082	Wood.	133	20-867	Pasture.
88	10-817	Pasture, &c.	134	-511	Houses, yard, garden, &c. (Horsleybarns.)
89	11-776	Arable.			
90	10-757	Arable.	134a	-163	Wood.
91	17-104	Pasture.	135	16-713	Wood, &c.
92	25-380	Pasture, &c.	136	10-314	Pasture, &c.
93	24-399	Pasture, &c.	137	11-489	Arable, &c.
94	18-434	Pasture.	138	-636	Pasture and furze.
95	33-636	Pasture, &c.	139	1-002	Houses, yards, &c. (Haredcan.)
96	20-085	Arable.			
97	11-425	Arable.	140	1-118	Pasture.
98	10-595	Arable.	141	24-512	Pasture, quarries, &c.
99	14-720	Pasture.	142	1-091	Public road.
100	9-547	Wood.	143	38-085	Pasture.
101	14-034	Arable.	144	10-963	Pasture, &c.
102	37-509	Pasture, &c.	145	6-810	Arable.
103	13-037	Pasture, &c.	146	9-456	Pasture, &c.
104	23-727	Arable.	147	18-866	Pasture.
105	5-634	Arable.	148	16-676	Pasture.
106	18-759	Arable.	149	16-474	Pasture, &c.
107	4-974	Wood, &c.	150	16-156	Arable.
108	21-057	Pasture, &c.	151	16-267	Pasture, &c.
109	9-111	Pasture, &c.	152	1-221	Public road.
110	-050	House, garden, &c.	153	12-453	Pasture, &c.
111	-073	House and garden.	154	14-186	Pasture, &c.
112	12-302	Arable.	155	15-804	Pasture, &c.
	1058-833	<i>Carried forward.</i>		1670-918	<i>Carried forward.</i>





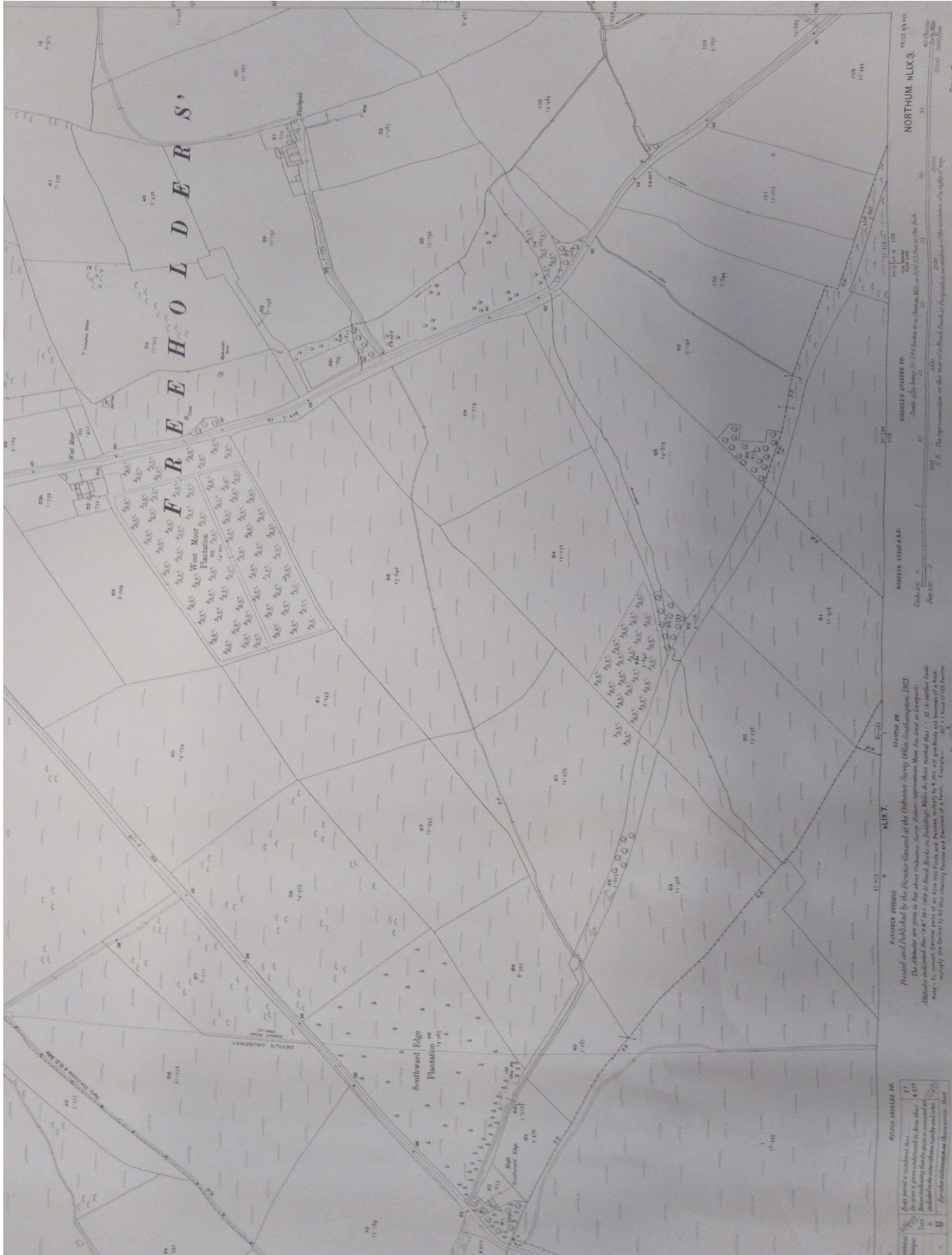


Finance Act 1910 Plan  
(Eastern section)

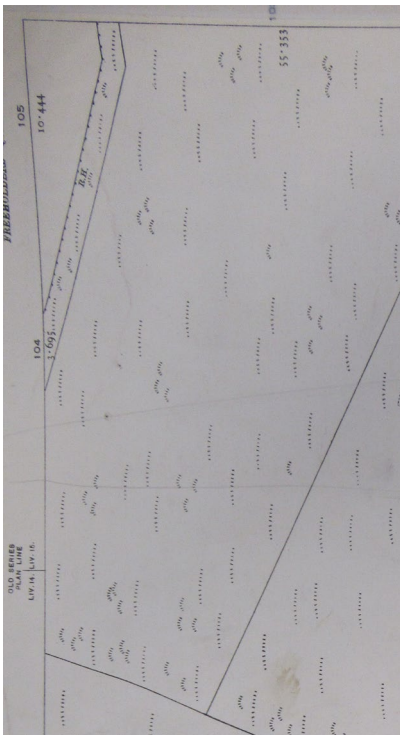
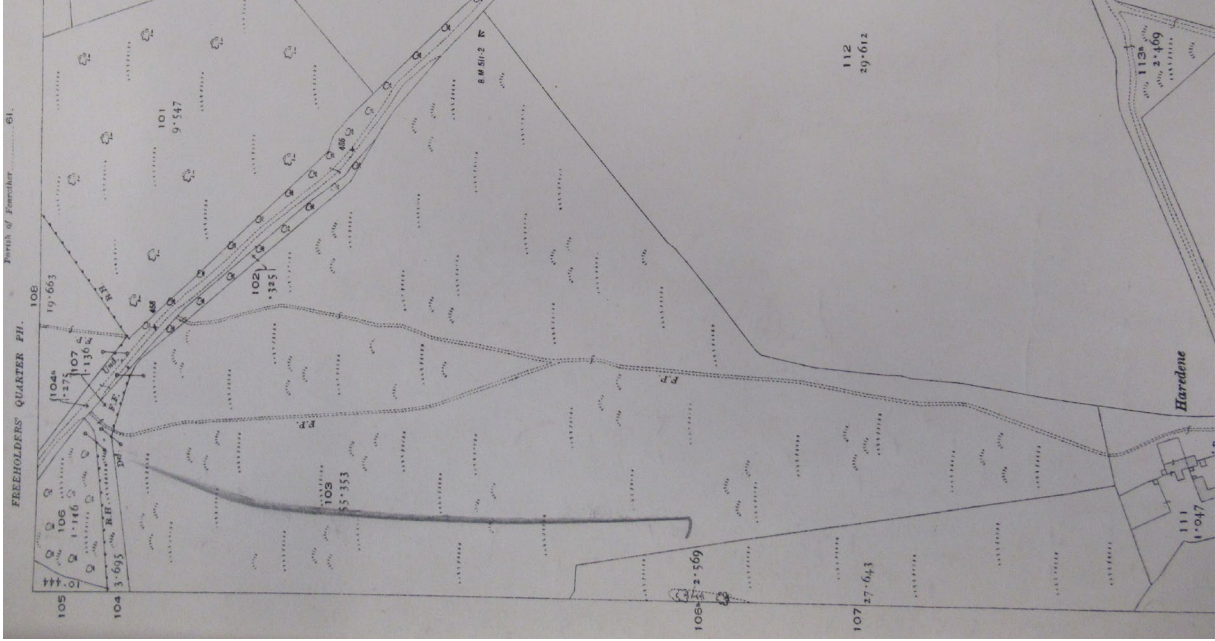


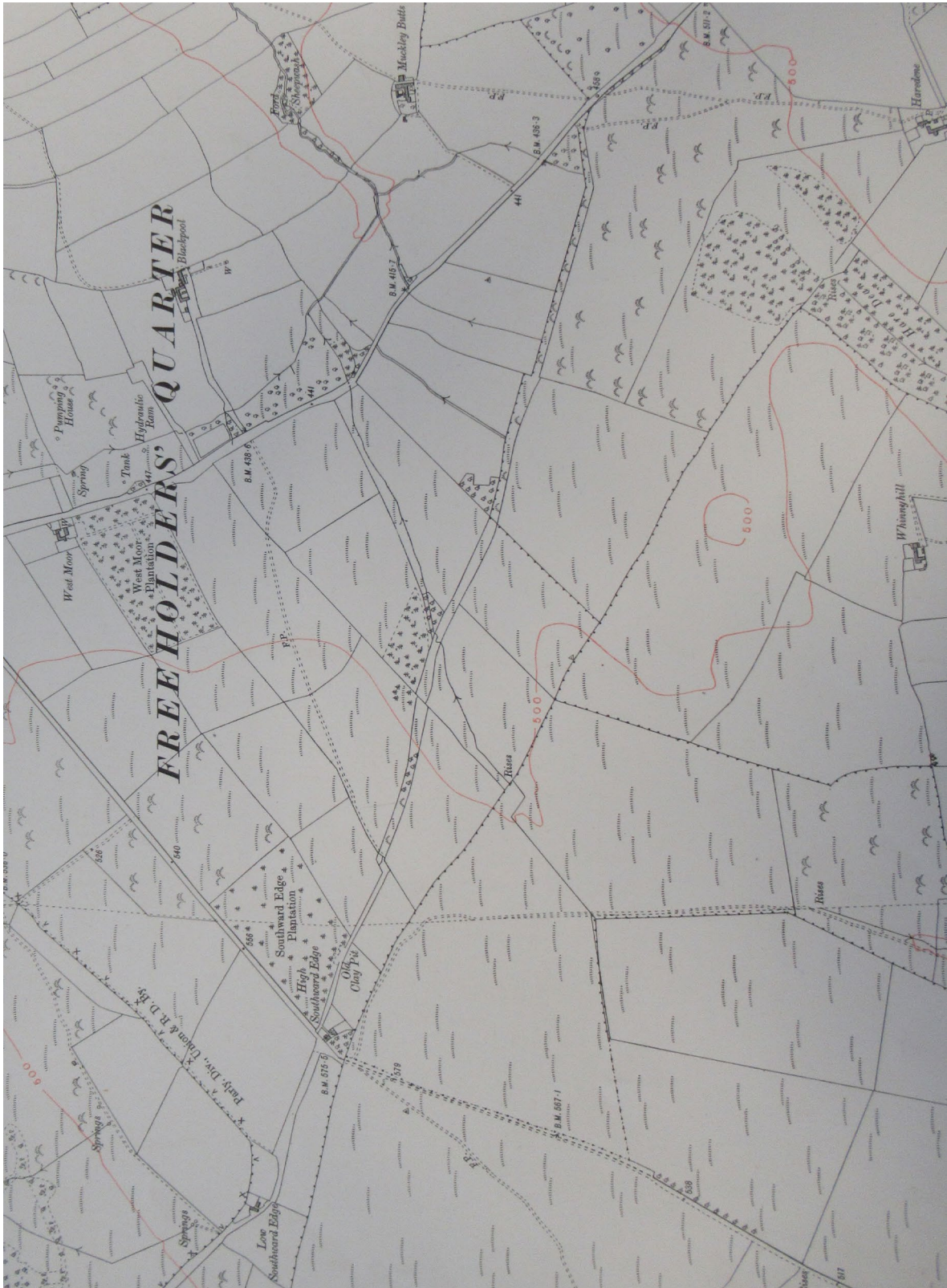


3<sup>rd</sup> Edition O.S. 25" Map  
1922 / 23  
(western section)



3<sup>rd</sup> Edition O.S. 25" Map  
1922 / 23  
(middle and eastern sections)







Restriction of Ribbon Development Act 1935 plan

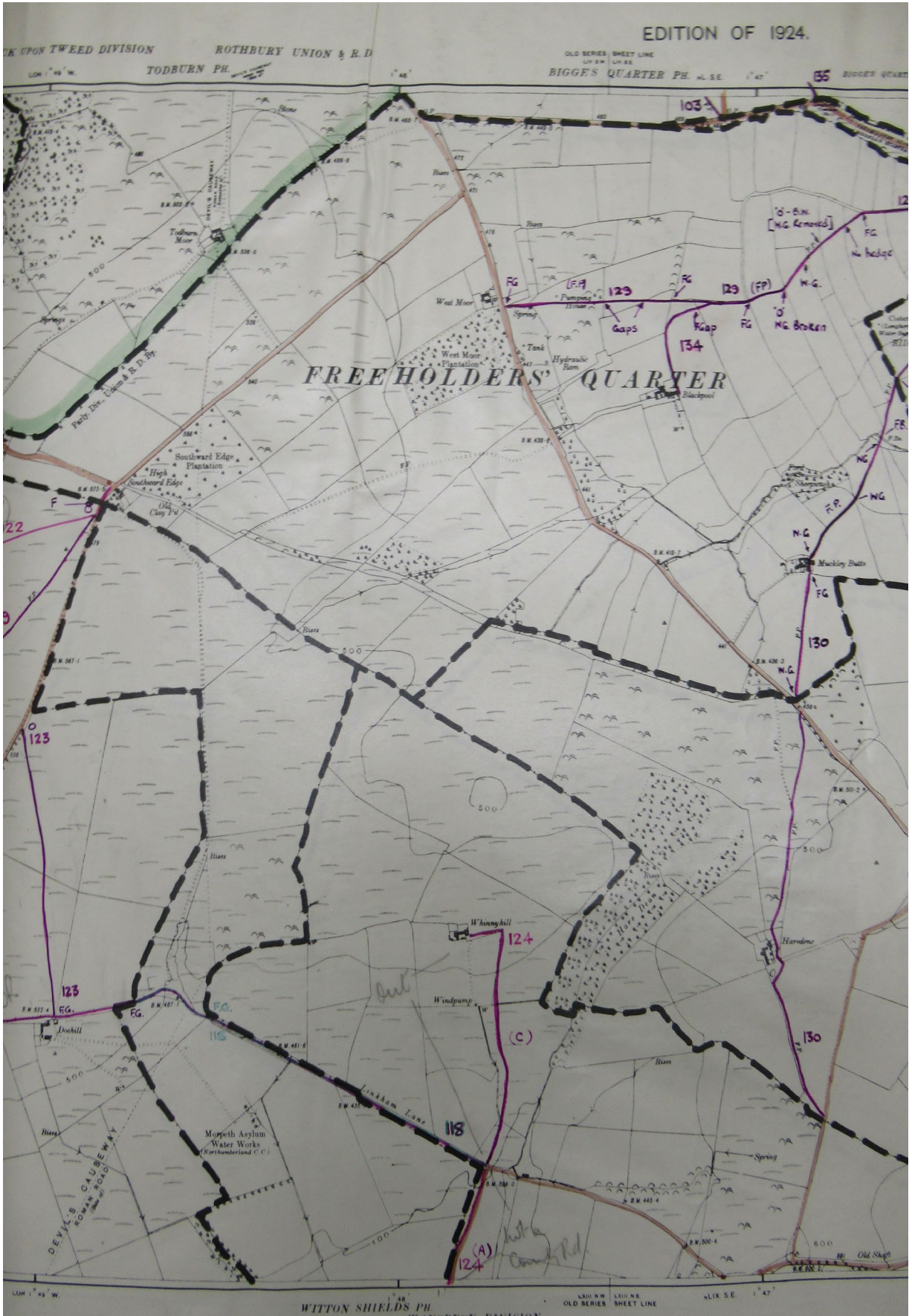














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BRIDGES AND ROADS—17TH SEPTEMBER, 1956.

REPORTS OF COUNTY SURVEYOR—continued.

Road and Description of Works.	Grant No.	Estimated Cost.	Amount of Grant.	Percentage of Grant.	Decision of the Committee.
<b>(3) Ministry of Transport and Civil Aviation Grants.</b>					
The following grants have been received from the Ministry of Transport and Civil Aviation since the Committee's last meeting:—					
Trunk Roads Maintenance, 1956-57— A.1 .. .. .	RDN. 570/56	£ 157,947	£ 157,947	100%	That the works proposed will be subject to compliance with the appropriate Ministry circular.
A.69 .. .. .	RDN. 570/56	55,226	55,226	100%	
A.696 68 .. ..	RDN. 570/56	33,827	33,827	100%	
Trunk Road, A.69 —Whittle Dene	RDN. 571/55	24,400	24,400	100%	
Bridges and Roadworks— Stage II					
Class I Road, A.197—Junction Thorpe Avenue, Morpeth, to East Mill— Reconstruction	E.38/56	29,646	22,235	75%	
Class I Road, A.186—Grey Horse Inn, Shiremoor, to Garden Terrace, Earsdon— Reconstruction	E.40/56	25,125	18,844	75%	
Classification Grant, 1956-57, including Frost Damage	M.9/56 RDN.	£81,087	£39,298	75% 60% 50%	
Marginal Scheme, et. Small Land Acquisition— Class I .. .. .	36/56 RDN.	1,527	1,145	75%	
Class II .. .. .	37/56 RDN.	148	89	60%	
Class III .. .. .	38/56 RDN.	935	468	50%	

BRIDGES AND ROADS—17TH SEPTEMBER, 1956.

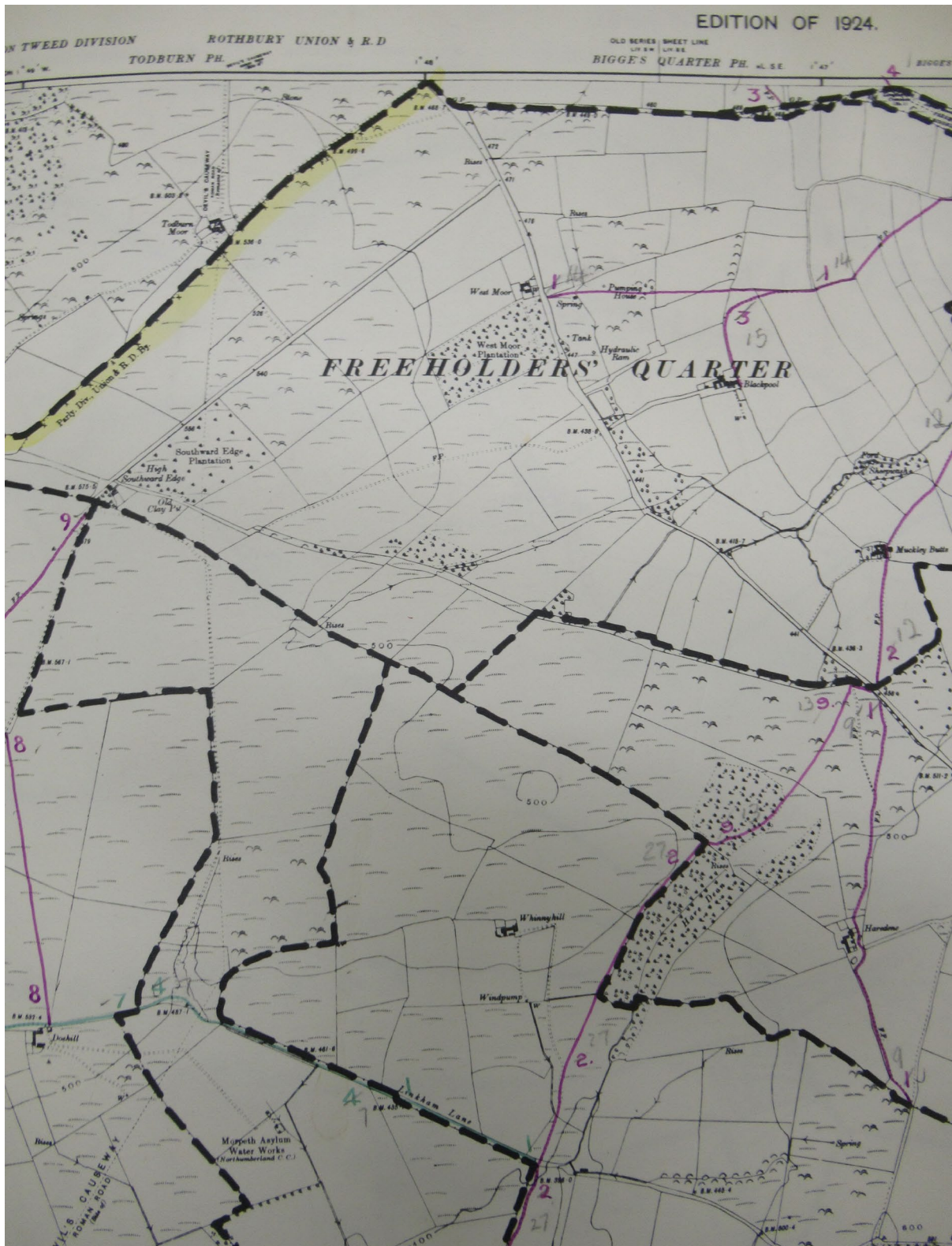
will be advertised and objections heard in accordance with the procedure already laid down:—

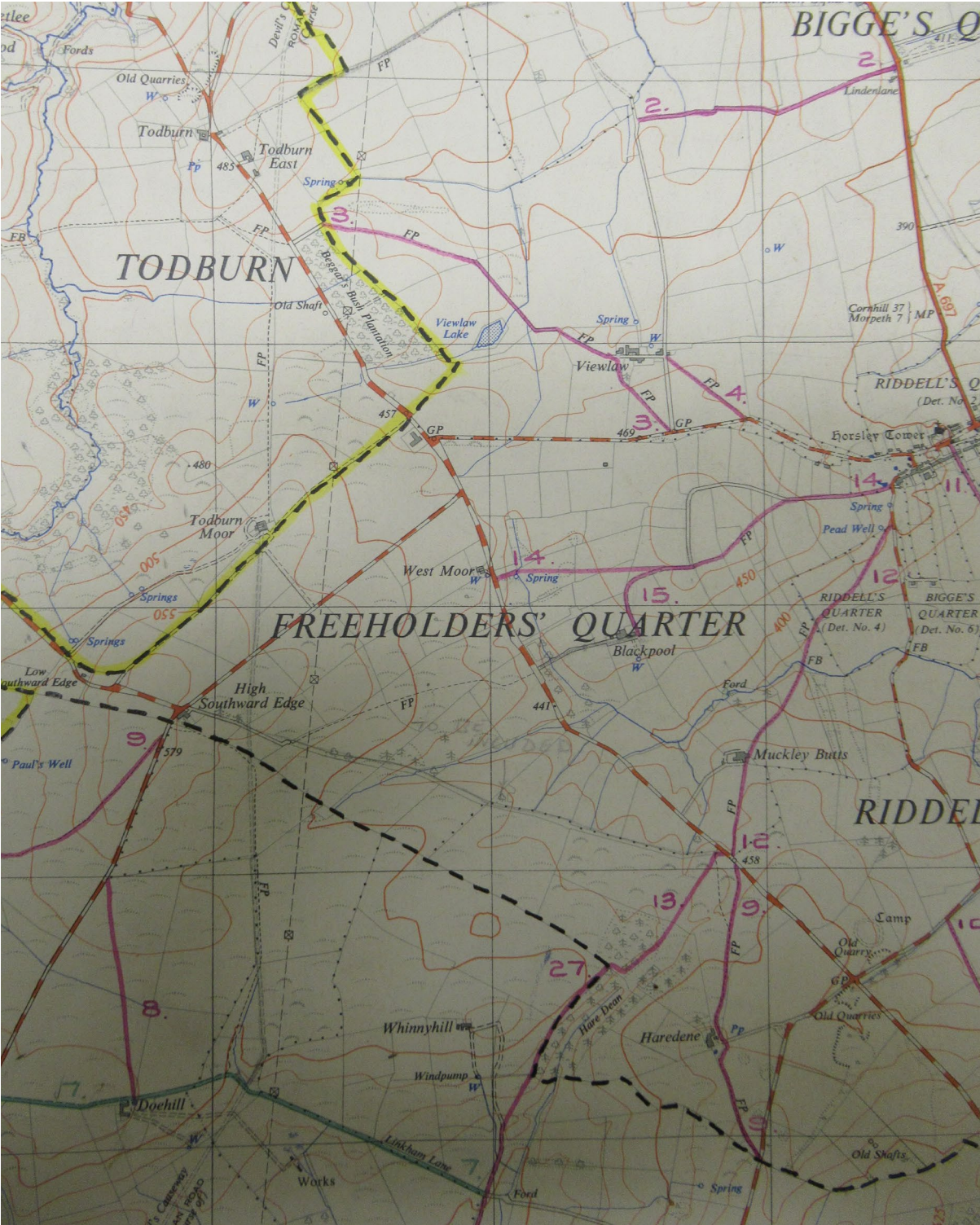
Path.	Description.
Morpeth Rural District. FP. 8 Bigges Quarter FP. 10 Risdells Quarter	From Todburn Parish boundary north-east of Todburn to County Road U.6021 south of South Bicks—Continuation of FP. 1 in Todburn Parish.
FP. 9 Bigges Quarter	From County Road U.6021 approximately 1 mile south of South Bicks to County Road A.697 at Lindeshaie—New path.
FP. 3 Frettholles Quarter	From Blackhead to County Road C.138 south of West Moor, Preshilton—Continuation of FP. 3 in same Parish.
FP. 7 Stenton Risdells Quarter	From County Road C.138 south of Muckley Batts to the east of Preshilton Lane—Continuation of FP. 2 in Stenton Parish.
FP. 3 East Thornton	From the Netherwitton Parish boundary at the Old Quarry to the south of Old Park Wood to the County Road U.6032 on the eastern edge of Cobble Wood—New path.
FP. 6 Longshaws	From FP. 3 at Station Mill to BR. 4 at the south end of Woodhouse Strig—New path.
BR. 7 Longshaws	From the Netherwitton Parish boundary south-west of Back Shaw to County Road C.147 at Thaitcock Farm—Continuation of BR. 2 in Netherwitton Parish.
FP. 4 Neuton Underwood	From the footbridge at Newton Mill to FP. 1 at Neuton Underwood—New path.

Resolved that the report be approved and adopted.

71.—The County Surveyor submitted the following reports which the Committee resolved be dealt with as stated in the second column:—

REPORTS OF COUNTY SURVEYOR.	Decision of the Committee.
<b>(1) Quarterly Estimate.</b> Cheques to be issued, when required, on the requisition of the Bridges and Roads Committee:—£60,000, £60,000, £60,000, £60,000, £60,000, £40,000, £40,000, £10,000. Total £450,000.	Approved.
<b>(2) Acquisition of Land.</b> I have to report that the land specified in Appendix B is required for the widening and improvement of roads in the County, and I recommend that the terms and conditions as set forth in the Appendix be approved.	That the land be purchased, and that the Ministry of Transport be approached on the matter and on to the land at Ottercopps.





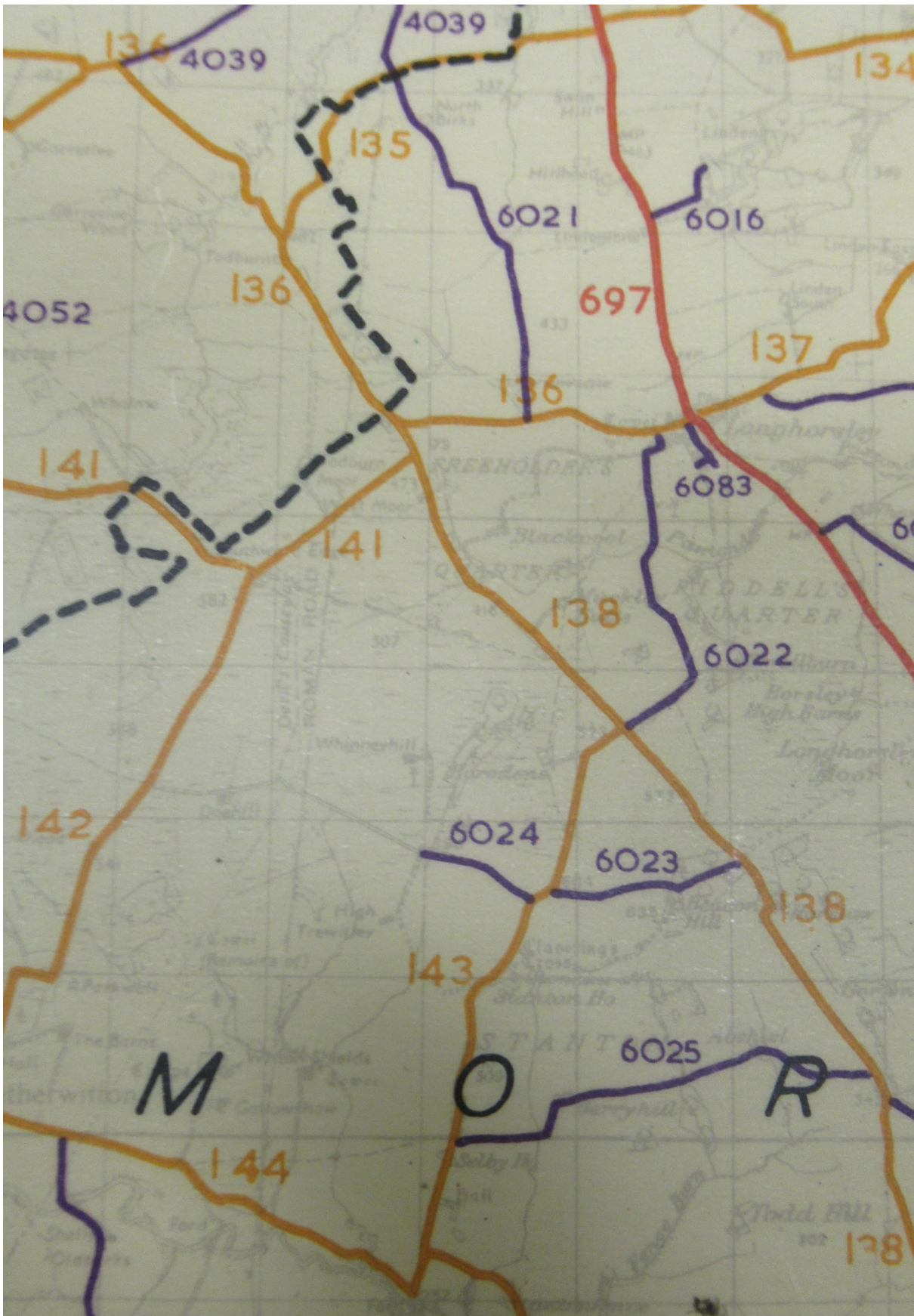
NORTHUMBERLAND COUNTY COUNCIL.

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

PART IV.

PUBLIC RIGHTS OF WAY - STATEMENT.

1. Borough .....  
Urban District .....  
Rural District ..... MORPETH
2. Parish ..... LONGHORSLEY.
3. Number of Footpath on Map ..... 13.
4. Name of Path .....
5. Kind of Path (i.e. FP/BR) ..... F.P.
6. General Description of Path From the Todburn - Harelaw Road about 250 yards  
south-east of the entrance to Mickley Butts in a south-westerly direction to  
join F.P. 27 at the Netherwitton Parish boundary near Hare Dean.  
.....  
.....  
.....
7. Other relevant information .....



Representation that path should be added to Draft Map made by

Footpath from The Ramblers' County Road Association C.110 to Footpath No. 1

The draft map and statement be modified by the insertion of a footpath (No. 29) from High Southwood Edge to the junction of County Road C.138 and footpath No. 13.

*Northam and Islingshires Rural District.*

The draft map and statement be modified by the insertion of a footpath (No. 11) from South Back Lane, Northam, due north for 40 yards to Casle Street, Northam.

*Rothbury Rural District.*

The draft map and statement be modified by the insertion of a footpath (No. 35) from County Road C.144 to join County Road B.6342 at a point opposite Coldrife.

125.—The Clerk of the Council and County Surveyor submitted the following report:—

In 1960, planning approval was granted for the erection of properties at Darras Hall subject to the reservation of the appropriate sight line at the corner of the new road to be constructed by the developer to a standard satisfactory to be taken over and adopted by the County Council.

Unfortunately the developer included one of the areas reserved as a sight line in the sale of a building plot, and the purchaser of this plot, having built his house, incorporated the area reserved for a sight line into his garden. The County Planning Committee duly served a formal notice requiring the setting back of the garden area to leave a visibility splay available to be adopted as part of the highway. The owner appealed against this notice and the Minister of Housing and Local Government concluded that the visibility splay could be protected without, the need for the land being excluded from the garden area since in the circumstances the Minister proposed to ensure that a proper visibility splay was retained by imposing conditions on the owner that—

- (i) No structure, fence or other means of enclosure shall be erected on the land; and

(ii) No plant or other vegetation shall be allowed to grow on the land to a height of 3ft. 6in. above the level of the adjoining roadway.

Although the Committee generally insist that any area required for a visibility splay be dedicated as part of the highway before they are prepared to assume responsibility for maintenance, the circumstances of this particular case are somewhat unique in that the Minister has ensured by his decision that a proper visibility splay will be provided at the junction of the new road named Deyncourt with the existing County highway.

Since Deyncourt has now been constructed to a standard satisfactory for adoption and the visibility splay referred to above has been provided by the decision of the Minister, it is recommended that the Committee adopt Deyncourt as a publicly maintainable highway.

Resolved that Deyncourt be taken over as a highway maintainable at the public expense.

126.—The County Surveyor submitted the following reports, which were dealt with as stated in the second column:—

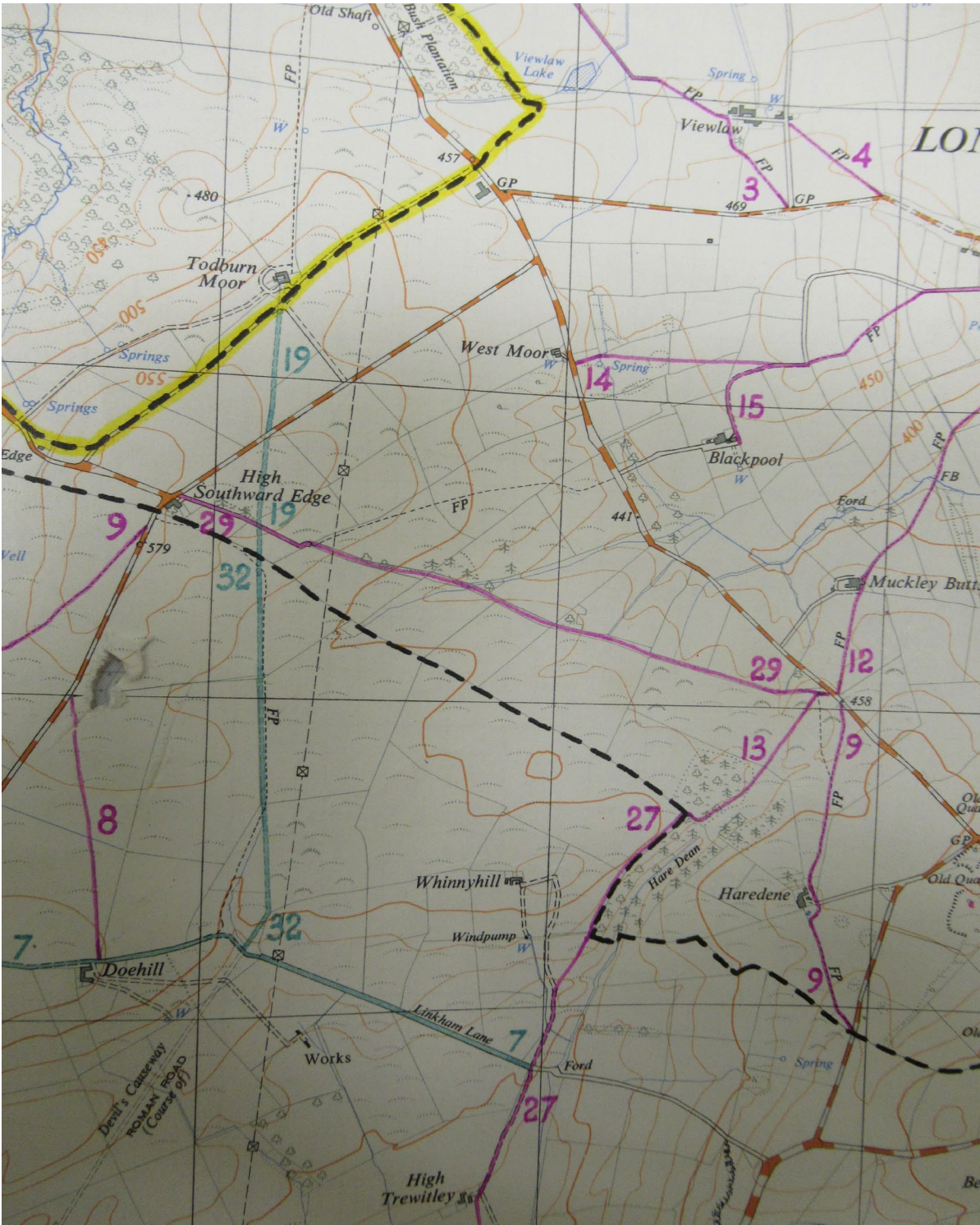
REPORTS OF COUNTY SURVEYOR.		Decision of the Committee.
-----------------------------	--	----------------------------

(1) Ministry of Transport Grants.

The following grants have been received from the Ministry of Transport since the Committee's last meeting:—

Road and Description of Works.	Grant No.	Estimated Cost. £	Amount of Grant. £	Percentage of Grant. %	That the work be carried out in accordance with the appropriate Ministry Circular.
Trunk Roads 1966-67					
Worboys Signs, 1966-67					
A.1, London-Edinburgh					
A.1, Thurso		2,000	2,000	100	
A.1, Carlisle-Sunderland	DN.12/66 WS				
A.69/68, Newcastle-Edinburgh					
From Darroagh, 1965-66					
A.1, London-Edinburgh		10,900	10,900	100	
A.69, Carlisle-Sunderland	27/66				
A.69/68, Newcastle-Edinburgh					
County Roads					
Worboys Signs, 1966-67	M11/66 WS		8,000	—	
From Darroagh, 1965-66	M13/66		55,811	—	
A.1068, Sension Burn-Ainwick Road—Improvement at Farford Home Farm	DN.519/66	47,580	36,625	75	





NORTHUMBERLAND COUNTY COUNCIL  
FIRST REVIEW OF DEFINITIVE MAP  
RELEVANT DATE: 1 NOVEMBER 1963

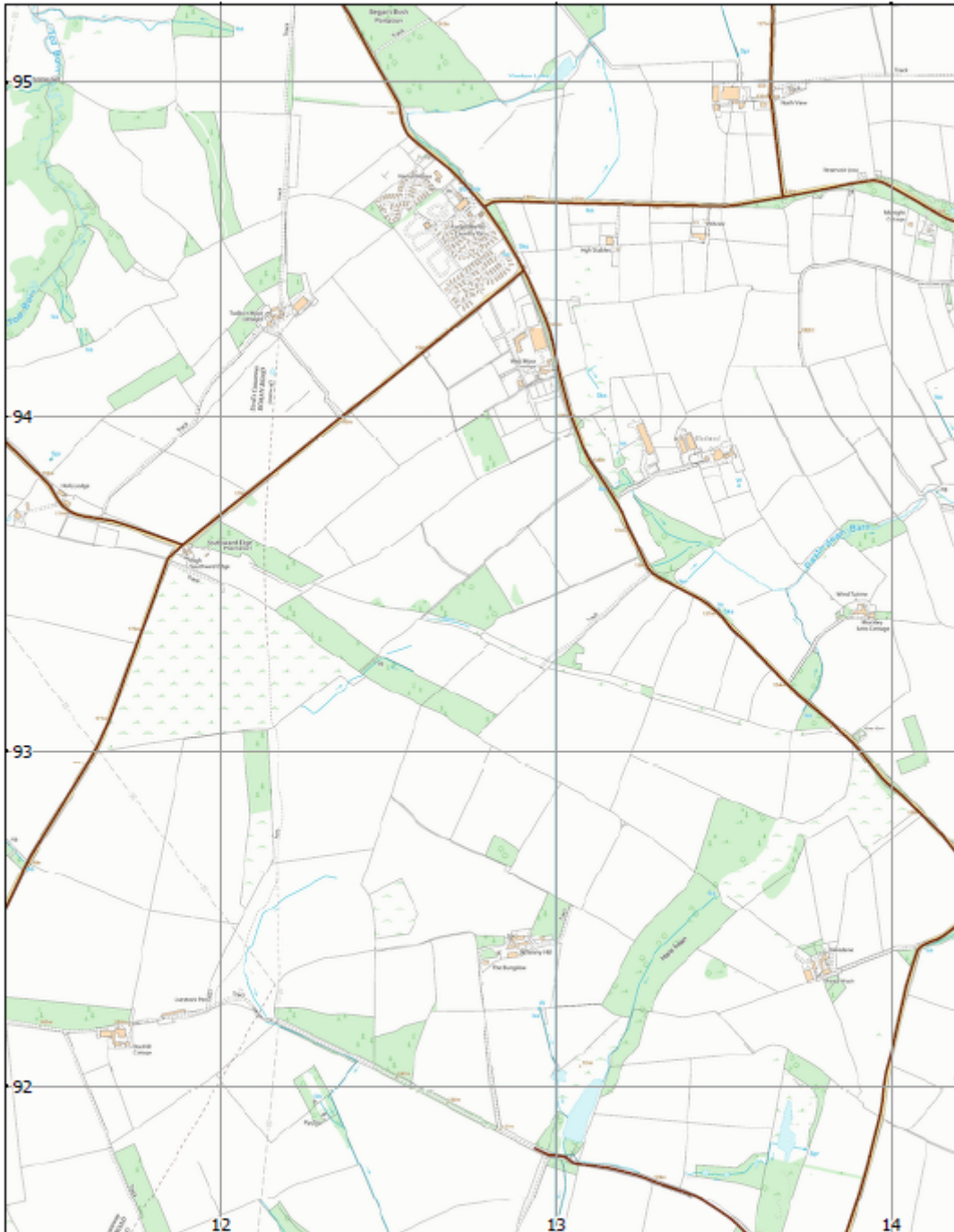
NORTHUMBERLAND COUNTY COUNCIL

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

PUBLIC RIGHTS OF WAY - STATEMENT

- 1. Borough .....  
Urban Districts .....  
Rural District ..... WOBBEY .....
- 2. Parish ..... Longhorsley .....
- 3. Number of Footpath on Map ..... 29 .....
- 4. Name of Path .....
- 5. Kind of Path (i.e. FF/BR) ..... Footpath .....
- 6. General Description of Path ..... From County Road C.142 near High Southward Edge  
in an easterly-south-easterly direction to the junction of County Road C.138  
and Footpath 13 in the Parish of Longhorsley.....  
.....  
.....
- 7. Other relevant information .....

^ v 135 / 351 | 🔍 ↻ 🔍



**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: March 2024	Scale: 1:15,000

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