



Northumberland

County Council

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL
RIGHTS OF WAY SUB-COMMITTEE
29 June 2022

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

ALLEGED BYWAY OPEN TO ALL TRAFFIC No 24 PARISH OF DODDINGTON

Report of the Executive Director of Local Services
Cabinet Member: Councillor Jeff Watson, Healthy Lives

Purpose of report

In this report, the Sub-Committee is asked to revisit a case originally considered by the Rights of Way Committee at its meeting in September 2016, in relation to the existence of public motor vehicular rights over a short length of the U1052 road, just west of Hetton North Farm.

Recommendation

It is recommended that the Committee agree that:

- (i) on a balance of probability (and in light of the July 2017 High Court decision in relation to section 7 of the Natural Environment and Rural Communities Act 2006) there is sufficient evidence to show that public motor vehicular rights exist over the existing Restricted Byway No 24 (D-E route);**
- (ii) the D-E route be included in a future Definitive Map Modification Order to upgrade the restricted byway to byway open to all traffic status.**

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 At its meeting on 13 September 2016, the Rights of Way Committee considered evidence in support and rebuttal of public vehicular rights over the U1052 between its junctions with the B6525 road north of Doddington and the

U1047 road west of Hetton North Farm and agreed with the officer recommendation that:

- (i) **there is sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the route G-H;**
- (ii) **the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the G-X-Y part of this route, but would appear to have extinguished the public's motorized vehicular rights over the Y-H part of this route;**
- (iii) **the G-X-Y part of the route be included in a future Definitive Map Modification Order as byways open to all traffic.**
- (iv) **the Y-H part of the route be included in a future Definitive Map Modification Order as a restricted byway.**

1.3 The resolutions which have now been called into question are items (ii) and (iv) in paragraph 1.2 above. At the time, officers considered that public motor vehicular rights had been extinguished over the Y-H section on the basis that none of the 'saving' provisions contained within the Natural Environment and Rural Communities Act 2006 applied. In paragraph 8.13 the report stated:

Of the saving provisions above, only (b) would appear to apply and, significantly, it is not considered to apply to the whole route. The most northerly 130 metres of the U1052 was incorrectly shown on the List of Streets (on 2 May 2006) on the eastern side of the north-south field boundary, then connecting with the U1047 road some 25 metres east of where it should have done, at point H. Thus, the public's motor vehicular rights would not appear to have been extinguished by the NERC Act 2006, over the route G-X-Y, but would appear to have been extinguished over the section Y-H. Although this may appear to create a somewhat illogical situation, with a 'pointless' section of byway open to all traffic over the route X-Y (given that motor vehicular users of X-Y would have to turn round at Y and retrace their steps) this is the way the law works. Public motor vehicular rights have not been extinguished over the X-Y section, therefore this section ought to be recognized as a byway open to all traffic. Public motor vehicular rights would appear to have been extinguished over the Y-H section, therefore this section should be recorded as a restricted byway. The fact that it would not be a 'through route' for public motor vehicles might be expected to discourage motor vehicular use of this route.

The saving provision referred to in (b) was "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". Although the Y-H section was incorrectly shown too far to the east (by a distance gradually increasing to that of 25 metres), due to a cartographical error, this error was considered to be sufficient to mean that public motor vehicular rights over that part had been extinguished.

- 1.4 On 1 December 2016, the Council included the above routes in Definitive Map Modification Order (No 31) 2016. The Order attracted no sustained objections, and was confirmed by the County Council, as an unopposed Order, on 10 April 2017.
- 1.5 On 18 July 2017, in the High Court, Mr Justice Holman delivered judgement in a case brought by the Trail Riders' Fellowship, against a decision made by an

Inspector appointed by Secretary of State for the Environment, Food and Rural Affairs. The Inspector's decision related to a Definitive Map Modification Order made by Hertfordshire County Council. The Inspector had determined that public motor vehicular rights had been extinguished over a 110 metre long section of a vehicular highway, on the basis that (on 2 May 2006) this section was incorrectly mapped on the Council's List of Streets (see Paragraphs 22 - 23 of the judgement), meaning that this section should be recorded on the Definitive Map as restricted byway. The discrepancy between the wrongly recorded alignment and correct alignment was 30 metres. As with this Northumberland route, this would leave a relatively short section of restricted byway sandwiched between two byways open to all traffic. As with the Northumberland route, the discrepancy was due to a drafting error. In paragraphs 28 to 31 of the judgement, Justice Holman finds that the List of Streets does not require an accompanying map, and routes identified on the List do not need to be mapped with the same degree of accuracy as routes on the Definitive Map of Public Rights of Way. The discrepancy was clearly due to error. Parliament could not have intended that such a set of circumstances would lead to the extinguishment of public motor vehicular rights. Accordingly, he quashed the Inspector's decision.

- 1.6 In light of this High Court decision, which involved a set of circumstances very similar to the Doddington Restricted Byway No 24 route, it could be argued that that the County Council should, voluntarily, revisit the status of this route. However, in October 2019, Mr A Kind of Newcastle upon Tyne formally applied to have the Definitive Map amended by upgrading Restricted Byway No 24 to byway open to all traffic status.

2. Public Evidence

- 2.1 On 8th October 2019, Mr A Kind of Newcastle upon Tyne made a formal application to modify the Definitive Map and Statement by "Modifying (upgrading) restricted byway No 24 Parish of Doddington to byway open to all traffic."
- 2.2 The application was supported by the additional documentary evidence (1897 25" Ordnance Survey map, 1947 1" Ordnance Survey Map with key, and an extract from a 1961 Northumberland County Council Highways Map) and the following comments:

"Earlier Orders Concerning this route

"This route has been subject to an earlier order: Northumberland County Council Definitive Map Modification Order (No 31) 2016.

"The current recorded status is restricted byway 214/024 Doddington, established on the basis of historical evidence in the 2016 order.

"Reopening the Issue of Status

1. It is established law that the process of applying for, and (separately) making, an order to modify the definitive map, is not barred to further orders after an initial order has been made. (Express statutory provision apart, such as regarding restricted byways in CRoWA 2000). What matters is the 'discovery' of evidence, and that discovered evidence must then be considered with all other available evidence, whether 'new', or not. In the Wildlife and Countryside Act 1981, s53(3)

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

(i) 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;

2. In *R v Secretary of State for the Environment ex p. Riley* [1989] CO/153/88, the ability to 'reopen' the question of status of a way previous subject to a definitive map reclassification order was considered. Held: that there is no res judicata in this statutory provision, and MacPherson J provided an oft-quoted reference to a 'better greybeard's evidence being added to a (earlier) 'not very convincing greybeard's evidence', and the whole thing being weighed together (at D-E on page 10 of the judgement).
3. *Stubbing Court v Secretary of State for EFRA* [2012] (consent order) is a case concerning an order to delate a public right of way from the definitive map and statement. The Secretary of State consented to judgement on the point that there is no 'gatekeeper test' for the discovered evidence (the 'new evidence'). Once there is new evidence then the test of sufficiency (cogency, positivity, etc) is applied to all the evidence together. It is wrong to apply any different test to any part of the evidence: the relevant test must be applied to all the evidence.
4. In this application there is the evidence previously considered, plus 'new evidence' which is also evidence that speaks to the historical public status of the road. It does not matter if this 'new evidence' alone is not sufficient to establish the claimed status. What matters is whether this 'new evidence', plus all other evidence, weighed together, is sufficient to prove.
5. I respectfully cite the view of Simon J in *Kotarski v Secretary of State for EFRA and Devon County Council* [2010] EWHC 1036 (Admin) as regards the desirability of construing the legislation for the purpose of having an accurate and complete definitive map. At paragraph 25:

"I note that this approach is consistent with (a) the general approach of the Court of Appeal in *ex p. Burrows and Simms* referred to in paragraphs 13 above and 'the importance of maintaining an authoritative map and statement of the highest attainable accuracy'; (b) a generally beneficial purpose that there should be powers to make definitive maps and statements consistent when they are found to be inconsistent; and (c) the decision of Potts J in *Mayhew v Secretary of State for the Environment* (1993) 65 P & CR 344 at 352-3, in which he specifically rejected the argument that the s.53(3)(c) modifications should be restricted to cases where 'new evidence' had not been discovered."

6. The correct approach is to establish that there is discovery of evidence and, if there is, forget that the route has been the subject to an earlier application, or order. Consider this application as a stand-alone issue.
7. To facilitate this approach the discovered evidence (the 'new evidence' is identified below, and then all the evidence is set out in this submission.

The 'New Evidence'

8. Three items of evidence, not previously considered, have been found and are put in as part of this application. These are:

8.1. Extract from the 1897, First Revision Ordnance Survey map, Sheet XV.2, and,

8.2. Extract from the 1947 Ordnance Survey 1" map, with key, and,

8.3. The 1961 Northumberland County Council Highways Map.

9. These documents are considered in the chronological sequence of the previously discovered evidence, below.

1897 First Revision 25" Scale Ordnance Survey Map

10. This OS map, and the previous first edition, shows a sequence of 'spot heights' along the whole of the route of which application road is a lineal part. J B Hartley, in Ordnance Survey Maps: a descriptive manual 1975, published by HMSO, says on page 37, regarding 1:1250 series maps, "Contours are not published on either the 1:1250 or on the 1:2500 maps but, as a by-product of the cyclic levelling, these series print spot heights along selected roads."

11. This does not say 'public roads', but examination of similar OS maps in Northumberland indicates that spot heights were marked on public roads.

The 1947 Ordnance Survey 1" Map, with Key

12. The application route is shown as an 'Unfenced Minor Road'.

The 1961 Northumberland County Council Highways Map

13. The application route is shown as road 1052.

Other Evidence

14. This application requires that the 'new evidence' is considered together with the evidence that has been considered as part of the 2016 order process. That evidence is listed in the NCC report on that case, and that list is inserted below.

15. Copies of this evidence are attached as part of the "Public Rights of Way. Alleged Byway Open to All Traffic No 20. Parish of Doddington. Report of the Executive Director of Local Services. 13 September 2016.

The Effect of the Natural Environment and Rural Communities Act 2006

16. The 2016 order was made and confirmed on the basis that s.67 of NERCA 2006 had operated to extinguish the right of way for mechanically propelled vehicles over the application route (this application).

17. The NCC 'list of streets' on 2 May 2006 had a drafting error in the GIS plan. That section of road number 1052 was erroneously drawn out of position, essentially to the east of the field boundary.

18. NCC took the view that this meant that the historical route was not here shown in the list of streets, which is the saving provision in s.67(2) of NERCA.

19. After the 2016 order was confirmed the Trail Riders Fellowship lodged a statutory application against the Secretary of State with regard to the confirmation of a definitive map modification order in Hertfordshire: an

unsealed public road called Oakridge Lane: Trail Riders Fellowship v. The Secretary of State for EFRA [2017] EWHC (Admin) 1866.

20. Hertfordshire County Council had made a drafting error when making a GIS plan as part of their list of streets, in respect of Oakridge Lane. Part-way along, the GIS line deviated off the historical line, in a way very similar to this case.
21. HH Judge Holman had no difficulty holding that such an error was not fatal to the saving of public rights with mechanically propelled vehicles. It was clear from the list of streets just what road Oakridge Lane historically was, and that the list of streets intended to record this.
22. The same is true of road 1052 in this application.
23. The judge said, at [31], "... This admitted historic and continuous right of way was so shown in the LoS, and it is perverse that over one section of its length it was automatically extinguished because of imprecision in the magenta line upon the map which is part of, but not the whole of, the LoS."
24. Northumberland County Council's list of streets (of which their GIS map is a part) states this:

*Highways Act 1980 Section 36(6)
County Of Northumberland
List of Streets which are highways maintainable at the public expense
As at 02-May-2006*

<i>Road Number</i>	<i>Description</i>	<i>Length - Metres</i>
<i>U1051</i>		
	<i>Total length for U1051</i>	<i>5,559</i>
<i>U1052</i>		
	<i>U1051 JCT TO U1047 JCT</i>	<i>1,427</i>
	<i>B6525 JCT TO U1051 CROSSROADS</i>	<i>2,036</i>
	<i>Total length for U1052</i>	<i>3,463</i>

3. DISCUSSION

- 3.1 The previously considered historical documentary evidence, was sufficient to demonstrate the existence of a public vehicular right of way over the D-E route. No rebuttal evidence to challenge this position has been submitted. Mr Kind has supplied some extra evidence in support of the existence of public vehicular rights, as part of his application. The Council's earlier finding, that a public vehicular right of way had been reasonably alleged to exist, is still sound. Definitive Map Modification Order (No 31) 2016 was confirmed on the basis that these public vehicular rights exist when applying the higher, balance of probabilities, test.
- 3.2 However, in light of the July 2017 High Court decision, the Committee's earlier resolution (based upon the officer recommendation) that public motor vehicular rights would have been extinguished over the D-E section of the route, by virtue of section 67 of the NERC Act 2006, appears to be incorrect.

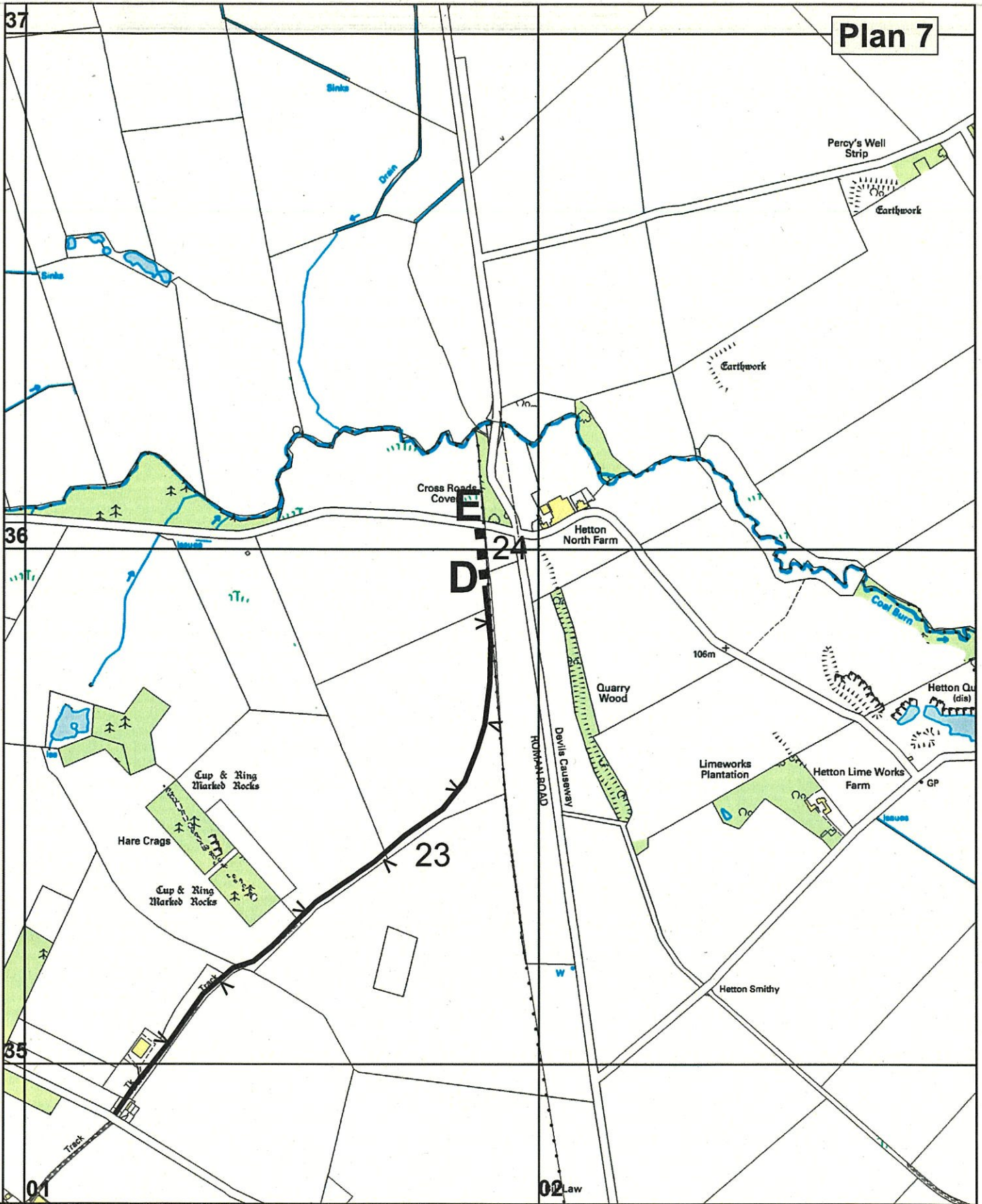
4. CONCLUSION


- 4.1 In light of the High Court decision, the officer recommendation must now be that public motor vehicular rights over the D-E section have not, in fact, been extinguished by the Natural Environment and Rural Communities Act 2006. The D-E route should be included in a future Definitive Map Modification Order as to upgrade existing Restricted Byway No 24 to byway open to all traffic status.

BACKGROUND PAPERS

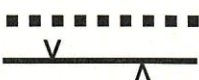

Local Services Group File: B/14/24z

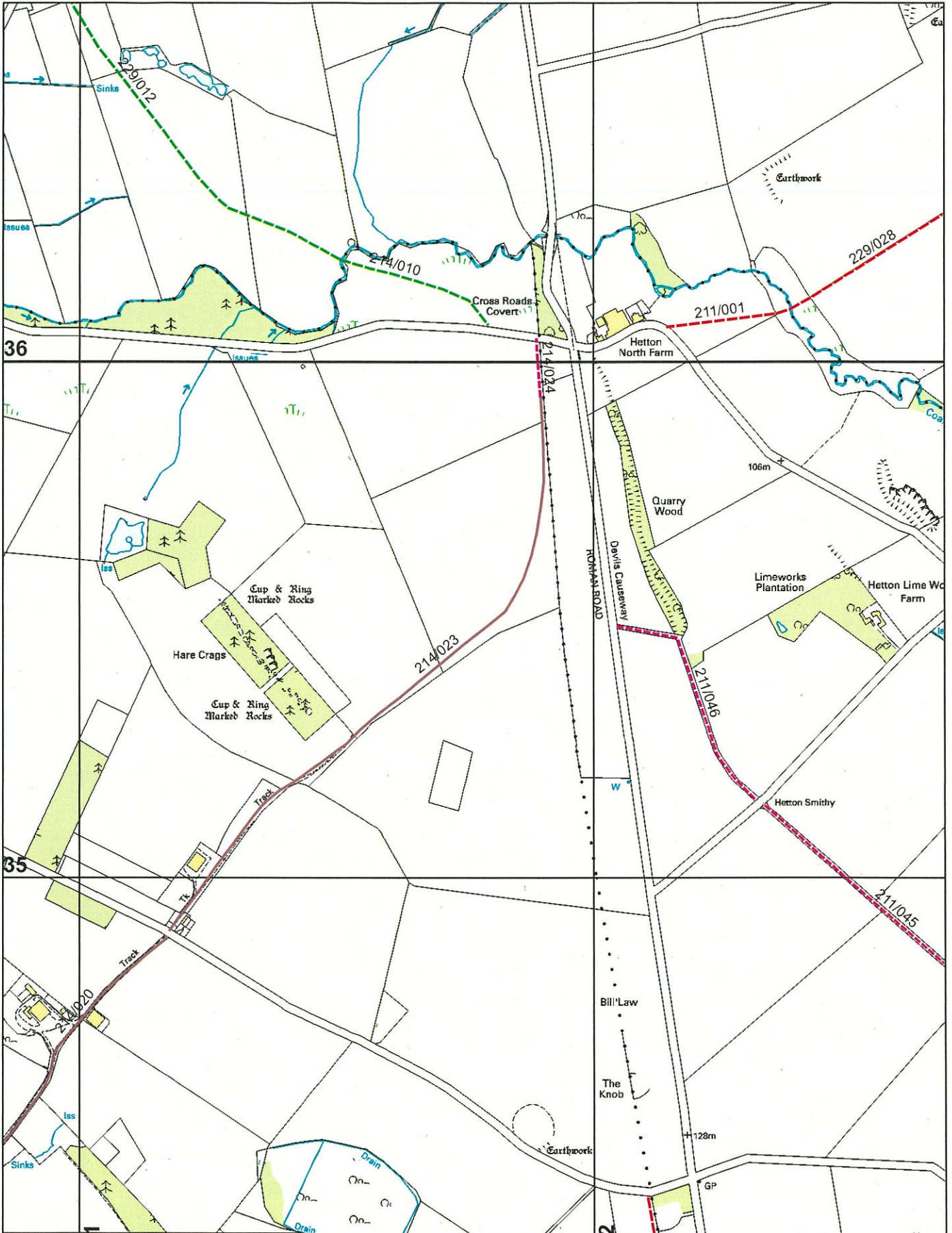
Report Author Alex Bell – Definitive Map Officer
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<h3>Wildlife and Countryside Act 1981 Public Rights of Way</h3>	
	Alleged Byway Open to All Traffic
	Existing Byway Open to All Traffic
Former District(s)	Parish(es)
Berwick	Doddington
Def. Map No.	O.S. Map
21	NU 03 NW
	Scale
	1: 10,000
	Date
	June 2020




Northumberland
 County Council

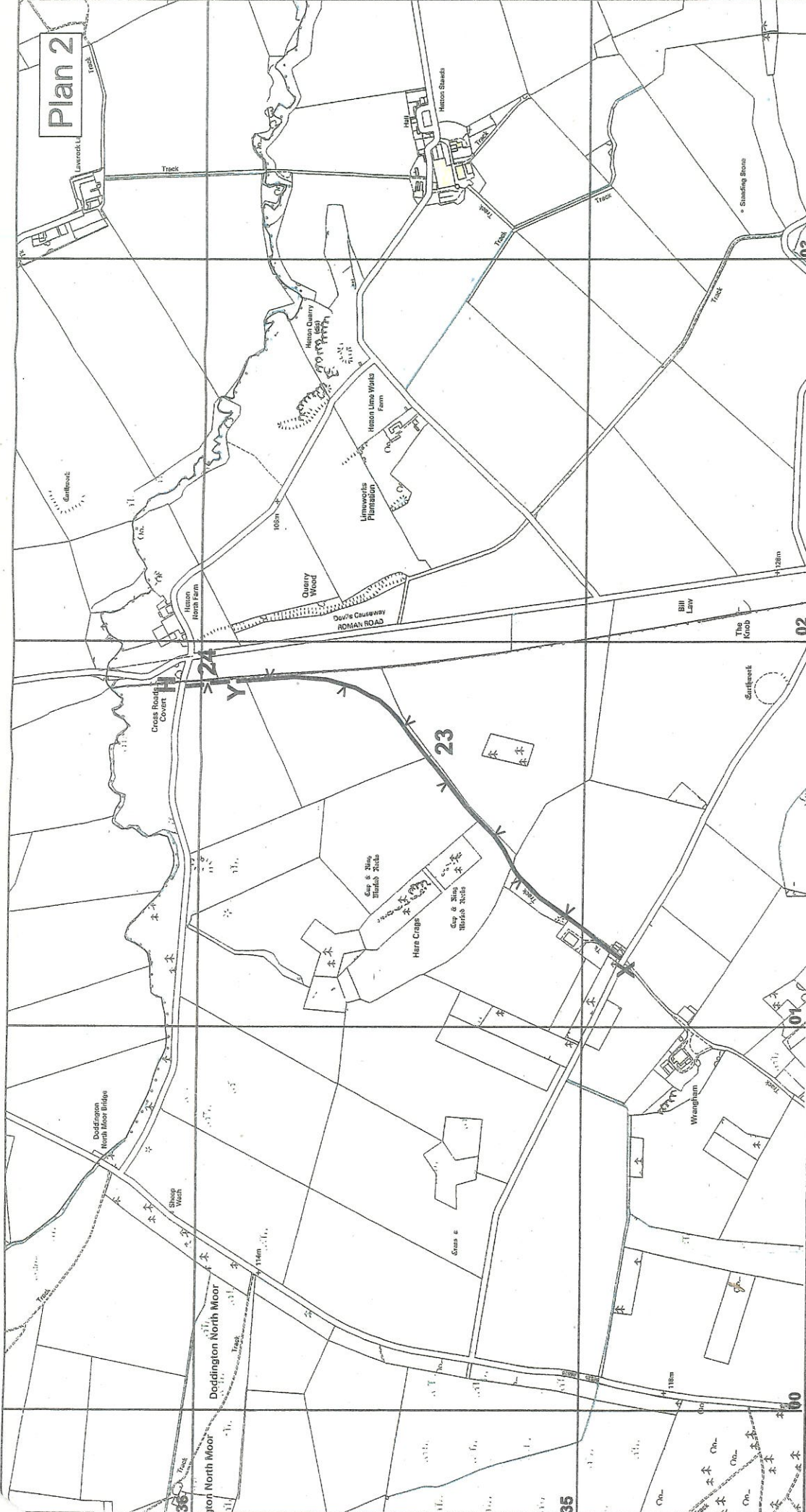
Contact: Alex Bell
 Telephone: 01670 624133
 Email: Alex.Bell@northumberland.gov.uk

- Legend**
- Footpath
 - Bridleway
 - Restricted Byway
 - Byway Open to All Traffic
 - 1km Gridlines

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

Scale: 1:10,000

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<p>Northumberland Northumberland County Council</p> <p>Infrastructure Local Services County Hall Morpeth Northumberland Telephone 0845 600 6400 NE61 2EF</p> <p><small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. NORTHUMBERLAND COUNTY COUNCIL - OS Licence No. 100049048</small></p>	<p>Wildlife and Countryside Act, 1981</p> <p>Definitive Map of Public Rights of Way for the County of Northumberland</p>		<p>The Northumberland County Council</p> <p>Modification Order (No.31) 2016</p>		<p>Public Footpath to be deleted</p> <p>Public Footpath</p> <p>Public Bridleway</p> <p>Restricted Byway</p> <p>Byway Open to All Traffic</p>	<p>O.S. Map NU 03 NW/SW</p> <p>Former District(s) Berwick</p>	<p>Definitive Map No 21,29</p> <p>Parish(es) Doddington</p>	<p>Scale: 1/10,000</p> <p>Date: September 2016</p>
	<p>Plan 2</p>							

**Wildlife & Countryside Act 1981, Part III
Definitive Map and Statement for the County of Northumberland
Application for Modification Order**

To: Northumberland County Council of: County Hall, Morpeth NE61 2EF

I, Alan Kind, of 1 Foxley Close, Newcastle upon Tyne, NE12 6FX hereby apply for an order under section 53(2) of the Wildlife & Countryside Act 1981 modifying the definitive map and statement for the area by

Modifying (upgrading) restricted byway No 24 Parish of Doddington to byway open to all traffic.

from 01861 - 36059 at the junction with the sealed county road, then southwards for a short distance to 01856 - 359222, where it meets BOAT 214/023.

and shown on the map accompanying this application.

I attach copies of following documentary evidence (including statements of witnesses) in support of this application.

List of documents

1. Location map
2. Extract from the 1897, First Revision Ordnance Survey map, Sheet XV.2, and,
3. Extract from the 1947 Ordnance Survey 1" map, with key, and,
4. The 1961 Northumberland County Council Highways Map.
5. Public Rights of Way. Alleged Byway Open to All Traffic No. 20. Parish of Doddington. Report of the Executive Director of Local Services. 13 September 2016.
6. A statement of grounds in support of this application

Dated: 8th October 2019

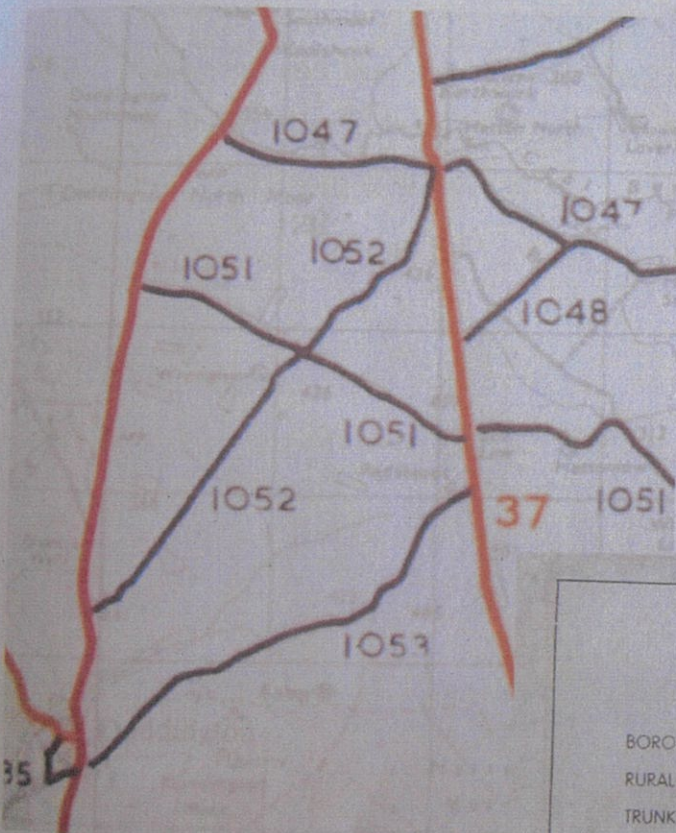
Signature 

The 1947 Ordnance Survey 1" Map, with Key



Extract from the Council's 1961 Highways Map

The 1961 Northumberland County Council Highways Map



REFERENCE

BOROUGH AND URBAN DISTRICT BOUNDARIES	Shewn thus	—————
RURAL DISTRICT BOUNDARIES		- - - - -
TRUNK ROADS		—————
CLASS 1 ROADS		—————
CLASS 2 ROADS		—————
CLASS 3 ROADS		—————
UNCLASSIFIED ROADS		—————

SCALE 1 INCH TO 1 MILE

JAN. 1961

13. The application route is shown as road 1052.

NORTHUMBERLAND

Northumberland County Council

RIGHTS OF WAY COMMITTEE

13 September 2016

PUBLIC RIGHTS OF WAY

ALLEGED BYWAY OPEN TO ALL TRAFFIC No 20

PARISH OF DODDINGTON

Report of the Executive Director of Local Services
Cabinet Member: Cllr Allan Hepple, Economic Growth

Purpose of report

In this report, the Committee is asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over the U1052 road, between its junctions with the B6525 road north of Doddington and the U1047 road west of Hetic North Farm.

Recommendations

It is recommended that the Committee agrees that:

- (i) there is sufficient evidence to indicate that public vehicular rights have been reasonably alleged to exist over the route G-H;
- (ii) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the G-X-Y part of this route, but would appear to have extinguished the public's motorized vehicular rights over the Y-H part of this route;
- (iii) the G-X-Y part of the route be included in a future Definitive Map Modification Order as byways open to all traffic.
- (iv) the Y-H part of the route be included in a future Definitive Map Modification Order as a restricted byway.

1. BACKGROUND

- 1.1 By virtue of section 53 of the Wildlife and Countryside Act, 1981 the County Council is required to keep the Definitive Map and Statement

under continuous review and make modification orders upon the discovery of evidence, which shows that the map and statement need to be modified.

- 1.2 The relevant statutory provision which applies to adding a public right of way to the Definitive Map and Statement, based on historical documentary evidence, is Section 53(3)(c)(i) of the Wildlife and Countryside Act, 1981. This requires the County Council (as Surveying Authority) to modify the Definitive Map and Statement following:

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

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

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

2. PUBLIC EVIDENCE

- 2.1 In the late 1980s the County Council carried out consultations regarding proposals to add a number of unsealed tracks in the north of the County to the Definitive Map as byways open to all traffic on the basis that the routes were included in the County Council's "List of Streets" as unclassified County roads (UCR). The rationale for doing so was that it would not be obvious to members of the public (particularly horse riders, walkers and cyclists) that they were legally entitled to use routes such as these (which were considered to have vehicular status), because their physical appearance might suggest otherwise.
- 2.2 The view, held by those officers of the Council responsible for maintaining the 'List of Streets' for the County of Northumberland was (and still is) that only public roads (not public bridleways or public footpaths) were shown on this List. The only exceptions to this are the surfaced paths and alleyways providing pedestrian links between roads, in urban streets. Thus, tracks in rural settings, which have their own unique reference numbers (e.g. the 'U1052'), were considered to be all-purpose public highways maintainable at public expense.
- 2.3 Shortly afterwards, the processing of applications from third parties seeking to record public footpath or public bridleway rights was afforded a higher priority. Later on, the process of recording UCRs as byways open to all traffic was effectively suspended because the

Ordnance Survey indicated that they would be showing such routes on their published maps as being an "Other route with public access". Although, on that basis, members of the public would still be unclear as to precisely what rights they had over routes identified in this fashion.

- 2.4 The most recent advice from DEFRA (paragraph 4.42, Rights of Way Circular 1/09) is that inclusion on the List of Streets may provide evidence of vehicular rights but that this should be examined on a case by case basis. In view of this advice, it is considered prudent to evaluate the status of the U1052 unclassified County road based upon more than simply its inclusion in the List of Streets.

3. REBUTTAL / LANDOWNER EVIDENCE

- 3.1 By letter, dated 29 August 2014, Smiths Gore responded to the consultation on behalf of The Greenwich Hospital (the owners of North Doddington Farm), stating:

"I write further to your letter of 21 August 2014 in respect of the above, enclosing plans of the alleged BOATs.

"Please find enclosed one copy of the plan upon which I have marked the extent of my client's ownership of the byway."

- 3.2 By letter, dated 30 October 2014, the Lambton Estates responded to the consultation, stating:

"I write regarding Alex Bell's letter addressed to "The Owner / Occupier of Stewards House" dated 25 July 2014, together with email correspondence dated 29 August with Mr Bell in respect of the 3 Byway Open to All Traffic (BOAT) applications crossing my client, Lord Durham's, Fenton and Wrangham Estates. My comments are as follows:

Application 20 (U1052 road) is a route going from G to H and runs through Wrangham Estate land from A to B (see enclosed plan), passing through a farmstead known as Wrangham which is tenanted by Mr S Hyslop. It is my understanding that the stretch of road from AA to BB is part of the adopted highway anyway.

"In respect of the proposed BOAT from A to AA and BB to B, whilst I am of course concerned about the possible implications of public use, I am more concerned about the impact of 4x4s and trial bikes using the route.

"My concern is that the 4x4s and trial bikes will create ruts, cause a nuisance and disturb decent arable and pasture land

which is unsuitable for regular driving over by mechanical vehicles, particularly when wet.

"Part of the route is on existing farm tracks and the remaining access across open farmland where no tracks exist and that was previously noted on OS plans as being "other route with public access". I understand occasionally that there are pedestrians and horse riders using this route and if anything has to give, then I would like to propose that it is solely restricted to pedestrians and horse riders but not 4x4s or trial bikes, thus becoming a restricted byway.

"I have discussed with neighbouring farmers (RH Nesbit) who will also be affected."

"To summarize, application 22 is agreeable, subject to appropriate signage, application 20 and 21 is not due to the aforementioned comments, however, would be if the routes are designated as restricted byways instead."

4. CONSULTATION

4.1 In July 2014, the Council carried out a consultation with the Parish Council, known owners and occupiers of the land, the local County Councillor and the local representatives of the "prescribed and local organisations" listed in the Council's "Code of Practice on Consultation for Public Path Orders". Four replies were received and are included below.

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

"My comments are attached. Where we have no facts or evidence and no objections I have written No Comment. We would support these additions.

"Parish of Doddington Byway open to all traffic 20
I have walked the section north of the county road on several occasions in the last 10 years. Apart from the beginning there is no track and I would have thought the terrain better suited to a Restricted Byway than a BOAT."

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

"Doddington Parish

"Alleged Byway Open to All Traffic 20

This is in part a rough stone track and in other parts a grass field edge track. It has a number of nearly impossible gates to open.

"As its south western end is on the busy B 6525 at a place with poor visibility and as it does not link with any other right of way for its full length it is unlikely to be used by walkers and horse riders or even cyclists. When checked, its condition suggested that it had not been in recent use so the BHS suggests that it should be given low priority for addition to the definitive map."

- 4.4 By letter, dated 23rd October 2014, Mr D Roberts responded to the consultation, on behalf of the Cyclists' Touring Club, stating:

"I attach comments and evidence which I judge to be relevant on behalf of Cyclists Touring Club.

"To clarify locations I attach annotated copies of your plans. These are confined to routes of which I have knowledge. Where I have no knowledge of a route or where I know it is surfaced with tarmac and therefore suitable for ALL TRAFFIC I have omitted any comment.

"Where an obstruction has been encountered I have endeavoured to provide as accurate date as possible.

"Routes traced in red have been cycled without problem. [The route of alleged Byway Open to All Traffic No 20 is highlighted on Mr Roberts' plans].

"I have commented on issues where I consider an omission has been made in your consultation.

"No distinction has been made between Restricted and All Traffic Byways.

- 4.5 By letter, dated 31st October 2014, Doddington Parish Council responded to the consultation, stating:

"Following your request for evidence in relation to the above review, please find below comments from Doddington Parish Council regarding the three routes within Doddington Parish which you are considering.

"Route #20 (U1052)

Currently this is a mainly muddy farm track running from the B6525 (point G) to the field corner at grid reference NU 01708 35398. The north end of the route you're proposing then crosses two fields of Hetton North Farm which are given over to crops. I have spoken to Mrs Mandy Goveit who has assured me

that in the memory of her family, the fields have been cultivated since before her family started farming there shortly after WWII.

"It seems from OS maps in the one inch series 1804-1874 and 1896-1904 that the route from point G was a substantial farm track up to these fields and then it is represented by much thinner line suggesting a footpath only. Furthermore, in the later OS one inch map series 1945 - 1948, the path through the fields is no longer apparent. This suggests that the route through the fields ceased to exist before WWII.

"In any case, in the 19th century the route would have been used by pedestrians, horse riders or horse and cart. This situation is unlikely to have changed in the inter-war years given the general poverty of the Glendale population at that time. Your proposal to designate the route as a byway open to all traffic, therefore seems to be promoting it to a level it never had i.e. by permitting motoring by members of the public. The Council's view is that your proposal should be limited to designating the route as a bridleway and that it should stop at the Hetton North Farm fields.

"Although we expect your current remit does not deal with such things, we also feel it is important to point out to you that if you decide to proceed with your proposal of an open byway for this route and it is accepted, there is a significant risk of a traffic accident involving motor vehicles at the junction of the U1052 and the fast downhill B6625.

5. DOCUMENTARY EVIDENCE

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

1769 Armstrong's County Map

There is no evidence of a road or track approximating to the route of alleged Byway No 20.

1820 Fryer's County Map

There is no evidence of a road or track approximating to the route of alleged Byway No 20.

1820-32 Cary's Map

There is no evidence of a road or track approximating to the route of alleged Byway No 20.

1828 Greenwood's County Map

There is clear evidence of a road or track approximating to the route of alleged Byway No 20.

c.1860 Ordnance Survey Map: Scale 1:2500

There is clear evidence of a track or road over the route of alleged Byway No 20. The maps available at the "old-maps.co.uk" site do not cover the whole route. The track is labelled with the reference "31" approximately 700 metres south-west of Wrangham. In the accompanying Book of Reference this reference is identified as being "Public road"

1865-3 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a track or road over the route of alleged Byway No 20. About half of the route appears to be enclosed.

1899 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a track or road over the route of alleged Byway No 20. About half of the route appears to be enclosed.

1924-5 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a track or road over the route of alleged Byway No 20. About half of the route appears to be enclosed.

1932 Glendale RDC Handover Map

There is clear evidence of a road or track over the route of the alleged byway on the Ordnance Survey base map used. This route is coloured red in order to identify it as a publicly maintainable road.

c.1939 Restriction of Ribbon Development Act (1935) Map

No map for the Glendale Rural District area appears to have been produced / survived.

1951 Highways Map

The route of alleged Byway Open to All Traffic No 20 is coloured (in purple) so as to identify it as a publicly maintainable road. It is labelled as being the U1052.

Definitive Map – original Survey Schedules & Map

The route of the U1052 road exists on the base map, and the route is coloured brown. Known public roads were generally coloured brown to indicate what the extent of the road network was considered to be.

Draft Map

The route of the U1052 road exists on the base map. Although other public rights of way are identified nearby, no public footpath or bridleway (or Road Used as Public Path) rights are identified over the route of alleged Byway No 20.

Provisional Map

The route of the U1052 road exists on the base map. Although other public rights of way are identified nearby, no public footpath or bridleway (or Road Used as Public Path) rights are identified over the route of alleged Byway No 20.

1962 Original Definitive Map

The route of the U1052 road exists on the base map. The route of alleged Byway No 20 has not been identified as a public footpath, public bridleway or as a Road Used as Public Path.

1964 Highways Map

The route of alleged Byway Open to All Traffic No 20 is coloured (in purple) so as to identify it as a publicly maintainable road. It is labelled as being the U1052.

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

A publicly maintainable highway is clearly identified over all of the claimed route.

- 5.2 The route of the alleged byway is contained within the entry for the U1052 road, in the Schedule of unclassified roads identified under the provisions contained within the Restriction of Ribbon Development Act 1935:

"74. Road from a point on the Wooler – Berwick road A6111, ½ mile north of Doddington, via Wrangham to a point on the Coal Burn Bridge – Holburn Mill road, 80 yards west of Hetton North Farm cross-roads."

- 5.3 The entry for the U1052 road, in the 1964 County Road Schedule is:

"U1052 Doddington -- Wrangham -- Hetton North Farm Road
From A6111 near Doddington via Wrangham to U1047 near
Hetton North Farm.

The length of the U1052 road is identified as being 2.15 miles.

- 5.4 The entry for the U1052 road, in the 1974 County Road Schedule is:

"U1052 Doddington -- Wrangham -- Hetton North Farm Road
From B6525 near Doddington (NT 999333) north-eastwards via
Wrangham to U1047 near Hetton North Farm (NU 019360).

The length of the U1052 road is identified as being 2.15 miles.

6. SITE INVESTIGATION

- 6.1 From a point marked G, on the B6525 road, at a field gate 790 metres north of North Doddington Farm House, a 6 to 7 metre wide stone / earth surfaced track proceeds in a north-easterly direction for a distance of 35 metres (passing through 2 more field gates that effectively create small stock pens on the alleged byway itself). Thereafter an 11 metre wide mainly grass surfaced track continues in a north-easterly direction for a distance of 240 metres, then a 9.5 to 10.5 metre wide grass surfaced track continues in the same direction for a further 275 metres to a field gate. Thereafter a 5.7 to 6 metre wide grass surfaced track continues in a north-easterly direction for a distance of 135 metres, then a 4.5 to 6.5 metre wide grass surfaced track continues for a further 45 metres to another field gate. Thereafter the alleged byway proceeds along what is currently an 8 metre wide grass headland in a north-easterly direction for a distance of 380 metres, to another field gate. Then a 5.5 metre wide stone / earth / grass surfaced track continues in the same direction for a distance of 135 metres through a small area of woodland (and crossing a stream by means of a 6.5 metre wide bridge). Thereafter as a 3 metre wide stone / earth surfaced track in a 10 to 11 metre wide corridor, in a north-easterly direction for 335 metres, then continuing within a 7 to 7.5 metre wide corridor for a further 235 metres. Then as a 3 metre wide stone / earth surfaced track within an 11 to 12 metre wide corridor in a northerly direction for 35 metres. Then as an unenclosed 3 to 5 metre wide stone / earth surfaced track in a north-easterly direction, passing Wrangham, for a distance of 95 metres. Then as a 3 metre wide tarmac road, within a 7 to 7.5 metre wide corridor, in a north-easterly direction for 255 metres to a junction with the U1051 road, 265 metres north-east of Steward's House, Wrangham.

- 6.2 From the U1051 road, 275 metres north-east of Steward's House, Wrangham, a 3 metre wide stone surfaced track, within a 10 metre wide corridor proceeds in a north-easterly direction for a distance of 190 metres, through two field gates, to another field gate. Then a 3 metre wide stone surfaced track continues in a north-easterly direction within a 7.2 to 8.4 metre wide corridor for a distance of 220 metres to another field gate. Thereafter, there is no clearly defined track, and the alleged byway continues in a north-easterly direction through pasture fields (and one field gate) for a distance of 400 metres to another field gate, then through an enclosed area of long grass for a distance of around 80 metres to another field gate, then in a north-easterly then northerly direction through a pasture field for 475 metres to a broken field gate. Finally, in a northerly direction for a distance of 180 metres and through a field gate to join the U1047 road at a point marked H, 125 metres west of Helton North Farm.

7. COMMENTS RECEIVED ON THE DRAFT REPORT

- 7.1 In July 2016, a copy of the report was circulated to those landowners / occupiers who responded to the initial consultation for their comments. No additional comments were received.

8. DISCUSSION

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

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

- 8.2 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 Almost all of the route of alleged Byway Open to All Traffic No 20 is identified on the County Council's current List of Streets as being part of the U1052 road. All of the route was identified as being publicly maintainable on the 1932 Glendale Rural District Council Handover Map, and it was identified in the 1939 schedule of roads produced in relation to the Restriction of Ribbon Development Act 1935. The route is clearly identifiable on the Council's 1951 Highways Map and is recorded in the 1964 County Road Schedule and on the Highways Map, produced at that time to accompany the schedule. It is also recorded in the 1974 County Road Schedule.
- 8.5 The route has been consistently identified on Ordnance Survey maps since c.1860. The Book of Reference accompanying the c.1860 maps indicated that the section between point G and point X was thought to be a "Public road" at that time. The route (or one approximating closely to it) is clearly shown on Greenwood's County Map of 1828, but is not shown on Armstrong's or Fryer's County Maps of 1769 and 1820, or on Cary's Map of 1820-32.
- 8.6 The route does not appear to have been considered for inclusion on the original Definitive Map of Public Rights of Way (as a footpath, bridleway or Road Used as Public Path) in the 1950s, although other public rights of way are shown, nearby. This implies that the road was considered to be a public highway, but presumably one of sufficiently high status that it was not considered appropriate to record it on the Definitive Map.
- 8.7 The County Council accepts that, given the way the regulations were written with regard to the way highway authorities could include publicly maintainable highways in the List of Streets, there was no impediment to public bridleways and public footpaths also being included. That is not to say that any bridleways or footpaths were so shown – just that they could be. It must, therefore, be entirely proper to consider each UCR on a case by case basis, but that does not mean that we should begin with the assumption that each UCR is no more than a public footpath unless higher rights can be proven by other means. In Northumberland there is no evidence to suggest that public footpaths and public bridleways were deliberately shown on the List of Streets (the only obvious exception to this rule relates to the short metalled footpaths within urban areas). The fact that a route is shown on the List of Streets must, therefore, be evidence of some weight that public vehicular rights exist.
- 8.8 Letters from DEFRA, dated 2003 and November 2006, and Rights of Way Circular 1/09 set out the approach inspectors and order making authorities should take in determining the status of routes included on the List of Streets. In summary, the guidance states that the inclusion of a route on the List of Streets is not a record of what legal rights exist over that highway but may provide evidence of vehicular rights.

However, this must be considered with all other relevant evidence in order to determine the nature and extent of those rights. Highway Authorities are recommended to examine the history of such routes and the rights that may exist over them on a case by case basis in order to determine their status.

- 8.9 It is not known on precisely what basis this route was added to the List of Streets. The route has appeared on all the available maps produced since Greenwood's County Map of 1820 and on all the Council's Highway records since 1932.
- 8.10 The Lambton Estate acknowledge the existence of a public vehicular right of way over the short section of existing tarmac road between Wrangham and the U1051 road at point X. They are concerned about public use of the remainder and, in particular, feel that the surface of the route is entirely unsuited for motor vehicular traffic. They point out that the northern part of the route is across open pasture where there is no longer any evidence of a track on the ground. The Estate would not oppose the recording of this route as a restricted byway. In their consultation response, the Ramblers' Association also supported restricted byway status ahead of BOAT status, on the basis of the physical characteristics of the route. Doddington Parish Council's consultation response advocates recording the route as a public bridleway. This is on the basis that the public has not used this route with motor vehicles – only on foot, horseback and (in the past) with horses and carts – and that the northern part of the route had disappeared as a physical feature on Ordnance Survey maps published from the 1940s onwards.
- 8.11 This route might have been used by the public with motor vehicles in the past, but it would not be at all surprising to learn that it had not been. However, even if a route has never been used by the public with motor vehicles the public may, nevertheless, have a right to drive motor vehicles over it. Subject to the general effects of the Natural Environment and Rural Communities Act 2006 or any highway orders made to legally extinguish a vehicular right of way, all ancient public horse and cart roads would automatically also be motor vehicular highways today. Modern (usually tarmac surfaced) roads did not become motor vehicular rights of way because special laws were enacted; they simply evolved from the old horse and cart routes.
- 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.

- 8.13 Of the saving provisions above, only (b) would appear to apply and, significantly, it is not considered to apply to the whole route. The most northerly 130 metres of the U1052 was incorrectly shown on the List of Streets (on 2 May 2006) on the eastern side of the north-south field boundary, then connecting with the U1047 road some 25 metres east of where it should have done, at point H. Thus, the public's motor vehicular rights would not appear to have been extinguished by the NERC Act 2006, over the route G-X-Y, but would appear to have been extinguished over the section Y-H. Although this may appear to create a somewhat illogical situation, with a 'pointless' section of byway open to all traffic over the route X-Y (given that motor vehicular users of X-Y would have to turn round at Y and retrace their steps) this is the way the law works. Public motor vehicular rights have not been extinguished over the X-Y section, therefore this section ought to be recognized as a byway open to all traffic. Public motor vehicular rights would appear to have been extinguished over the Y-H section, therefore this section should be recorded as a restricted byway. The fact that it would not be a 'through route' for public motor vehicles might be expected to discourage motor vehicular use of this route.
- 8.14 For a route to be a byway open to all traffic, it has to be (i) a public motor vehicular right of way and (ii) a route which is nevertheless used (or is likely to be used) by the public mainly for the reasons which footpaths and bridleways are used.
- 8.15 Only the short section of road between Wrangham and point X has a tarmac surface. The remainder of the route is generally stone surfaced to a standard suitable for agricultural vehicles or entirely unsurfaced. For this reason, and because public motor vehicular rights appear to have been extinguished over the most northerly 130 metres, it is considered likely that this highway will be used by the general public mainly for the purposes for which footpaths and bridleways are so used; thereby satisfying the criteria for being recorded as a byway open to all traffic.
- 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. Usually there is a boundary to boundary presumption for public highways. On this basis it is proposed to record the byway open to all traffic with a width varying from 4.5 to 12 metres, as identified in paragraphs 6.1 and 6.2, above, where a defined corridor exists and, where no defined corridor exists, with the Council's standard width of 5 metres (wide enough for two vehicles travelling in opposite directions to pass each other).

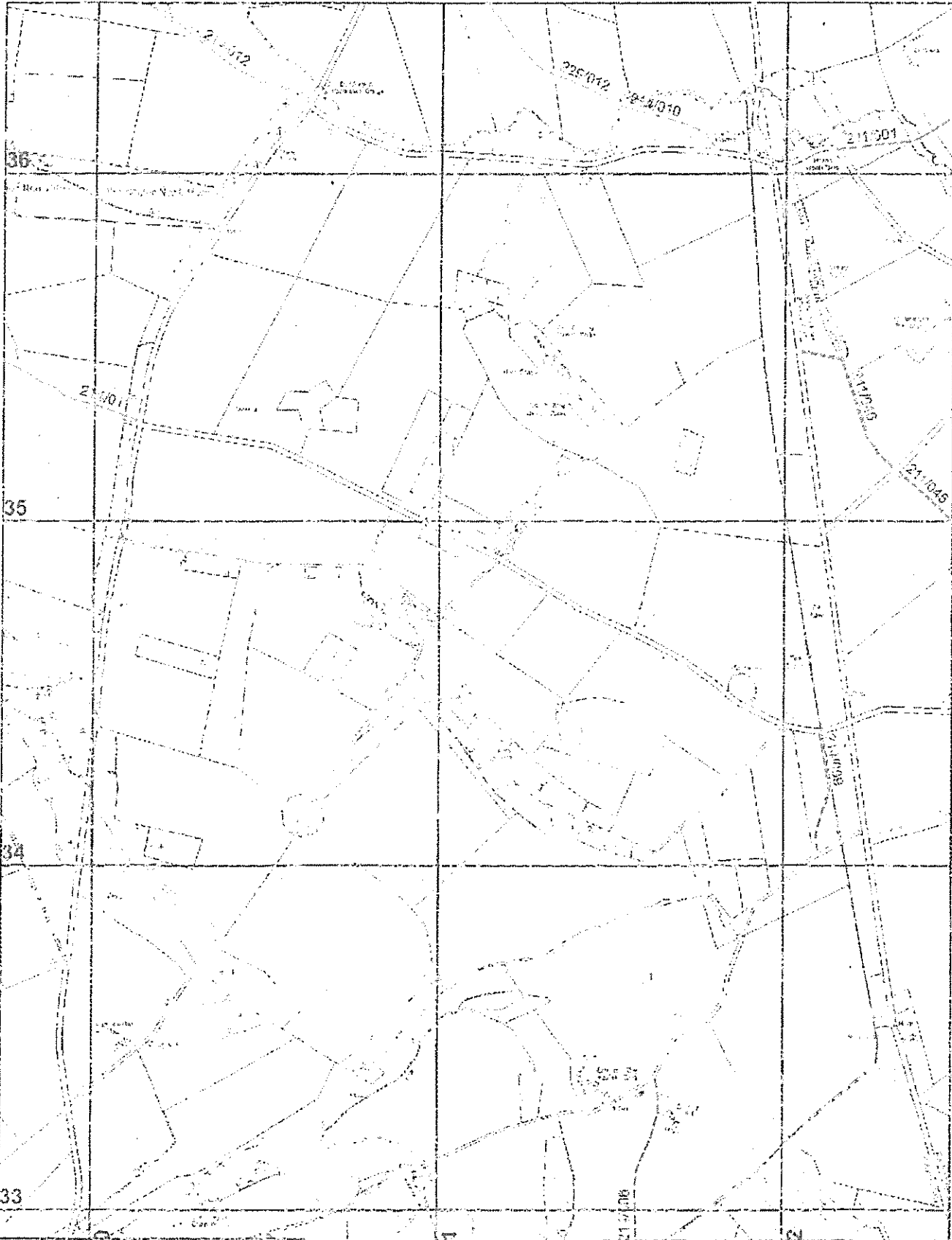
9. CONCLUSION

- 9.1 In light of the documentary evidence submitted, it appears that, public vehicular rights have been reasonably alleged to exist over the route of alleged Byway Open to All Traffic No 20.
- 9.2 The Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motor vehicular rights over the G-X-Y part of the route. It would be appropriate to recognize the public's rights over this route by recording it on the Definitive Map as byways open to all traffic.
- 9.3 The Natural Environment and Rural Communities Act 2006 would appear to have extinguished the public's motor vehicular rights over the Y-H part of the route. It would be appropriate to recognize the public's remaining rights over this route by recording it on the Definitive Map as a restricted byway.

BACKGROUND PAPERS

Local Services Group File: B/14/20z

Report Author Alex Bell – Definitive Map Officer
 (01670) 824133
 Alex.Bell@Northumberland.gov.uk



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 Northumberland County Council
 Infrastructure

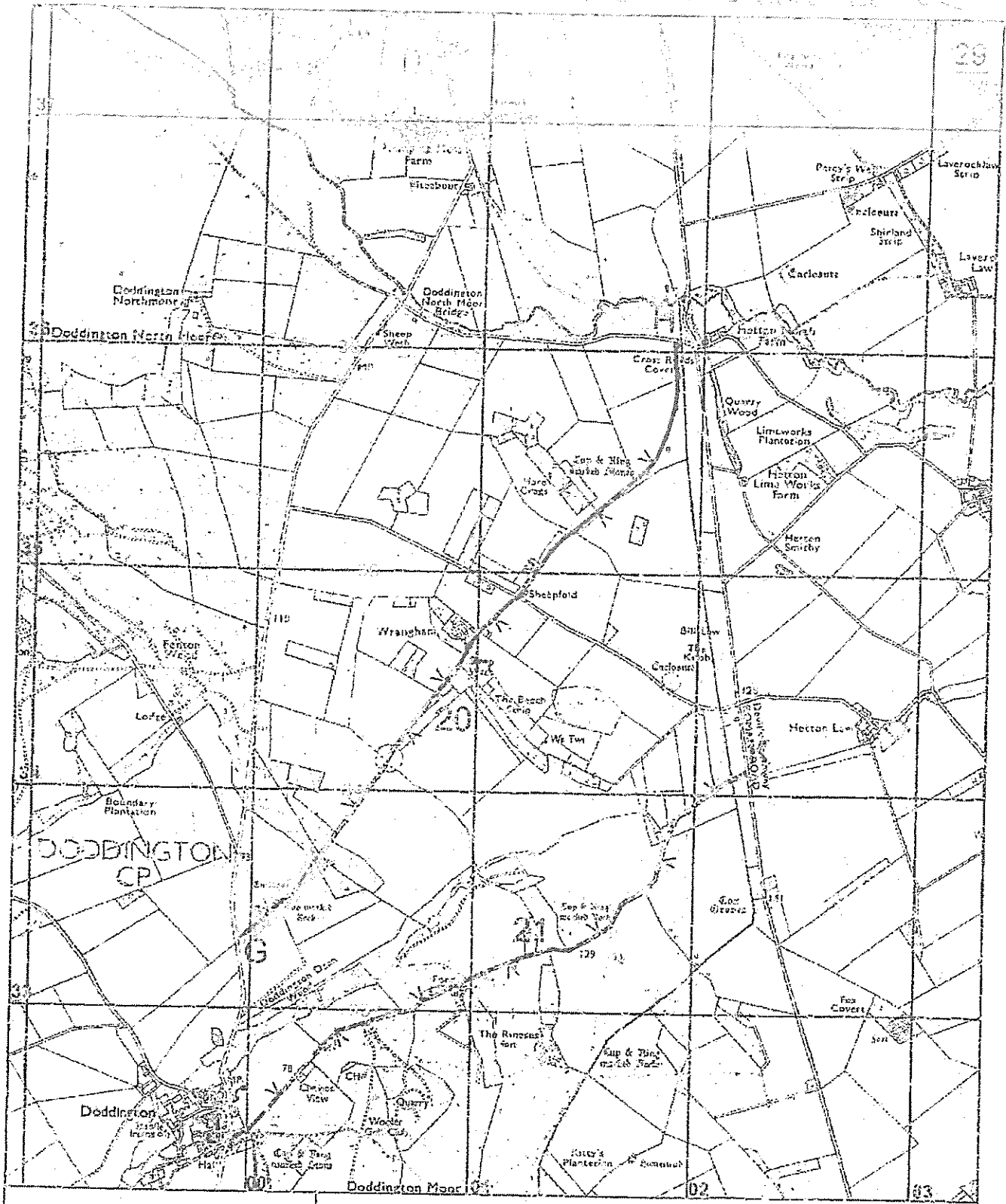
- Legend**
- Footpath
 - Bridleway
 - Restricted Byway
 - Closed to All Traffic

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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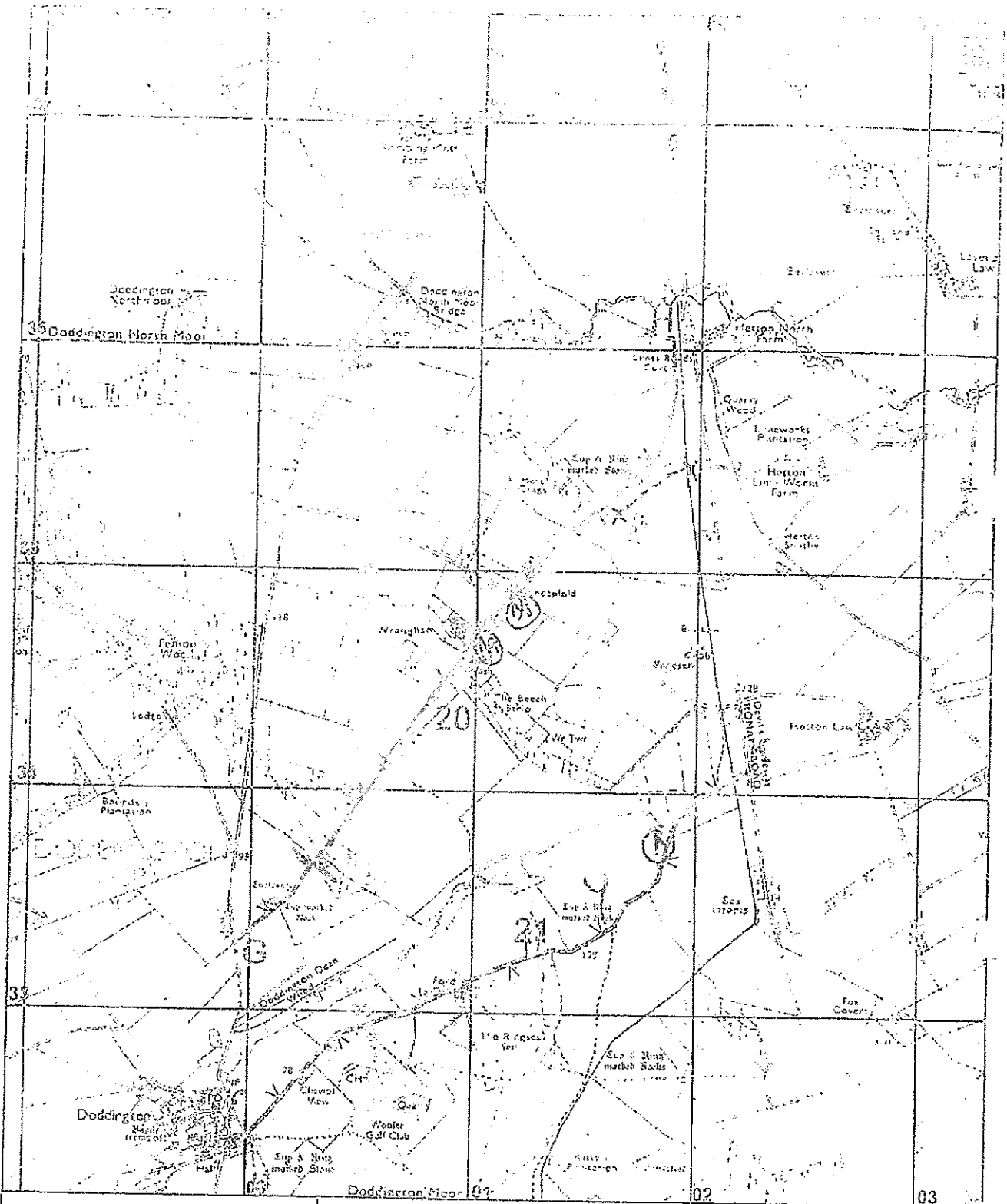
NORTHUMBERLAND COUNTY COUNCIL
 Sustainable Transport
 Local Services
 County Hall Morpeth Northumberland
 NE61 2EF
 Telephone 0845 600 6400

Wildlife and Countryside Act 1981
Public Rights of Way

Alleged Byway Open to All Traffic

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Former District(s)	Parish(es)	Scale
Berwick	Doddington	1:25,000
Def. Map No.	O.S. Map	Date
21/29/28	NU 03 NW/SW NT 93 SE	February 2014



Northumberland County Council
 Sustainable Transport
 Local Services
 County Hall, Morpeth, Northumberland
 NE61 2EF
 Telephone 1945 800 6400

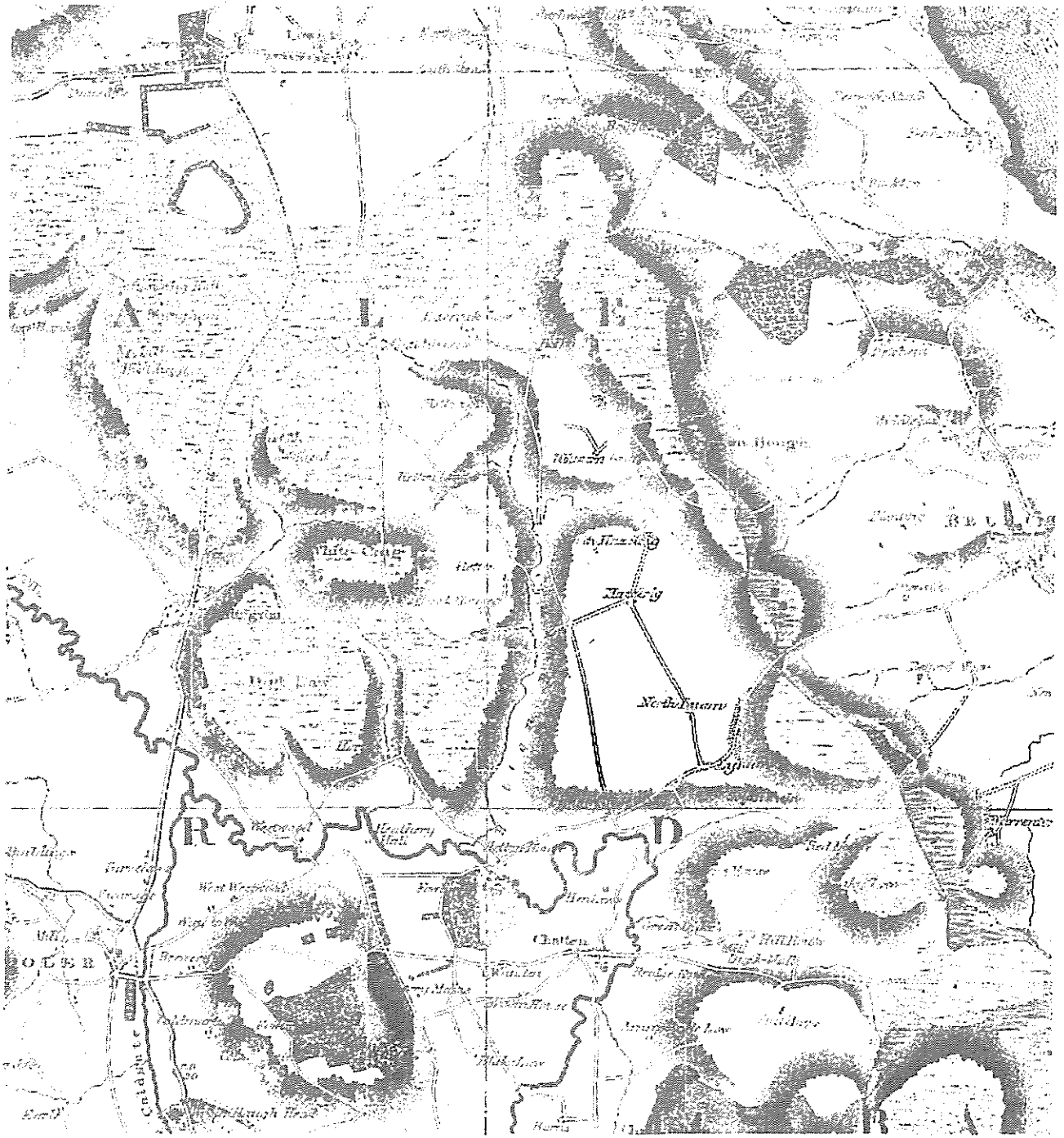
Wildlife and Countryside Act 1981
Public Rights of Way

Alleged Byway Open to All Traffic

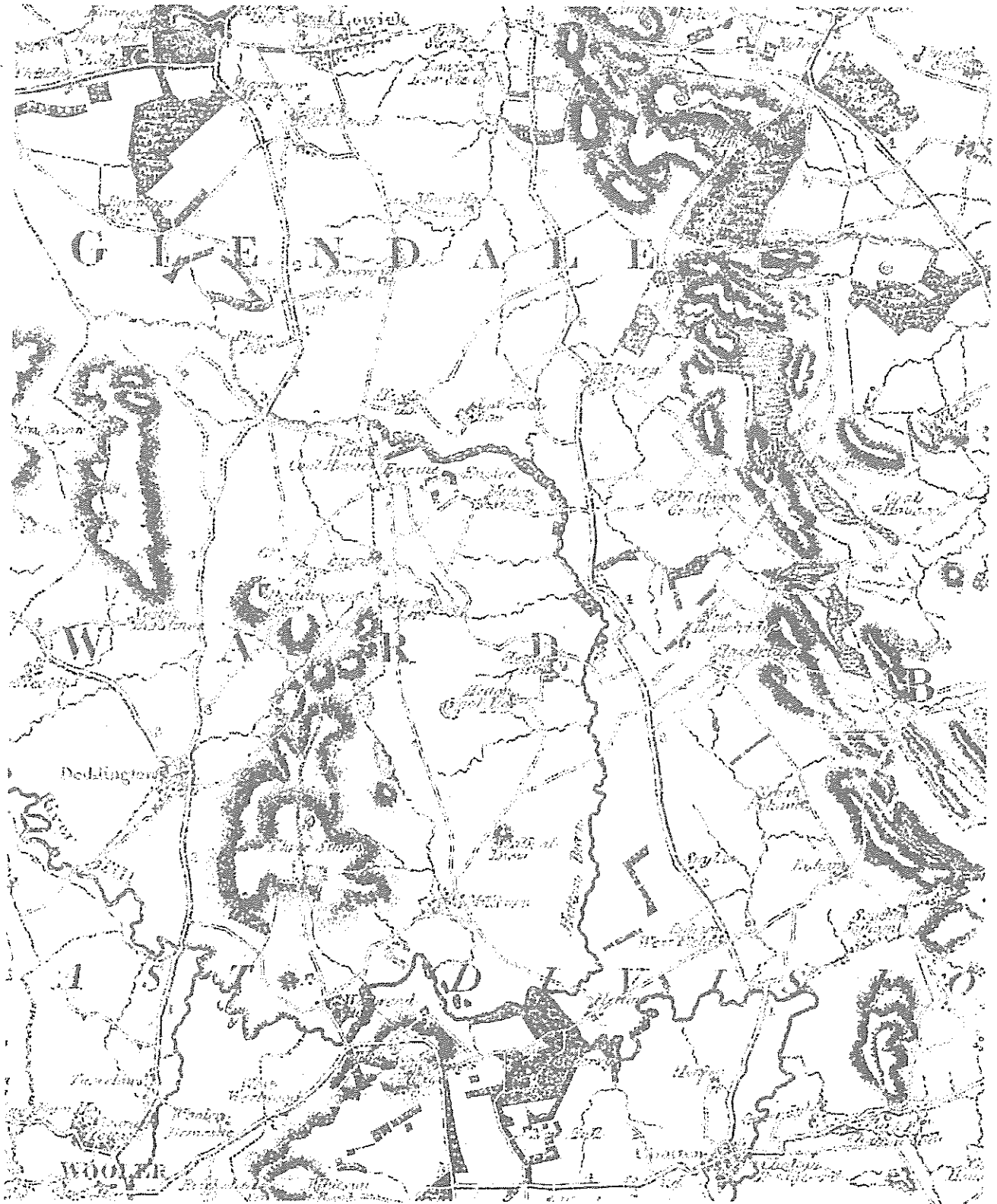
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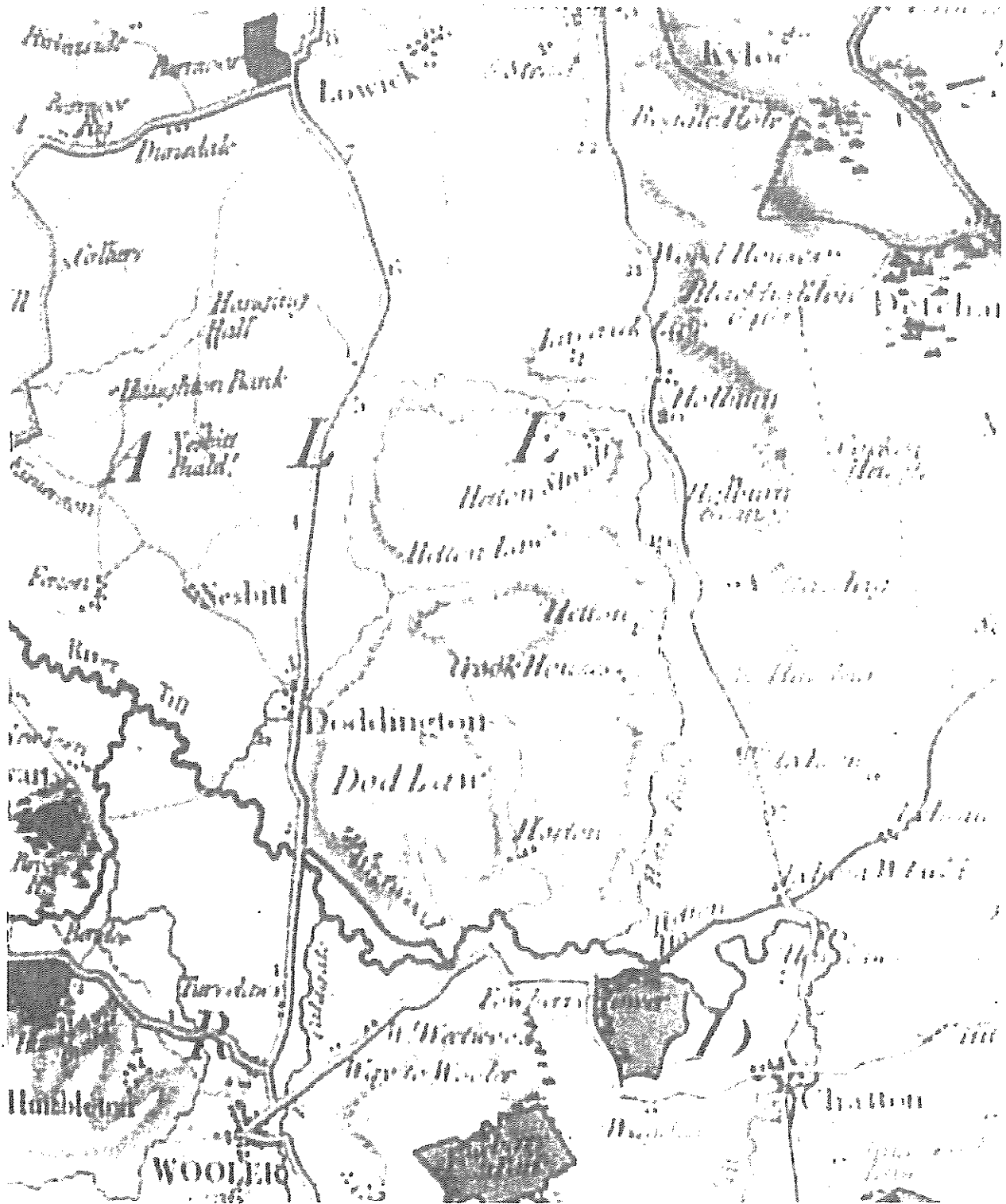
Former Districts	Parishes	Scale
Berwick	Doddington	1:25,000
Date Map was	Date	Date
21/29/28	19/03/03 NW/SW/NT 93 SE	February 2016

Fryer's County Map
1820



Greenwood's County Map
1828



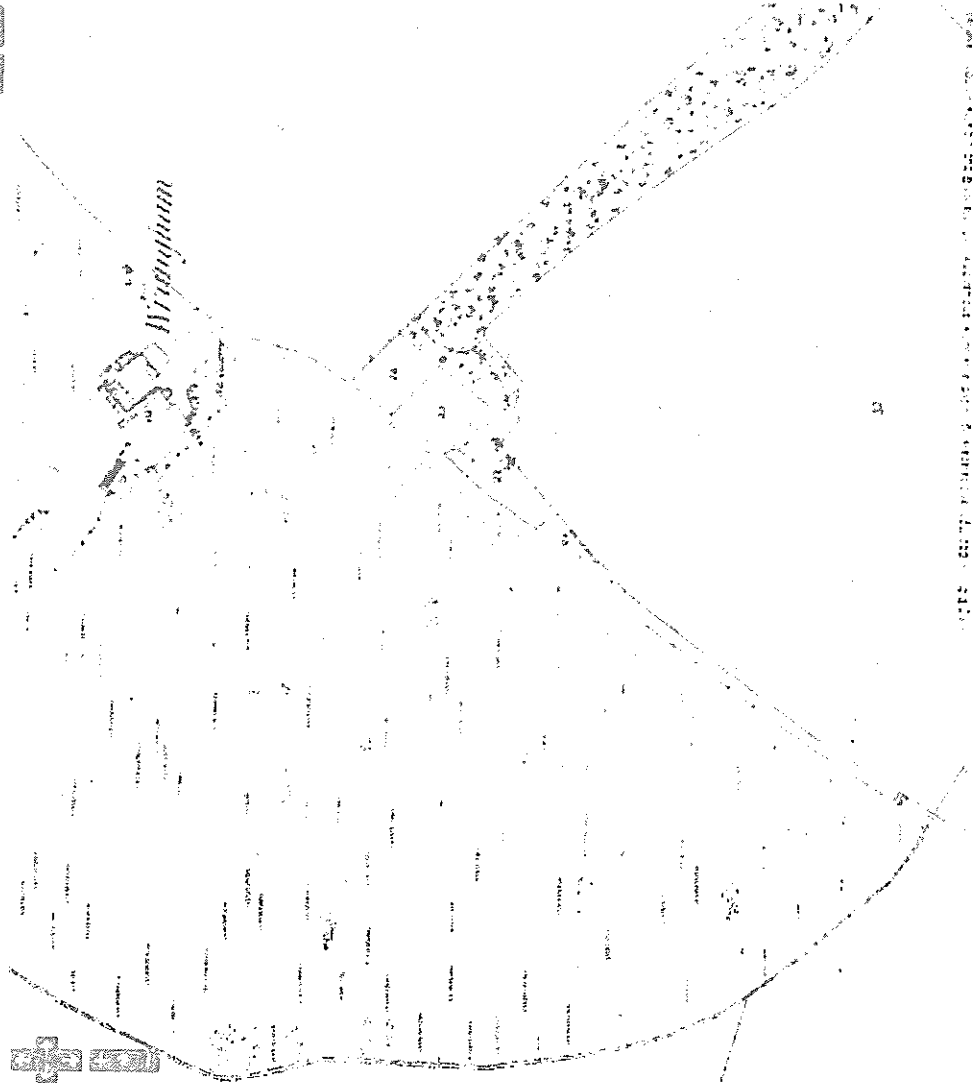


1st Edition 25" O.S. Map
c.1860

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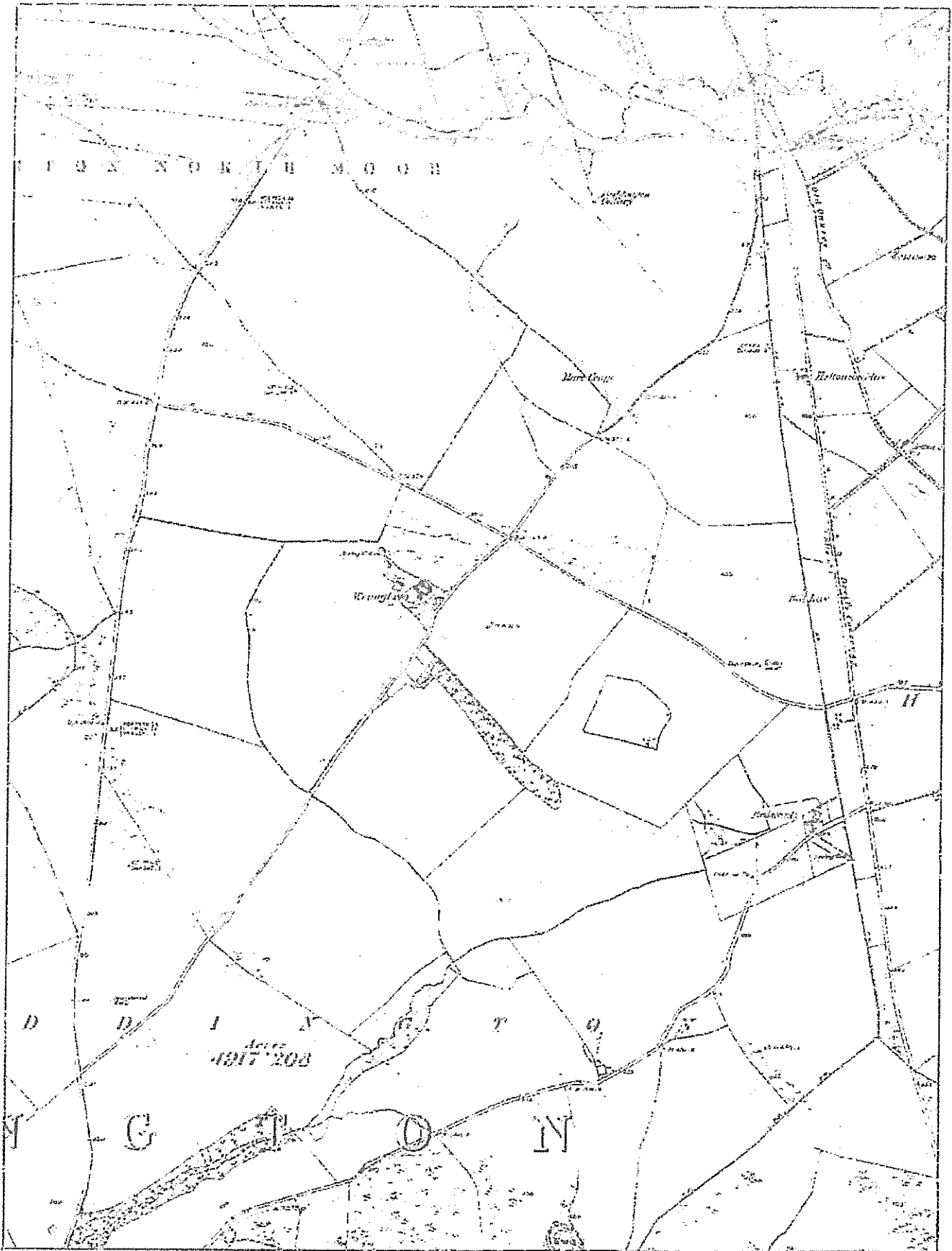
PARISH OF DODDINGTON,

18 187

COUNTY OF NORTHUMBERLAND.

TOWNSHIP OF BODDINGTON.

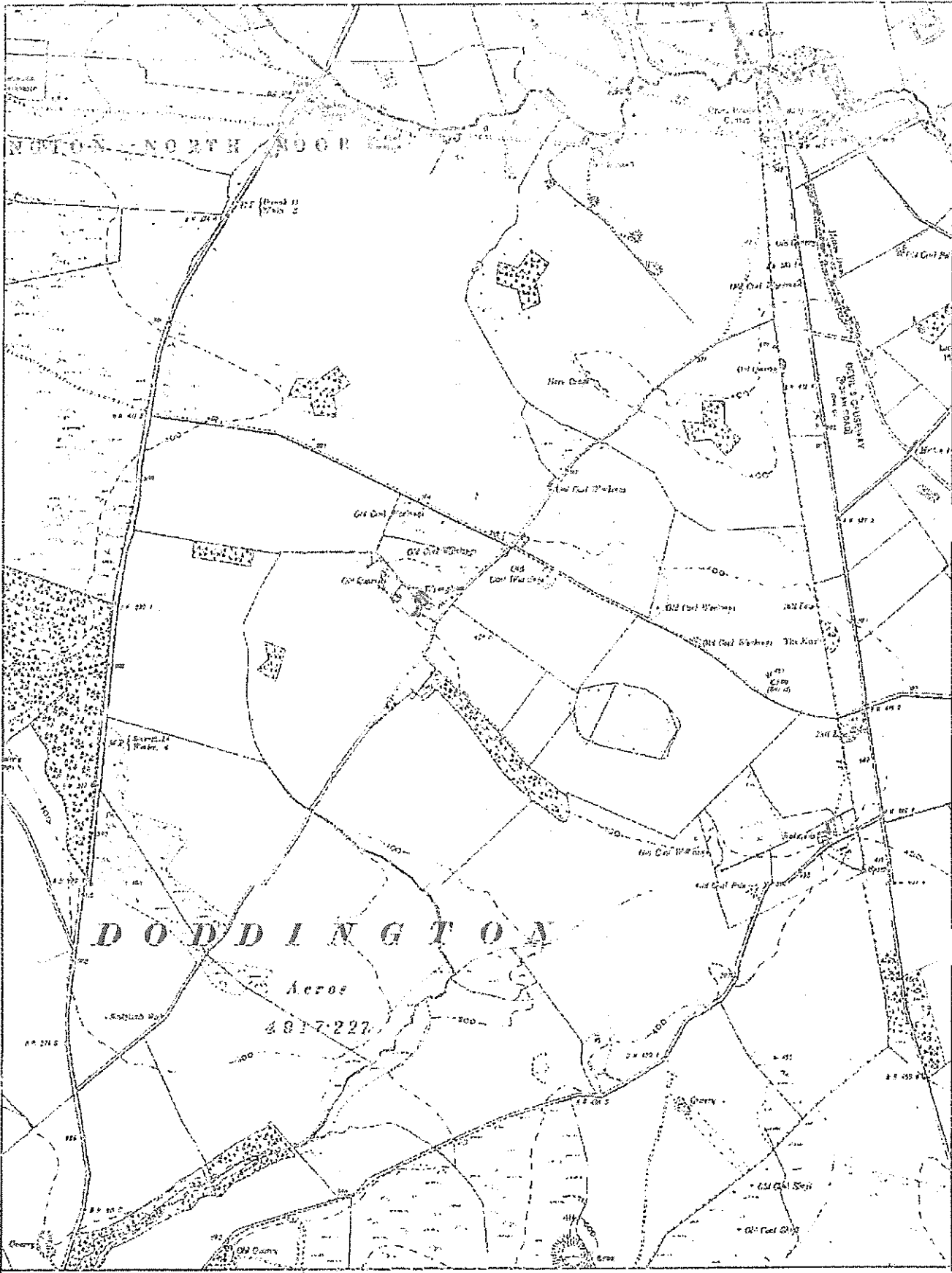
No. of Sheet.	No. on Plan.	Area in Acres.	Description.
X. 16.	1	1.741	Rough pasture & colliery.
XI. 13.	2	.147	House & garden.
XIV. 4.	3	8.210	Plantation.
XV. 1.	4	952.064	Rough pasture, roads, streams, &c.
"	5	.582	Farmstead.
"	6	.188	Garden.
"	7	21.509	Rough pasture & forre.
"	8	.179	House & garden.
"	9	.008	Colliery.
"	10	1.930	Public road.
"	11	382.910	Rough pasture, roads, streams, &c.
XV. 5.	12	53.571	Arable.
XV. 6.	13	4.245	Public road.
"	14	53.585	Rough pasture & furze
"	15	53.521	Arable.
XV. 5.	16	56.812	Arable, rough pasture, & stream.
"	17	92.569	Rough pasture, old quarries, &c.
"	18	.118	House & yard.
"	19	821	Farmstead.
"	20	.007	House.
"	21	.197	Rough pasture & stream.
"	22	.680	Garden.
"	23	.710	Rough pasture & road.
"	24	.508	Arable.
"	25	49.973	Arable & rough pasture.
XV. 6.	26	12.012	Moss.
"	27	54.191	Arable.
"	28	48.769	Arable & rough pasture
"	29	59.058	Arable & stream.
XV. 5.	30	21.821	Arable & road.
"	31	75.914	Arable & rough pasture.
"	32	.878	Public road.
"	33	49.333	Arable & stream.
"	34	7.910	Plantation & stream.
XV. 6.	35	57.295	Arable, arcamo, & rough pasture.
"	36	70.950	Rough pasture, furze, & stream.
"	37	17.570	Arable, rough pasture, & stream.
XV. 10.	38	6.401	Arable & refuse heap.
XV. 6.	39	3.640	Arable.
"	40	3.457	Arable.
		2111.458	Ground forsoverl.



Northumberland
Northumberland County Council

SCALE 1:62,500

Ordnance Survey 1st Edition 6" map (1865-66)

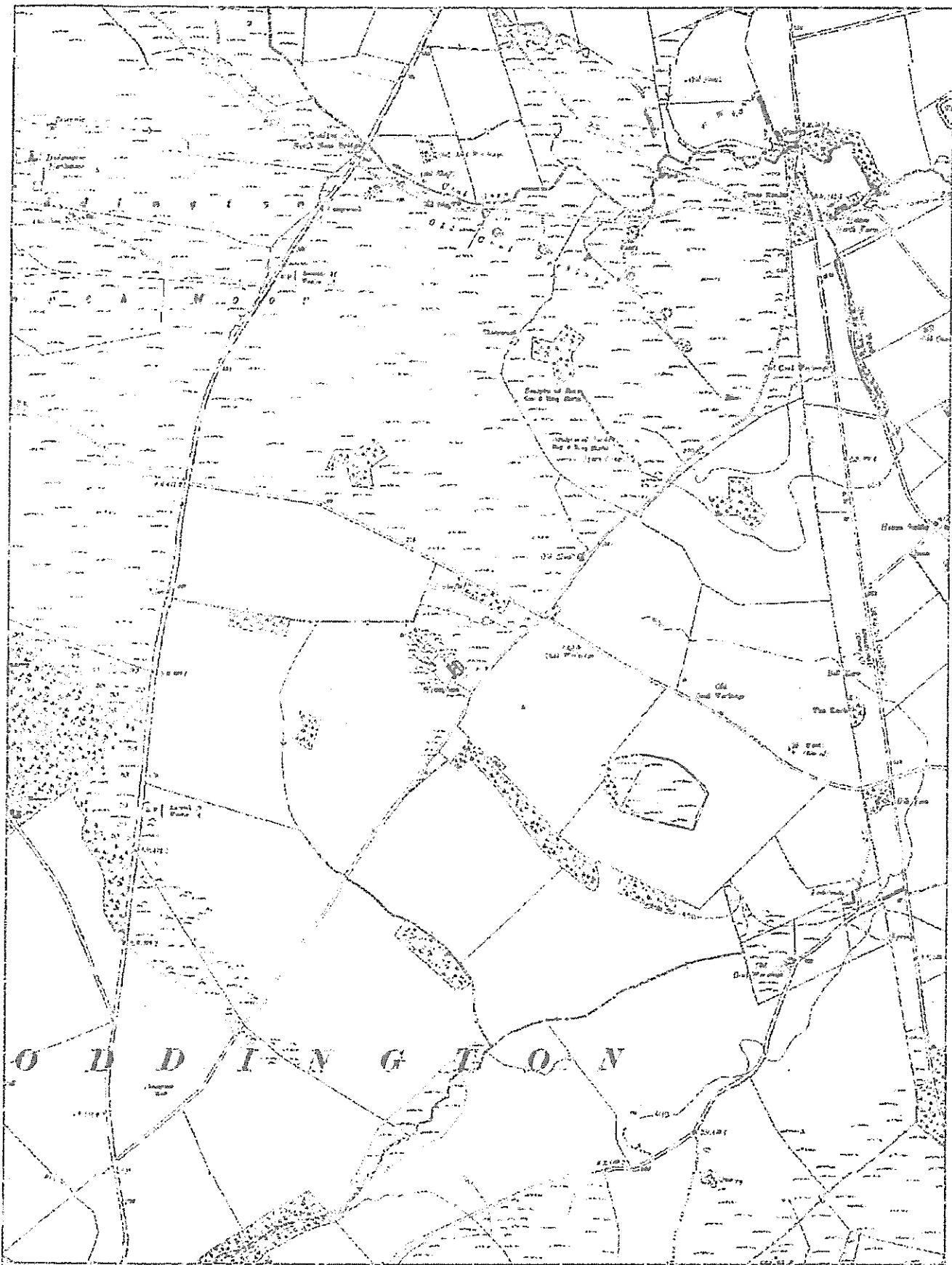


NORTHUMBERLAND

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SCALE 1:16,000

Ordnance Survey 2nd Edition 6" map (1899)

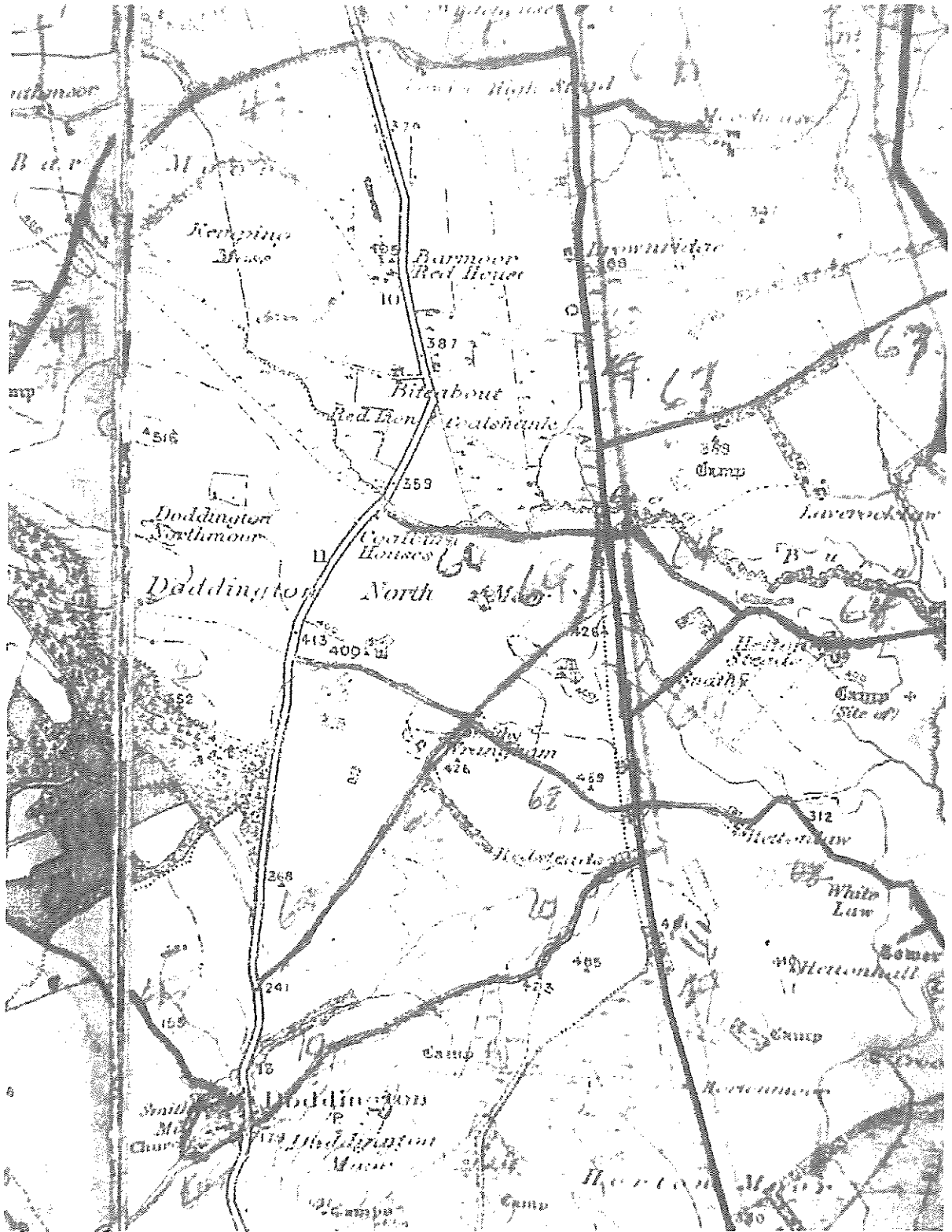


Northumberland
Northumberland County Council

SCALE 1:15,000

Ordnance Survey 3rd Edition 6" map (1924-25)

Glendale RDC Handover Map
1932



Reproduced plan is not to scale

ALBERTA B.

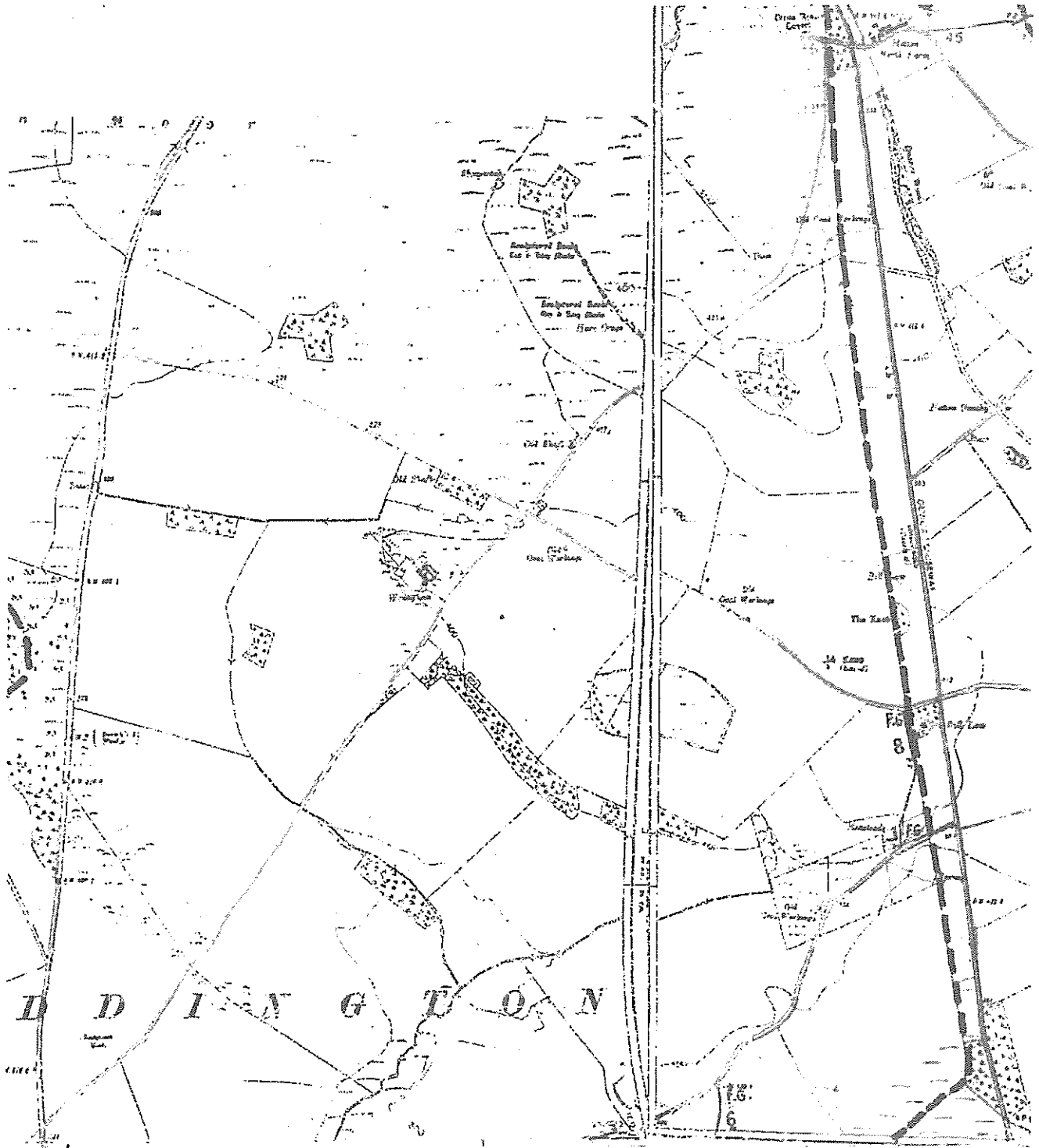
UNINCORPORATED ROADS TO BE AMENDED

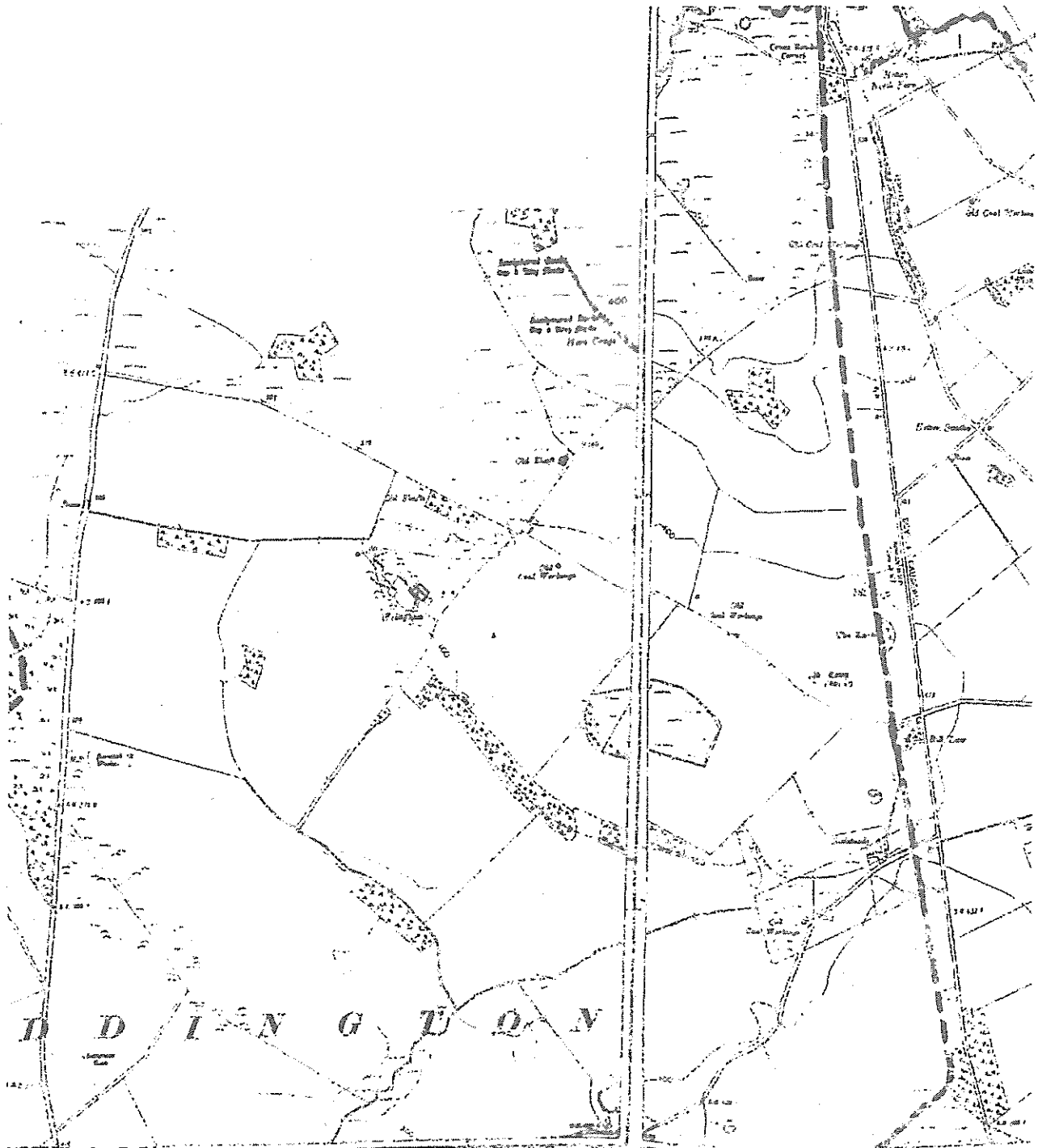
UNINCORPORATED ROADS TO BE AMENDED

1. Road from a point on the Marjoch-Cornhill road 1,400 yards south-east of Station via East Learmonth to the Flockton-Yeoburn road 1,000 yards east of Marjoch.
2. Road from a point on the Beresford-Hindusmill road, 1,400 yards west of Hindusmill via Hindusmill Station to the Flockton-Yeoburn road 6,632 at Miradwa Council Street (at the junction of 177 yards) there is a Minidrum L. S. S.L. Railway Bridge.
3. Road from the end of Hindusmill road at East Learmonth via West Learmonth to East Learmonth via Station road to East Learmonth via Station road.
4. Road from the Beresford-Hindusmill road at 245 Learmonth via Hindusmill, West Learmonth Farm and West Learmonth to the Beresford-Hindusmill road, 750 yards south-east of the entrance to West Learmonth.
5. Road from a point on the East Learmonth-Wark West Learmonth road, 574 yards west of East Learmonth boundary via West Learmonth to the Cornhill-Cornhill road 6,636 at West Learmonth road end, 1,000 yards south-east of Cornhill.
6. Road from the Beresford-Hindusmill road at East Learmonth via Station road via Station road to a point on the West Learmonth-Cornhill road, 750 yards south of West Learmonth Railway Station.
7. Road from the East Learmonth-Wark West Learmonth road at Hindusmill to the East Learmonth West Learmonth road at West Learmonth.
8. Road from the East Learmonth-Wark West Learmonth road, 1,400 yards east of Station via Station road to the Cornhill-Cornhill road 6,636 at West Learmonth.
9. Road from a point on the Cornhill-Cornhill road 6,636, 100 yards east of West Learmonth station for a distance of 100 yards to the end.
10. Road from the Cornhill-Cornhill road at the west end of West Learmonth station for a distance of 100 yards.
11. Road from the Cornhill-Cornhill road 6,636 at West Learmonth north-east to the end of Station.
12. Road from the Cornhill-Cornhill road 6,636 at West Learmonth station via Station road for a distance of 100 yards to the end.

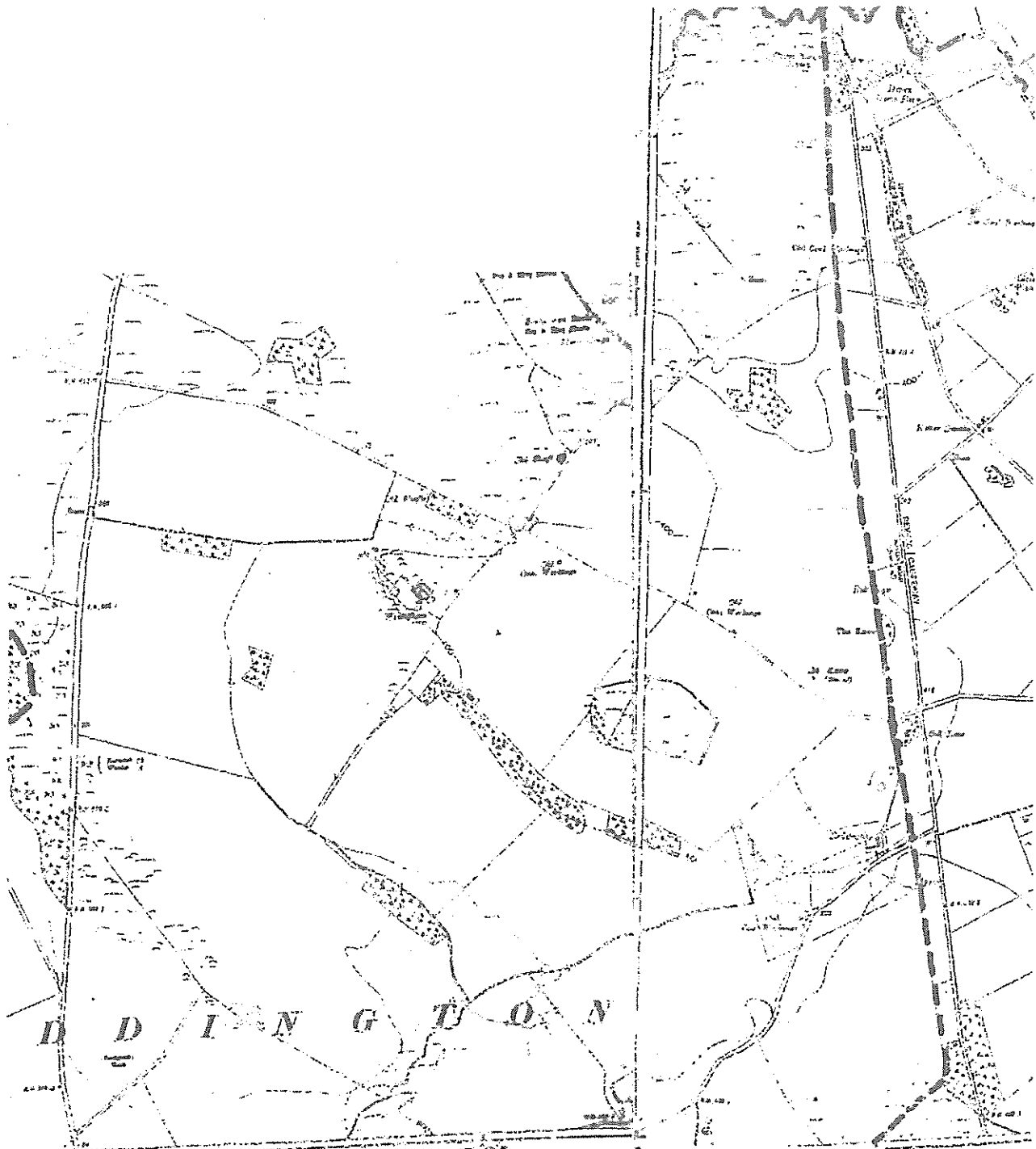
13. Road from a point on the Beresford-Wark road, 150 yards north-west of Station via Station road to a point on the West Learmonth-Wark road, 250 yards north-west of Station via Station road.
14. Road from a point on the West Learmonth-Wark road, 500 yards south of Station via Station road, 1,000 yards west of Station via Station road for a distance of 100 yards to the Northumberland County Boundary.
15. Road from a point on the East Learmonth-Wark via Station road, 1,500 yards west of East Learmonth Station via Station road, 1,500 yards south-west of East Learmonth Station via Station road.
16. Road from the East Learmonth-Wark West Learmonth road at West Learmonth via Station road to the East Learmonth-Wark road at West Learmonth.
17. Road from a point on the Minidrum-Hindusmill road 1,400 yards east of Hindusmill via Horse King to the Northumberland County Boundary at No. 100's Land West Learmonth.
18. Road from a point on the Marjoch-Cornhill road 1,400 yards east of Hindusmill via Station road to the Marjoch-Cornhill road 1,400 yards east of Hindusmill via Station road.
19. Road from a point on the Marjoch-Cornhill road 1,400 yards east of Hindusmill via Station road to the Marjoch-Cornhill road 1,400 yards east of Hindusmill via Station road.
20. Road from a point on the Marjoch-Cornhill road 1,400 yards east of Hindusmill via Station road to the Marjoch-Cornhill road 1,400 yards east of Hindusmill via Station road.
21. Road from a point on the Marjoch-Cornhill road 1,400 yards east of Hindusmill via Station road to the Marjoch-Cornhill road 1,400 yards east of Hindusmill via Station road.
22. Road from a point on the Marjoch-Cornhill road 1,400 yards east of Hindusmill via Station road to the Marjoch-Cornhill road 1,400 yards east of Hindusmill via Station road.
23. Road from a point on the Marjoch-Cornhill road 1,400 yards east of Hindusmill via Station road to the Marjoch-Cornhill road 1,400 yards east of Hindusmill via Station road.
24. Road from a point on the Marjoch-Cornhill road 1,400 yards east of Hindusmill via Station road to the Marjoch-Cornhill road 1,400 yards east of Hindusmill via Station road.
25. Road from the Flockton-Yeoburn road to a point on the Flockton-Yeoburn road, 1,000 yards east of Marjoch.
26. Road from the Flockton-Yeoburn road to a point on the Flockton-Yeoburn road, 1,000 yards east of Marjoch.
27. Road from the Flockton-Yeoburn road to a point on the Flockton-Yeoburn road, 1,000 yards east of Marjoch.
28. Road from the Flockton-Yeoburn road to a point on the Flockton-Yeoburn road, 1,000 yards east of Marjoch.
29. Road from a point on the Flockton-Yeoburn road, 1,000 yards east of Marjoch to the Flockton-Yeoburn road, 1,000 yards east of Marjoch.
30. Road from a point on the Flockton-Yeoburn road, 1,000 yards east of Marjoch to the Flockton-Yeoburn road, 1,000 yards east of Marjoch.

Survey Map





Provisional Map



1964 County Road Schedule

- 69 -

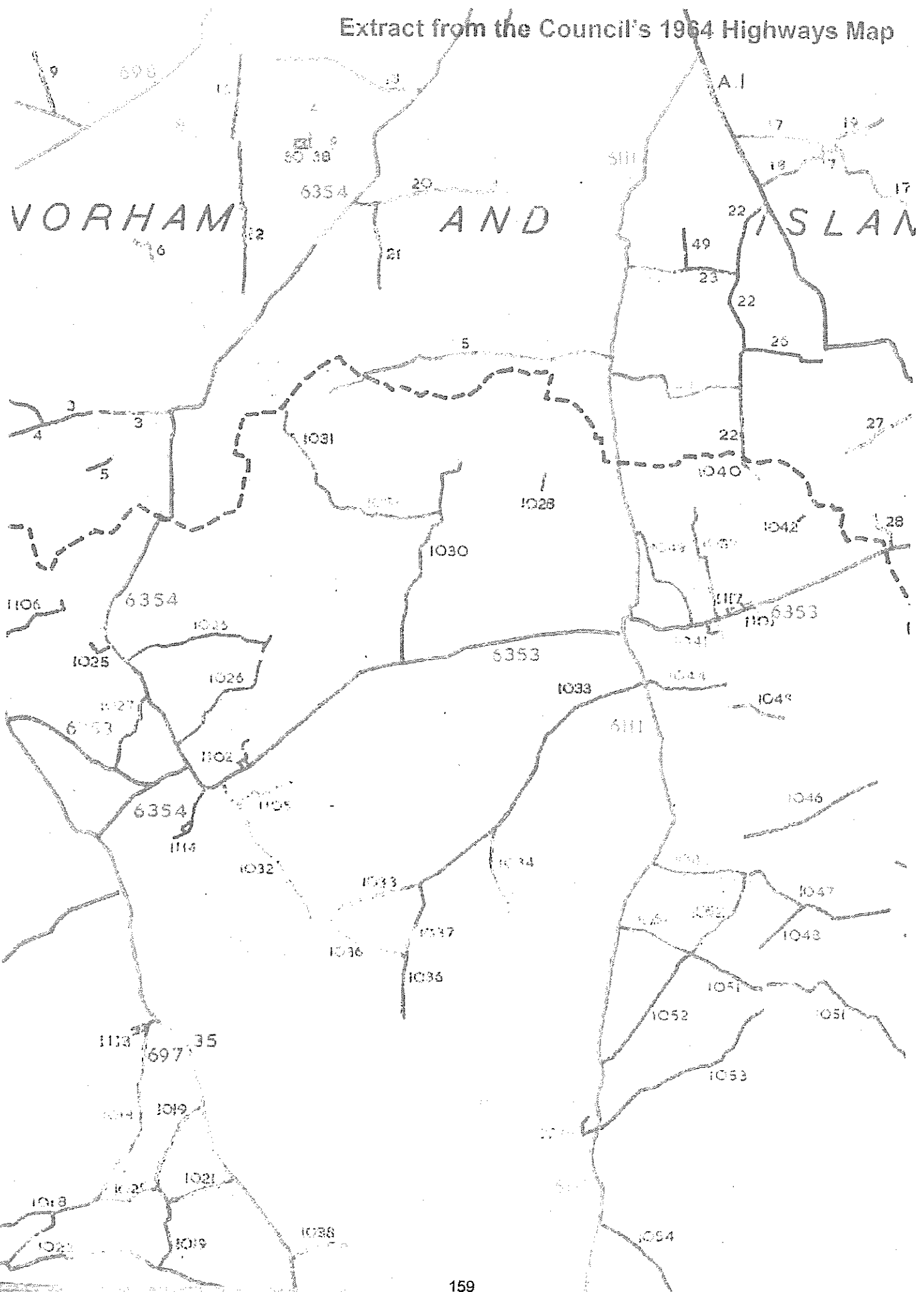
Route No.	Name of Road.	Description.	Responsible Division or Authority.	Mileage.	Total Mileage.
U.1043	New Dayburn-Lovick.	From A.6111 at New Dayburn south-eastwards to R.6353 at Lovick.	Wooler.	1.09	1.09
U.1044	Lovick High Street Road.	From A.6111 at Bee Moor via Lovick High Street to C.37.	Wooler.	0.77	0.77
U.1045	Marthouse Road.	From C.37 near Breunridge eastwards to Marthouse.	Wooler.	0.49	0.49
U.1046	Laverstock Road.	From C.37 near Hutton North Farm via Laverstock Steep to C.113 near Gyle Wood.	Wooler.	1.34	1.34
U.1047	Deal East Bridge-Hetton North Farm-Holburn Mill Road.	From A.6111 near Coal Burn Bridge, crossing C.37 near Hutton North Farm via Hutton Steeds to C.18 near Holburn Mill.	Wooler.	2.34	2.34
U.1048	Hetton Gaitby-Hetton Quarry.	From C.37 near Hutton Smiddy to U.1047 at Hutton Quarry.	Wooler.	0.53	0.53
U.1049	Holburn Village Road.	From C.18 in Holburn Village eastwards.	Wooler.	0.15	0.15
U.1050	Holburn Grange Road.	From C.18 at Foxglove Road to Holburn Grange.	Wooler.	0.60	0.60
U.1051	Wangham-Hill Lane-Hazelrigg Hill Road.	From A.6111 near Dodington North Moor via Wangham, crossing C.37 at Hill Top to C.18 near Hazelrigg School.	Wooler.	3.36	3.36
U.1052	Dodington-Hazelrigg-Hetton North Farm Road.	From A.6111 near Dodington via Wangham to U.1047 near Hutton North Farm.	Wooler.	2.15	2.15
U.1053	Dodington-Roadheads.	From A.6111 at Dodington north-eastwards to C.37 near Roadheads.	Wooler.	1.39	1.39
U.1054	Dodington Bridge-Westwood Hill.	From A.6111 north of Dodington Bridge south-eastwards to join C.38 near Westwood Hill.	Wooler.	1.38	1.38
U.1055	North Hazelrigg Road.	From C.18 near Hazelrigg School to North Hazelrigg.	Wooler.	0.84	0.84
U.1056	Hazelrigg-South Lylam.	From C.39 near Hazelrigg School via Beech Lylam and crossing R.649 at Lylam Hill and terminating at South Lylam.	Wooler.	2.24	2.24

Extract from the Council's 1964 Highways Map

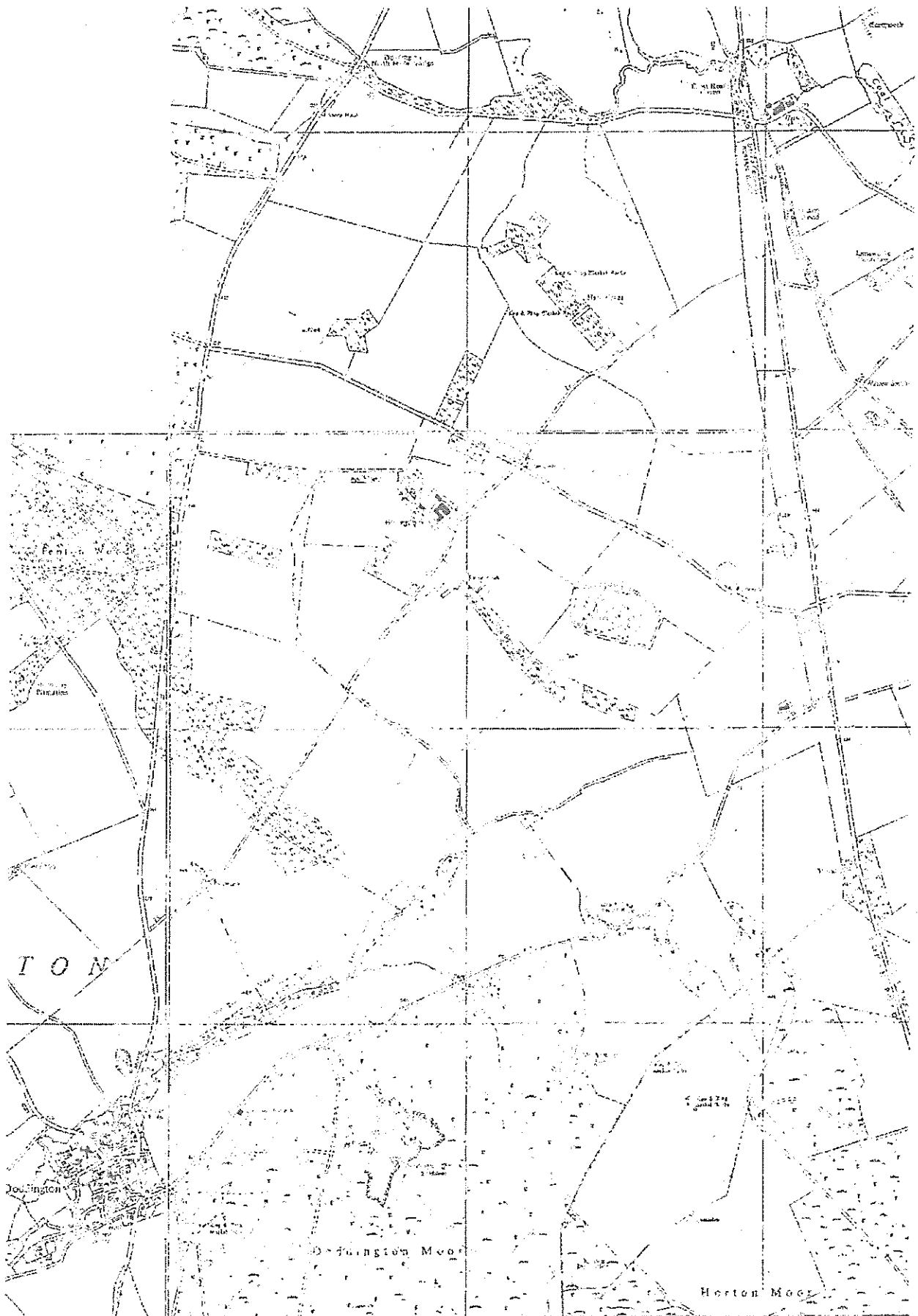
VORHAM

AND

ISLAN

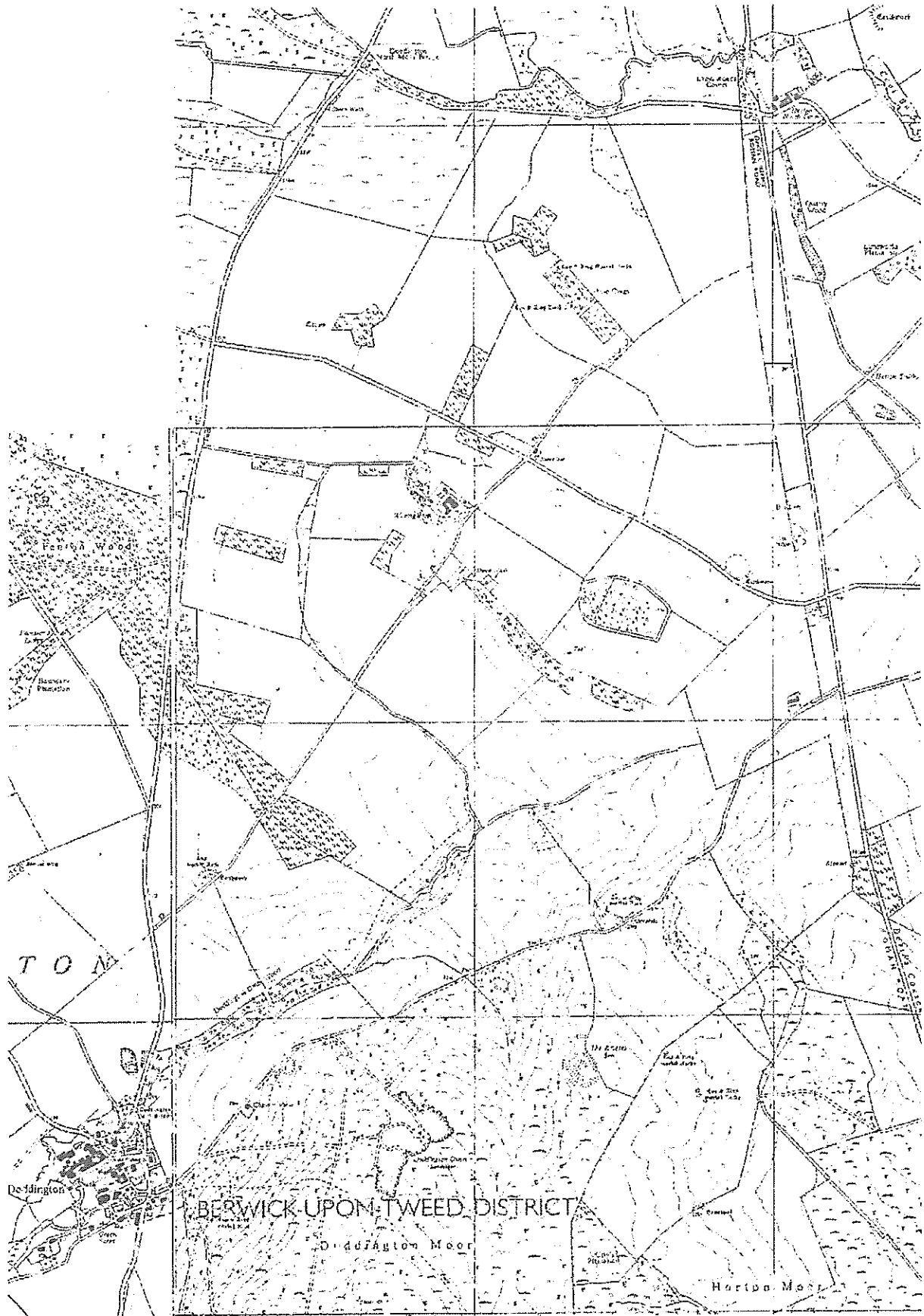


1:10,560 O.S. Map
1968-1970



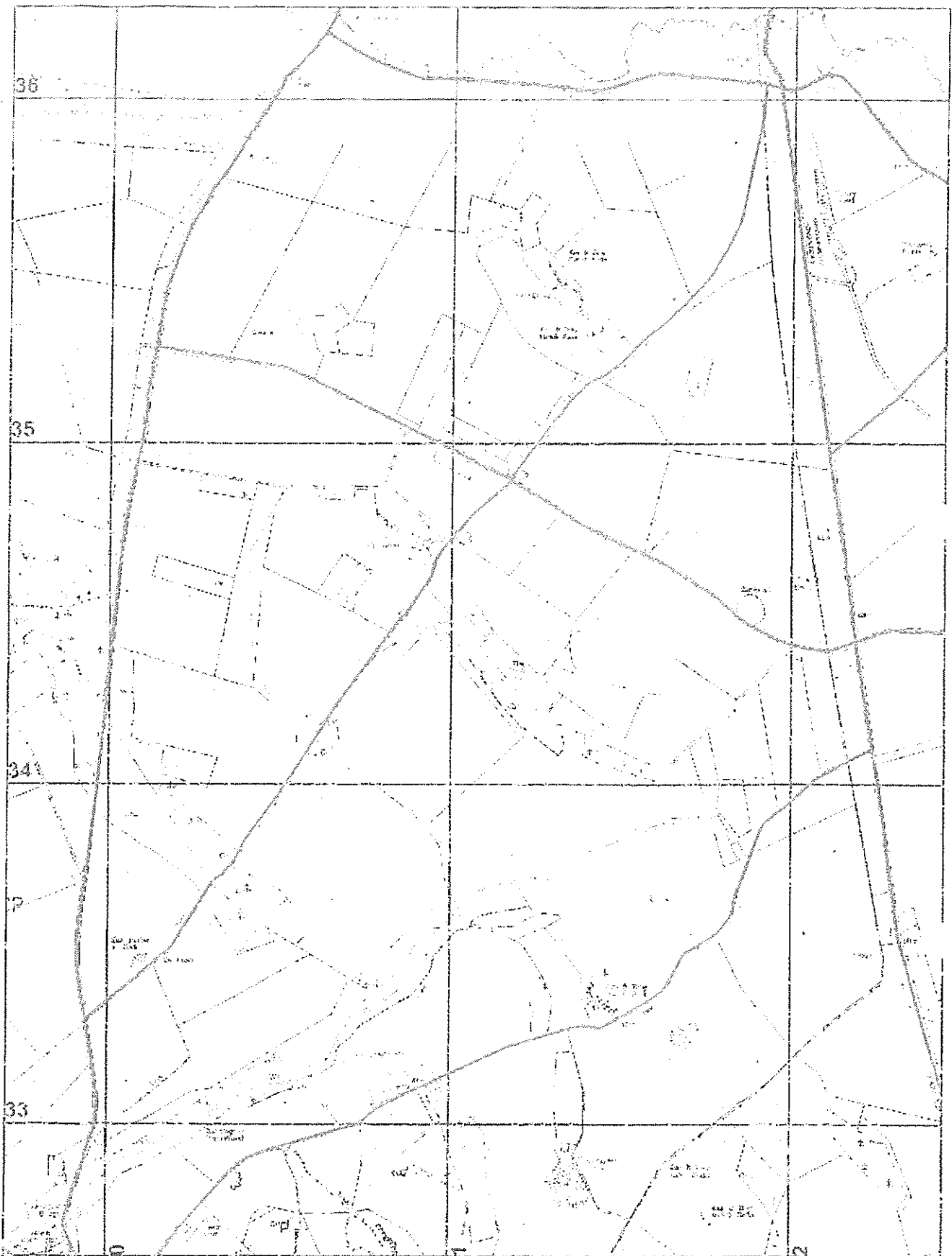
1974 County Road Schedule

Route No.	Name of Road	Description	Responsible Division or Authority	Mileage	Total Miles
1043	Hetton Smithy-Hetton Quarry.	From C.37 near Hetton Smithy (NU.021350) north-eastwards to U.1047 at Hetton Quarry (NU.027356).	Wooler Division.		0.53
1049	Holburn Village Road.	From C.18 in Holburn Village (NU.041362) eastwards for 220 yards.	Wooler Division.		0.13
1050	Holburn Grange Road.	From G.12 at Bootjack Wood (NU.042352) eastwards to Holburn Grange (NU.050350).	Wooler Division.		0.60
1051	Wrougham-Hill Law- Kesselrigg Mill Road.	From B.6525 near Dodington Horse Mear (NU.002353) south-eastward, via Wrougham, crossing G.37 at Hill Law to G.13 near Kesselrigg School (NU.045352).	Wooler Division.		3.26
1052	Dodington-Straggle-Hetton North Farm Road.	From B.6525 near Dodington (NU.999333) north-eastwards via Wrougham to U.1047 near Hetton North Farm (NU.045360).	Wooler Division.		2.15
1053	Dodington-Eastwards.	From B.6525 at Dodington (NU.999333) north-eastwards to G.37 near Heddesteds. (NU.022341).	Wooler Division.		1.89
1054	Dodington Bridge-Weetwood Hall.	From B.6525 north of Dodington Bridge (NU.999310) south-eastwards to join G.38 near Weetwood Hall (NU.016397).	Wooler Division.		0.38
1055	North Kesselrigg Road.	From G.18 near Kesselrigg School (NU.048331) north-eastwards to North Kesselrigg (NU.051337).	Wooler Division.		0.64
1056	Hill and South Lynam	From G.39 near Kesselrigg School (NU.056321) south-eastwards via North Lynam and crossing B.5369 at Lynam Hill and terminating at South Lynam (NU.072305).	Wooler Division.		2.24



Highways Act 1980 Section 36(6)
County Of Northumberland
List of Streets which are highways maintainable at the public expense
As at 02-May-2006

<i>Road Number</i>	<i>Description</i>	<i>Length - Metres</i>
<i>U1051</i>		
	<i>Total length for U1051</i>	<i>5,559</i>
<i>U1052</i>		
	U1051 JCT TO U1047 JCT	1,427
	B6525 JCT TO U1051 CROSSROADS	2,036
	<i>Total length for U1052</i>	<i>3,463</i>
<i>U1053</i>		
	30MPH DODDINGTON (E) TO C37 JCT	2,883
	B6523 JCT TO 30MPH DODDINGTON (E)	132
	<i>Total length for U1053</i>	<i>3,016</i>
<i>U1054</i>		
	C38 JCT TO B6525 JCT	2,229
	<i>Total length for U1054</i>	<i>2,229</i>
<i>U1055</i>		
	C18 JCT TO NORTH HAZELRIGG	965
	<i>Total length for U1055</i>	<i>965</i>
<i>U1056</i>		
	B6349 JCT TO GATEWAY SOUTH LYHAM	796
	B6349 JCT TO C39 NORTHWARDS	2,607
	<i>Total length for U1056</i>	<i>3,404</i>
<i>U1057</i>		
	B6348 JCT TO U2042 JCT	3,126
	U2042 JCT TO A1(T) JCT	968
	<i>Total length for U1057</i>	<i>4,094</i>
<i>U1058</i>		
	B6348 JCT TO B6349 JCT	2,213
	<i>Total length for U1058</i>	<i>2,213</i>



NORTHUMBERLAND
Northumberland County Council

DATE: 11/07/2016

SCALE 1:15,000

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