



Northumberland

County Council

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL
RIGHTS OF WAY SUB-COMMITTEE
14 December 2022

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

ALLEGED BYWAY OPEN TO ALL TRAFFIC No 23 PARISH OF NETHERTON

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

Purpose of report

In this report, the North Northumberland Local Area Council Rights of Way Sub-Committee is asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over the U4073 road, from the U4026 road, south of Low Trehwitt, in a general northerly then westerly direction to Low Trehwitt.

Recommendation

It is recommended that the sub-committee agrees that:

- (i) there is sufficient evidence to indicate, on a balance of probabilities, that public vehicular rights have been shown to exist over the route S-W-V;**
- (ii) the Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motorized vehicular rights over the S-W-V route;**
- (iii) the route be included in a future Definitive Map Modification Order to upgrade this length of public bridleway to a byway open to all traffic.**

1.0 BACKGROUND

- 1.1 By virtue of section 53 of the Wildlife and Countryside Act, 1981 the County Council is required to keep the Definitive Map and Statement under continuous review and make modification orders upon the discovery of evidence, which shows that the map and statement need to be modified.
- 1.2 The relevant statutory provision which applies to 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 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 areas. Thus, tracks in rural settings, which have their own unique reference numbers (e.g. the 'U4073' road), were considered to be all-purpose public highways maintainable at public expense.
- 2.3 Shortly afterwards, the processing of applications from third parties seeking to record public footpath or public bridleway rights was afforded a higher priority. Later on, the process of recording UCRs as byways open to all traffic was effectively suspended because the Ordnance Survey indicated that they would be showing such routes on their published maps as being an "Other route with public access". Although, on that basis, members of the public would still be unclear as to precisely what rights they had over routes identified in this fashion.
- 2.4 The most recent advice from DEFRA (paragraph 4.42, Rights of Way Circular 1/09) is that inclusion on the List of Streets may provide evidence of vehicular rights but that this should be examined on a case by case basis. In view of this advice, it is considered prudent to evaluate the status of the U4073 unclassified County road based upon more than simply its inclusion in the List of Streets.

3. LANDOWNER EVIDENCE

- 3.1 By letter, received 23 February 2018, R Torrance and J Lazams of Foxton Cottage, Low Trehwitt, responded to the consultation, stating:

"We do not own any land traversed by any of these routes.

"All the routes are marked as Byways open to all traffic. However, two are unsuitable for public traffic, only fit for tractors. These are no. 21 between R and the turn off to Kennels Cottage just west of S.

"Also number 15 which goes through a stream south of point T and into fields. These two routes have had almost no motor vehicles except farm vehicles in the past 20 years. They are used by walkers, horse riders etc. I would say that the same holds for the period May 2001 to May 2006.

"The other two routes are used by vehicles accessing the farm and cottages, and farm traffic, as well as walkers. These are number 14 U to T and number 21 T to S and 23 S to W to V."

4. CONSULTATION

- 4.1 In February 2018, the Council carried out a consultation with the Parish Council, known owners and occupiers of the land, the local County Councillor and the local representatives of the "prescribed and local organisations" listed in the Council's "Code of Practice on Consultation for Public Path Orders". Three replies were received and are included below.

- 4.2 By email, on 26th February 2018, Ms H Evans responded to the consultation on behalf of Cycling UK, stating:

"Ted has now looked at these and come back to me with the attached and also the comment that "Most are standard changes to confirm existing BOATs but a few are really good gains to the access network. No comment means we support and no comments are necessary".

Cycling UK did not make any comments in relation to this particular proposal.

- 4.3 By email, on 8th May 2018, the British Horse Society responded to the consultation, stating:

"Netherton parish

"Alleged byway open to all traffic 23 (Low Trehwitt) This is a short section of narrow tarmac road which acts as the access to Low Trehwitt and the cottages beside it. It also leads to two public bridleways so it is well used by horse riders making use of the off-road network and by vehicles accessing the properties. It forms an important part of the recreational network of the area and is probably used by walkers and cyclists as well. The BHS supports its addition to the definitive map."

- 4.4 By email, on 10th May 2018, Netherton & Biddlestone Parish Council responded to the consultation, stating:

“Further to correspondence dated 14/2/18, Netherton & Biddlestone Parish Council are only aware of walkers and horse riders using the routes, as opposed to open to all traffic.”

5. DOCUMENTARY EVIDENCE

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

1769 Armstrong's County Map

Although Low Trehitt is identified on the map, there is no evidence of a road or track resembling the route of alleged Byway No 23.

1820 Fryer's County Map

There is clear evidence of an “Other Road” resembling the route of alleged Byway No 23.

1827 Cary's Map

There is clear evidence of a “Parochial Road” resembling the route of alleged Byway No 23.

1828 Greenwood's County Map

Whilst there is no evidence of a Cross Road” resembling the route of alleged Byway No 23, there is clear evidence of a track over a parallel route to Low Trehitt Cottages.

c.1860 Ordnance Survey Map: Scale 1:2500

There is no evidence of a road / track over the north-south section of the route of alleged Byway No 23. The east –west section, actually at Low Trehitt, is shown and doesn't appear to be enclosed. An unenclosed track, following a parallel route, much closer to the Wreigh Burn, is depicted on the map.

1867 Ordnance Survey Map: Scale 1:10,560

There is no evidence of a road / track over the north-south section of the route of alleged Byway No 23. The east –west section, actually at Low Trehitt, is shown and doesn't appear to be enclosed. An unenclosed track, following a parallel route, much closer to the Wreigh Burn, is depicted on the map.

1897 Ordnance Survey Map: Scale 1:2500

As with the 1860 OS map, there is no evidence of a road / track over the north-south section of the route of alleged Byway No 23. The east –west section, actually at Low Trehitt, is shown and still doesn't appear to be enclosed. An unenclosed track, following a parallel route, much closer to the Wreigh Burn, is depicted on the map.

Finance Act 1910 plan

There is clear evidence of a mainly unenclosed road or track over the route of alleged Byway No 23. The route is not shown as being separated from the surrounding land by coloured boundaries. This is no surprise for the unenclosed section, but if the enclosed section (at Low Trehitt) had been separated, this would have been good evidence in support of vehicular highway rights. Parallel to the track, shown on the OS base map, is the pencilled addition of a further route. This pencilled addition is the route of the U4073 and it is annotated "Private Road From Bridge to Farm Steading".

1923 Ordnance Survey Map: Scale 1:2500

There is clear evidence of an enclosed road / track over the whole route of the alleged byway (as per the pencilled amendments to the 1897 OS base map used for the Finance Act calculations). The parallel track, closer to the Wreigh Burn, appears to have completely disappeared.

1932 Rothbury RDC Handover Map

No handover map appears to have survived for the former Rothbury RDC area.

c.1938 Restriction of Ribbon Development Act 1935 Map & Schedule

No map or schedule for the Rothbury RDC area appears to have survived.

1946 Bridges & Roads Committee Minutes (30 Sept 1946)

An extract from these minutes states:

"(20) Rothbury Rural District: Unadopted Roads in remote districts.

The Rothbury Rural District Council have forwarded me a copy of their Highways Advisory Committee's report which they have adopted, and have requested that lengths of road enumerated in the Report should be taken over and made up to a passable standard of repair. They state that such a step would not only improve greatly the existing means of communication in the area, but would, to some extent, facilitate the engagement of shepherds and other agricultural workers on large remote farms without whose services such farms would revert to deer forests or come under controlled afforestation and be certainly lost to food production.

"They have divided their recommendations into three groups.

"Group A covers a length of 10 miles, and they ask that these roads be given first consideration. Group B covers a length of 3 miles and Group C a length of 18 miles, a total of 31 miles.

"The following are the roads included in Group A, together with my notes:-

...

"5. Windyside Law, Trehitt Bridge to farm cottages. The existing public road through the ford is hardly ever used and has grown green. The diversion which is maintained by the Cragside Estate is in bad condition. The road serves the farmhouse and six cottages."

The Committee resolved:

"That every application of this kind be considered on its merits as and when received, and for that purpose be referred to a Sub-Committee consisting of the Chairman and Vice Chairman, Alderman Pitt and Councillor Minoughan, for investigation and report, with power to meet the District Council concerned."

1951 Highways Map

The route of alleged Byway Open to All Traffic No 23 is coloured purple so as to identify it as a publicly maintainable road. It is labelled as the "U4073". The route has been drawn in a slightly different purple to the other routes, and the road number has also been drawn in purple (almost all the other road numbers are drawn in black ink) which suggests that this route was a later addition, not shown on the original 1951 map.

1951 Bridges & Roads Committee Minutes (24 Sept 1951)

An extract from these minutes states:

"(8) Rothbury Rural District.
(a) Roads to Farms

"As reported to the Committee at their last meeting, the Agent for the Cragside Estate has asked the County Council to take over the road to Low Trehitt Farm, and a similar request has been made by Sir Angus Watson in respect of Witton Hill Head road.

"In 1946, the Rothbury Rural District Council asked that certain lengths of road serving remote districts should be taken over and put into a passable standard of repair, in order to improve the existing means of communication in the area and to facilitate the engagement of workers whose services are essential to save some of the remote farms from being lost to food production. The Committee then decided that each application should be considered on its merits, but after a meeting with representatives of the Rural District Council, no definite decisions were reached. It was, however, agreed to make representations to the War Office with regard to the repair of the road to Trows and Uswayford Farms, but they disclaimed any responsibility other than to their tenant at Trows.

"The road to Low Trewitt serves the farm and seven cottages and could be put in a reasonable state of repair without a great

deal of work. The Sub-Committee recommend that it be taken over if this work is carried out."

c.1952 Definitive Map – original Survey Schedules & Map

The route of alleged Byway Open to All Traffic No 23 exists on the base map, but it is *not* coloured brown. Known public roads were generally coloured brown to indicate what the extent of the road network was considered to be. Despite this, a bridleway numbered "1" and two footpaths, numbered "4" and "5" end on the uncoloured road. In the Schedules for existing Netherton Bridleways Nos 12, 8 and 15 (at that time identified for inclusion as High & Low Trehwitt Bridleway 1, and Footpaths 4 and 5, respectively) the rights of way are identified as starting at Low Trehwitt House - the status of the road is not mentioned.

1953 Bridges & Roads Committee Minutes (21 Sept 1953)

An extract from these minutes states:

"(41) Private Street Works – New Streets Act 1951
Rothbury Rural District – Road to Low Trehwitt

"The Committee have already agreed to adopt this road subject to it being made up, and repairs have now been carried out to a length of 0.263 miles from the existing County road to the farm, but the remaining length of 0.25 miles from the farm to seven cottages has not been repaired although the owners are anxious for it to be taken over.

"I recommend that the length to the farm be adopted and that the remainder be taken over when it has been made up to a satisfactory standard."

The Committee approved this recommendation.

Draft Map

The route of alleged Byway Open to All Traffic No 23 exists on the base map. It is identified for inclusion on the Definitive Map as part of a public bridleway, numbered "1". A public bridleway and a public footpath end on the public bridleway / alleged byway route.

Provisional Map

As with the Draft Map, the route of alleged Byway Open to All Traffic No 23 exists on the base map. It is identified for inclusion on the Definitive Map as part of a public bridleway, numbered "1". A public bridleway and a public footpath end on the public bridleway / alleged byway route.

1957 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an enclosed road / track over the route of alleged Byway No 23.

1958 County Road Schedule

In this Schedule, the entry for the U4073 road states:

“U4073 Road to Low Trehitt
From U4026 at Low Trehitt Bridge northwards to gate at Low
Trehitt Farm.”

The length of the U4073 road is identified as 0.272 miles.

1962 Original Definitive Map

The route of alleged Byway No 23 exists on the base map, and is identified as part of Public Bridleway No 12. Unofficial pencilled annotations have been made, crossing the through the V-W-S route and labelling this as “U4073”.

1962 Original Definitive Statements

The original Definitive Statements for the public right of way intersecting with the alleged byway open to all traffic state:

Public Bridleway No 8 (Netherton)

“From the Netherton Burnfoot – High Trehitt Road south-east of Netherton Burnfoot in a south-easterly, south-westerly and south-easterly direction by the east side of Northmoor Plantation to join the County Road U4073 at Low Trehitt.”

Public Footpath No 15 (Netherton)

“From the County Road U4073 south-east of Low Trehitt in an easterly and north-easterly direction crossing the Wreigh Burn by the footbridge to join the High Trehitt – Snitter Road south of High Trehitt.”

1964 Highways Map

The route of alleged Byway Open to All Traffic No 23 is coloured purple so as to identify it as a publicly maintainable road. It is labelled as part of the “U4073”.

1964 County Road Schedule

In this Schedule, the entry for the U4073 road states:

“U4073 Road to Low Trehitt
From U4026 at Low Trehitt Bridge northwards to gate at Low
Trehitt Farm.”

The length of the U4073 road is identified as 0.27 miles.

First Review Definitive Map

The route of alleged Byway No 23 exists on the base map, and is identified as part of Public Bridleway No 12.

1974 County Road Schedule

In this Schedule, the entry for the U4073 road states:

"U4073 Road to Low Trehwitt
From U4026 at Low Trehwitt Bridge (NU 003045) northwards to
gate at Low Trehwitt Farm (NU 003048)."

The length of the U4073 road is identified as 0.27 miles.

2005 Ordnance Survey Explorer OL16 Map: Scale 1:25,000

There is clear evidence of a road / track over the route of alleged Byway No 23. The short section immediately east of point V is identified as public bridleway. The remaining (majority) of the route is identified as a yellow road (in the map key this refers to a Road generally less than 4 metres wide).

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

The route of the alleged byway (the U4073) is clearly identified as publicly maintainable highway.

6. SITE INVESTIGATION

- 6.1 From a Point marked S, on the U4026 road (alleged BOAT 21) a 2.7 metre wide tarmac road, in a 6 to 7 metre wide corridor proceeds in a north-easterly direction for 290 metres. A 3 metre wide tarmac road, in a mostly 6.4 metre wide corridor (widening to 7.9 metres around the entrance to Low Trehwitt) continues in a westerly direction for a distance of 140 metres, to a 6 metre wide cattle grid / field gate combination at a Point marked V.
- 6.2 The first 380 metres of this route is currently recorded on the Definitive Map as part of Public Bridleway No 8 and the final 50 metres is currently recorded as part of Public Bridleway No 12.

7. DISCUSSION

- 7.1 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."
- 7.2 When considering an application / proposal for a modification order, Section 32 of the Highways Act 1980 provides for "any map, plan or history of the locality or other relevant document" to be tendered in evidence and such weight to be given to it as considered justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.
- 7.3 The representation of a path or track on an Ordnance Survey Map is not

evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey.

- 7.4 The route of alleged Byways Open to All Traffic Nos 21 & 14 is identified on the County Council's current List of Streets as being the U4026 road. The route was identified on the Council's 1951 and 1964 Highways Maps (albeit, apparently, as a later addition in the case of the 1951 map) and on the 1958, 1964 and 1974 County Road Schedules. No 1932 Handover Maps or Maps and Schedules produced under the Restriction of Ribbon Development Act 1935 appear to have survived for the Rothbury Rural District area. The County Council's Bridges and Roads Committee minutes from 1946 to 1953 indicate that the Council took over maintenance responsibility for the route in 1953 and provide the background for why this was done.
- 7.5 A route (but not *the* route, in the case of the main north-south section) has been consistently identified on Ordnance Survey maps since the 1860s. On the earlier OS maps, the track wasn't enclosed. On the 1920s OS maps, and subsequently, the route is depicted as being enclosed. The route would not appear to be shown on Armstrong's County Map of 1769, but a route is shown on Fryer's and Greenwood's County Maps of 1820 and 1828, and on Cary's Map of 1827. The enclosed route was not separated from the surrounding land by coloured boundaries, on the plans produced in association with the Finance Act 1910, and the map is annotated with the note "Private Road from Bridge to Farm Steading".
- 7.6 The County Council accepts that, given the way the regulations were written with regard to the way highway authorities could include publicly maintainable highways in the List of Streets, there was no impediment to public bridleways and public footpaths also being included. That is not to say that any bridleways or footpaths were so shown – just that they could be. It must, therefore, be entirely proper to consider each UCR on a case by case basis, but that does not mean that we should begin with the assumption that each UCR is no more than a public footpath unless higher rights can be proven by other means. In Northumberland there is no evidence to suggest that public footpaths and public bridleways were deliberately shown on the 1958, 1964 or 1974 County Road Schedules (forerunners of the modern day List of Streets). The fact that a route is shown on these schedules must, therefore, be evidence of some weight that public vehicular rights exist.
- 7.7 Letters from DEFRA, dated 2003 and November 2006, and Rights of Way Circular 1/09 set out the approach Inspectors and order making authorities should take in determining the status of routes included on the List of Streets. In summary, the guidance states that the inclusion of a route on the List of Streets is not a record of what legal rights exist over that highway but may provide evidence of vehicular rights. However, this must be considered with all other relevant evidence in order to determine the nature and extent of those rights. Highway Authorities are recommended to examine the history of such routes and the rights that may exist over them on a case by case basis in order to determine their status.
- 7.8 The Natural Environment and Rural Communities Act 2006 (NERC Act 2006) had a major impact upon the recording of byways open to all traffic based upon historical documentary evidence. Under section 67 of the Act, any existing, but unrecorded, public rights of way for mechanically propelled vehicles were extinguished unless one of the 'saving' provisions applied. In brief, these saving provisions were: (a) if the main lawful public use between

2001 and 2006 was with motor vehicles; (b) if the route was on the List of Streets (on 2 May 2006) and not also on the Definitive Map as something less than a byway open to all traffic; (c) the route was legally created expressly for motor vehicular use; (d) the route was a road deliberately constructed for public motor vehicular use; or (e) the vehicular highway came about as a result of unchallenged motor vehicular use before December 1930.

- 7.9 Of the saving provisions above, the main one (b), will not apply to this section of the U4073 road. Where a route is shown on the Definitive Map as a footpath, bridleway or restricted byway, then the fact that it is shown on the List of Streets will not be sufficient to prevent the public's motor vehicular rights from being extinguished.
- 7.10 Under section 67(2)(c) of NERCA 2006, the public's motor vehicular rights would not be extinguished if those rights had been created on terms that expressly provided for a right of way for mechanically propelled vehicles. Although the Council sometimes has landowner highway dedication documents for roads added in the 1950s and 1960s, no dedication documents exist for this route (and even if they did, based upon past experience, it would be unlikely for them to explicitly dedicate a *vehicular* public right of way).
- 7.11 Under section 67(2)(a) of NERCA 2006, the public's motor vehicular rights would not be extinguished if they are over a way whose main lawful use by the public during the period of 5 years between 2nd May 2001 and 2nd May 2006 was with mechanically propelled vehicles. The difficulty here is that the Council has no clear evidence regarding the balance of public user during this 5 year period. Although the U4073 is a tarmac road, it is a vehicular cul-de-sac. It is clearly used, reasonably often, by the landowners / people living at Low Trehitt, but it seems doubtful that this use constitutes "use by the public".
- 7.12 Under section 67(2)(e) of NERCA 2006, the public's motor vehicular rights would not be extinguished if they are over a way that had been in long use by mechanically propelled vehicles before 1930, when it first became an offence to drive 'off-road'. There is no evidence of long-standing public motor vehicular use before 1930 in this instance.
- 7.13 Finally, under section 67(2)(d) of NERCA 2006, the public's motor vehicular rights would not be extinguished if they are over a way that had been created by construction of a road intended to be used by MPVs. This was the saving provision that the Inspector, determining Definitive Map Modification Order (No 23) 2012, at Kilham, considered to have saved public motor vehicular rights in that instance, and the Council has applied the same reasoning in several similar situations, subsequently. In all of these previous situations, we had a highway dedication from the landowner, combined with Council Bridges and Roads Committee Minutes showing that that the Council agreed to be responsible for future maintenance, providing the road was constructed to a suitable standard. Whilst we do have the September 1953 Bridges and Roads Committee Minutes agreeing to take over responsibility for the 0.263 mile long section as far as Low Trehitt Farm, this section having been suitably made up/ repaired, we don't appear to have any road / highway dedication from the landowner.
- 7.14 The two least problematical explanations for the lack of a landowner highway dedication would be (1) there was, in fact, a landowner dedication, made in or before 1953, but the documentation for this has subsequently been

accidentally lost or misfiled or (2) it was not considered necessary for there to be a dedication because the route was already believed to be a public vehicular highway (albeit one that was not, until that moment, publicly maintainable). The problem with the second alternative is that this route was in the process of being recorded as a public bridleway on the Definitive Map – if vehicular rights were already considered to exist, we should have expected this route to be identified as a Carriage Road Bridleway (i.e Road Used as a Public Path) - not as a public bridleway.

- 7.15 This route was already in the process of being recorded as a public bridleway. Whilst it might be tempting to believe its simultaneous addition to the Council's List of Streets, as the U4073, might be no more than an affirmation that the Council was responsible for maintaining the public bridleway, this ignores the earlier Bridges and Roads Committee minutes which seem to be envisaging a route which is more than just a public bridleway, and would suggest unrealistic special treatment for this public bridleway, over and above all the other publicly maintainable public bridlevays being recorded at that time. Seventy years on, it would seem prudent to rely on the presumption of regularity, and take the view that, in the absence of any clear evidence to the contrary, the Council must have acted correctly in taking over responsibility for the maintenance of this section of road.
- 7.16 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 bridlevays are used. The whole route has a drivable tarmac surface, and is clearly in regular use by the owners of the immediately surrounding farms, the residents at Low Trewhitt, the cottages and their visitors, but the route is a short vehicular cul-de-sac as far as the motoring public is concerned, from which two public bridlevays and one public footpath branch off. From the consultation responses of R Torrance & J Lazams, Netherton Parish Council and the British Horse Society, and from my own site visit, it seems likely that the 'general public' will use of the route primarily on foot, horseback and bicycle, with any motor vehicular use being less frequent. Applying a character test, the route might seem borderline for being recorded on the Definitive Map as a byway open to all traffic. At present, however, the route is recorded on the Definitive Map as a public bridleway. There is no mechanism for simply deleting the bridleway from Definitive Map altogether. If the Council doesn't upgrade the route (to correctly identify the public vehicular rights which appear to exist) its only other option is to leave things just as they are at present – with the route misleadingly identified as only a public bridleway.
- 7.17 Advice from the Planning Inspectorate in their 'consistency guidelines' states that it is important to have the correct width, where known, recorded in the definitive statement. Where no width can be determined by documentary means (such as an Inclosure Award, Highway Order or dedication document), there is usually a boundary to boundary presumption for public highways. It is proposed to record the alleged byway with a width varying from 6.0 to 7.9 metres, as identified in paragraph 6.1, above.

9. CONCLUSION

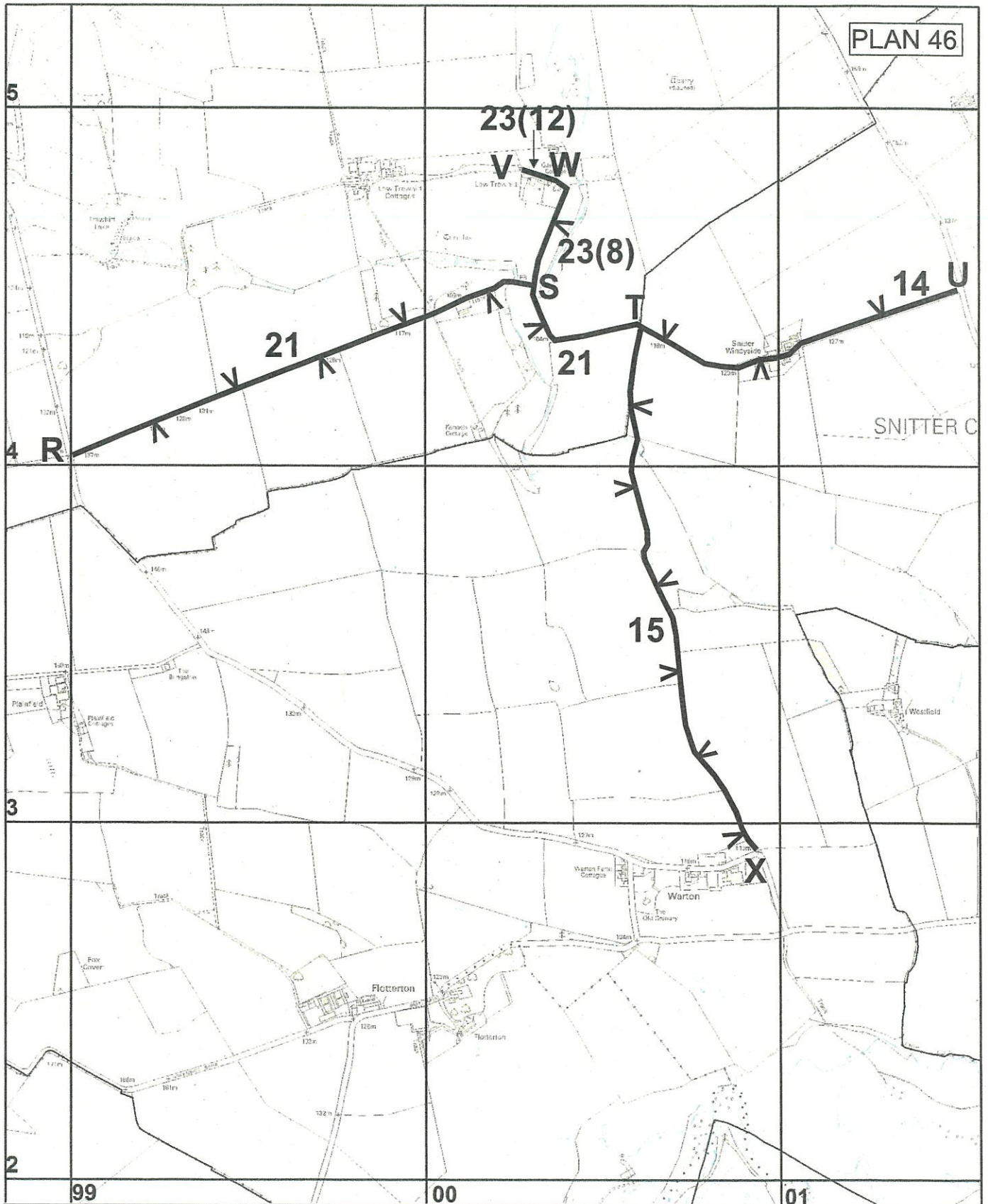
- 9.1 In light of the documentary evidence available, it appears that, on a balance of probability, public vehicular rights have been shown to exist over the route of alleged Byway Open to All Traffic No 23.

- 9.2 The Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motor vehicular rights over the route.
- 9.3 The route would appear to satisfy the balance of user / character test for being recorded on the Definitive Map as a byway open to all traffic and it would, therefore, be appropriate to recognize the public's rights over the route by recording it on the Definitive Map as a byway open to all traffic.

BACKGROUND PAPERS

Local Services Group File: A/25/23z

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NORTHUMBERLAND

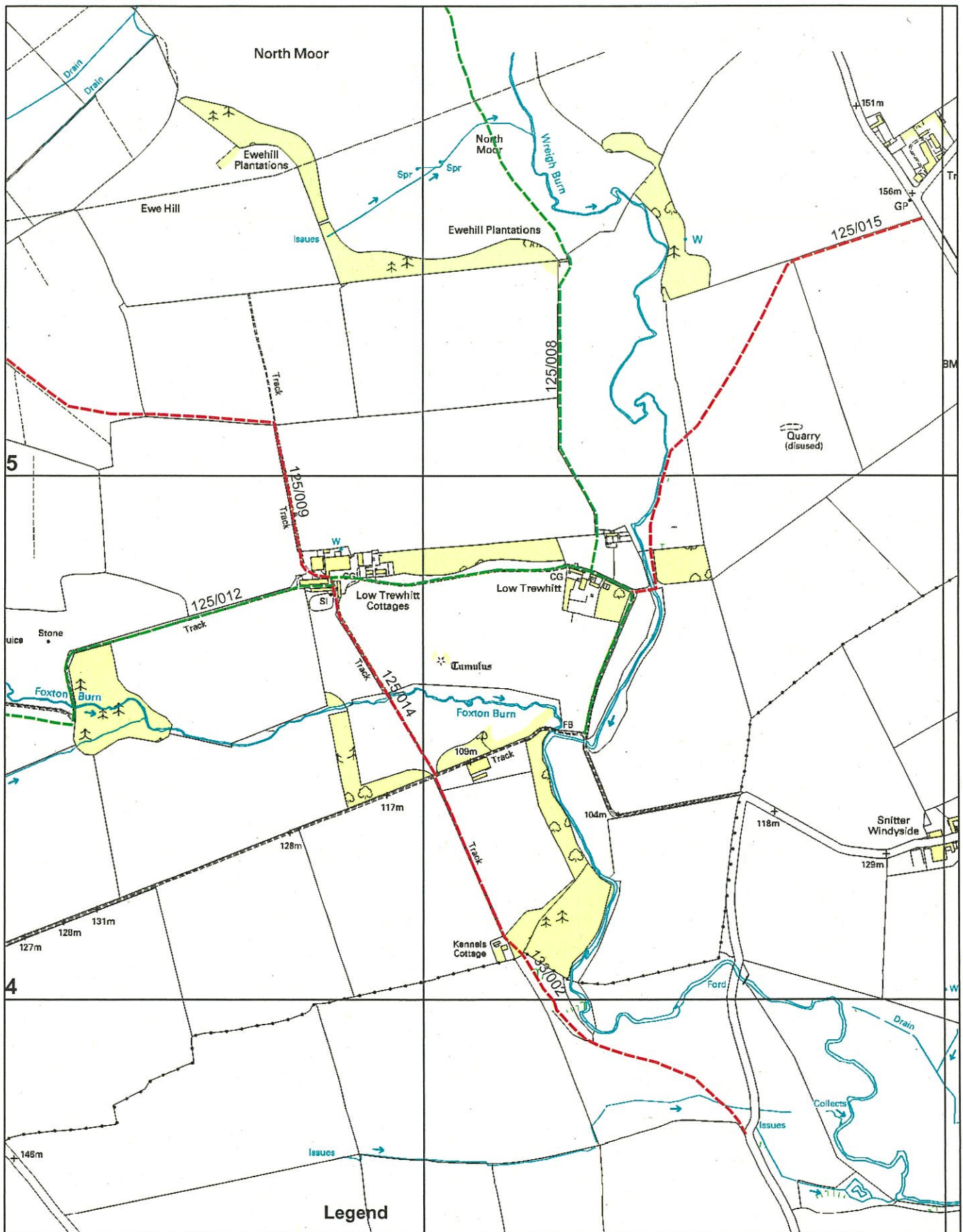
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**Wildlife and Countryside Act 1981
 Public Rights of Way**

 Alleged Byway Open to All Traffic

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Former District(s) Alnwick	Parish(es) Netherton/Snitter	Scale 1:15,000
Def. Map No. 92/93	O.S. Map NT 90 SE/NU 00 SW	Date October 2016



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

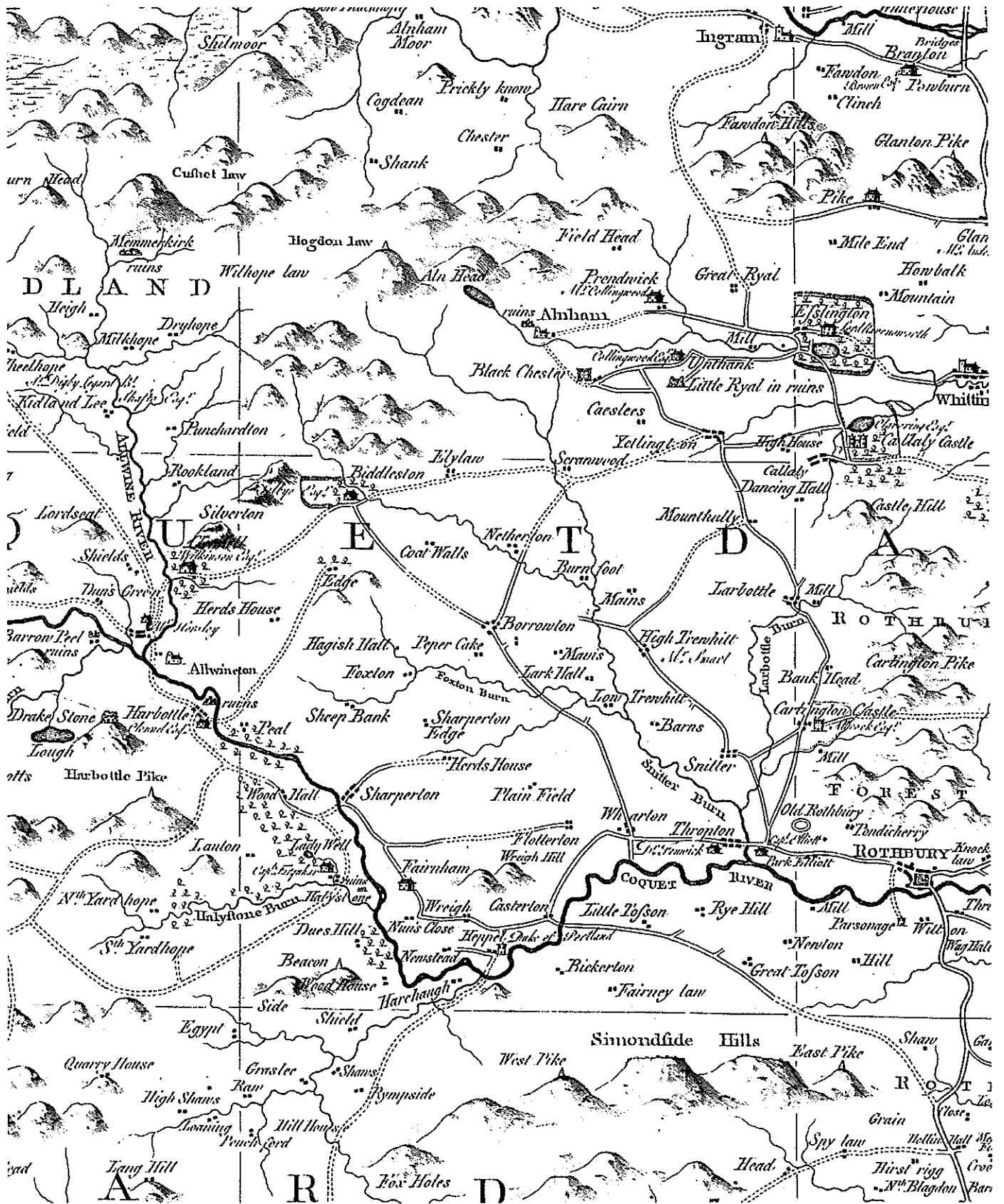
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Sustainable Transport
Local Services
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NE61 2EF Tel: 01670 533000

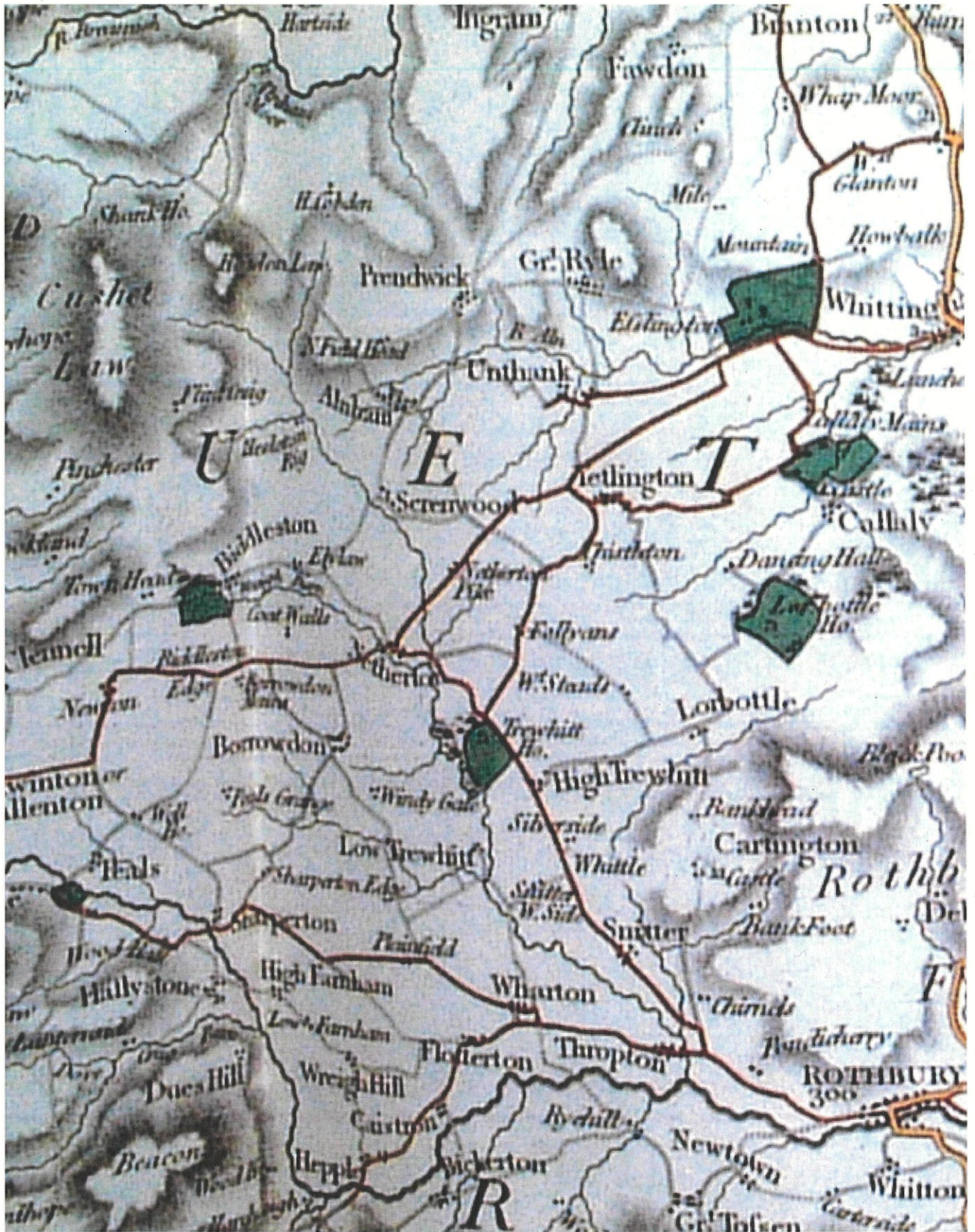
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Armstrong's County Map
1769

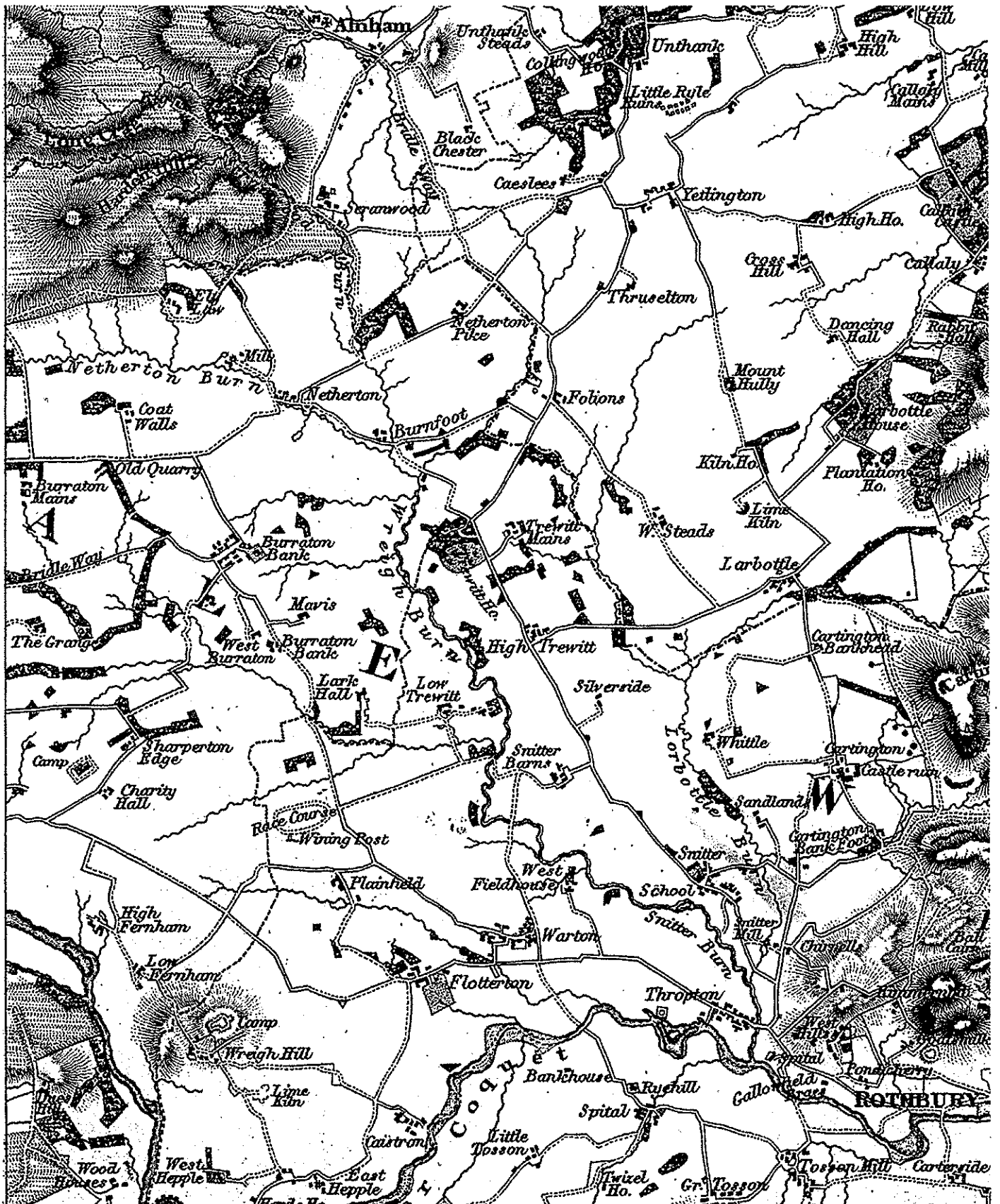


Fryer's County Map
1820

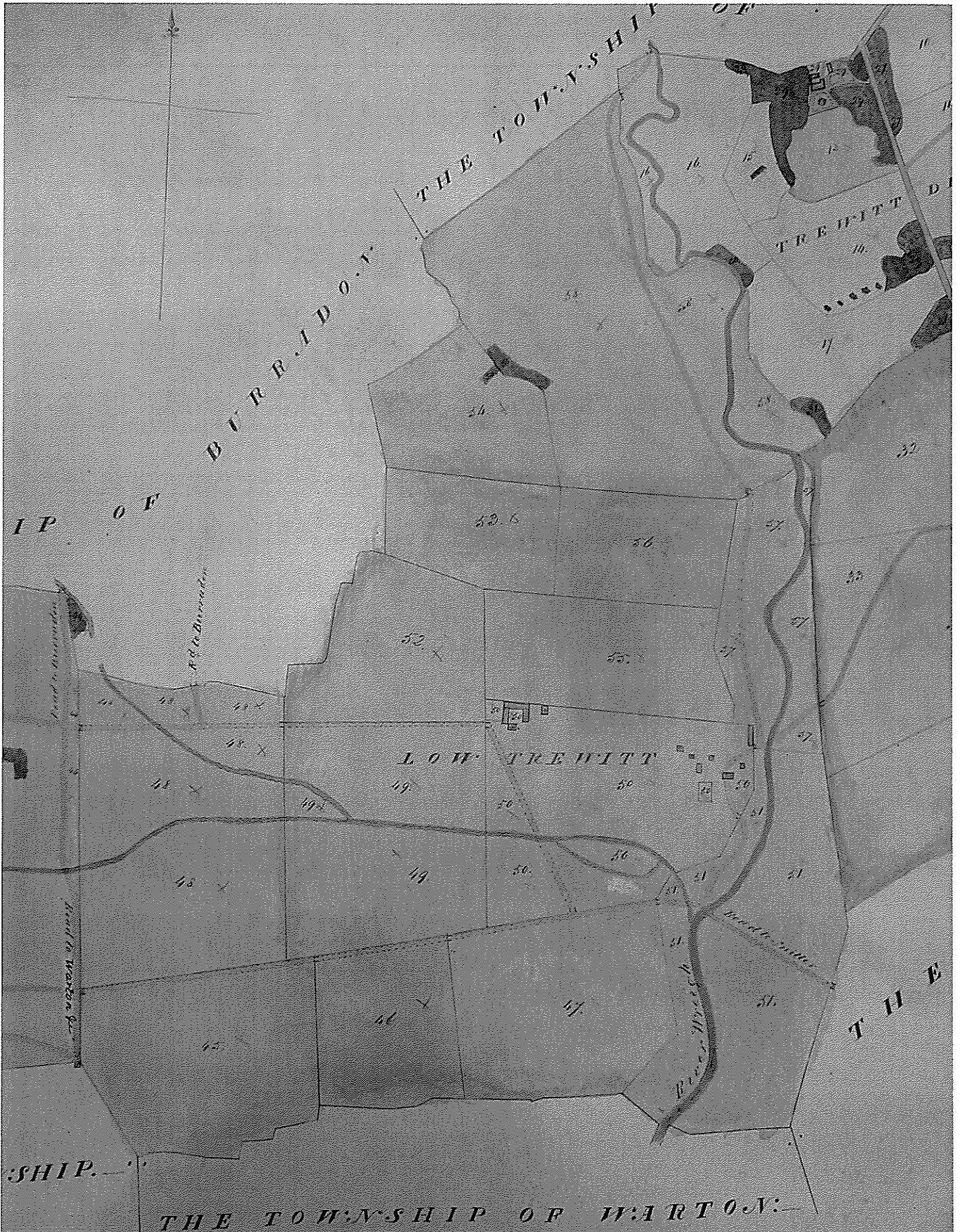




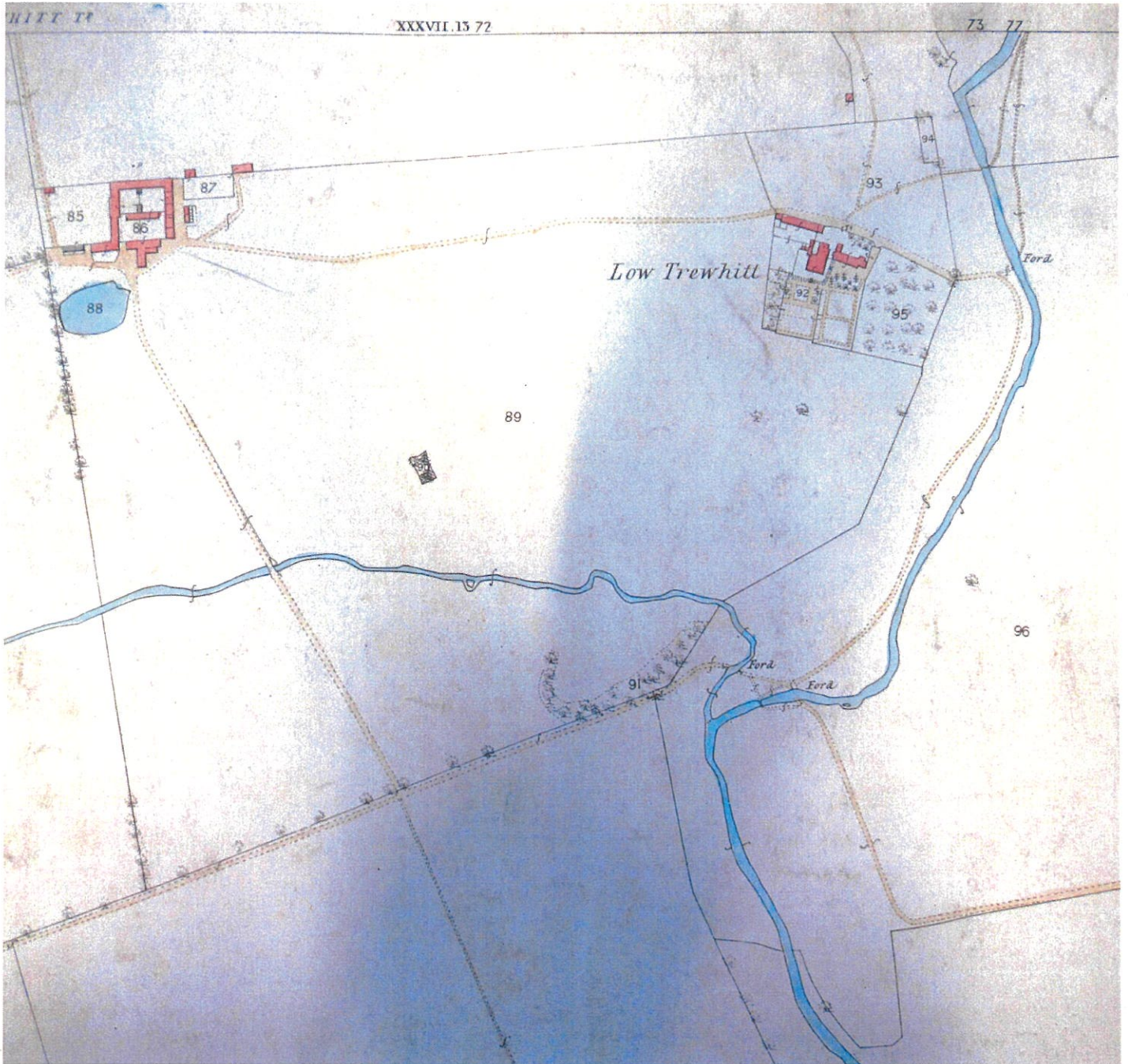
Greenwood's County Map 1828

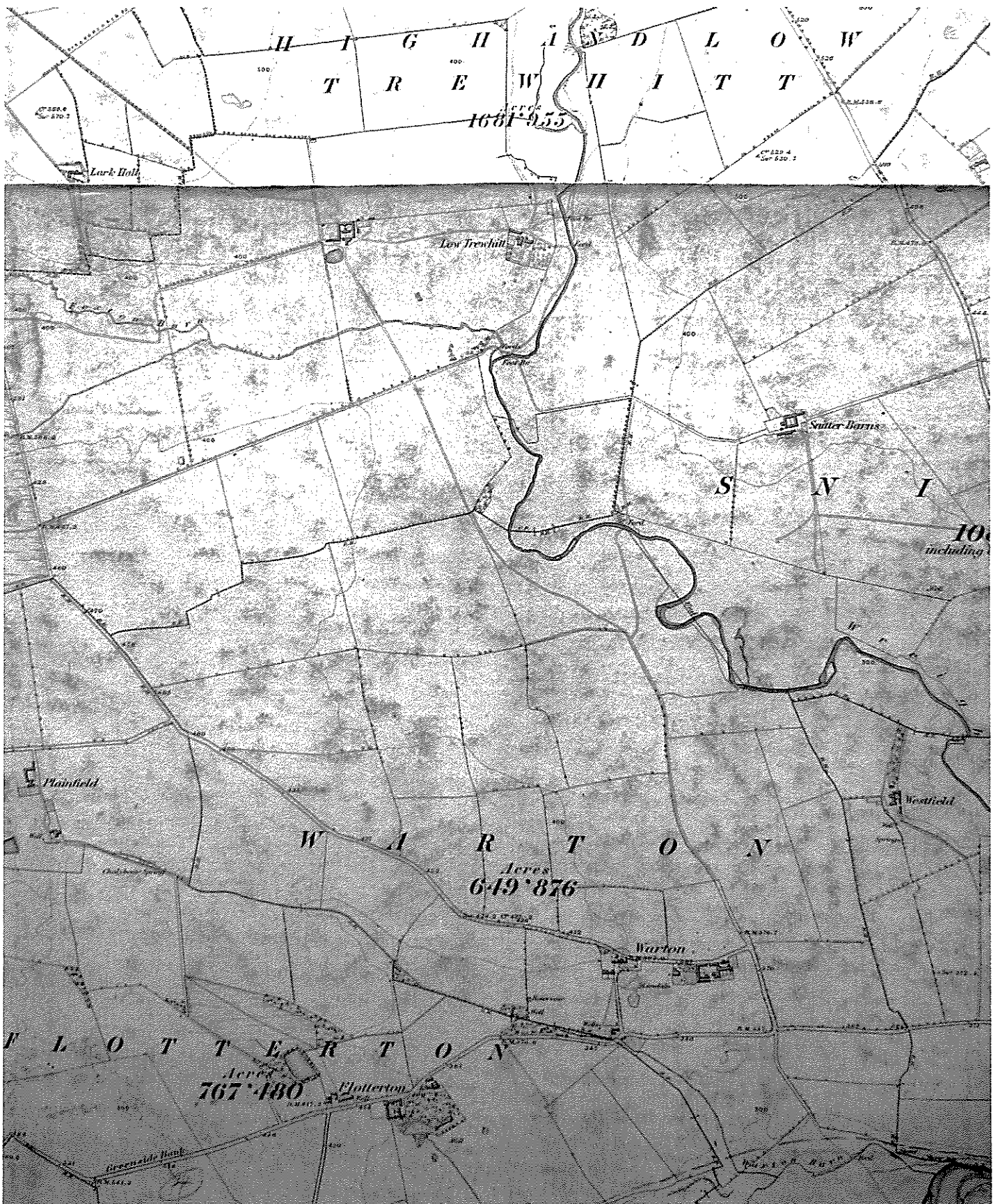


High and Low Trehitt Tithe Award 1841



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

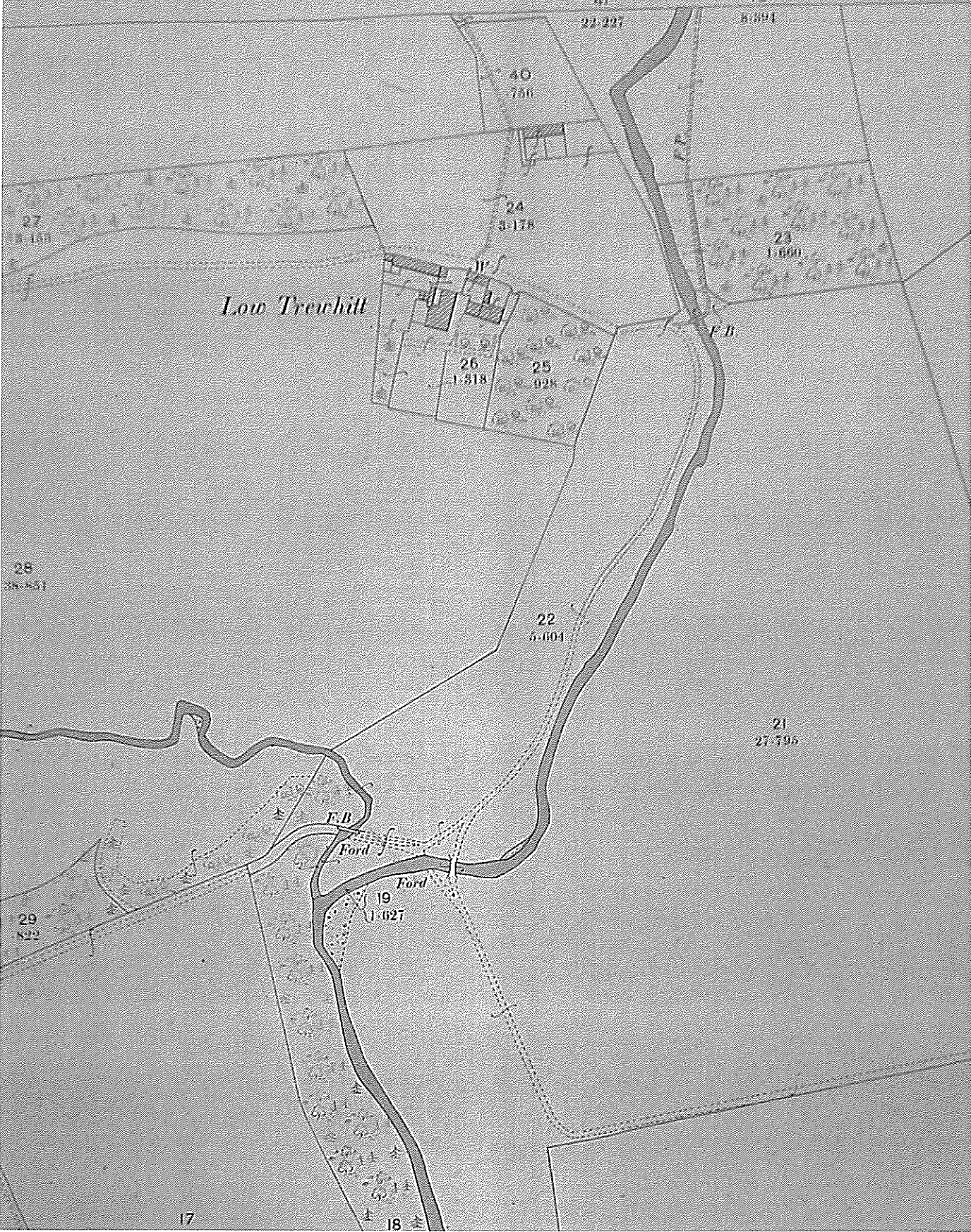




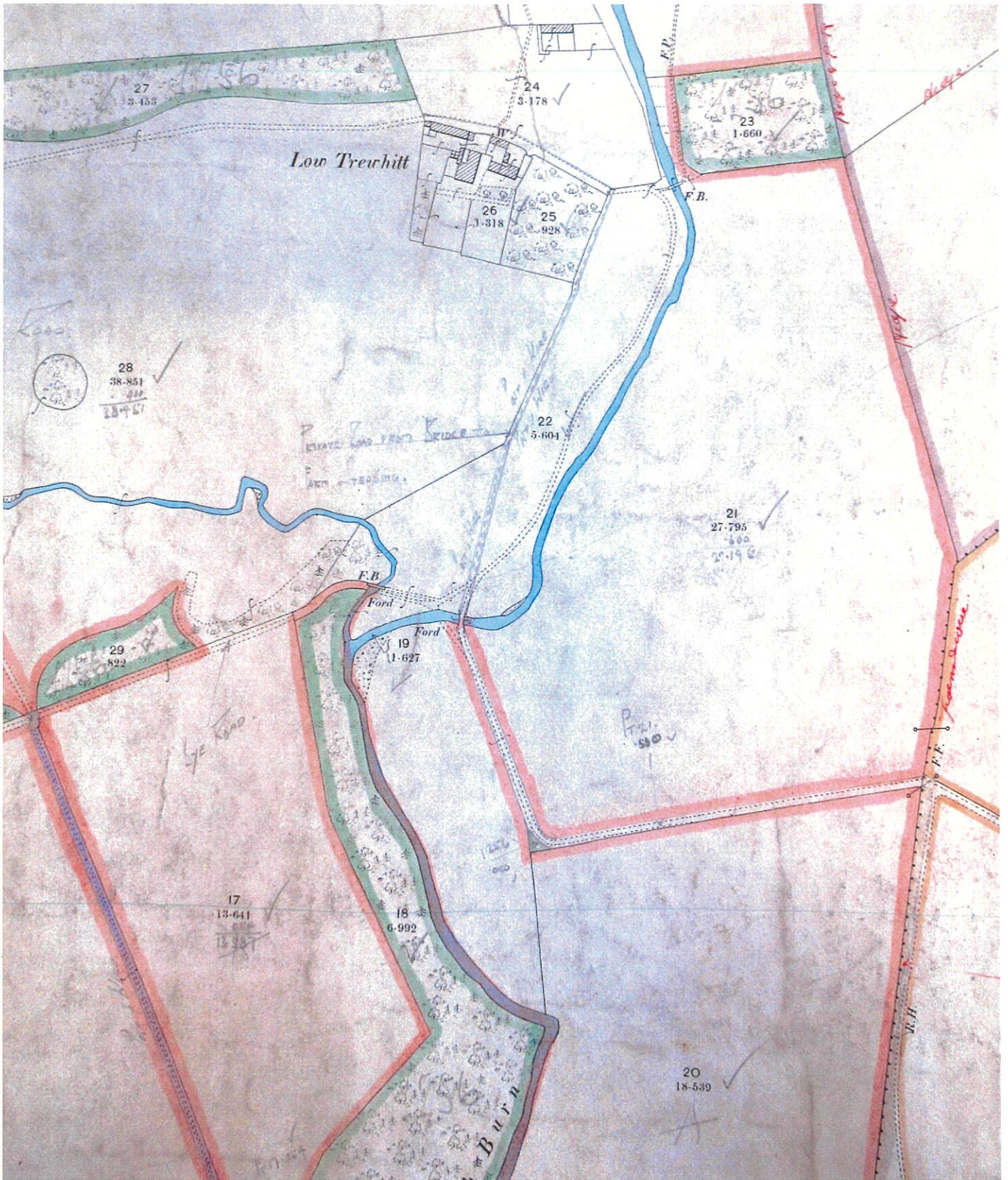
TION 1897.

ROTHBURY UNION

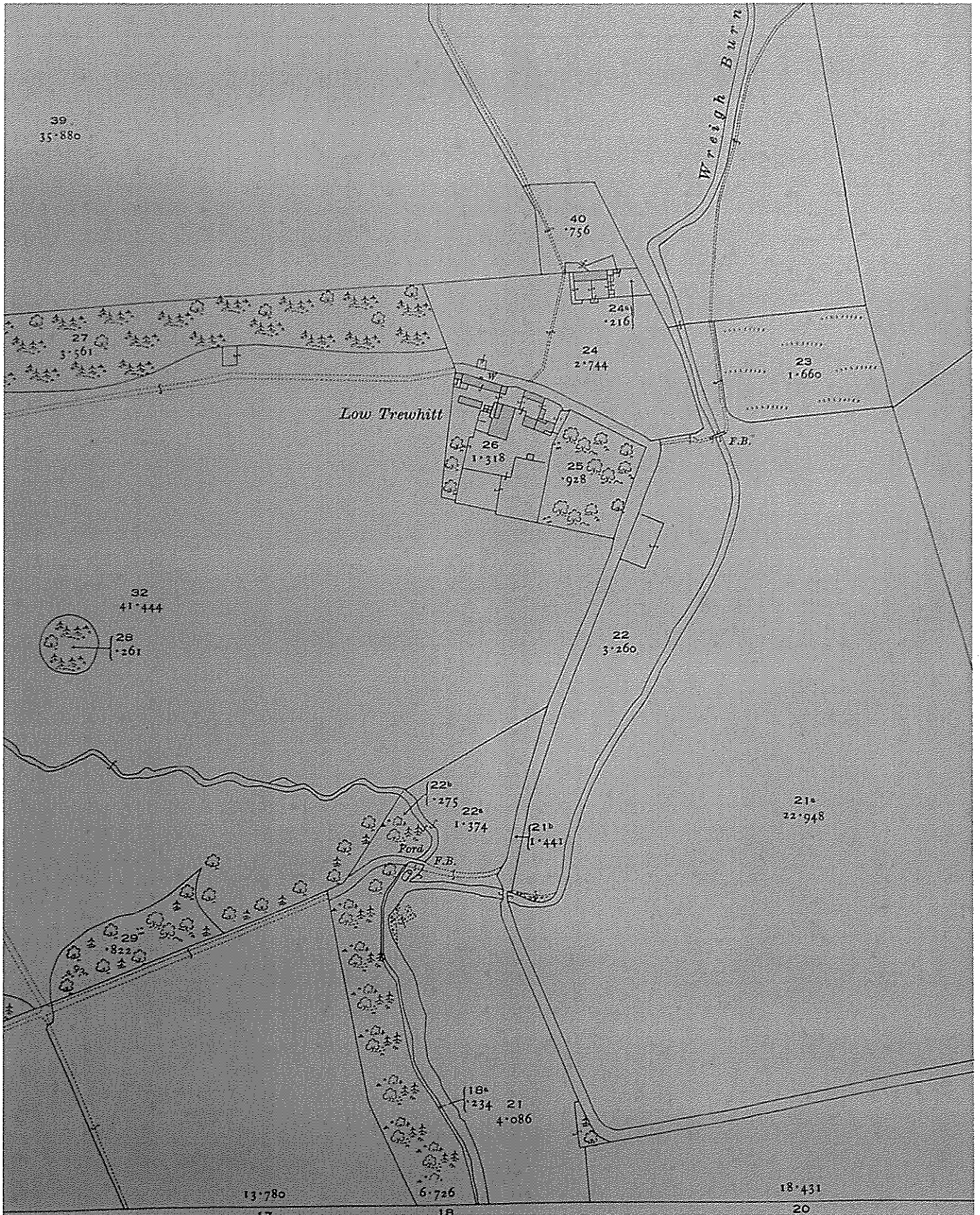
HIGH AND LOW TREWHITT PH



Finance Act 1910 Plan



3rd Edition 25" O.S. Map
1923



REPORTS OF THE COUNTY SURVEYOR.—Continued.

Decision of the Committee.

(17) **Roadside Stands for Milk Churns.**

In recent years the collection of milk by road vehicles has assumed considerable proportions and the practice has grown up of erecting stands for milk churns, on or adjoining the highway. During the war years no action was taken except in one or two cases to interfere with this practice as it undoubtedly was a convenience to farmers and facilitated the collection of the milk churns.

The time appears to have arrived when the matter should be put on a proper basis.

The County Councils Association have been in communication with the Ministry of Agriculture on the matter, and a leaflet has been issued by the latter Ministry, which the Association considers satisfactory.

It recommends that the erection of these stands be agreed to, subject to the siting and design being approved. It is pointed out that there is no legal right to erect these stands and in giving such consent as they are able, the County Council should protect themselves against third party claims.

I therefore recommend that only those stands be permitted where the farmer concerned is prepared to enter into an agreement under the following headings:—

- (1) Site to be approved and any costs in forming approach to be paid by the farmer.
- (2) The stand to be constructed to an approved design and of approved materials.
- (3) An undertaking to be given to remove the stand, on demand, and to restore the site to my satisfaction.
- (4) An indemnity to be given, covering the County Council against third party claims and other actions due to the existence of the stand.
- (5) Any other condition which the Clerk of the County Council considers desirable.

(18) **Class III Roads.**

(a) I have now received notification from the Ministry of Transport that they have accepted for Classification as class III Roads a total of 945.93 miles of road, as from the 1st April, 1946.

I submit a schedule (Appendix C) which sets out the mileage of road in the various Districts in the County. It will be noted that the Ministry have classified 42.90 miles of roads in Urban Districts and Boroughs which were not previously a County responsibility.

Of the 1728.02 miles of road which have been delegated to the Rural District Councils 731.84 miles have been classified leaving 996.18 miles unclassified.

(a) Received.

REPORTS OF THE COUNTY SURVEYOR.—Continued.

Decision of the Committee.

(6) The Ministry of Transport have asked for an estimate of the cost of maintenance of Class III Roads for the current financial year 1946-47, which amounts to:—

	Gross Cost.	M. of T. Grant.	Nett.
<i>Provided in 1946-47 Estimate.</i>			
Delegated County Roads	£ 84,808	£	£
County Roads maintained direct	13,147	52,867	52,867
Unmaintained Roads	1,569		
<i>Not provided—</i>			
Roads in Urban Areas, not previously County Roads	23,101	11,550	11,551
	£ 127,885	63,917	63,918

(19) **Northumberland County Education Committee.**

The Director of Education has forwarded to me the following recommendation of the Education Committee:—

"That the Bridges and Roads Committee be asked if they will prepare a scheme on behalf of the Education Committee, for the levelling and preparation for re-seeding of school playing fields."

Some of the large plant which we have—such as tractor scrapers and bulldozers—would be very suitable and available for levelling areas and preparing for re-seeding, provided they are not required for more urgent road works.

At the present time, pending the commencement of large road works, I have some machines which could be transferred to such work.

Surveys would be required before work is put in hand and careful supervision would be necessary.

I would suggest an establishment charge of 10 per cent. on the actual cost of the works be made, to cover the cost of preparation of the scheme and supervision.

(20) **Rothbury Rural District: Unadopted Roads in remote districts.**

The Rothbury Rural District Council have forwarded me a copy of their Highways Advisory Committee's report which they have adopted, and have requested that the lengths of road enumerated in the Report should be taken over and made up to a passable standard of repair. They state that such a step would not only improve greatly the existing means of communication in the area, but would, to some extent, facilitate the engagement of shepherds and other agricultural workers on large remote farms without whose services such farms would revert to deer forests or some under controlled afforestation and be certainly lost to food production.

They have divided their recommendations into three groups.

That the request be agreed to, subject to the establishment charge of 10 per cent.

That every application of this kind be considered on its merits as and when received, and for that purpose be referred to a Sub-Committee consisting of the Chairman and Vice-Chairman, Alderman Pitt and Councillor Milnoughan, for investigation and report, with power to meet the District Council concerned.

REPORTS OF THE COUNTY SURVEYOR.—Continued.

Decision of
the Committee.

Group A covers a length of 10 miles, and they ask that these roads be given first consideration. Group B covers a length of 3 miles, and Group C a length of 18 miles, a total of 31 miles.

The following are the roads included in Group A, together with my notes:—

1. Whittton to Dene Hill, and on to Lovingshaw-Tossen road.
This road serves two farms, one bungalow, two cottages at Hill Head and three small week-end cottages, eight properties in all. The road is in very bad repair.
2. From Rowhope Bridge to Usway Ford, and outby farms, Rowhope and Trows.
There are three outby farms and little more than a track as far as Trows, after that a rough road to Usway Ford.
3. From Clennell to Kidlandlee.
This is a rough road to Kidlandlee and then only a rough track serving White Burn Shank, Milkhope and the Heigh, all outby farms. At Kidlandlee, there is a small school and school-house, two cottages and the big house, seven habitable dwellings in all.
4. Toqlaw Moor by Church, to School and Yellington.
There is only the school on this road.
5. Windyside Lav, Trewitt Bridge to farm cottages.
The existing public road through the ford is hardly ever used and has grown green. The diversion which is maintained by the Cragside Estate is in bad condition. The road serves the farmhouse and six cottages.
6. Greenleighton from Quarry Gate to Farm.
This road serves Chertners Dyko Head and Fallowlees Farm.
The road to Greenleighton Farm is fair, but there is only a track to the other farms. It serves six dwelling-houses in all.

A very important principle is involved in this request. If these proposals are agreed to then we can expect similar requests from all the other Rural Districts in the County involving a large mileage of road.

In the past the cost of repairs to these roads has been paid by either the tenant or landowners concerned, and has been a charge on the estates. If they are relieved of this responsibility, then it appears to me that the properties will increase in value.

There are some roads which the County Council might agree to take over, provided the Estate Owners agreed to put them into reasonable condition, but the present application asks the County Council to take the roads over and pay the cost of any necessary work.

REPORTS OF THE COUNTY SURVEYOR.—Continued.

Decision of
the Committee.**(21) Newcastle-Edinburgh Trunk Road, A.696: Improvement of sharp bend at Capheaton Corner.**

The Minister of Transport has invited the County Council to carry out on his behalf, as his agents, the preparation of plans, specification and estimate for the following improvement:—

Improvement of sharp bend by widening and regrading and insertion of a 2000 ft. radius curve for a length of approximately 400 yards.

(22) Restriction of Ribbon Development Act, 1935: Standard Widths—Middle of Road.*(i) Tyne Tunnel Approach Road.*

Plans of three sections of this proposed road from Wideopen to Coast Road, A.1058, were approved by the Committee in March. A small amendment is necessary to a portion of the first section—Wideopen to Camperdown—in order to accommodate the proposed flyover at the junction with the Wideopen Diversion and the following scheme for this section is resubmitted:—

Plan No. Scheme.
S1/4— Wideopen to Camperdown
Effective standard width. 120 ft.

I recommend that the Committee approve the plan as now submitted and authorise its submission to the Minister of Transport for approval.

The Minister has suggested that the whole scheme Wideopen to the Coast Road should be advertised, in order that any objections can be dealt with at this stage, and I recommend that this be done.

(23) Sea Walls at Beadnell and Seahouses.

(a) The seawall supporting the road leading from Beadnell Village to the Harbour was damaged during recent storms. The sea undermined the wall and a large cavity was formed, but fortunately the wall did not collapse.

The necessary repairs have been completed.

(b) At Seahouses, the Bamburg road, west of Seahouses Station, runs along the sea front and the area of land between the road and the sea belongs to the National Trust. The sea has washed away part of an old retaining wall and has eaten into the adjoining cliffs with the result that the edge of the cliff is now near the back of the footpath.

In order to protect the sea wall it will be necessary to construct a fairly extensive sea wall. I have had a survey made and am preparing a scheme for the construction of a new wall providing for an ultimate road width of 100 ft., which I will submit to the next meeting of the Committee.

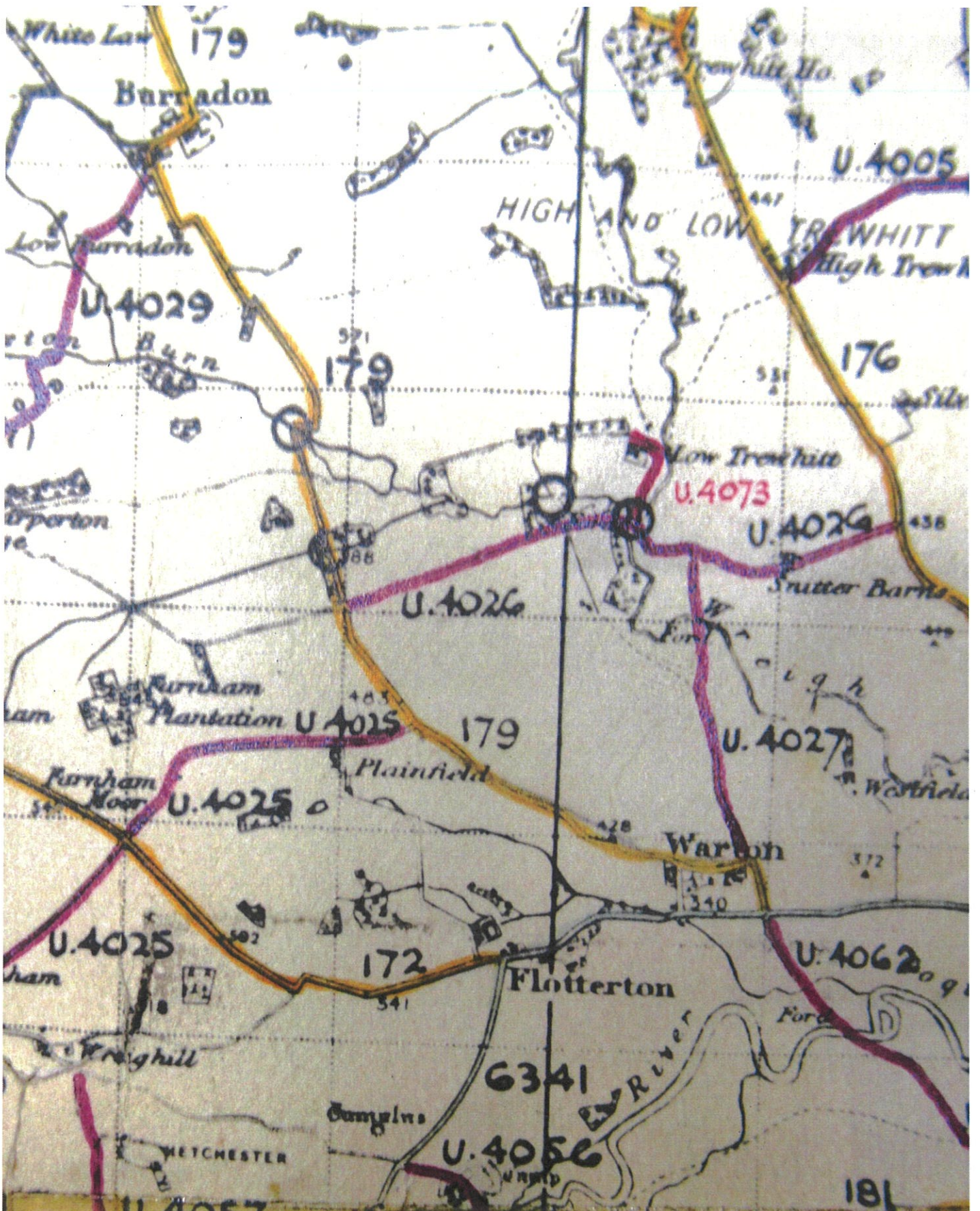
That the invitation be accepted.

Approved.

(c) Approved.

(d) Received.

Extract from the Council's 1951 Highways Map



(S) *Rothbury Rural District.*(a) *Roads to Farms.*

As reported to the Committee at their last meeting, the Agent for the Cragside Estate has asked the County Council to take over the road to Low Trewitt Farm, and a similar request has been made by Sir Angus Watson in respect of the Whitton Hill Head road.

In 1946, the Rothbury Rural District Council asked that certain lengths of road serving remote districts should be taken over and put into a passable standard of repair, in order to improve the existing means of communication in the area and to facilitate the engagement of workers whose services are essential to save some of the remote farms from being lost to food production. The Committee then decided that each application should be considered on its merits, but after a meeting with representatives of the Rural District Council, no definite decisions were reached. It was, however, agreed to make representations to the War Office with regard to the repair of the road to Trows and Uswayford Farms, but they disclaimed any responsibility other than to their tenant at Trows.

The road to Low Trewitt serves the farm and seven cottages and could be put into a reasonable state of repair without a great deal of work. The Sub-Committee recommend that it be taken over if this work is carried out.

The Whitton Hill Head road serves three farms, one bungalow, two cottages at Hill Head and three small week-end cottages; the farm tenants are responsible for its maintenance and it is in very bad condition. While the Sub-Committee appreciate the desirability of this road being put into repair, they feel unable to recommend that it be taken over unless it is first put into a reasonable state of repair.

(b) *Physic Lane, Thropton.*

Under the Thropton Common Award, this road is set out as a carriageway 33 feet in width; it has never been maintained by the highway authority although a length of some 300 yards has been built up. During the war considerable damage was done to the latter section by War Department vehicles, but it has since been put into a reasonable state of repair.

There are a number of small encroachments on the awarded width and while the Sub-Committee do not consider it essential or even desirable that these should be removed at the present time, they feel that the awarded width should be protected and, subject to the views of the Clerk of the Council on this point, they recommend that the built-up length be taken over.

(c) *Hillside Road, Rothbury.*

The Rothbury Rural District Council have asked that the County Council should put Section 150 of the Public Health Act, 1875, into operation in respect of the above road, which is an awarded road, making it a public right of way but a private carriageway maintainable by the adjoining owners. The Sub-Committee consider it desirable that this road should be put into repair and taken over, and they therefore recommend that the County Surveyor be instructed to prepare, after consulting the Clerk of the County Council regarding the method of procedure, the liability of the Council in respect of the public right of way and the question of any encroachments, an estimate and draft apportionment, to include any necessary contribution by the Council.

Resolved that the report be received.

133.—The Sub-Committee appointed to consider the proposals in relation to highways to be incorporated in the County Plan submitted their report, which is set out below, and which, as instructed by the Committee on the 19th March, they had forwarded to the County Planning Committee:—

COUNTY DEVELOPMENT PLAN.—HIGHWAYS.

REPORT OF THE SUB-COMMITTEE.

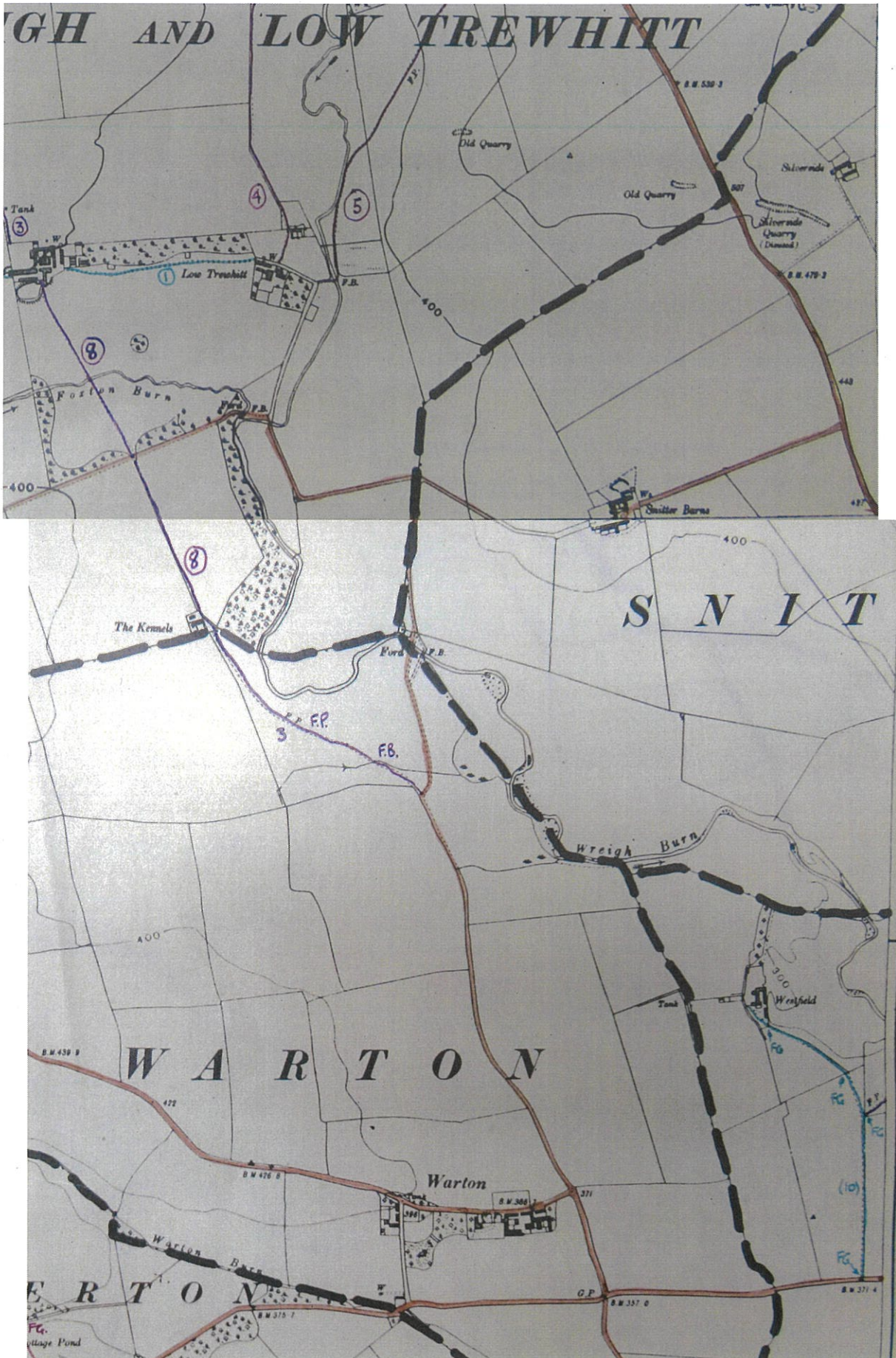
The number of entry and exit points to and from the County of Northumberland are limited by natural barriers, the River Tweed in the north, the Cheviots and Pennines in the west and south, and the River Tyne in the south east, and there is a general convergence of the main traffic flow from these points of entry towards the industrial area around Newcastle and Tyneside and the crossings of the River Tyne leading to Durham and the South.

The predominant traffic routes in the County are the Great North Road (Trunk Road A.1) and the West Road from Newcastle to Carlisle (Trunk Road A.69). A.1 carries most of the long distance north-south traffic while A.69 is a very important east-west link and serves the townships of the Tyne valley; in addition, both roads distribute local traffic to most of the County. The Newcastle-Jedburgh Road (Trunk Road A.696/68) is a further route from Tyneside to Scotland via Otterburn and Carter Bar, but its use by heavy traffic is restricted by low railway bridges. A subsidiary, though comparatively little used, route to the north is A.68, which runs from the Darlington and Bishop Auckland areas in Durham with a link to A.1 at Scotch Corner, enters the County at Allensford and joins Trunk Road A.696 at Elishaw, north of Otterburn, from where it forms part of the Trunk Road to Scotland over Carter Bar. Other important routes are the Morpeth-Coldstream Road A.697, which provides another route to Scotland, the Gateshead-Hexham Road A.695, which serves the south bank of the Tyne, and the Ashington-Alnwick Road A.1068. The industrial and urbanised area in the south east of the County is served by a network of Class I and Class II roads which connect the various urban areas with each other and with Newcastle and Tyneside, and among these is the Coast Road A.1058, from Newcastle to Lynemouth, which is the heaviest trafficked route in the County.

The general road pattern in Northumberland was not designed or laid out for modern fast moving traffic and the rapid growth of road transport has made it necessary to consider the complete overhaul of the existing system. Much was done in the inter-war years, particularly as regards the improvement of surfaces, but it was only towards the end of this period that effective measures to control ribbon development became available, and a lot remains to be done to fit the road system to modern traffic needs. In the south east of the County, industry originally depended largely on rail transport and, as a result, there is a network of main line and mineral railways in this area providing numerous level crossings and narrow bridges which restrict the movement of road traffic. In other parts of the County, the main roads pass through old townships and villages whose narrow streets are quite inadequate to deal with the mingled local and through traffic, and serious congestion results. In the rural areas, traffic is distributed by an extensive system of Class III and Unclassified Roads, and although the volume of traffic carried by these is small compared to the main roads, there has been a great increase in the weight and size of the individual loads using them.

The Ministry of Transport have laid down that, in deciding upon the ultimate volume of traffic to be provided for, allowance should be made for an increase of 75% on pre-war figures. While the present day volume of traffic has not yet shown the anticipated increase, comparative census figures indicate that the numbers of commercial vehicles and public service

Survey Map



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

Parish of High & Low Trewhitt in the Rural District of Rothbury
 Borough } of _____
 Urban District } (Delete whichever is inapplicable).

1. Number of highway on Map ①
2. Kind of Path (i.e., F.P., B.R.) BR
3. Starts at Low Trewhitt House to Water Boundary Road
4. Name of Path (if any) _____
5. Is the Path well defined? Yes
6. Is the Path metalled? If so, define length NO
7. If its width can be stated, insert here Varies from about 4ft to 6ft path width
8. What is the present condition of the path, stiles, etc.? Very rough
9. Is it subject to being ploughed out? No
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known
11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant
12. Have persons been prevented using the highway? No
13. Give particulars of any obstructions _____
14. Names of owners of freehold and previous owners, if known, for past 30 years
Lord Armstrong
15. What maps have been consulted, and where are they deposited?
16. What records have been consulted, and where are they deposited?
17. Any other relevant information Private Road to farm buildings: then cut through through gate at wood & left along wood side through gate & over stone bridge then right across field past lube to gate on to Buntingdon Water Road.

Surveyed by	Address	Dates of Survey
<u>John F. H. Christoph</u>	<u>Low Trewhitt Thorpston North</u>	<u>21/1/62</u> _____

Important:—Sheet No. of Map on which Highway is shown
N 251 / N.W. / OST No 912

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

Parish of High Row Tieshitt in the Rural District of Rothbury
Borough } of R
Urban District } (Delete whichever is inapplicable). BR

1. Number of highway on Map 4
2. Kind of Path (i.e., F.P., B.R.) FP
3. Starts at Row Tieshitt House to Ripper on Northern Boundary
4. Name of Path (if any) _____
5. Is the Path well defined? No
6. Is the Path metalled? If so, define length _____
7. If its width can be stated, insert here _____
8. What is the present condition of the path, stiles, etc.? _____
9. Is it subject to being ploughed out? No
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known _____
11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant _____
12. Have persons been prevented using the highway? No
13. Give particulars of any obstructions _____
14. Names of owners of freehold and previous owners, if known, for past 30 years Rad Armstrong
15. What maps have been consulted, and where are they deposited? _____
16. What records have been consulted, and where are they deposited? _____
17. Any other relevant information Runs from Row Tieshitt House north direct across field & north main 15 Ripper & gate in boundary fence

Surveyed by	Address	Dates of Survey
<u>John J. H. Elmer</u>	<u>Row Tieshitt</u> <u>1 Main</u> <u>Mothett</u>	<u>2/1/52</u>


Important :- Sheet No. of Map on which Highway is shown
NXL1 / SW / OST 10094

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

Parish of High & Low Treshilt in the Rural District of Rothbury

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

1. Number of highway on Map 5
2. Kind of Path (i.e., F.P., B.E.) F.P.
3. Starts at Low Treshilt to High Treshilt
4. Name of Path (if any) _____
5. Is the Path well defined? No
6. Is the Path metalled? If so, define length No
7. If its width can be stated, insert here _____
8. What is the present condition of the path, stiles, etc.? Foot bridge is dangerous
9. Is it subject to being ploughed out? No
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known _____
11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant
Foot bridge used to be repaired by local authority
12. Have persons been prevented using the highway? No
13. Give particulars of any obstructions _____
14. Names of owners of freehold and previous owners, if known, for past 30 years
Road Authority
15. What maps have been consulted, and where are they deposited? _____
16. What records have been consulted, and where are they deposited? _____
17. Any other relevant information Runs from gate at bottom of hill at Low Treshilt house via foot bridge, then left & through gate & then through wood on to High Treshilt & across two fields to road near High Treshilt House.

Surveyed by	Address	Dates of Survey
<u>John F.H. Chisip</u>	<u>Low Treshilt 1 Ingham Mithell</u>	<u>21/1/52</u> 

Important :- Sheet No. of Map on which Highway is shown
NXLI / NW / OS 1 No 412

REPORTS OF COUNTY SURVEYOR—continued.

The purchase of the following clothing is recommended by the Sub-Committee:—

	£	s.	d.
700 Suits (Plastic)—Messrs. McBean & Co., Ltd., Glasgow—at £2 2s. 2d. each ...	1,475	16	8
100 Suits (Waterproof)—Messrs. McBean & Co., Ltd., Glasgow—at £3 13s. 0d. each ...	365	0	0
100 Suits (Plastic)—Messrs. Barbour & Sons, Ltd., South Shields—at £3 0s. 0d. each ...	300	0	0
	<u>£2,140</u>	<u>16</u>	<u>8</u>

A sum of £2,500 is included in the annual estimate for the purchase of clothing.

(40) Department of Scientific and Industrial Research.

Courses on Road Materials and Construction are to be held at the Road Research Laboratories Centre at Harmondsworth, Middlesex, between September, 1953, and April, 1954, and I shall be glad if the Committee will agree to the following members of my staff attending:—

- Mr. C. F. L. Girven, Deputy County Surveyor—16th March to 1st April, 1954.
- Mr. D. F. Esson, Senior Engineering Assistant—17th November to 26th November, 1953.

A fee of £10 10s. 0d. will be charged for each course to cover tuition and registration costs.

(41) Private Street Works.—New Streets Act, 1951.

Castle Ward Rural District Council are concerned at the number of private streets which are being developed and which are not being constructed to the standard required for adoption, and they have asked if the County Council will consider making application to the Minister of Housing and Local Government for an Order applying the provisions of the s. Act to their area.

Castle Ward Rural District—Brunton Park Estate Roads, North Gosforth.

Some roads on the Brunton Park Estate constructed before the war are practically built up, but they have not been adopted and are now in a bad condition. Numerous complaints have been received as well as a petition asking for these roads to be made up and taken over, and Mr. J. O. G. Hilton, the District Councillor for the area, who lives on the estate, is willing to approach the owners concerned to see if agreement can be reached for the roads to be made up to a standard which would enable the County Council to adopt them.

Decision of the Committee.

Approved.

Deferral until information is available about the effects of the Act's provisions in urban districts.

Approved.

REPORTS OF COUNTY SURVEYOR—continued.

I recommend that the necessary information regarding the costs of making up be given to Mr. Hilton and that, if agreement cannot be reached, the roads be considered for making up under the Private Street Works Act, 1952, and the Committee consider their programme for next year.

Hamble Rural District—Road to Low Trewhitt.

The Committee have already agreed to adopt this road subject to its being made up, and repairs have now been carried out to a length of 0.263 miles from the existing County road to the farm, but the remaining length of 0.25 miles from the farm to seven cottages has not been repaired, although the owners are anxious for it to be taken over.

I recommend that the length to the farm be adopted and that the remainder be taken over when it has been made up to a satisfactory standard.

Hamble Rural District—New Road.

Mr. Col. J. W. Sale, Estates Office, Wooler, has asked for this road, which is 0.71 miles long and serves six cottages and 'The House,' to be taken over. There is a 12ft. wide carriage-way in good repair and subject to the provision of sight lines at the junction with the main road and to improvements to the drainage, I recommend that the road be adopted.

Togston, Haydon Bridge and Wyke Streets.

As instructed, I have prepared the specifications for the private street works required in the streets at Togston, Monk Belmont Gardens, Haydon Bridge, and Stephenson Terrace, Wyke, and I now submit these to the Committee, together with the estimates of the probable expenses of the works and provisional apportionments of the estimated expenses among the premises liable to be charged therewith.

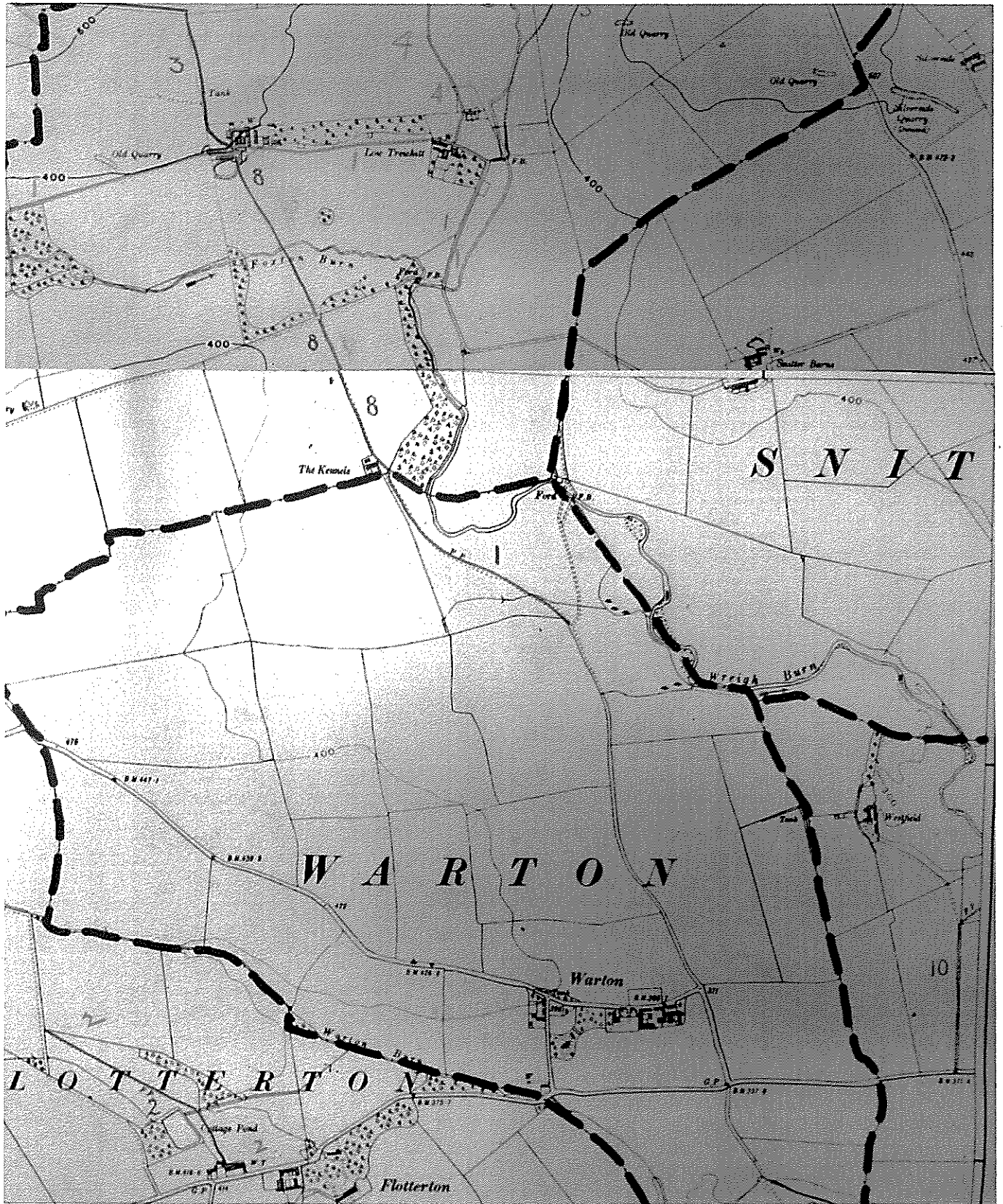
In Stephenson Terrace, Wyke, it is proposed that the County Council should contribute £47 lbs. 3d. in respect of the old right of way which ran along the line of the road and should bear the cost of re-setting existing gullies, estimated at £8 0s. 0d., and it is also recommended that in all cases the Council should pay the apportionments in respect of the frontages of the accesses of other streets where it is not practicable to charge these against particular properties. At Togston the Council must pay the apportionment against the Mission Room, and at Belmont Gardens, Haydon Bridge, they own the Haydon Bridge Hostel, the grounds of which form most of the north frontage to the street and this frontage has been apportioned at 100 per cent.

Decision of the Committee.

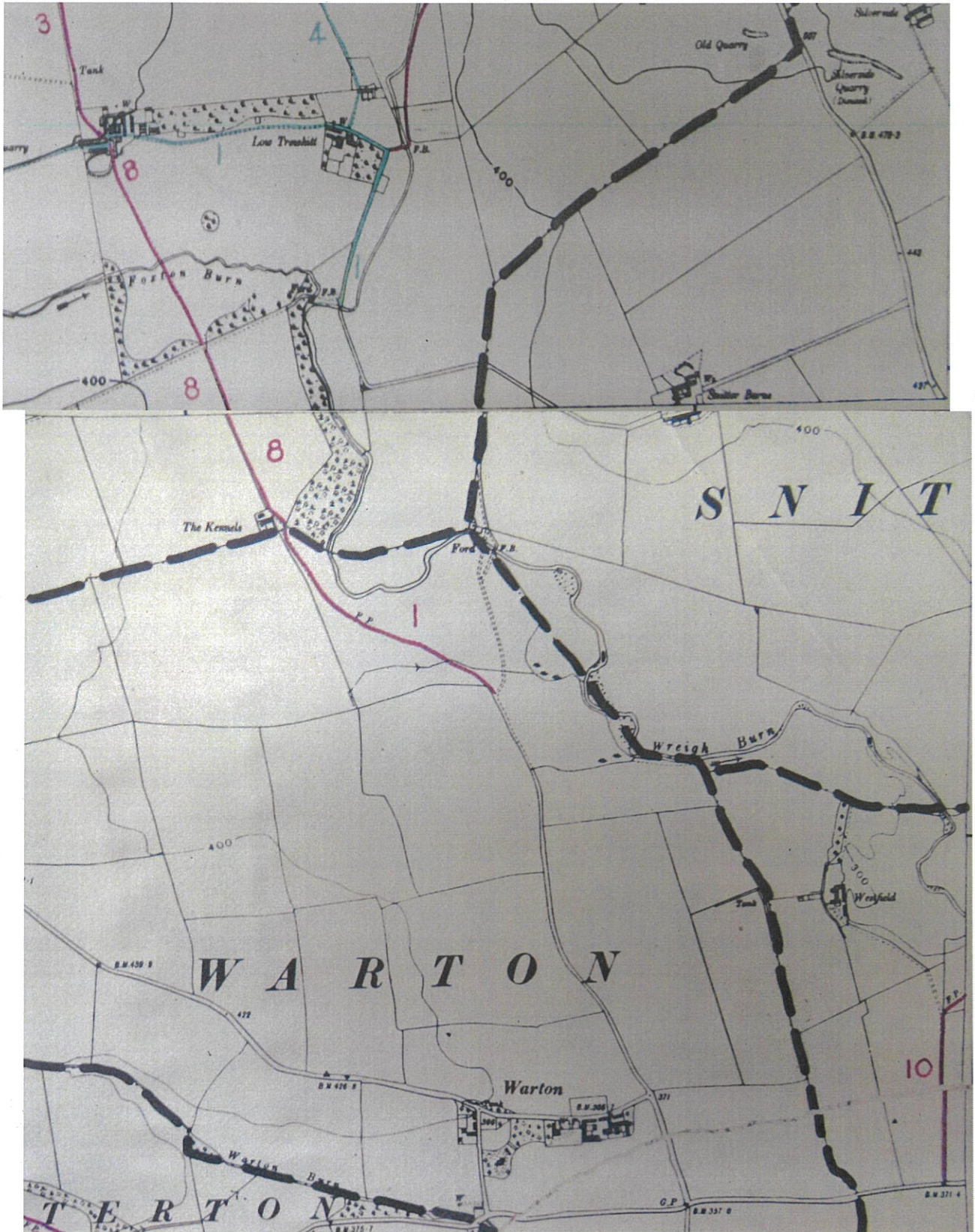
Approved.

Approved.

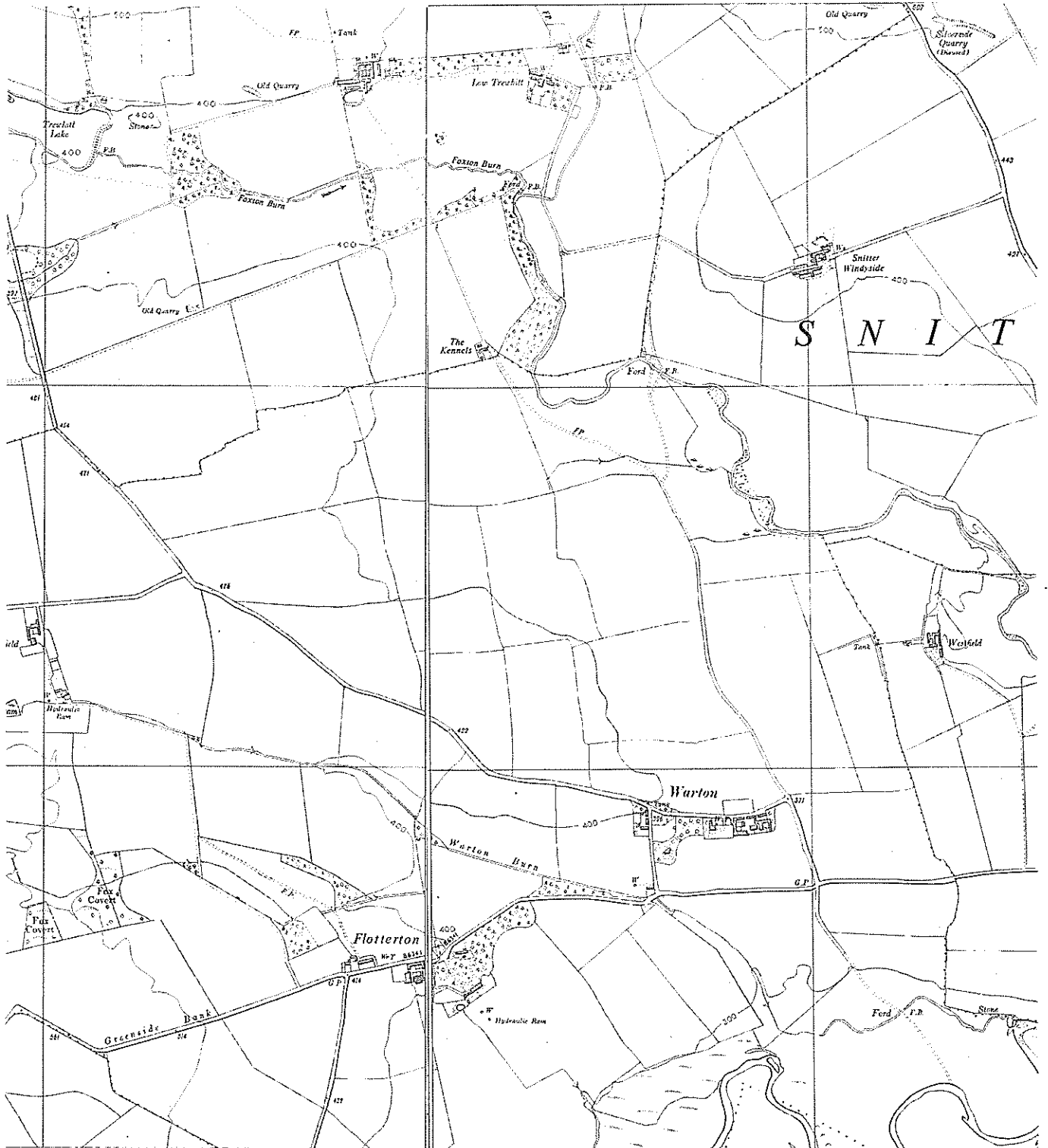
That the specifications, estimates and provisional apportionments be approved, and that the necessary formal resolution be submitted to the Council for adoption.



Provisional Map



1:10,560 O.S. Map
1957



1958 County Road Schedule

ALNWICK DIVISION

Unclassified Roads in Rothbury Rural District

		Brought Forward	62.035 miles
U.4061	Antons Letch - Great Tosson - Allerdene Road	From B.6341 at Antons Letch via Sweep Road, Ladies Bridge, crossing C.181 at Newtown, linking up with U.4035 at Great Tosson and continuing northwards to its junction with C.181 600 yards east of Allerdene.	1.73
U.4062	Allerdene - Marton Road	From B.6341 at its junction with C.179 south-eastwards via the Coquet fordway to C.181 at Allerdene.	1.25
U.4063	Howmoor Plantation Road	From C.178 near Whittonlee Quarry via Reynards Lodge to Howmoor Plantation.	0.34
U.4064	Brenton - Great Hyle	From the Glendale R.D. boundary at Mile Moor to C.169 at Milemoor Plantation.	0.54
U.4065	Ingram - Frenwick	From the Glendale - Rothbury R.D. boundary at Bowl Holes Shottons Dene to C.169 Frenwick Cottage.	0.31
U.4066	Magtail Road, Rothbury	From B.6342 200 yards east of Rothbury Station south-eastward to bottom of west ramp to railway bridge on road to Magtail Farm.	0.55
U.4070	Scottish Ford Road	From B.6342 at Rothbury Railway Station via the Scottish Ford to B.6341	0.13
U.4071	Jubilee Crescent Rothbury	Off Croft Road, U.4059 for a distance of 399 yards	0.227
U.4072	Physic Lane, Thropton	From B.6341 130 yards east of the Cross Keys Public House, Thropton in a north-easterly direction for 200 yards.	0.114
U.4073	Road to Low Trewitt.	From U.4026 at Low Trewitt Bridge northwards to gate at Low Trewitt Farm.	0.272
TOTAL			67.998 miles

Original Definitive Map



NORTHUMBERLAND COUNTY COUNCIL.

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

PUBLIC RIGHTS OF WAY - STATEMENT.

1. Borough
Urban District
Rural District ROTHBURY
2. Parish NETHERTON
3. Number of Footpath on Map 8
4. Name of Path
5. Kind of Path (i.e. FP/BR) B.R.
6. General Description of Path From the Netherton Burnfoot - High Trehitt Road
south-east of Netherton Burnfoot in a south-easterly, south-westerly and south-
easterly direction by the east side of Northmoor Plantation to join the County
Road U.4073 at Low Trehitt.
.....
.....
.....
7. Other relevant information

NORTHUMBERLAND COUNTY COUNCIL.

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

PART IV.

PUBLIC RIGHTS OF WAY - STATEMENT.

1. Borough
Urban-District
Rural District ROTHBURY
2. Parish NETHERTON
3. Number of Footpath on Map 15
4. Name of Path
5. Kind of Path (i.e. FP/BR) F.P.

6. General Description of Path From the County Road U.4073 south-east of Low
Trehitt in an easterly and north-easterly direction crossing the Wreigh Burn by
the footbridge to join the High Trehitt - Snitter Road south of High Trehitt.
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.....

7. Other relevant information

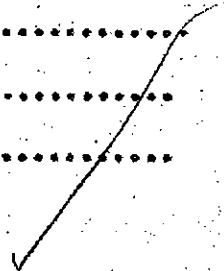
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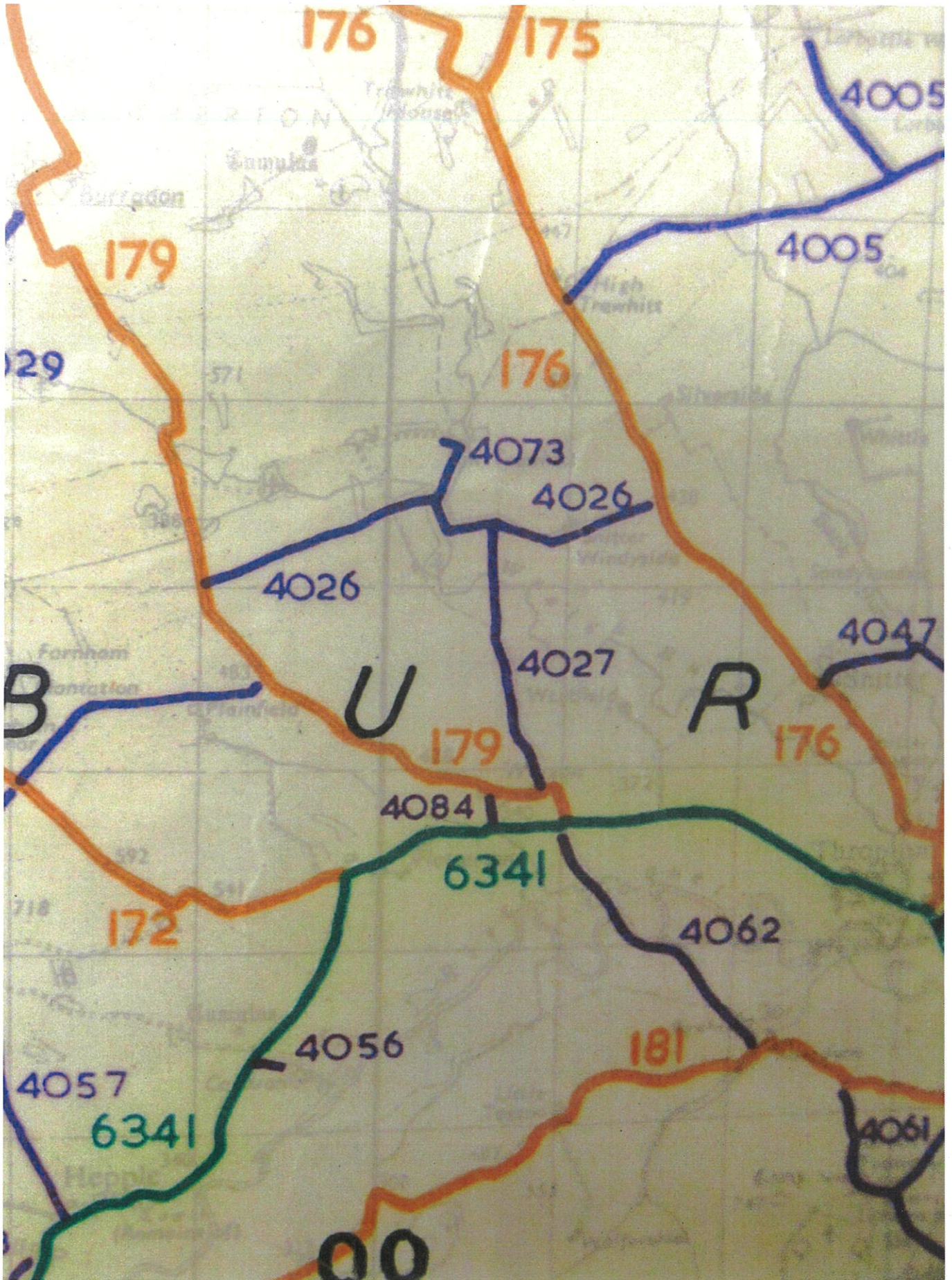
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Extract from the Council's 1964 Highways Map

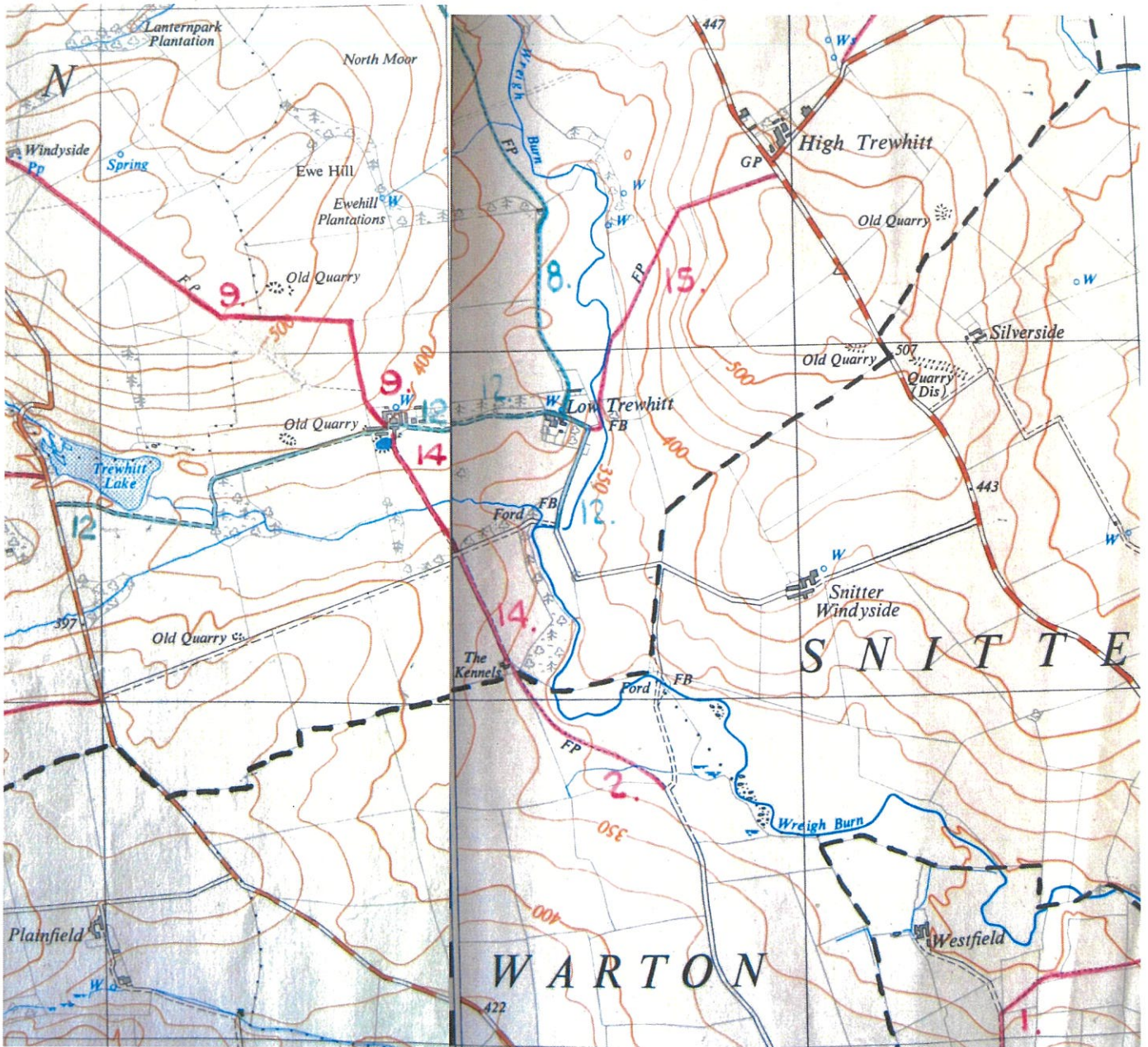


1964 County Road Schedule

- 94 -

<u>Route No.</u>	<u>Name of Road.</u>	<u>Description.</u>	<u>Responsible Division or Authority.</u>	<u>Mileage.</u>	<u>Total Mileage.</u>
U.4070	Scottish Ford Road.	From B.6342 at Rothbury Railway Station northwards via the Scottish Ford to B.6341.	Alnwick.	0.13	0.13
U.4071	Jubilee Crescent, Rothbury.	Off Croft Road, U.4081, for a distance of 399 yards.	Alnwick.	0.23	0.23
U.4072	Physic Lane, Thropton.	From B.6341 130 yards east of the Cross Keys Public House, Thropton in a north-easterly direction for 200 yards.	Alnwick.	0.11	0.11
U.4073	Road to Low Trehitt.	From U.4026 at Low Trehitt Bridge northwards to gate at Low Trehitt Farm.	Alnwick.	0.27	0.27
U.4074	Todholes Road.	From C.187 three-quarters of a mile south of Elsdon northwards to and including culvert at Todholes.	Morpeth.	0.30	0.30
U.4075	Alnham-Shankhouse Road.	From C.169 at Castle Farm, Alnham, westwards via Alnham Vicarage to Shankhouse.	Alnwick.	3.37	3.37
U.4076	Crosshill Farm Road.	From C.174 at High Houses southwards for 368 yards towards Crosshill Farm.	Alnwick.	0.21	0.21
U.4077	High Street, Rothbury.	From B.6341 at County Hotel eastwards to Providence Lane, including 3 No. connections to Market Street, (600 yards).	Alnwick.	0.34	0.34
U.4078	Providence Lane, Rothbury.	From east end of High Street northwards to High Street Back, (91 yards), and Woodlands Estate Road, (excluding path beyond turning space), (178 yards).	Alnwick.	0.15	0.15
U.4079	Brewery Lane, Rothbury.	From B.6341 At Queen's Hotel northwards to Thomlinson's School, (141 yards).	Alnwick.	0.08	0.08
U.4080	Church Street, Lower Market Street and Low Main Street, Rothbury.	From B.6342 at north end of Rothbury Bridge westwards and northwards to B.6341 at Newcastle Hotel, including link on south-west side of Cross, (305 yards). Also from Church Street westwards via Bus Station to Well's Strand, (178 yards). Also off Lower Market Street southwards for 71 yards.	Alnwick.	0.32	0.32

First Review Definitive Map

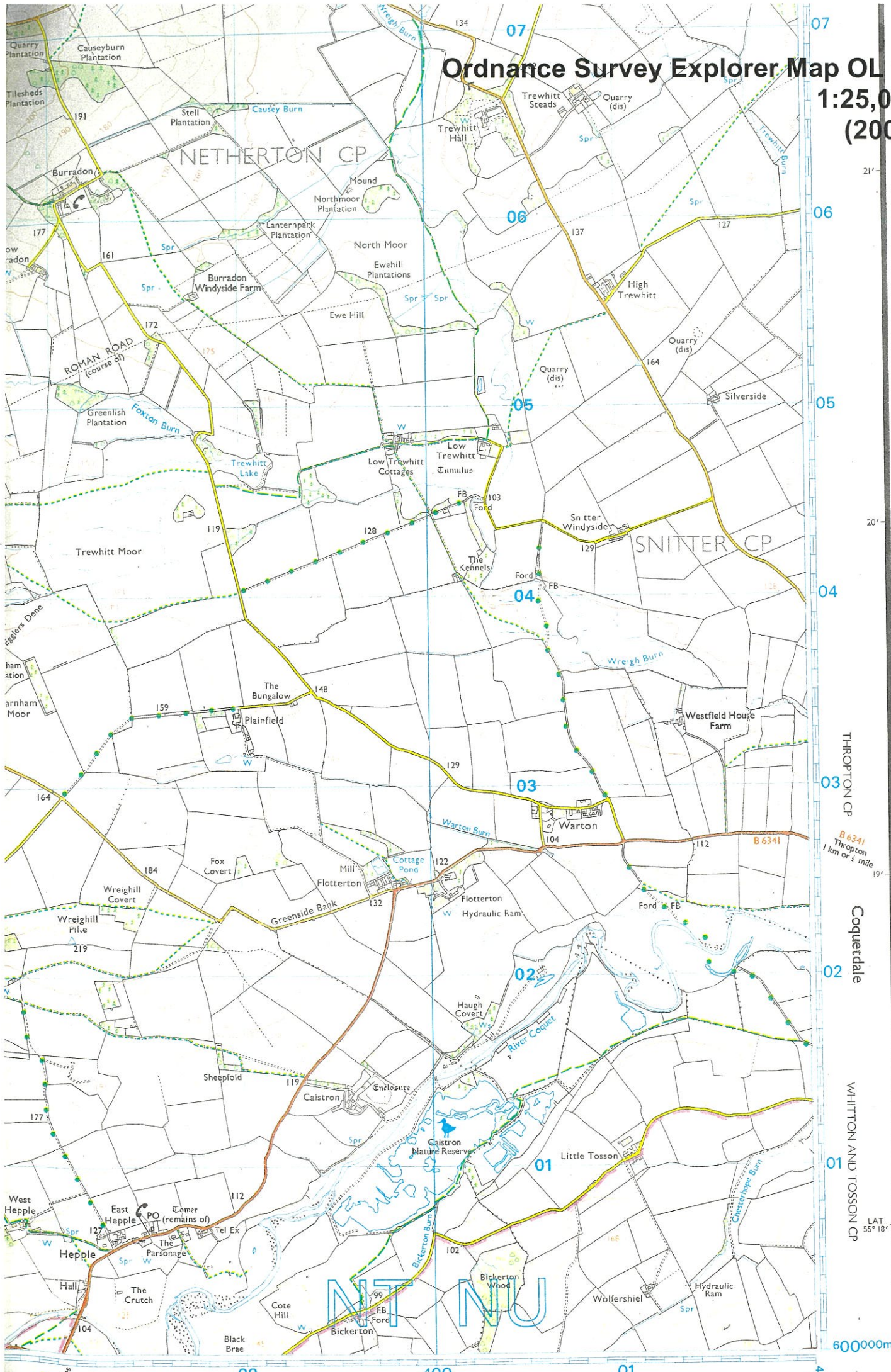


1974 County Road Schedule

Route No.	Name of Road	Description	Responsible Division or Authority	Mileage	Total Mileage
U.4070	Scottish Ford Road.	From B.6342 at former Rothbury Railway Station (NU 061016) northwards via the Scottish Ford to B.6341. (NU 061017).	Alnwick Division.		0.13
U.4071	Jubilee Crescent, Rothbury.	Off Croft Road, U.4091, for a distance of 399 yards. (NU 061014).	Alnwick Division.		0.23
U.4072	Proysic Lane, Thropton.	From B.6341 140 yards east of the Cross Keys Inn, Thropton (NU 032021) in a north-easterly direction for 200 yards.	Alnwick Division.		0.11
U.4073	Road to Low Irewhitt.	From U.4026 at Low Irewhitt Bridge (NU 003045) northwards to gate at Low Irewhitt Farm. (NU 003046).	Alnwick Division.		0.27
U.4074	Techoles Road.	From C.187 three-quarters of a mile south of Eisdon (NY 942923) north-eastwards to and including culvert at Techoles. (NY 945924).	Morpeth Division.		0.30
U.4075	Alnham-Shankhouse Road.	From C.169 at Castle Farm, Alnham, (NT 966109) westwards via Alnham Vicarage to Shankhouse. (NT 962134).	Alnwick Division.		3.37
U.4076	Crosshill Farm Road.	From C.174 at High Houses (NU 037097) southwards for 368 yards towards Crosshill Farm.	Alnwick Division.		0.21
U.4077	High Street Rothbury.	From B.6341 at County Hotel (NU 053017) eastwards to Providence Lane, (NU 057016) including 3 No. connections to Market Street, (600 yards).	Alnwick Division.		0.34

Ordnance Survey Explorer Map OL 16

1:25,000
(2005)



B 6341
Thropton
1 km or 1/2 mile

Coquetdale

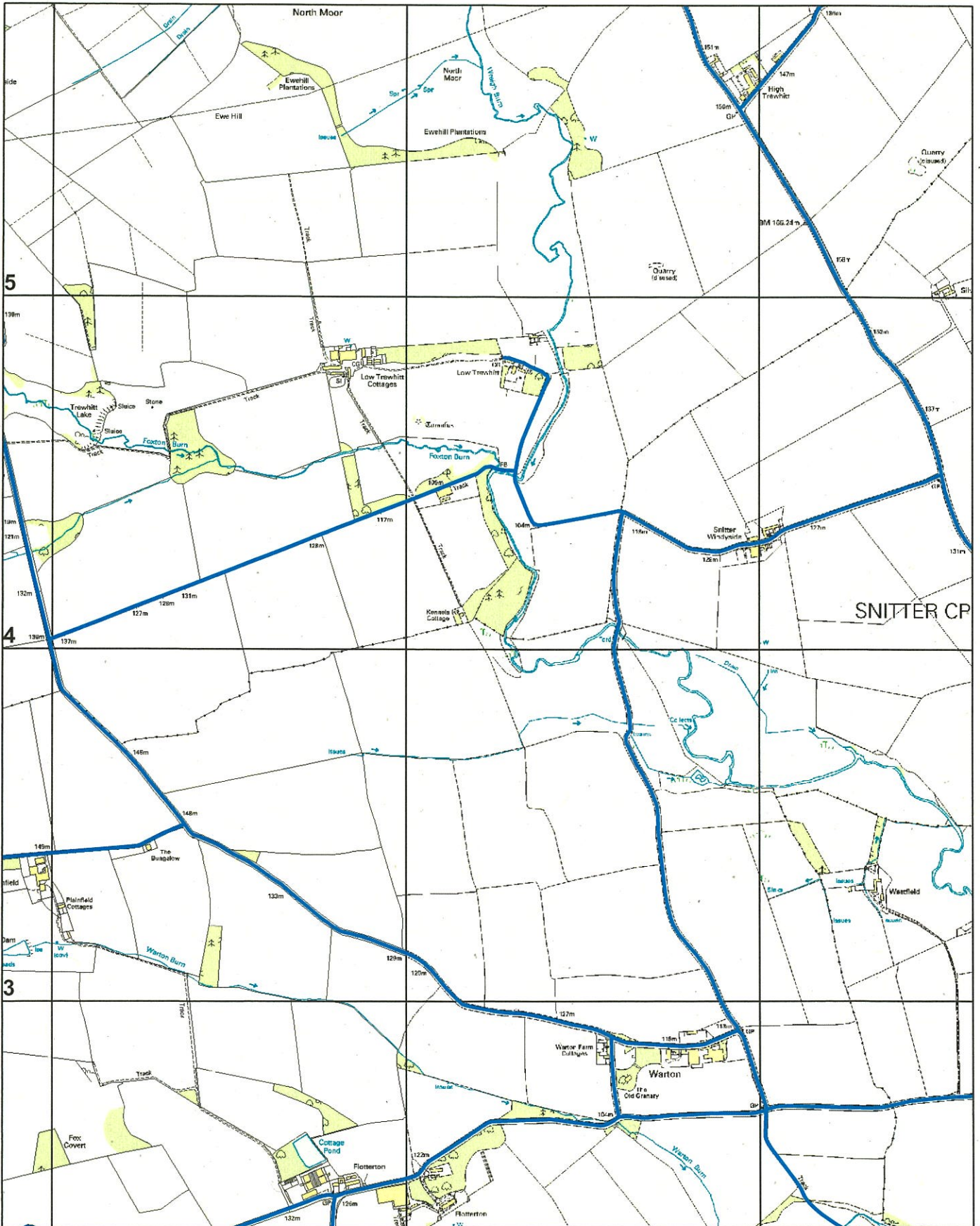
WHITTON AND TOSSON CP

LAT 55° 18'

600000m

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

Road Number	Description	Length - Metres
U4070		
	U4070 RIVER BANK TO B6341 JCT	52
	<i>Total length for U4070</i>	<i>230</i>
U4071		
	U4081 CROFT ROAD TO U4071 JUBILEE C	63
	U4071 CUL-DE-SAC (W) TO U4071 CUL-DE-	300
	<i>Total length for U4071</i>	<i>363</i>
U4072		
	B6341 TO ROAD END PHYSIC LANE THROP	196
	<i>Total length for U4072</i>	<i>196</i>
U4073		
	U4026 TO LOW TREWITT CATTLE GRID	421
	<i>Total length for U4073</i>	<i>421</i>
U4074		
	C187 JCT TO TODHOLES CULVERT	488
	<i>Total length for U4074</i>	<i>488</i>
U4075		
	CASTLEHILL TO SHANKHOUSE	3,688
	C169 JCT TO CASTLEHILL FARM	1,800
	<i>Total length for U4075</i>	<i>5,488</i>
U4076		
	C174 JCT TO CROSSHILL FARM	348
	<i>Total length for U4076</i>	<i>348</i>
U4077		
	U4077 TURKS HEAD (W) TO B6341 MARKE	36
	B6341 MARKET STREET TO U4077 LINK RO	23
	U4077 LINK ROAD TO U4077 TURKS HEAD	12



Network Management
Information System

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

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Drn:
AB

Date:
Sept 2022

Scale:
1:15,000