



Northumberland County Council

RIGHTS OF WAY COMMITTEE

20 December 2023

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

ALLEGED RESTRICTED BYWAY No 29 PARISH OF BLANCHLAND

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

Purpose of report

In this report, the Rights of Way Committee is asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of higher rights over the route of existing Public Footpath No 29, from the southern end of existing Byway Open to All Traffic No 80 in the Parish of Hexhamshire, at the edge of Slaley Forest, in a south-easterly direction across Blanchland Moor to join existing Byway Open to All Traffic No 26, north of Pennypie House.

Recommendation

It is recommended that the Committee agrees that:

- (i) there is sufficient evidence to indicate that, on a balance of probability, public vehicular rights have been shown to exist over the route C-D;**
- (ii) that the public's motor vehicular rights over the route appear to have been extinguished by virtue of s67 of the NERC Act 2006;**
- (iii) the route be included in a future Definitive Map Modification Order to upgrade the existing public footpath to restricted byway 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 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 This route has been the subject of three previous applications. In March 1979 the Ramblers' Association applied for a public footpath to be recorded as part of the countywide Second Review of the Definitive Map. Upon the introduction of the Wildlife and Countryside Act 1981 procedures, the Second Review was abandoned. In January 1985 the Ramblers Association made a second application, this time using the s.53 Wildlife & Countryside Act procedures, for public footpath rights to be added to the Definitive Map of Public Rights of Way. This application was considered by the Council's Definitive Map Panel in November 1990, whereupon members resolved to include the route in a future Definitive Map Modification Order (DMMO) as a public footpath.
- 1.4 In July 1993, before any public footpath DMMO had been made, one Malcolm Watson made multiple applications to record a number of byways open to all traffic through and around Slaley Forest. One of the alleged byway routes coincided with part of the alleged footpath route. The byway application was considered by the Council's Rights of Way Sub-Committee in May 1994, and the route was then included as one of 18 modifications in the omnibus Definitive Map Modification Order (No 1) 1996. The Order attracted 8 objections and was subsequently referred to the Secretary of State for determination. Following a public inquiry held on 2 and 3 July 2002, the Inspector appointed by the Secretary of State to determine the Order issued an interim decision, that the Order be confirmed subject to various modifications. This interim decision attracted objections and led to a second public inquiry, held on 16 and 17 September 2003. On 18 October 2004, the Order was confirmed, with a number of modifications, one of the main ones being the removal of Byway Open to All Traffic No 29, on the basis that, on the balance of probability, the evidence did not show that a vehicular right of way had been shown to exist.
- 1.5 In May 2011 the Council's Rights of Way Committee revisited the user evidence submitted in conjunction with the Ramblers' 1985 footpath application (this evidence had not been considered by either of the public inquiries relating to DMMO (No 1) 1996) and determined that the route should be included in a future DMMO as a public footpath. DMMO (No 14) 2012 attracted one sustained objection, on the grounds that the route should be recorded as a restricted byway. After considering all the previously considered evidence, the 'new' user evidence, and some new documentary evidence, the Inspector appointed by the Secretary of State concluded that, on a balance of probability, public vehicular rights had still not been shown to exist, but that public footpath rights had. The Order was confirmed, as made.
- 1.6 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 October 2019, Alan Kind of Newcastle made a formal application seeking to modify the Definitive Map of Public Rights of Way by upgrading an existing public footpath to restricted byway status, between the southern end of existing Byway Open to All Traffic No 80 in the Parish of Hexhamshire and existing Byway Open to All Traffic No 26 in the Parish of Blanchland, south of Slaley Forest.
- 2.2 Mr Kind supplied an analysis of the evidence to accompany his application. In September 2022, he submitted 4 additional pieces of evidence, and a revised analysis of the evidence:

“In October 2019 Alan Kind submitted an application to modify the definitive map and statement. That application included a statement of grounds setting out the evidence and the relevant law. This paper is a revision of that statement of grounds amended to include 4 additional pieces of documentary evidence not available when the application was made.

“Most of these documents as listed are maps, or images of printed text, and are embedded in this document rather than appended as separate documents. Where documents are appended these are marked as such in the list below. For clarity, the 3 items of ‘new evidence’ giving rise to the application are **highlighted in red** below. The 4 additional items not in the application are **highlighted in blue**.

“List of documents

1. **1713 An Account of Certain Charities... Containing ... to which is Added A Brief Account and Description of the Parish and Parish-Church of Hexham, in the County aforesaid ...** Appended
2. 1758 Marshall’s Blanchland Royalty Map
3. 1769 Armstrong’s Map of Northumberland
4. 1765 Inclosure Act, ‘An Act for dividing and inclosing a certain common, moor, tract of waste land, within the barony or manor of Bulbeck ...’ Appended
5. 1771 Extract images and transcription of the inclosure award and plan (Bulbeck Common Inclosure Award, 1771, CRO Ref QRA 9
6. 1787 Cary’s Map of Northumberland
7. 1794 Cary’s ‘Grid Plan’ Map of England
8. **1801 The Monthly Magazine or British Register, Volume XII, Part II for 1801**
9. 1808 Boundary Disputes Plan
10. **1815 John Cary’s Reduction of his Large Map of England and Wales**
11. **1819/20 Greenwood’s Map of Durham (& Note_Greenwood_Background, Appended)**
12. 1820 Fryer’s Map of Northumberland
13. 1827 John Cary’s Map
14. John Cary’s half-inch to one-mile scale map: a comparison of the mileage of roads shown with the Parliamentary returns of carriage road mileage, 1814 ... Appended
15. 1828 Greenwood’s Map of Northumberland
16. **1831 Greenwood’s Map of Durham**
17. **1833 Chapman & Hall’s Map of Northumberland**

18. 1834 John Cary's Reduction of his Large Map of England and Wales

19. 1860 6 Inches to 1 Mile (1:10.560) Ordnance Survey Map

"Earlier Orders Concerning This Route

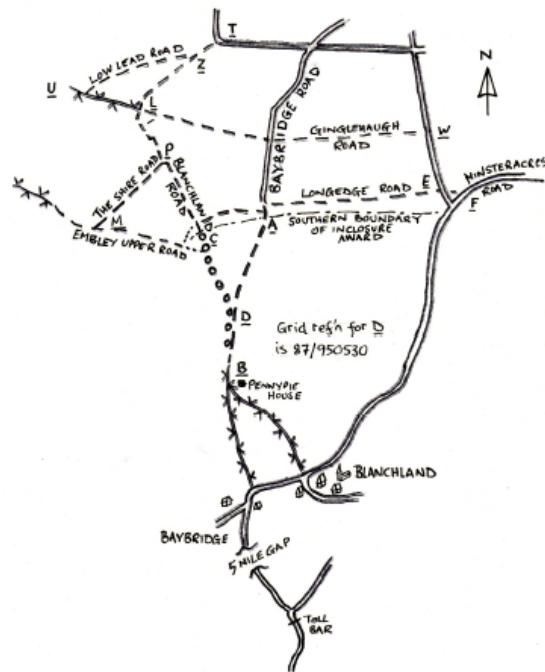
This route has been subject to two orders and four decision letters:

- Northumberland County Council Public Rights of Way Modification Order No 1 1996: FPS/R2900/7/18, 29 August 2002; 15 January 2004; 18 October 2004
- Northumberland County Council Public Rights of Way Modification Order No 14 2012: FPS/P2935/7/43, 7 July 2015. The current recorded status is public footpath 507/029 Blanchland, established on the basis of user evidence in the 2012 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, S.53(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 being weighed together (at D-E on page 10 of the judgment).
3. *Stubbing Court v. Secretary of State for EFRA* [2012] (consent order) is a case concerning an order to delete a public right of way from the definitive map and statement. The Secretary of State consented to judgment 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. The correct approach is to establish that there is discovery of evidence and, if there is, forget that the route has been subject to an earlier application, or order. Consider this application as a stand-alone issue.
6. The documents relied upon are set out in the chronological sequence of the evidence. Sketch Map Showing the Key Local Highway Network
7. The grid reference in this sketch map is visual from a paper map. Current digital mapping gives a reference of 942530. Route A-D-B is now recorded as a BOAT



"Key Issues

8. The moor crossed by the application route is not a place of public resort. There is no purpose to the inclosure-awarded public Blanchland Road bringing public traffic southwards to point C (on the sketch map above) if the public can then lawfully go no further.
9. The inclosure commissioners could, and did, award private (carriage) roads. If the purpose of the public Blanchland Road was only to bring private traffic to point C, then why not make the public right of way stop at the junction with Longedge Road?

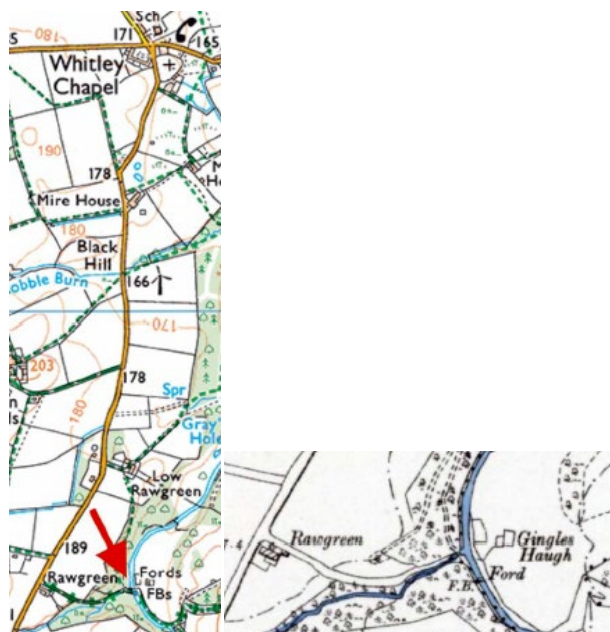
10. From point C on the sketch map, and much of the way to point D, the application route coincides with a well-worn single hollow-way. If it were not filled with heather it would be even-more visible. What sort of private traffic would be constrained to this linear route, and heavy enough, over years, to make this hollow-way?



11. Simply, does the whole of the historical evidence, the 'presumption' against pointless dead-ends and in favour of through routes (*Eyre v. New Forest Highways Board*, below), and the physical presence of a well-worn roadway, point sufficiently strongly to there being a through public highway along the application route?

"Historical evidence

12. 1713 *An Account of Certain Charities ... Containing ... to which is Added A Brief Account and Description of the Parish and Parish-Church of Hexham, in the County aforesaid*
- 12.1. At page 57-59 (of the document, page 75-77 of the PDF) is a description of the bounds of the Parish of Hexham. At the foot of page 58, "From Gingleshaugh-ford to Knightcleughhead along the Highway which leads through the High-Quarter from the City of Durham to Allendale, etc. five Miles and thirty five Chains."
- 12.2. Gingle(s)haugh is a place name on the older OS maps, and has a ford across the Devil's Water, close to Rawgreen. The ford is on Ginglehaugh Road, which is set out as a public carriage road in the *Bulbeck Common Inclosure Award of 1771*.



- 12.3. Knightscleugh Head is 2 miles southeast of Allendale Town, close to (what is now) a bridleway and to the ancient Stobb Cross.



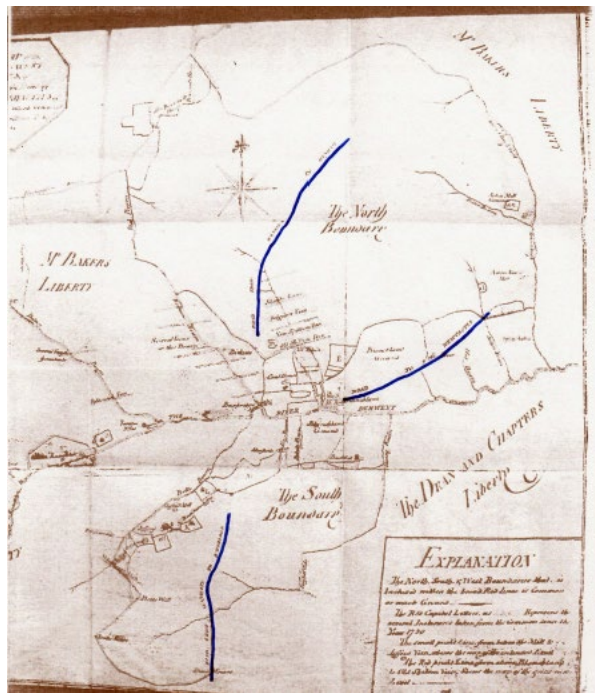
- 12.4. The “Highway which leads through the High-Quarter” can be identified by using the online facility on the National Library for Scotland website, where the onscreen cursor identifies which Quarter (parish) the cursor is sitting in. Then using online OS mapping the distance along this road from Gingleshaugh-ford can be measured reasonably precisely. 5 miles 35 chains is 5.44 miles. A plot of 5.44 miles along this highway route arrives very close to Knightscleughhead.



- 12.5. We can say with a high probability where and how the road (as described) from Durham City to Allendale (which is about 40 miles in distance) goes from Gingleshaugh to Knightscleughhead. Can we say where “the highway” (as distinct from ‘a highway’) ran from Durham, to arrive at Gingleshaugh?
- 12.6. The road from Durham, up the Wear Valley (now the A690), and then up Weardale (now the A689) must have been a regular route from time far out of mind. ‘Keys to the Past’ website notes that ‘Stanhopa’ was first recorded in 1183. Stanhope Castle was in use in the 14th Century, and in 1327 Edward III spent a week there while looking to engage the Scottish army. Eastgate and Westgate (to the west of Stanhope, on the A689, were the borders of the Bishop of Durham’s private hunting park, and can be connected to a lease of the park in 1419.
- 12.7. The road that is now the A68, which crosses the A690/689 near Crook, did not exist as a recognisable through-route until it was first turnpiked by an Act of 1792. For traffic from Durham to turn north up that corridor, then turn west for Gingleshaugh, is much more complicated than the alternatives.

- 12.8. There is a medieval road heading north from Wolsingham, via Salters Gate, and Espershiels, that will arrive at Gingleshaugh in about 18 miles, from the east, along Ginglehaugh Road. After Wolsingham there is no obvious place for rest and food on this route.
- 12.9. If the traffic from Durham turned north at Stanhope (obviously rest and food available), and ascended Crawleyside Bank (steep, but this was later turnpiked, so it was manageable) and then forked left for Baybridge and Blanchland (where there was an abbey since 1165) the continuation northwards, and along the application route, brought traffic to Gingleshaugh in much the same 18 miles.
- 12.10. This latter (Stanhope) route attained increasing importance on pre-OS maps, whereas the Salters Gate route diminished in relative importance. On balance, the via-Stanhope route is most probable to be the Durham City to Gingleshaugh-ford route in the 1713 description.
13. 1758 Marshall's Blanchland Royalty Map
 - 13.1. This plan was originally located by the surveying authority.
 - 13.2. The copy provided was not very crisp, but I have printed it and marked-on in blue the 'Roads To ...' that I can see.
 - 13.3. When looking at this plan it is important to remember that the north arrow points to magnetic north, and that the then-position of magnetic north was discussed in evidence regarding the 1996 order. More importantly here, an anticlockwise rotation of this plan is necessary to bring the features (the Potter Burn is a good example) into alignment with the same features on the OS map extract below.
 - 13.4. The three roads named on this 1758 plan, and highlighted in blue, are: i) the road mainly south out of Baybridge, to Edmundbyers Cross, and then to Stanhope; ii) the road from Baybridge to Blanchland, and then continuing as the current 'B' road towards Hexham and Newcastle; and, iii) the BOAT over Blanchland Moor to what is now Slaley Forest. This is probably the route that continues as 'Baybridge Road' on the inclosure award (below). The current OS map shows many more roads, bridleways, and footpaths in the same area, which this 1758 plan does not show.
 - 13.5. Two examples are, i) the Blanchland to Edmundbyers road; and, ii) the branch off the Baybridge to Stanhope road, which runs to Eastgate via the Rookhope valley.

Both of these are clearly shown on John Cary's 1794 map (about 5 miles to one inch, below).



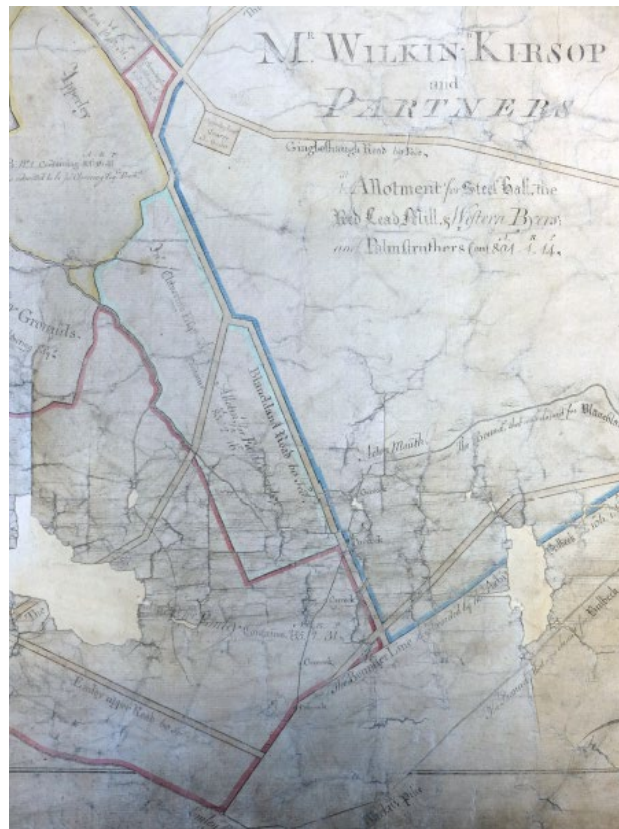
13.6. I respectfully submit that it is improbable that these roads shown by Cary were not in existence at 1758, but were in existence by 1794, given that, for example, Stanhope is a settlement dating back at least to 1170. Similarly, it is improbable that all the roads and paths on the OS extract, but not on the 1758 plan (and, indeed, not on the other commercial and early OS maps) sprang into being after the publication of maps not showing them, and making of the definitive map and statement. Not much weight should therefore be given to the 1758 plan not showing the application route as evidence that the application route did not then exist.

14. 1769 Armstrong's Map of Northumberland

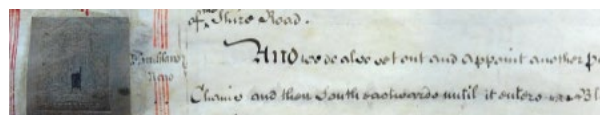
14.1. Armstrong does not show any route north from Baybridge or Blanchland, to, past, or through, what is now Slaley Forest.



15. 1771 The Inclosure Award Evidence



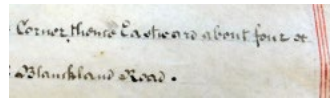
- 15.1. The Bulbeck Common Inclosure Award, 1771, is in the Northumberland County Record Office under reference QRA 9. The Act of Parliament empowering this inclosure award is 'An Act for dividing and inclosing a certain common, moor, tract of waste land, within the barony or manor of Bulbeck, in the county of Northumberland'.
- 15.2. This Act and award do not cover the land crossed by the application route, but do provide evidence of reputation for the linear continuation to the north of the application route, which is now recorded by Northumberland County Council as BOAT 525/080 Hexhamshire.
- 15.3. What is now BOAT 525/080 is set out in the 1771 inclosure award as a public highway for all classes of traffic:



public highway fifty foot in breadth through the said Common leading out the
Blanchland Common, as the same is now by statute and also in the statute and

of the said road about twenty four chains of
the said out which we shall hereinafter

and also the road from Appleby Dike Corner the
after refer to and call by the name of Blanchland



[The colour differences in these extracts is not relevant. Just an accident of the photo process]

- 15.4. AND we do also set out and appoint another public highway sixty feet in breadth through the same common leading out of the Shire Road about twenty four chains southeastward from Apperley Dike Corner, thence eastwards about four xx (?) chains and then southeastwards until it enters Blanchland Common, as the same is now by stakes and land marks staked and set out, which we shall hereinafter refer to and call by the name of Blanchland Road. [my emphasis].
- 15.5. The important word in this setting out is 'enters'. Blanchland Road 'enters' Blanchland Common. 'Enters' means "Come or go into (a place). 'She entered the kitchen.' Set foot in. Cross the threshold of. Pass into. Gain access to. Intrude into. Invade. Infiltrate." 'Enter' does not mean 'get to the entrance and then stop.'
- 15.6. It cannot reasonably be said that Blanchland Road, as awarded, got to the boundary between Blanchland Common, and Bulbeck Common (which boundary could not, under basic commons law, be fenced prior to inclosure) and then stopped. Plainly, the road that was set out as Blanchland Road could only 'enter' Blanchland Common if it already existed at the date of inclosure, because the Bulbeck Inclosure Commissioners had no remit or powers as regards Blanchland Common. Bulbeck Common was not a place of public resort. Blanchland village was and is. Likewise Baybridge.
- 15.7. There has, for at least 35 years, been a gate at this inclosure boundary fence to my own knowledge. The only reason for a gate is because Blanchland Road 'entered' Blanchland Moor, and did not stop at the boundary of the commons. This gives additional weight to the name 'Blanchland Road' itself, across Blanchland Common, in the Manor of Blanchland. It was the road to Blanchland, just as Baybridge Road was the road to Baybridge, Ginglehaugh Road was the road to Ginglehaugh (a place), and The Shire Road was the road into Hexhamshire.
- 15.8. A note on the view of the courts on a 'through route presumption' is included below.
- 15.9. Usefully, in the determination of the order for restricted byway 'Whiteleyshield Road', near Carrshield, Northumberland, under PINS reference FPS/P2935/7/37M, In her interim decision of 4 March 2015, Inspector Sue Arnott observes, "[58] ... I can accept that the majority of traffic on this route would have been on foot or with horses but I cannot fault the logic of the argument that the Inclosure Commissioners would not have set out Whiteleyshield Road as a full carriage road if a bridle road would have been sufficient. Since the Order route is the only possible extension of

that awarded section of road, on a balance of probability, I conclude it would also have been a full vehicular highway.” In her final decision of 17 December 2015, “[19] In short, prior to considering the Turnpike Act of 18264, I concluded at paragraph [58] that since the Order route is the only possible extension of the awarded Whiteleyshield Road, on a balance of probability, it would likewise have been a full vehicular highway. That conclusion has not changed. “

15.10. There is also photographic physical evidence regarding the application route, and this is set out below the historical evidence.

16. 1787 Cary's Map of Northumberland

16.1. This is a small scale map (all the county is little bigger than A4) and, like Armstrong' it has few roads shown in the application area.



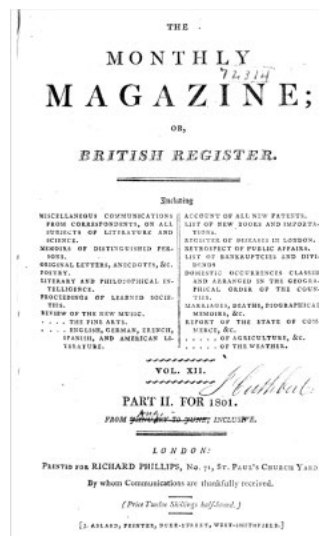
17. 1794 Cary's 'Grid Plan' Map of England 17.1. This is a small scale map, and, like Armstrong's it has few roads shown in the application area.



18. 1801 The Monthly Magazine or British Register, Volume XII, Part II for 1801

18.1. Found on Google Books Online. Page 259, 1 October.

- 18.2. "Provincial Occurrences". "Northumberland and Durham". "It is in contemplation to open a more free communication through the western part of the County of Durham, by a new turnpike road from Barnard Castle, that shall proceed by way of Stanhope and Blanchland, to Corbridge or Hexham; with certain collateral branches, viz. one from Barnard Castle, by West Pitts and Redford, to Walsingham [Wolsingham] ..."
- 18.3. It is possible that this 'new turnpike' road did not take in the application route (and the inclosure-awarded Blanchland Road), but it is probable that it did. This proposal is consistent with the depiction of a through route by John Cary in his "Reduction of his Large Map of England and Wales" after the 1815 edition, and by the 1834 edition; and also in Cary's "Improved Map..." of 1827 (below).



- 18.4. This 'improved road' shown by Cary comes northwards from Stanhope, forks left at Edmundbyers Cross, goes to Blanchland (maybe via Baybridge, but Blanchland's facilities would be utilised) and then 'straight up' to Dotland and Hexham. This is clearly the line up the west side of what is now Slaley Forest (i.e. via the application route) and not the more easterly route up the middle of Slaley Forest (i.e. Baybridge Road). That route, down to Peth Foot and across the Devil's Water, is very steep for turnpike improvement.
- 18.5. There is no record that this "contemplation" of a turnpike road went any further towards an Act of Parliament, and Cary's depiction (by 1834) as a turnpike was presumably based on proposals, but that cannot be said without more of his 1827 map.

PROVINCIAL OCCURRENCES.

WITH ALL THE MARRIAGES AND DEATHS.

Arranged geographically, or in the Order of the Counties, from North to South.

* Authentic Communications for this Department are always very thankfully received.

WORTHINGTON AND NEWMAN.
It is in contemplation to open a new free communication through the western part of the county of Durham, by a new canal and from Burnard Cables, that shall proceed by way of Hildesley and Blunthill, to Craghead or Hildesley, with certain collateral branches, viz. one from Burnard Cables, by West Farm and Hildesley, to Wadhams; one from near the Mill-house quarries, on Hildesley Moor, that shall pass by Gild Hill and Hildesley Fields, and meet the Lobbly-hill Brook, near Hildesley, one from a place further north, on the Mill Moor, that shall pass through Kinnosley, and meet the branch of the Lobbly-hill Brook, near Black-Holly and one from Blunthill, South Westward, that shall pass by Blunthill Lead Mills, across the river Wear, near Wadhams, and across the river Tyne, near Wadhams, to communicate with the Steamers road, near Rought. The proposed road, as above, will compare the shortest line from London to Edinburgh, and, with the proper branches, as above, will be of the greatest advantage to the improvement of the country at large, as well as to the persons immediately interested.

The following is an Estimate of the expenses which will be incurred in the completion of the design for improving and extending the building of the railway at Newcastle, as lately laid before the public by the committee, &c.—Contract for the new building 8450—Alterations and improvements in the old house, with iron roofings, water closets, &c. 800—Total 9250.

The heat at Newcastle has been lately excessive, both by night and day. On Tuesday August 28, at 11 o'clock in the afternoon, Fahrenheit's thermometer, being exposed by Mr. Forster, mathematician of North Shields, in the shade, in a northern aspect, stood at 72 degrees. The Well India sea-bath exceeds 80.

The following details are arrived at Newcastle from David's Snow-drifts.—The Snow, with 393 casks of blubber, and 20 tons of fish, the produce of 24 whales. The Eskerets, with 474 casks of blubber, and 12 tons of fish, the produce of 25 whales and 2 fish. The Gunner, with 323 casks of blubber, and 20 tons of fish, the produce of 17 whales, and the Mission, with 200 casks of blubber, and 20 tons of fish the produce of 14 whales.

At Monkwearmouth Shire, Mr. J. J. Banks, mason and cooper, to Miss Rich, at Newcastle.

In London, Mr. F. A. Hellmuth, merchant, to Miss H. Hunt, of Stockton upon Tyne.

At Newcastle, J. Hill, esq. of Howard Street, to Miss M. Moly, of Newcastle.

In London, at St. Luke's church, Mr. I. Gibson, jun. of St. David's, to Miss R. Wigglesworth, daughter of Mr. B. Wigglesworth, watchmaker.

At Newcastle, Mr. P. Paxton, builder, to Miss Row.

At South Shields, Capt. A. Dixon, of the navy, to Miss J. Dixon, second daughter of Admiral Dixon.

At South Shields, T. Wallis, esq. to Miss Smith.

At Durham, Mr. J. Watton, master of the Cook Inn, to Miss M. Norton.

At Durham, Mr. J. Hudson—Aged 65. Mrs. Millers, widow, late of Ilkwell—Aged 51 years and one day. J. Wilkinson, esq. banker, and a captain in the Newcastle army of observation—Mrs. Verry, wife of Mr. Verry, draper—Aged 44. Mr. D. Bell, wainwright—Mr. J. Tappin, brewer.

In Garshead, aged 90. Mrs. Wilson, relict of R. Wilson, esq. attorney.

At Sunderland, Mr. J. Collins, ship-builder.

At Durham, aged 60. Mr. J. Marshall, master of the Duke and Queens public house, in the market place.—Aged 65. Mr. J. Clark, coach-maker.—At advanced age. Mr. A. Archer, an honest industrious man, many years in the employment of the late Mr. Lawrie, attorney.—Aged 47. Mr. J. Perrins, shoe-maker.—Suffering aged 65. Mrs. Sainsby, wife of Mr. W. Sainsby, baker.

At North Shields, aged 77. Mr. W. Adamson, a man of considerable integrity and uncommon industry.—Mr. R. Culbertson, hair-dresser.—Aged 60. Mr. W. Taylor, brewer.—Miss French, wife of Mr. G. French, ship-owner.—Mrs. H. Perry of the cut-toms.

At Alnwick, Miss J. Fisher, of the Queen's Head Inn.

At Stockton, Mrs. Teafin, of the Shaker-peper Inn—was 100 with year. Mrs. Ayres, wife of Mr. J. Ayres, of the Custom-house.—Mrs. Wray, wife of Mr. Wray, comedian.—Mrs. Jackson, widow of Ogley, Northumberton.—Miss Bunting, youngest daughter of W. Bunting, esq. of the Holling.

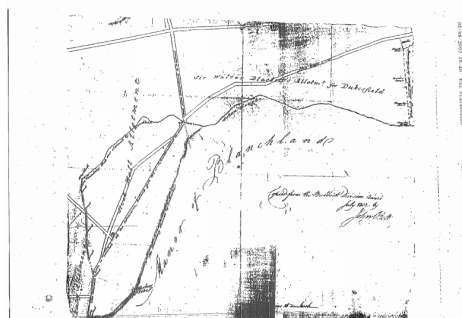
At Harton, aged 17, Miss A. Oliver.

At High Shields, near Blunthill, Mr. J. Ristley.

18.6. The turnpike “contemplation” of itself does not show that the application route was already a public highway in 1801, but the rest of the route as mapped was, and by 1820 Fryer was mapping the application route as existing. Had Fryer been working from a turnpike “contemplation” of a not-yet-existing road then he would have shown a turnpike road. He showed an ordinary minor road. The probability is that the application route existed in 1801, and was thereby open to be turnpiked in the usual way.

19. 1808 Boundary Disputes Plan (put in at the most-recent public hearing)

19.1. In considering this document it is important to bear in mind the Highways Act 1980, s.32: Evidence of dedication of way as highway.
A court or other tribunal, before determining whether a way has or has not been dedicated as a highway, or the date on which such dedication, if any, took place, shall take into consideration any map, plan or history of the locality or other relevant document which is tendered in evidence, and shall give such weight thereto as the court or tribunal considers 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.



- 19.2. This 'Boundary Disputes Plan' was made intra-parties for boundary dispute resolution. It was not made for the purpose of setting down public highways. In any case, the plan carries these words: "Copied from the Bulbeck Division Award July 1808 by John ????" So clearly, as regards the public highways, this 1808 plan shows only, and exactly, what was shown in the 1771 Bulbeck award plan.
- 19.3. This 1808 plan cannot carry much, if any, weight to show that routes not shown were not acknowledged public highways.
20. 1815 John Cary's Reduction of his Large Map of England and Wales, Comprehending the Whole of the Turnpike Roads, By Order of the Postmaster General
- 20.1. This edition shows a non-turnpike road from Stanhope to Hexham, via Dead Friars, Blanchland (not via Baybridge), and then up towards Slaley and the ancient Travellers Rest inn, then down the Shield Hall / Peth Foot road, to Dotland and on to Hexham. See the evolution of this map in 1834, below.



21. 1819/1820 Greenwood's Map of Durham
- 21.1. Greenwood's survey of 1819, and first published map of 1820, shows no topographical detail outside of the actual boundaries of County Durham. The northern boundary shows several roads 'leading onwards' and most are named for a destination. At Baybridge the road heading northwards is marked "To Hexham" and is represented as a "Cross Road". Nothing in this representation indicates just what route this road "To Hexham" took, but reference to the next, 1831, version of Greenwood's map answers this.
- 21.2. The plate reproduced here was found on the National Library of Scotland website.



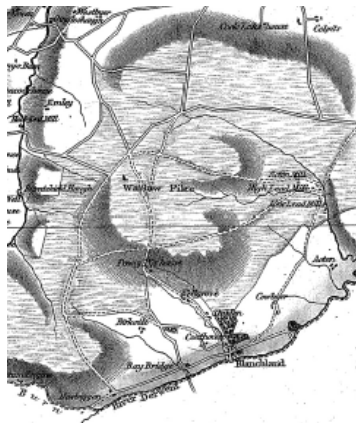


22. 1820 Fryer's Map of Northumberland

22.1. Fryer's Map of Northumberland, 1820, is an important piece of evidence in the whole pattern of evidence in this case. An extract of the relevant area is above.

22.2. Fryer's is the earliest map of Northumberland that shows the wider, and more complete, network of roads, and there is no earlier map in such detail from which Fryer could have, or did, copy. If Fryer did not copy, then his map must be based on a survey: there is no other rational conclusion. The roads that Fryer shows in this extract correlate closely to roads and public paths shown in the Ordnance Survey extract, above. Fryer names 'Newbiggen' in a place rather further from Baybridge than is 'Newbiggin' on the OS map, but if the relative distance of Blanchland to Baybridge is seen on both maps, then Fryer's Newbiggen is close by the current public footpath running northwestwards to join the Carriers' Way (as named on the OS maps, which in turn joins Longedge Road, (now) through the southern edge of Slaley Forest.

22.3. The location of the 'wishbone' of roads at Pennypie; the fork to the southeast of Warlaw Pike; the location of Warlaw Pike itself; and the shape of, and junctions with, Longedge Road, show persuasively that the surveyors on whose work Fryer's map was based, could see a 'road' on the ground along the application route, in or before 1820.

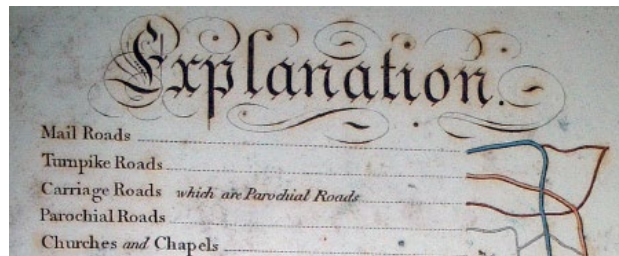


23. 1827 John Cary's Map

- 23.1. Cary's Improved map of England and Wales with a Considerable Part of Scotland at a Scale of Two Miles to One Inch. 1820–32, is probably the most-respected commercial map series covering all of England and Wales. My own research and investigation indicates that, for Northumberland, Cary's map was (within measurement accuracy limits) strongly similar to the known mileage of public vehicular highways within ten years either side of the date of the map. I attach my paper 'John Cary's half-inch to one-mile scale map of Northumberland (1825): a comparison of the mileage of roads shown with the Parliamentary returns of carriage road mileage, 1814', which sets out my analysis.



- 23.2. Cary's plate 58 (his maps were on a grid pattern, rather than to county boundaries) is dated 1827, and is part of the series that was issued piecemeal between 1820 and 1832, with some local revision in 1834. This below is an extract from plate 58:
- 23.3. Cary's map shows the application route clearly, coloured in brown, as part of a longer route from Hexham, via Dotland (an ancient settlement), via Baybridge (an ancient bridge), to make a junction with the Tyneside-to-Stanhope road, at Edmundbyers Cross. There is still the remains of a stone stoop here (see below), which suggests roads and a junction of considerable antiquity.
- 23.4. The brown colouring of the application route as part of a longer route is explained in the key to Cary's 1827 map, which is reproduced below. The brown colour indicates 'Carriage Roads which are Parochial Roads.' It is reasonable to conclude that Cary's surveyors believed that this 'brown route' was something more than a simple 'Parochial Road'. 'Parochial' means 'of the parish', and in 1827 the parishes were the highway authority



- 23.5. It may be contended (but nobody has, in submission) that Cary showed this 'Carriage Road' by accident, or that he copied, or that he simply made it up. Why should he have invented it? He certainly did not copy the information from Fryer, and I have never encountered any roads-in-detail commercial map between Fryer in 1820, and Cary by 1827.
- 23.6. The 6 Inches to 1 Mile (1:10.560) Ordnance Survey Map (surveyed 1860) for the site shows the application route, and also the BOAT, forming a 'Y' junction at the south end of the application route. It may be contended (but nobody has in submission) that the road with the spot heights, which is now the BOAT (usually known as Baybridge Road, or The Old Coach Road) was before 1827 the 'main road', and that Cary made a mistake in showing the application route and The Shire Road as part of his 'Carriage Road' route south from Dotland. But it is risky to presume a mistake in such a situation, from a perspective 188 years later., and I note that the Inspector stopped short of deeming Cary's map a mistake in her final decision letter for the 1996 order. There are two factors that make presumption of a mistake by Cary particularly risky and unsound.
- 23.7. Firstly, Cary's route is not wholly on inclosure roads – indeed, the BOAT across Blanchland Moor was outside the Bulbeck Inclosure area – and we cannot at this distance say, particularly without evidence, that all other parts of this Cary route were better – perhaps considerably better – than the application route some 188 or more years ago.
- 23.8. Secondly – and this reinforces the first point – the BOAT across Blanchland Moor is now a well-made track, but at some point in time it probably was not. At the junction of the application route and the BOAT (point B on the application plan) there is, heading towards Slaley, immediately adjacent to the current made track, a parallel track with a wet bottom. The Ordnance Survey map shows only one track, which rather suggests that in 1860 there was only one track, and it is not probable that, when the made track was available, traffic used and 'made' a wet beaten track instead. There is no evidence that the track shown in the 1860-survey OS map is the 'made' track, rather than this immediately adjacent 'beaten track'. I respectfully submit that it would not be rational to presume (without evidence) that the OS was showing the current made track and not its wet and beaten companion, and then to presume, founded only on that previous presumption, that Cary made a mistake in showing his 'Carriage Road'.

23.9. A photograph of this 'parallel track' is included with the set of photographs below.

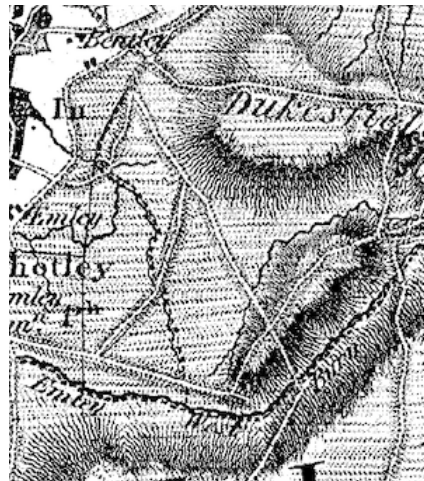
23.10. Simply, without evidence of mistake, Cary, with his good reputation, who had no earlier cartographer from whom to crib this brown-coloured road, should be given some reasonable evidential weight as to the then-reputation of the application route.

24. 1828 Greenwood's Map of Northumberland

24.1. I respectfully submit that Greenwood did not simply copy Fryer or Cary. The information he shows is considerably different from both, and he would scarcely have had sufficient time to copy Cary on to his own plates, and then print.

24.2. Greenwood does show the northern end of the application route, out into Blanchland Moor extending southwards a considerable distance beyond Longedge Road.

24.3. But take care with Greenwood hereabouts. If the application route is followed northwards along what is now the edge of Slaley Forest, as first Blanchland Road, and then as The Shire Road, it is clear that Greenwood has no through-road connection between the inclosure roads around Leadpipe Hill (on the current OS) and the road at Bentley. But the inclosure roads did make this connection. It seems to me to be more of a 'convention' for Greenwood as to how, or if at all, he depicted open roads over particular terrain. This 'consistent inconsistency' is apparent right across his map of Northumberland, and it is improbable that he is simply wrong in so many places.

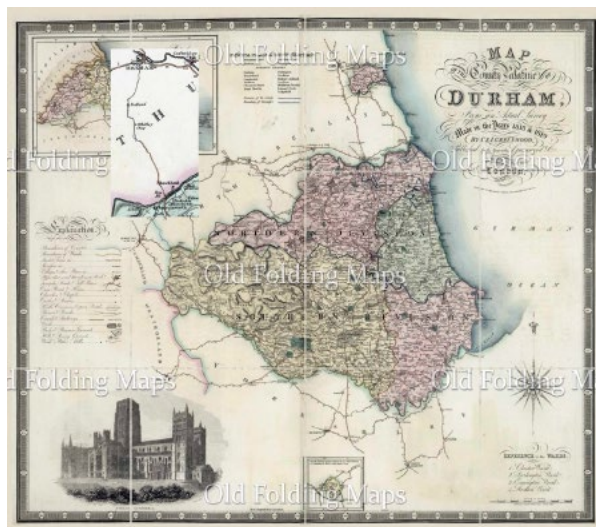


25. 1831 Greenwood's Map of Durham

25.1. This map is stated to be based on the 1819 survey, but updated. This version shows a pattern of roads extending outside the boundaries of the county. This may be because the map shows, for example, Bedlingtonshire and Norhamshire, which are now in Northumberland, but were then detached parts of County Durham. Whatever, the road north from Baybridge, "To Hexham" on the 1820 map, is now shown in full, as a "Cross Road", passing just to the west of Whitley Chapel, and through Dotland

(both ancient settlements). A simple visual comparison with a marked-up portion of OS map shows that this road takes in the application route, and uses Gingleshaugh-ford. These 2 maps taken together (and other maps presented here reinforce this) are strongly persuasive that the road from Baybridge to Hexham took in the application route, and Gingleshaughford. The latter fact also reinforces that this was also the 1713 Durham City, via Gingleshaugh-ford, to Knightscleughhead road.

- 25.2. There are 2 alternative roads to Hexham in this 'corridor'. One crosses the Devil's Water at Peth Foot ford, and the other via Linnels Bridge. Both have approaches far steeper than that at Gingleshaugh-ford. Neither of these alternatives is shown here by Greenwood, although the Linnels Bridge road is now much more prominent as it is the B6306.



26. 1833 Chapman & Hall's Map of Northumberland

- 26.1. This is a small single plate map of Northumberland, not much bigger than A4. The types of road are not identified in a key (usual at this scale), but known turnpike roads are shown more prominently than the other roads. The road from Baybridge northwards to Hexham, via the application route, Whitley Chapel, and Dotland, is clearly shown in the same style as the other roads.

- 26.2. The broken out section is marked with red arrows to highlight the Baybridge to Hexham road, and the application route is highlighted in orange.



27. 1834 John Cary's Reduction of his Large Map of England and Wales, Comprehending the Whole of the Turnpike Roads, By Order of the Postmaster General 27.1. See also the 1815 version, above. In this 1834 version, the 1815 route via Peth Foot is still shown, but a turnpike has been added, straight up the west side of what is now Slaley Forest, along the line of the BOAT, which is the awarded portion of Blanchland Road, and most probably along the application route.



28. 1860 First Edition 6" Scale Ordnance Survey Map

- 28.1. This OS map clearly shows the actual physical feature of the awarded Blanchland Road and Longedge Road. It also shows the application route continuing from the edge of the Bulbeck Division, south-south-eastwards, past Warlaw Pike, to a junction with the (continuation of) Baybridge Road.
- 28.2. This map does not show the legal extent of the awarded roads. It shows only what existed on the ground at the date of survey. Please note that the map shows the worn holloway path in the area of the Bulbeck award, meandering on both sides of the straight boundary line. This meandering holloway is still visible on the ground; some of it in the trees. By the second edition (1898) this meandering line has disappeared from the map.
- 28.3. The meandering route shown on the map, which is the application route, is also clearly visible on the ground in many places, and within the limits of scale, clearly accords with the road shown on each of Fryer's and Cary's detailed maps, which were made some 30 years before the OS first survey.



29. The 'through route presumption'
[This is not argued to be a legal presumption; it is more one of common sense and experience.]
- 29.1. 4.1. Part 2 of PINS's Consistency Guidelines states: Rural Cul-de-Sac 2.48, The courts have long recognised that, in certain circumstances, culs-de-sac in rural areas can be highways. (e.g. Eyre v. New Forest Highways Board 1892, Moser v. Ambleside 1925, A-G and Newton Abbott v. Dyer 1947 and Roberts v. Webster 1967). Most frequently, such a situation arises where a cul-de-sac is the only way to or from a place of public interest or where changes to the highways network have turned what was part of a through road into a cul-de-sac. Before recognising a cul-de-sac as a highway, Inspectors will need to be persuaded that special circumstances exist. 2.49, In Eyre v New Forest Highway

Board 1892 Wills J also covers the situation in which two apparent culs-de-sac are created by reason of uncertainty over the status of a short, linking section (in that case a track over a common). He held that, where a short section of uncertain status exists it can be presumed that its status is that of the two highways linked by it.

- 29.2. Expanding this guidance a little further is of assistance. In *Eyre v. New Forest Highway Board* (1892) JP 517, the Court of Appeal under Lord Esher, MR, considered an appeal against a decision of Wills J, who had rejected an application by Mr Eyre that Tinker's Lane in the New Forest was not a publicly repairable highway and should not be made up by the Board. Lord Esher commended Wills J's summing-up as "... copious and clear and a complete exposition of the law on the subject; it was a clear and correct direction to the jury on all the points raised."
- 29.3. Wills J: "It seems that there is a turnpike road, or a high road, on one side of Cadnam Common; on the other side, there is that road that leads to the disputed portion, and beyond that if you pass over that disputed portion, you come to Tinker's Lane which leads apparently to a number of places. It seems to connect itself with the high road to Salisbury, and with other more important centres, and I should gather from what I have heard that there are more important centres of population in the opposite direction. You have heard what Mr Bucknill says about there being that better and shorter road by which to go. All that appears to me on the evidence is that, for some reason or other, whether it was that they liked the picturesque (which is not very likely), or whether it is that it is really shorter; there were a certain portion of the people from first to last who wished to go that way. It is by the continual passage of people who wish to go along a particular spot that evidence of there being a high road is created; and taking the high roads in the country, a great deal more than half of them have no better origin and rest upon no more definite foundation than that. It is perfectly true that it is a necessary element in the legal definition of a highway that it must lead from one definite place to some other definite place, and that you cannot have a public right to indefinitely stray over a common for instance... There is no such right as that known to the law. Therefore, there must be a definite terminus, and a more or less definite direction..."
- 29.4. "But supposing you think Tinker's Lane is a public highway, what would be the meaning in a country place like that of a highway which ends in a cul-de-sac, and ends at a gate onto a common? Such things exist in large towns... but who ever found such a thing in a country district like this, where one of the public, if there were any public who wanted to use it at all, would drive up to that gate for the purpose of driving back again? ... It is a just observation that if you think Tinkers Lane was a public highway, an old and ancient public highway, why should it be so unless it leads across that common to some of those places beyond? I cannot conceive myself how that could be a public highway, or to what purpose it could be dedicated or in what way it could be used so as to become a public highway, unless it was to pass

over from that side of the country to this side of the country. Therefore it seems to me, after all said and done, that the evidence with regard to this little piece across the green cannot be severed from the other... it would take a great deal to persuade me that it was possible that that state of things should co-exist with no public way across the little piece of green... I am not laying this down as law; but I cannot understand how there could be a public way up to the gate – practically, I mean; I do not mean theoretically, - but how in a locality like this there could be a public highway up to the gate without there being a highway beyond it. If there were a public highway up Tinker's Lane before 1835, it does not seem to me at all a wrong step to take, or an unreasonable step to take, to say there must have been one across that green.”

- 29.5. 4.3. There are three often-cited cases on culs-de-sac and whether such can be (public) highways: *Roberts v. Webster* (1967) 66 LGR 298; *A.G. v. Antrobus* [1905] 2Ch 188; *Bourke v. Davis*, [1890] 44 ChD 110. In each of these the way in dispute was (apparently) a genuine dead-end with no ‘lost’ continuation. Fundamental argument in each was whether or not a cul-de-sac (especially in the countryside) could be a (public) highway. In each case the court took the point that the law presumes a highway is a through-route unless there are exceptional local circumstances: e.g. a place of public resort, or that the way was expressly laid out under the authority of statute, such as an inclosure award. In *A.G. (At Relation of A H Hastie) v. Godstone RDC* (1912) JP 188, Parker J was called upon to give a declaration that a cluster of minor roads were public and publicly repairable highways. “The roads in question certainly existed far back into the eighteenth century. They are shown in many old maps. They have for the most part well-defined hedges and ditches on either side, the width between the ditches, as is often the case with old country roads, varying considerably. There is nothing to distinguish any part of these roads respectively from any other part except the state of repair. They are continuous roads throughout and furnish convenient short cuts between main roads to the north and south respectively [note the similarity of logic here with *Wills J in Eyre*]. It is possible, of course, that a public way may end in a cul-de-sac, but it appears rather improbable that part of a continuous thoroughfare should be a public highway and part not. It was suggested that there might be a public carriageway ending in a public footpath and that *Cottage Lane* and *St Pier's Lane* are public carriageways to the points to which they are admittedly highways, and public footpaths for the rest of their length. I cannot find any evidence which points to this solution of the difficulty, and so far, at any rate as evidence of the user of the road is concerned, there is no difference qua the nature of that user between those parts of the roads which are admittedly highways and those parts as to which the public right is in issue.”
- 29.6. 4.5. Although it is not a ‘precedent’, it is useful to note the view of Inspector Dr T O Pritchard, when tasked to consider the true status of a through-route that currently ‘changes status’ part-way. He said it is “... Improbable for part of a continuous route to be

part footpath and part carriageway”, expressly taking the Godstone case as authority. [FPS/A4710/7/22 723, of 31 March 1999].

30. Photographs of the Application Route



These photographs show the pronounced holloway along the application route. It is even more clear where the heather has been burned off.



Above: the wet road parallel to the ‘causewayed’ BOAT, Baybridge Road.

The ‘notch’ of the holloway on the application route is clearly visible on the skyline.



31. Summary

- 31.1. In most cases, to prove the status of a public highway we have to look at a number pieces of evidence, none of which speak directly to the status (that would be 'positive evidence') and aggregate all of these to make an overall view on the balance of probabilities.
- 31.2. This case has no status-specific evidence, but it does have a good set of pieces of indirect evidence which, examined individually and then taken together, show a strong probability that this application route was historically part of a longer public road, heading southwards towards Blanchland and Baybridge.
- 31.3. The direct northern contiguous stretch is set out in an inclosure award as 'Blanchland Road', just as other roads in the same award are named for their destination or direction: Ginglehaugh Road, Shire Road, Baybridge Road, and others.
- 31.4. Blanchland Common, at the south end of the awarded Blanchland Road was not a place of public resort. Unless the awarded Blanchland Road continued across Blanchland Common, that awarded public carriage road had no destination other than a fence. The inclosure commissioners were practical men. Would they set out such a largely useless dead end and call it Blanchland Road, some two-and three-quarter miles distant from Blanchland? Not probable.
- 31.5. Then we have the discovered evidence that there was at least 'contemplation' of making the application route into a turnpike road. Plainly this was never done, but taking the evidence as a whole it is indicative that the application route was part of a longer through-route from Blanchland / Baybridge, to Dotland, and on to Hexham and beyond. This fits with the road shown in Greenwood's maps.
- 31.6. The application route is a well-defined holloway, on the old mapped alignment, and in that is similar to the sections of holloway that survive in the Bulbeck inclosure area. How could this well-defined holloway come into existence other than by wear and tear from traffic using the whole through-route? What traffic other than public would exit the end of a dead-end public road, cross a common on a narrow linear corridor, and then rejoin a public road further along?
- 31.7. It is probable that the 1713 (and earlier) road from Durham City to Allendale went along the application route to get to

Gingleshaugh-ford and beyond. This fits with the road shown in Greenwood's maps.

31.8. On the balance of probabilities this route was historically part of a longer route, carrying the same public traffic throughout."

3. LANDOWNER EVIDENCE

3.1 By email, on 28 May 2021, Savills responded to the consultation on behalf of the Lord Crewe's Charity, stating:

"I write to confirm that Lord Crewe's Charity own the full length of the alleged restricted Byway and that we rebut this claim.

"I look forward to receiving a copy of your draft report."

4. CONSULTATION

4.1 In February 2021, 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". One reply was received and is included below.

4.2 By email, in March 2021, the British Horse Society responded to the consultation, stating:

"Parish of Blanchland
Alleged restricted byway no 29

"This proposal is supported by wide ranging evidence including the old county maps of Cary and Greenwood whose reputation for good survey work within the limitations of their time is well known. The BHS supports the recording of this alleged restricted byway."

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.

1713 Account of Certain Charities (applicant's transcript)

This seemingly describes the boundary of part of Hexham Parish as "from Gingleshaughford to Knightscleughhead along the highway which leads through the High Quarter from the City of Durham to Allendale etc five miles and thirty five chains." This specifically described route (from Gingleshaughford to Knightscleughhead) is not part of the alleged restricted byway route, but Mr Kind argues that the application route is a part of the longer Durham – Allendale route referred to.

1758 Marshall's Blanchland Royalty Map (applicant's copy)

The route of the alleged restricted byway is not shown, though the route of existing Byways Open to All Traffic Nos 31 and 26 does appear to be. The applicant is emphasising this to illustrate that, when this byway open to all traffic route is absent from a later Cary map, this should not be taken as an indication that the road didn't exist.

1769 Armstrong's County Map

There is no evidence of a road or track over the route of alleged Restricted Byway No 29, though there isn't a road depicted over the route of existing Byways Open to All Traffic No 26 (Blanchland) or No 80 (Hexhamshire) either.

1771 Bulbeck Common Inclosure Award

The Award covers land immediately to the north of the alleged restricted byway route - not land crossed by the alleged restricted byway, itself. The otherwise cul-de-sac Blanchland Road set out in the Award is shown ending on the north end of the alleged restricted byway and is described as a sixty foot wide public highway from the Shire Road "..... southeastwards until it enters Blanchland Common".

1787 Cary's Map of Northumberland (applicant's copy)

This is a relatively small scale map showing a limited number of roads in the application area and no road resembling the application route.

1794 Cary's Grid Plan Map of England (applicant's copy)

This is also a relatively small scale map showing a limited number of roads in the application area and no road resembling the application route.

1801 Monthly Magazine or British Register (applicant's copy)

A proposal to create a new turnpike road between Barnard Castle and Corbridge / Hexham is identified. The applicant believes the proposed route probably incorporated the alleged restricted byway route.

1808 Boundary Disputes plan (applicant's copy)

Although this plan shows the northerly continuation of the alleged restricted byway route (i.e. existing Byway Open to All Traffic No 80 in the Parish of Hexhamshire), nothing is identified over the claimed route itself. The plan would appear to have been copied directly from the inclosure award plan (which itself, seemingly deliberately, didn't show anything across the disputed ground), so the lack of any route is arguably unremarkable.

1815 John Cary's Reduction of his England and Wales Map (applicant's copy)

This map shows a single – apparently non-turnpike – road from Stanhope, through Blanchland and via Dotland, to Hexham. It is difficult

to be certain, given the small scale of the map, whether this corresponds to the route of the alleged restricted byway, or not.

1819 / 20 Greenwood's County Map (of Durham) (applicant's copy)

This map only covers Durham, but the onward continuation of a Cross Road into Northumberland, at Baybridge, is labelled "To Hexham". The route to Hexham is not identified on this map.

1820 Fryer's County Map

There is clear evidence of an "Other Road" over the route of alleged Restricted Byway No 29 (and also the southern part of existing BOATs Nos 26 (Blanchland) and 80 (Hexhamshire) too).

1827 Cary's Map

There is clear evidence of a "Carriage Road which is a Parochial Road" over the route of alleged Restricted Byway No 29 (and also the southern part of existing BOATs Nos 26 (Blanchland) and 80 (Hexhamshire) too).

1828 Greenwood's County Map

There is no clear evidence of a road or track over a route resembling alleged Restricted Byway No 29, though the routes of existing Byways Open to All Traffic No 26 (Blanchland) and 80 (Hexhamshire) are depicted as "Cross Roads".

1831 Greenwood's County Map (of Durham) (applicant's copy)

Although primarily a map of roads in Durham, this map also shows a limited number of continuations in the neighbouring counties, including what appears to be the claimed route, as part of a longer route to Hexham.

1833 Chapman and Hall's Map of Northumberland (applicant's copy)

Given the small scale of the map, it isn't possible to be certain that this route corresponds with that of the alleged restricted byway, but the straight line suggests that it probably does.

1834 John Cary's Reduction of his England and Wales Map (applicant's copy)

This map shows a turnpike road from Stanhope, through Blanchland and via Dotland, to Hexham. Given the small scale of the map, it isn't possible to be certain that this route corresponds with that of the alleged restricted byway, but the straight line suggests that it probably does.

c.1860 Ordnance Survey Map: Scale 1:2500

There is clear evidence of an unenclosed track / path along the route of existing Public Footpath / alleged Restricted Byway No 29. In the accompanying Book of Reference, existing Byway Open to All Traffic No 26 is identified by the parcel number "4" in Shotley High Quarter, which corresponds with "Public road". The route of alleged Restricted

Byway No 29 is not identified by an individual parcel number. It appears to be covered by the more general parcel number "5" which corresponds with "Rough pasture &c (Blanchland Moor)". By way of comparison, neither existing BOAT No 80 or RB No 100 (both Parish of Hexhamshire), which are set out as public roads in the Bulbeck Common Inclosure Award, appear to have individual parcel numbers either. They appear to be covered by the general parcel number "42" in Newbiggin Township (Detached), which corresponds with "Rough Pasture &c (Embley Fell, Bulbeck Common, - part of)".

c.1865 Ordnance Survey Map: Scale 1:10,560 (applicant's copy)

There is clear evidence of an unenclosed track / path along the route of existing Public Footpath / alleged Restricted Byway No 29.

1897 Ordnance Survey Map: Scale 1:2500

As with the 1860s maps, there is clear evidence of an unenclosed track / path along the route of existing Public Footpath / alleged Restricted Byway No 29.

1951 Highways Map

There is no evidence of a publicly maintainable highway depicted over the route of alleged Restricted Byway No 29 (but nor is such a route depicted over the routes of existing BOATs Nos 26 or 80 (which bookend the alleged RB 29 route) either.

1954 / 57 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an unenclosed track / path over the existing footpath / alleged restricted byway route.

Original Definitive Map and Statement

Byway Open to All Traffic No 26 was, then, identified as a public bridleway. No public rights were identified over the route of existing Public Footpath / alleged Restricted Byway No 29, nor existing Byway Open to All Traffic No 80.

1964 Highways Map

There is no evidence of a publicly maintainable highway depicted over the route of alleged Restricted Byway No 29 (but nor is such a route depicted over the routes of existing BOATs Nos 26 or 80 (which bookend the alleged RB 29 route) either.

1977 / 78 Ordnance Survey Map: Scale 1:10,000

There is clear evidence of a "Path" depicted over the route of existing Public Footpath / alleged Restricted Byway No 29.

2012 Definitive Map Modification Order (No 14) 2012

Existing Public Footpath No 29 was added to the Definitive Map by means of this Order, made in December 2012, and confirmed by an

Inspector appointed by the Secretary of State in November 2015, following a Public Hearing.

6. SITE INVESTIGATION

- 6.1 From a field gate, at the south-west corner of Slaley Forest, where existing Public Footpath No 29 (Parish of Slaley) joins existing Byway Open to All Traffic No 80 (Parish of Hexhamshire), the route proceeds, largely undefined across the heather moorland, in a southerly direction for a distance of 120 metres. At this point it joins a 2 metre wide, stone surfaced perimeter track, and proceeds in a south-easterly direction along this track for a distance of 250 metres, to a point where the stone track diverts easterly, but the existing public footpath / alleged restricted byway continues in a general south-easterly direction for a further 845 metres to join existing Byway Open to All Traffic No 26, 1020 metres north of Pennypie House. At the point where the stone track and existing footpath / alleged restricted byway separate, the route was obstructed by a post and rail fence. The next 100 metres or so of the route appears to proceed along a shallow 'sunken lane', but the remainder of the route is barely discernible on the ground.

7. COMMENTS RECEIVED ON THE DRAFT REPORT

- 7.1 In November 2023, a draft copy of the report was circulated to the applicant and those landowners / occupiers who responded to the initial consultation for their comments. No additional comments have been received.

8. DISCUSSION

- 8.1 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.

- 8.2 When considering an application / proposal for a modification order, Section 32 of the Highways Act 1980 provides for "any map, plan or history of the locality or other relevant document" to be tendered in evidence and such weight to be given to it as considered justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.
- 8.3 Although Mr Kind's application sought to record this route as a restricted byway, when determining this application, the Council must consider all the available evidence. It is sometimes the case that the evidence which is gathered may point to the existence of higher or lower public rights than those that were originally applied for.

- 8.4 The representation of a path or track on an Ordnance Survey Map is not evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey.
- 8.5 In paragraphs 60 to 68 of her November 2015 decision letter, in relation to DMMO (No 14) 2012, the Inspector set out her conclusions regarding the historical evidence, then available. She began by noting that the evidence presented to the July 2015 Local Hearing was largely the same as that presented to the earlier Public Inquiries regarding DMMO (No 1) 1996. In Paragraph 61 she stated *“It remains the case that the main evidence in support of a public carriageway along the Order route post-dates the 1771 Inclosure Award. This includes the maps by Fryer in 1820 and Cary in 1827, the latter carrying slightly more weight on account of its key identifying the route as a carriage road and parochial road.”* To support this current application, Mr Kind has supplied some new map evidence. Greenwood’s County Map of Durham (1831) is perhaps the most significant of these. Although, primarily, concerned with routes within the neighbouring County of Durham, it also shows selected linking routes into adjoining counties and one of these is a route between Baybridge and Hexham that certainly appears to incorporate the application route. Chapman & Hall’s Map of Northumberland (1833) and John Cary’s Reduction of his England and Wales Map (1834), though both are small scale maps, appear to identify a route between Baybridge and Dotland (south of Hexham) that corresponds, more closely, with the one depicted on Greenwood’s Map of 1831 than any of the likely alternatives.
- 8.6 Further on, in Paragraph 61 of her 2015 decision letter, the Inspector continued .. *“Whilst the OS maps show a track was in existence from 1860 through to 1923 at least, its written records in 1860 cast a degree of doubt over any presumption it was a ‘public road’ that may be raised by Cary’s map.”* A route of some description was still being shown on OS maps up until at least 1977. Where a route is described as a “Public Road” in the Book of Reference accompanying the First Edition 25” OS Map, this can only be taken as limited weight in support of public vehicular rights. By the same token, though, where a route is identified as a “Private road” this can only be taken as very limited weight against the existence of public highway rights. In this case, however, the Book of Reference is entirely silent as to the route’s status. Although the route now recorded as Byway Open to All Traffic No 26 was identified in the Book of Reference as a “Public Road”, other acknowledged public roads (set out in the 1771 Bulbeck Common Inclosure Award and currently recorded on the Definitive Map as either byways open to all traffic or restricted byways) were not. Hexhamshire BOAT 80 (i.e. the northerly continuation of the application route) and Restricted Byway No 100 (which crosses BOAT 80) are not identified by individual parcel numbers and appear, only, to be covered by a general parcel number “42” relating to Rough Pasture &c (Embley Fell, Bulbeck Common – part of”).
- 8.7 In Paragraph 63 of her 2015 decision letter, the Inspector adds *“I accept that the 1771 Inclosure Award lends some weight to the proposition that the “Blanchland Road” continued into and across Blanchland Common [footnote ‘Since no evidence has come to light to show this road ever led to Blanchland village as opposed to joining the road to Baybridge, I conclude the name must have been referring in general terms to Blanchland Common or Blanchland Manor.’]. Yet I find the Greenwood map difficult to dismiss. Although it cannot easily be reconciled with its two contemporaries, it does raise some doubt over*

the eventual destination pre-inclosure of the subsequently awarded Blanchland Road.” Although it is certainly the case that Greenwood’s 1828 County map of Northumberland does not depict any road or track over the application route, his 1831 Map (of Durham) does. Not only that, it is the only route shown between Blanchland / Baybridge and Hexham. It is, undoubtedly, curious that a route which failed to be depicted as (what would have been) just one amongst several, on the 1828 map, should suddenly be promoted to be part of what was presumably considered to be the primary route just 3 years later. Since the route had already been shown, earlier, on Fryer’s County map, it clearly wasn’t an entirely new one. This suggests that, either, the main flow of traffic shifted fairly dramatically, between 1828 and 1831 or, alternatively, that Greenwood simply realised he had erred by failing to identify the route on his 1828 map.

8.8 In summary, we have the earliest maps (Blanchland Royalty Map (1758), Armstrong’s County Map (1769) and Cary’s Map (1787)) which all depict only a limited selection of routes, none of them showing the application route. There is the Bulbeck Common Inclosure Award of 1771 which sets out a comprehensive collection of public roads. The application route lies just outside the area subject to the Inclosure Award (so, unsurprisingly, the application route, itself, is not shown), but a 60 foot wide public road (that would otherwise be a cul-de-sac) is shown terminating at the Award boundary which is also the northern end of the application route. Whilst it is certainly the case that we can’t be sure that the application route was an existing public road at the time the Inclosure Award was made, the way the Inclosure Commissioners set out a road connecting to the application route is exactly what we would expect them to do, if it did. We then have a few additional maps showing only a limited number of routes or providing insufficient detail, where the application route does not appear to be identified. Then there is Fryer’s County Map of 1820 and Cary’s Map of 1827. These two maps are more detailed, show a greater selection of routes and clearly identify the application route (as an “Other road” and as a “Carriage Road which is a Parochial Road” respectively). Set against this, there is Greenwood’s County Map (of Northumberland) (1828) which definitely does not show any road or track over the application route. But then Greenwood’s County Map (of Durham) (1831) very definitely does identify a road over the application route, and the smaller scale Chapman and Hall’s Map (1833) and Cary’s Map (1834) do appear to show a routes matching the application one. On the First Edition (1860s) and Second Edition (1890s) Ordnance Survey maps, both the application route and the existing BOAT alternative, to the east, are shown, in the same way, as unenclosed tracks. Although the existing BOAT route was identified as a “Public road” in the Book of Reference to accompany the First edition map, the application route was not, but other nearby inclosure awarded roads (that are now recognised as byways open to all traffic) also failed to be identified as “Public roads”, so this omission isn’t considered to be significant.

8.9 When this matter was previously considered the positive evidence in favour of a vehicular right of way (primarily the existence of a northerly continuation as set out in the Bulbeck Common Inclosure Award of 1771, and the depiction of the application route, itself, on Fryer’s County Map of 1820 and Cary’s Map of 1827) was deemed to have been outweighed by the route’s non-depiction on Greenwood’s County Map of 1828 and, to a lesser extent, its non-depiction as a “Public road” in the 1860s OS Book of Reference. The introduction of Greenwood’s County Map (of Durham) (1831) and, to a lesser extent, Chapman & Hall’s Map of 1833 and Cary’s Map of 1834, would appear to tip the balance of evidence back in favour of a vehicular highway.

- 8.10 The Natural Environment and Rural Communities Act 2006 (NERC Act 2006) had a major impact upon the recording of byways open to all traffic based upon historical documentary evidence. Under section 67 of the Act, any existing, but unrecorded, public rights of way for mechanically propelled vehicles were extinguished unless one of the 'saving' provisions applied. In brief, these saving provisions were: (a) if the main lawful public use between 2001 and 2006 was with motor vehicles; (b) if the route was on the List of Streets (on 2 May 2006) and not also on the Definitive Map as something less than a byway open to all traffic; (c) the route was legally created expressly for motor vehicular use; (d) the route was a road deliberately constructed for public motor vehicular use; or (e) the vehicular highway came about as a result of unchallenged motor vehicular use before December 1930.
- 8.11 At this stage, there is no evidence to suggest that any of the saving provisions identified, in 8.10 above, would apply to the application route. Any public motor-vehicular rights which existed over this route would appear to have been extinguished by s.67 of the NERC Act 2006. It would be appropriate to recognise the public's remaining vehicular rights over the route by upgrading the existing public footpath to restricted byway status.
- 8.12 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. There is no evidence that the application route has ever been enclosed by boundaries. On that basis, it is proposed that the restricted byway / byway open to all traffic be identified with the Council's standard default width of 5 metres (i.e. wide enough for two vehicles, travelling in opposite directions, to pass each other).
- 8.13 Not all public highways are publicly maintainable. In broad terms, public footpaths and bridleways which existed prior to the National Parks and Access to the Countryside Act 1949 are automatically publicly maintainable. Section 23 of the Highways Act 1835 provided that no roads coming into existence after that Act would be publicly maintainable unless prescribed procedures (for adoption) were followed. The List of Streets is the Council's record of which public highways are considered to be publicly maintainable.
- 8.14 In *Attorney General v Watford Rural District Council (1912)* it was determined that once a route had been found to be a public highway, the onus lay on the highway authority to demonstrate that it wasn't publicly maintainable, rather than for anyone else to prove that it was. Given that the map evidence appears to show that this road existed prior to 1835 then, in the absence of any clear evidence that this road is privately maintainable, the presumption must be that it is publicly maintainable and, on that basis, if it is recorded on the Definitive Map as a restricted byway, it should also be recognised as a publicly maintainable highway on the Council's List of Streets.

9. CONCLUSION

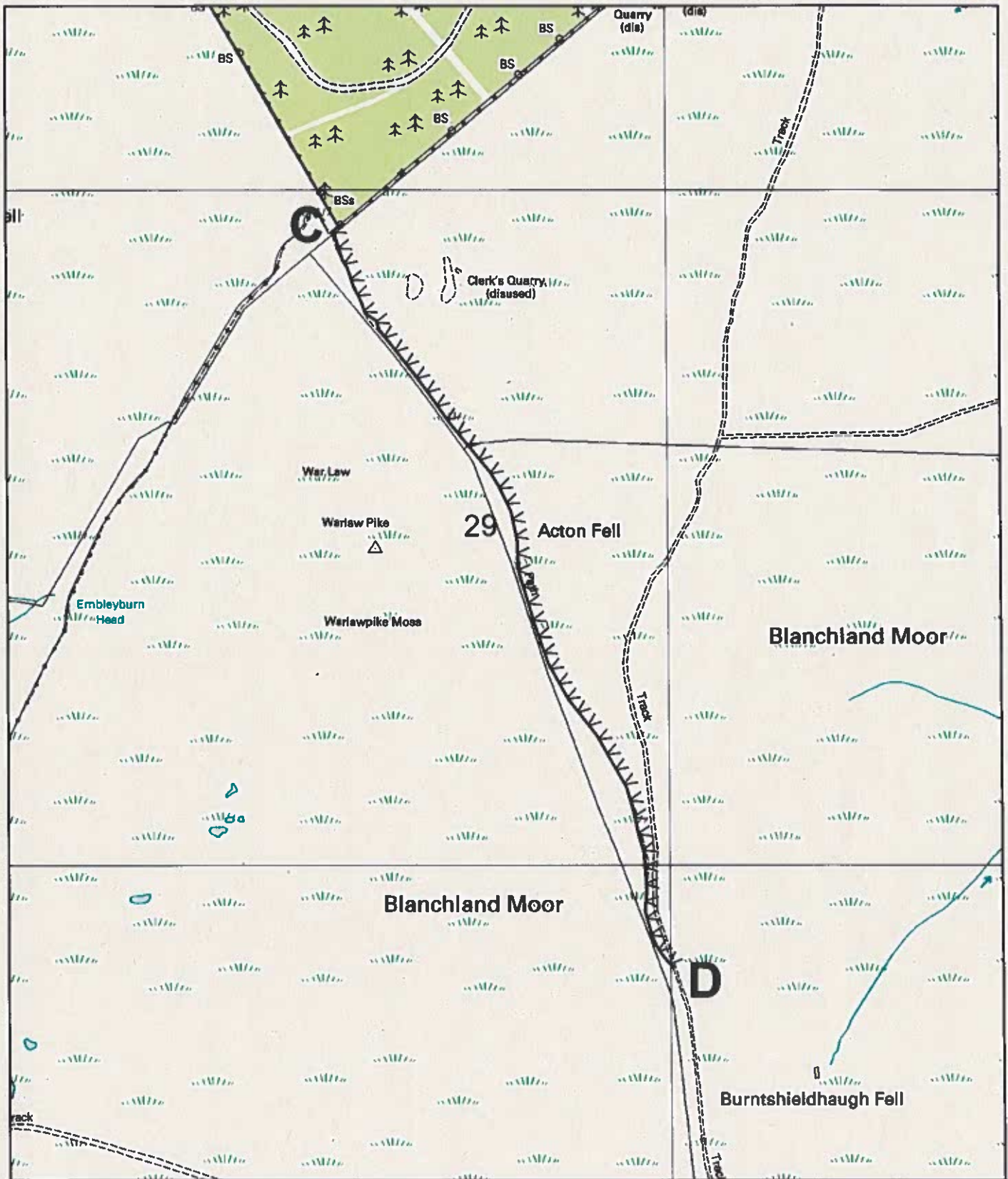
- 9.1 Based on the documentary evidence available, on a balance of probability, it appears that public vehicular rights have been shown to exist over the route C-D.

- 9.2 The Natural Environment and Rural Communities Act 2006 would appear to have extinguished the public's motor vehicular rights over the whole C-D route.

BACKGROUND PAPERS

Local Services Group File: 507/029z

Report Author Alex Bell – Definitive Map Officer
(01670) 624133
Alex.Bell@Northumberland.gov.uk



Northumberland
County Council

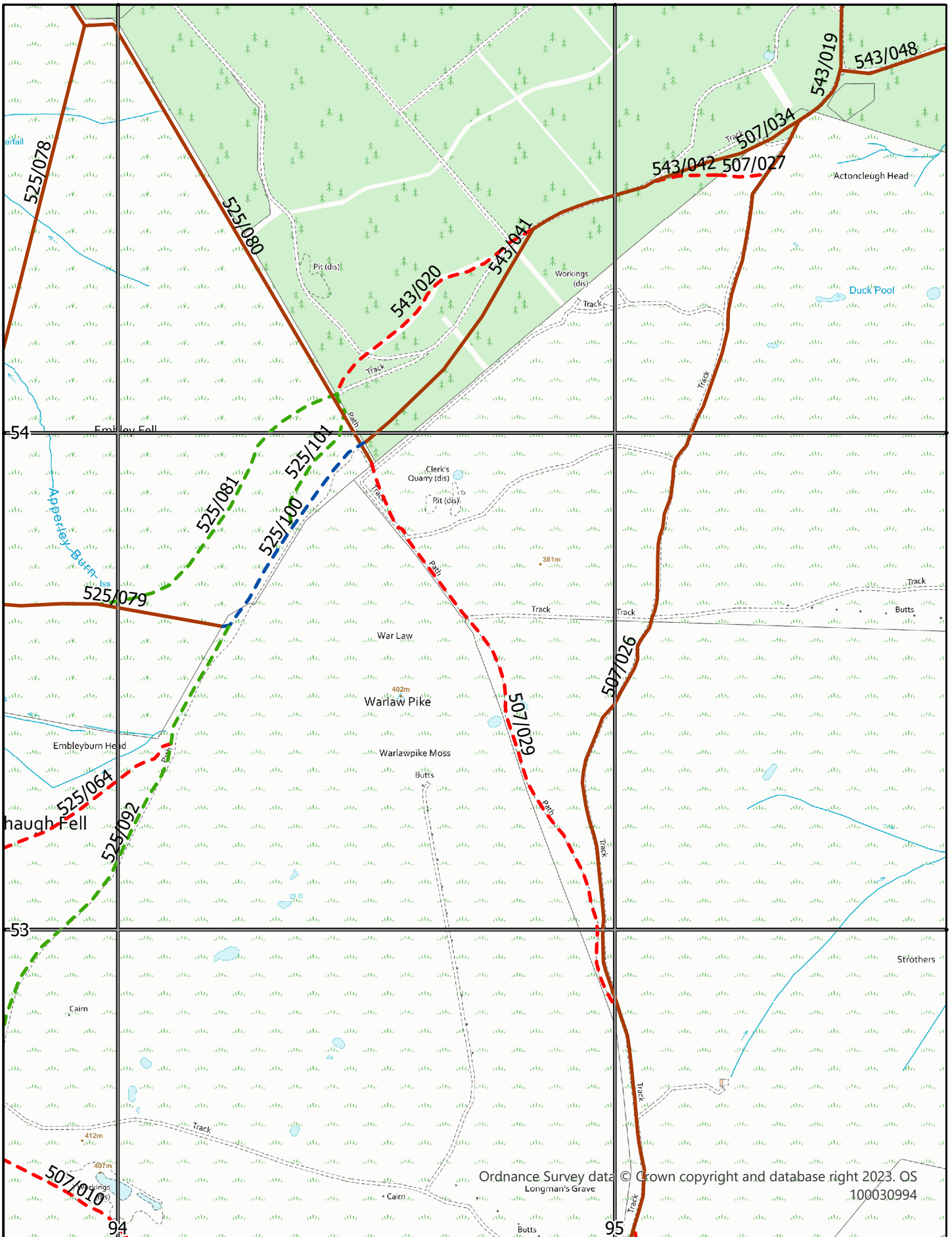
Infrastructure Records, Local Services
County Hall Morpeth Northumberland
NE61 2EF Telephone 0345 600 6400

Wildlife & Countryside Act, 1981

VVVVVVVV Alleged Restricted Byway

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Former District	Tynedale	Parish	Blanchland	Scale	NTS
Def. Map. No.	230	O.S. Map	NY95SW	Date	September 2020



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

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

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

Scale 1:10,000

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**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) public footpath 507/029 Blanchland to restricted byway. (Blanchland Road)

from 94480 - 53971 at the southern end of the BOAT known as Blanchland Road, then a varying course overall southwards to 94964 - 52932 on the BOAT known as Baybridge Road.

and shown on the map accompanying this application.

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

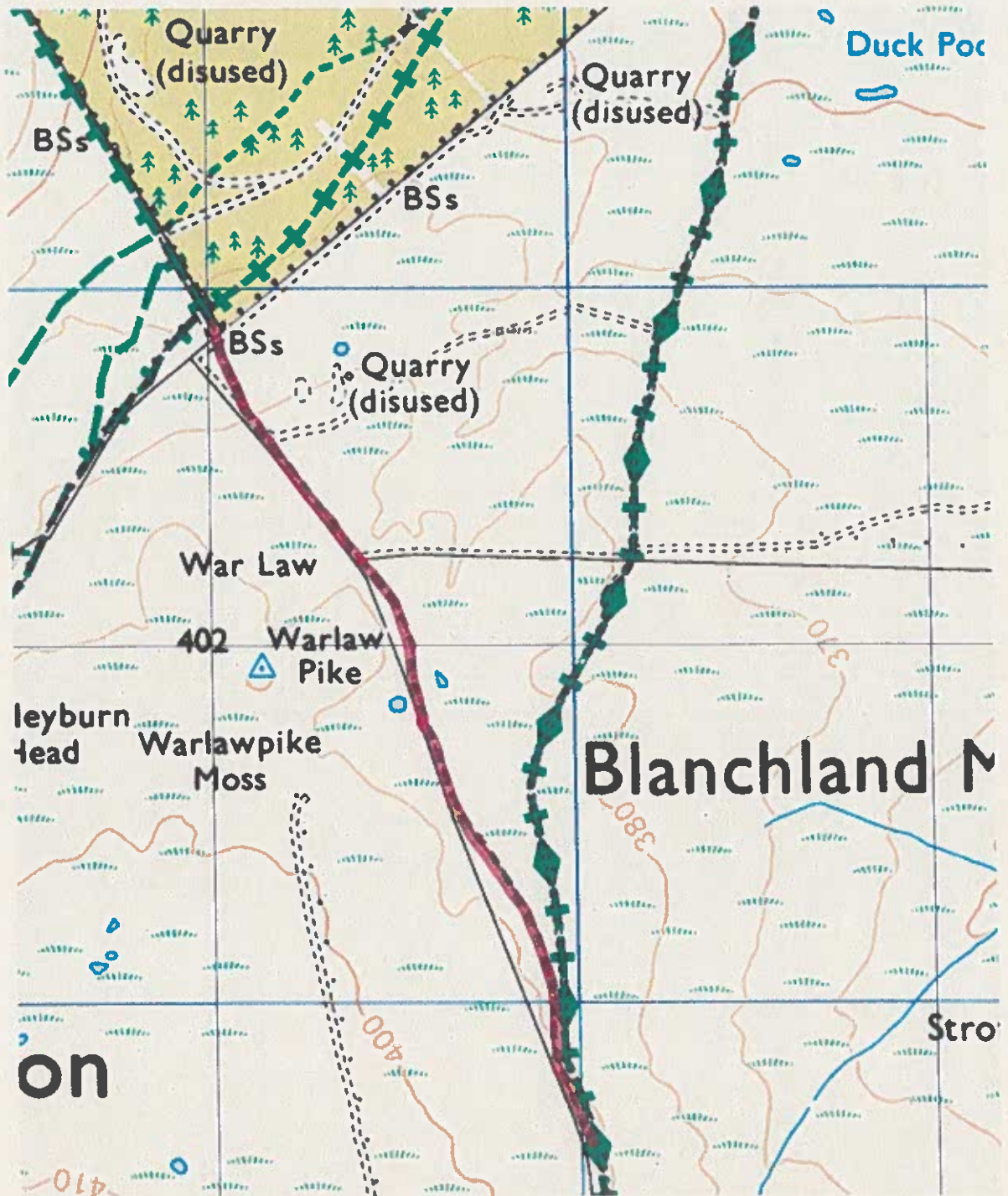
List of documents

1. Location map
2. 1758 Marshall's Blanchland Royalty Map
3. 1769 Armstrong's Map of Northumberland
4. 1765 Inclosure Act, 'An Act for dividing and inclosing a certain common, moor, tract of waste land, within the barony or manor of Bulbeck, in the county of Northumberland'
5. 1771 Extract images and transcription of the inclosure award and plan (Bulbeck Common Inclosure Award, 1771, CRO Ref QRA 9
6. 1787 Cary's Map of Northumberland
7. 1794 Cary's 'Grid Plan' Map of England
8. 1801 The Monthly Magazine or British Register, Volume XII, Part II for 1801
9. 1808 Boundary Disputes Plan
10. 1815 John Cary's Reduction of his Large Map of England and Wale
11. 1820 Fryer's Map of Northumberland
12. 1827 John Cary's Map
13. 1860 6 Inches to 1 Mile (1:10.560) Ordnance Survey Map
14. 1828 Greenwood's Map of Northumberland
15. 1834 John Cary's Reduction of his Large Map of England and Wales
16. A statement of grounds in support of this application

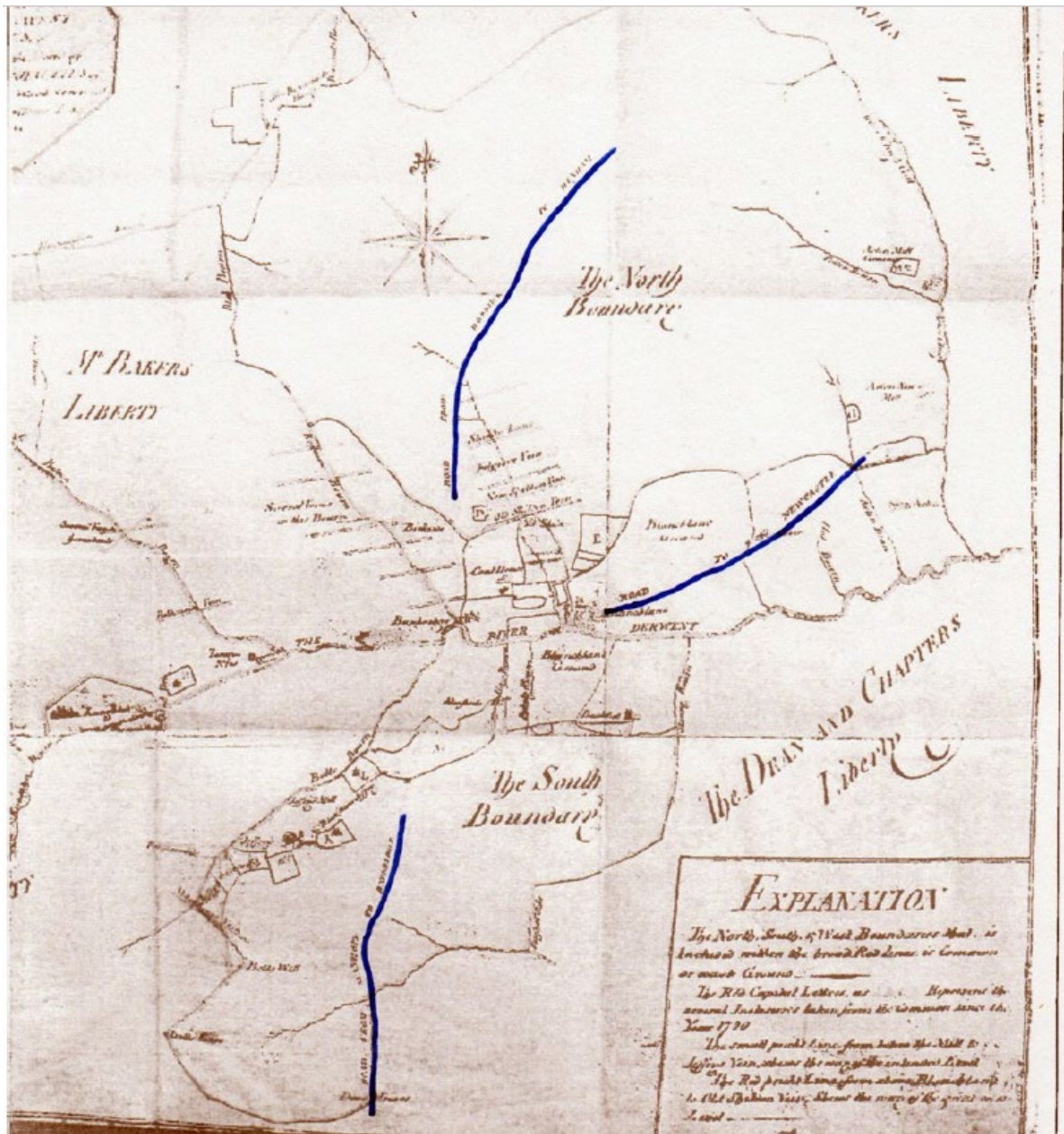
Dated:

Signed:

Location Plan

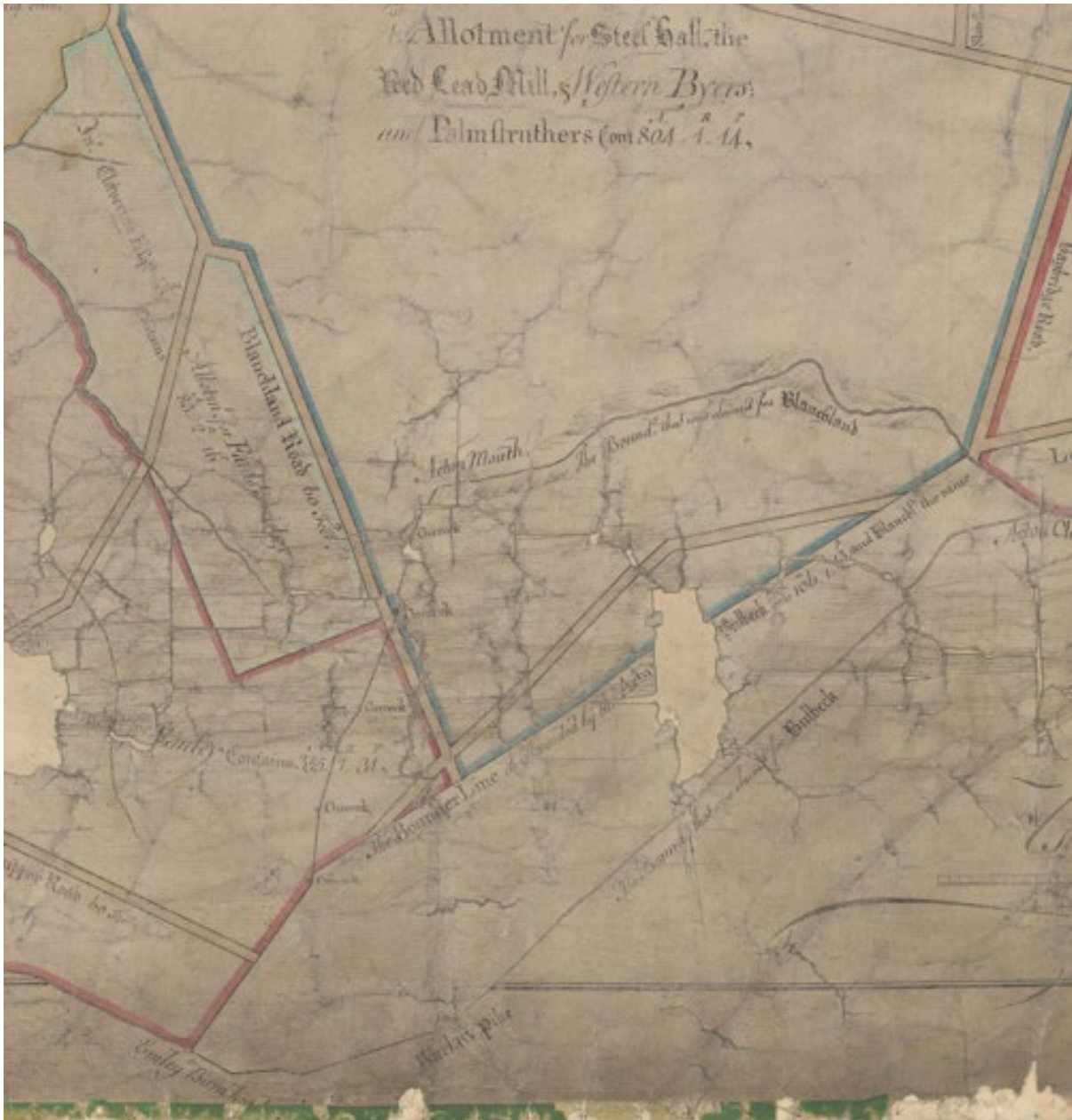


Marshall's Blanchland Royalty Map
1758





Bulbeck Common Inclosure Award
1771



Cary's Map of Northumberland
1787



Cary's 'Grid Plan' Map of England
1794



THE
MONTHLY
72314
MAGAZINE;
OR,
BRITISH REGISTER.

Including

MISCELLANEOUS COMMUNICATIONS FROM CORRESPONDENTS, ON ALL SUBJECTS OF LITERATURE AND SCIENCE.	ACCOUNT OF ALL NEW PATENTS.
MEMOIRS OF DISTINGUISHED PERSONS.	LIST OF NEW BOOKS AND IMPORTATIONS.
ORIGINAL LETTERS, ANECDOTES, &c.	REGISTER OF DISEASES IN LONDON.
POETRY.	RETROSPECT OF PUBLIC AFFAIRS.
LITERARY AND PHILOSOPHICAL INTELLIGENCE.	LIST OF BANKRUPTCIES AND DIVIDENDS.
PROCEEDINGS OF LEARNED SOCIETIES.	DOMESTIC OCCURRENCES CLASSED AND ARRANGED IN THE GEOGRAPHICAL ORDER OF THE COUNTIES.
REVIEW OF THE NEW MUSIC.	MARRIAGES, DEATHS, BIOGRAPHICAL MEMOIRS, &c.
. . . . THE FINE ARTS.	REPORT OF THE STATE OF COMMERCE, &c.
. . . . ENGLISH, GERMAN, FRENCH, SPANISH, AND AMERICAN LITERATURE. OF AGRICULTURE, &c.
 OF THE WEATHER.

VOL. XII.

J. Phillips
PART II. FOR 1801.

FROM ~~JANUARY~~ ^{July} TO JUNE, INCLUSIVE.

LONDON:

PRINTED FOR RICHARD PHILLIPS, No. 71, ST. PAUL'S CHURCH YARD:

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PROVINCIAL OCCURRENCES.

WITH ALL THE MARRIAGES AND DEATHS,

Arranged geographically, or in the Order of the Counties, from North to South.

Authentic Communications for this Department are always very thankfully received.

NORTHUMBRELAND AND DURHAM.

It is in contemplation to open a more free communication through the western part of the county of Durham, by a new **turnpike road** from **Barnard Castle**, that shall proceed by way of **Stanhope** and **Blanchland**, to **Corbridge** or **Hexham**; with certain collateral branches, viz. one from **Barnard Castle**, by **West Pitts** and **Redford**, to **Walsingham**; one from near the **Mill-stone** quarries, on **Stanhope Moor**, that shall pass by **Gold Hill** and **Healey Field**, and meet the **Lobley-hill road**, near **Dipton**; one from a place further north, on the said **Moor**, that shall pass through **Edmondbyers**, and meet the branch of the **Lobley-hill road**, near **Black-Hedley**; and one from **Blanchland**, South Westwards, that shall pass by **Rookhope Lead Mills**, across the river **Wear**, near **Westgate**, and across the river **Tees**, near **Winch-bridge**, to communicate with the **Stanmore road**, near **Brough**. The proposed road, as above, will complete the shortest line from **London** to **Edinburg**, and, with the proper branches, as above, will be of the greatest advantage to the improvement of the country at large, as well as to the persons more immediately interested.

The following is an estimate of the expenses which will be incurred in the completion of the design for improving and extending the building of the infirmary at **Newcastle**, as lately laid before the public by the committee, &c.—Contract for the new building 2925l.—Alterations and improvements in the old house, with iron bedsteads, water closets, &c. 890l.—total 3815l.

The heat at **Newcastle** has been lately excessive, both by night and day. On Tuesday August 18, at 2 o'clock in the afternoon, Fahrenheit's thermometer, being exposed by **Mr. Fringle**, mathematician of **North Shields**, in the shade, in a northern aspect, stood at 77 degrees. The West India heat seldom exceeds 85.

The following vessels are arrived at **Newcastle** from **Davis's Straights** fishery. The **Sarah**, with 393 casks of blubber, and 10 tons of fins, the produce of 14 whales. The **Everetta**, with 414 casks of blubber, and 12 tons of fins, the produce of 15 whales and 1 seal. The **Content**, with 323 casks of blubber, and 10 tons of fins, the produce of 13 whales; and the **Middleton**, with 300 casks of blubber, and 10 tons of fins the produce of 14 whales.

Married.] At **Monkwearmouth Shore**, **Mr. J. Eusbank**, mercer and draper, to **Miss Busby**, of **Sunderland**.

In **London**, **Mr. F. A. Hellmers**, merchant, to **Miss H. Hunt**, of **Stockton upon Tees**.

At **Hampstead**, **J. Bird**, esq of **Howard Street**, **Strand**, to **Miss M. Mole**, of **Newcastle**.

In **London**, at **St. Luke's church**, **Mr. J. Gibson**, jun. of **Barnard Castle**, to **Miss R. Wrigglesworth**; daughter of **Mr. B. Wrigglesworth**, warehousman.

At **Newcastle**, **Mr. P. Paxton**, builder, to **Mrs. Ewart**.

At **Sydenham**, **Capt. A. Dixon**, of the navy, to **Miss J. Dixon**, second daughter of **Admiral Dixon**.

At **South Shields**, **T. Wallis**, esq. to **Miss Smith**.

At **Durham**, **Mr. J. Watson**, master of the **Cock Inn**, to **Miss M. Nelson**.

Dead.] At **Newcastle**, **Mr. J. Hudson**—Aged 95, **Mrs. Milburn**, widow, late of **Bywell**.—Aged 51 years and one day, **J. Wilkinson**, esq. banker, and a captain in the **Newcastle armed association**.—**Mrs. Verty**, wife of **Mr. Verty**, draper.—Aged 41, **Mr. D. Bell**, woollen draper.—**Mr. J. Talyntire**, shoemaker.

In **Gatehead**, aged 90, **Mrs. Wilson**, relict of **R. Wilson**, esq. attorney.

At **Sunderland**, **Mr. J. Colling**, ship-builder.

At **Durham**, aged 68, **Mr. J. Marshall**, master of the **Rose and Crown** public house, in the market place.—Aged 65, **Mr. J. Clark**, coach-maker.—At an advanced age, **Mr. A. Arthur**, an honest industrious man, many years in the employment of the late **Mr. Lewins**, attorney.—Aged 57, **Mr. J. Pearson**, shoe-maker.—Suddenly aged 63, **Mrs. Suddick**, wife of **Mr. W. Suddick**, skinner.

At **North Shields**, aged 37, **Mr. W. Adamson**, a man of considerable ingenuity and uncommon industry.—**Mr. R. Cuthbertson**, hair-dresser.—Aged 68, **Mr. W. Taylor**, brewer.—**Mrs. French**, wife of **Mr. G. French**, ship-owner.—**Mr. H. Perry** of the customs.

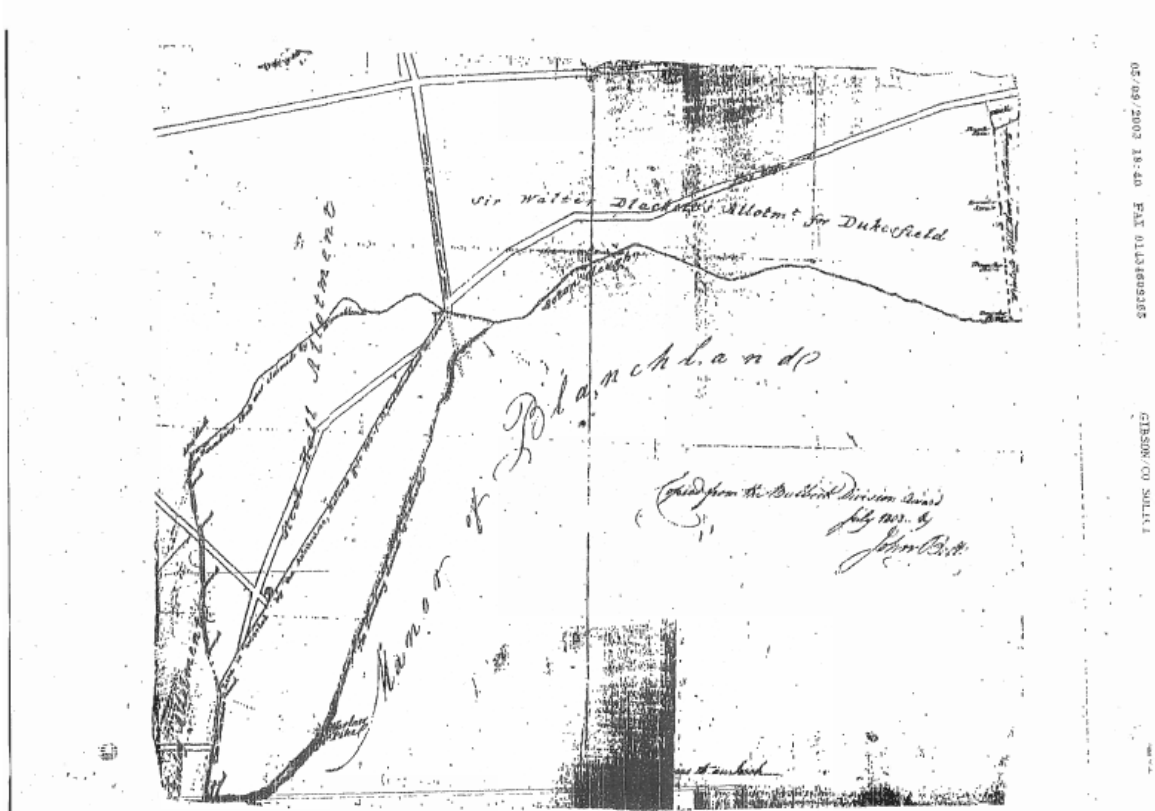
At **Alnwick**, **Miss J. Foster**, of the **Queen's Head Inn**.

At **Stockton**, **Mrs. Teutin**, of the **Shakespeare Inn**.—In her 76th year, **Mrs. Ayres**, wife of **Mr. J. Ayres**, of the **Custom-house**.—**Mrs. Wray**, wife of **Mr. Wray**, comedian.—**Mrs. Jobson**, widow, of **Ogle**, **Northumberland**.—**Miss Bainbridge**, youngest daughter of **W. Bainbridge**, esq. of the **Riding**.

At **Harton**, aged 37, **Miss A. Oliver**.

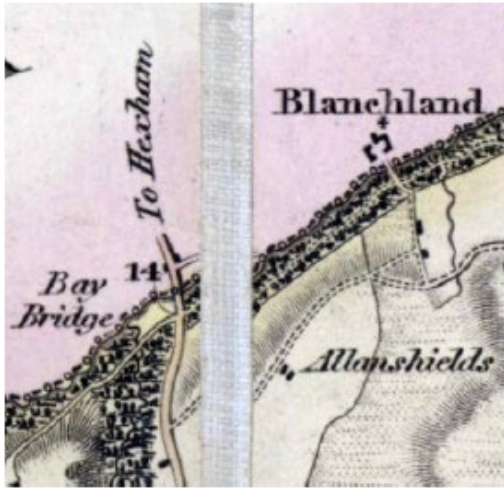
At **High Shields**, near **Hexham**, **Mr. J. Ridley**,

Boundary Disputes Plan
1808

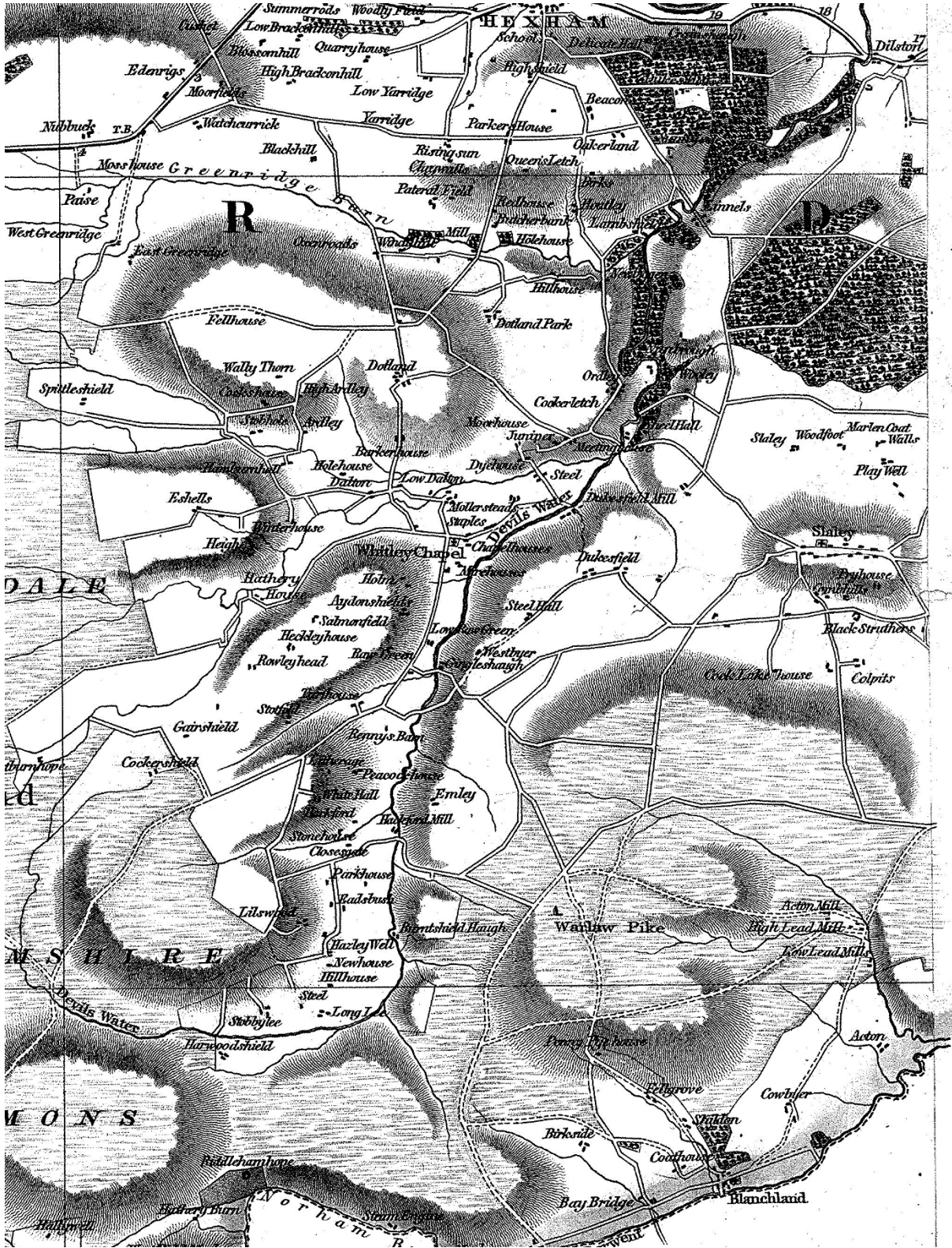




Greenwood's County Map (of Durham)
1819 / 20



Fryer's County Map
1820

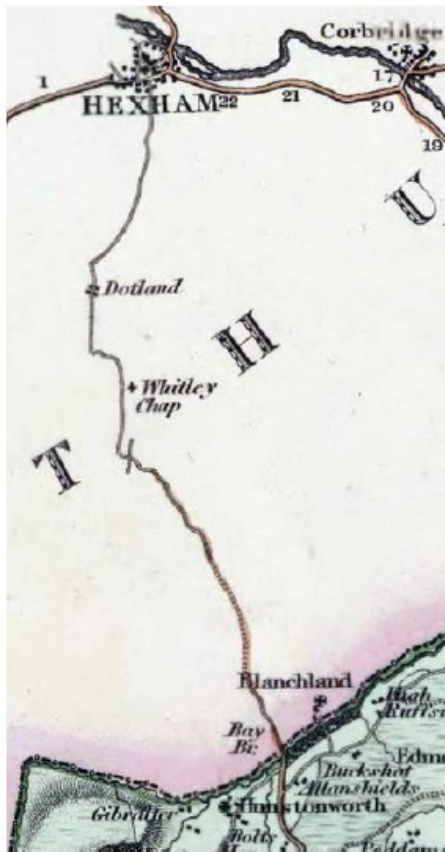




Greenwood's County Map
1828



Greenwood's County Map (of Durham)
1831



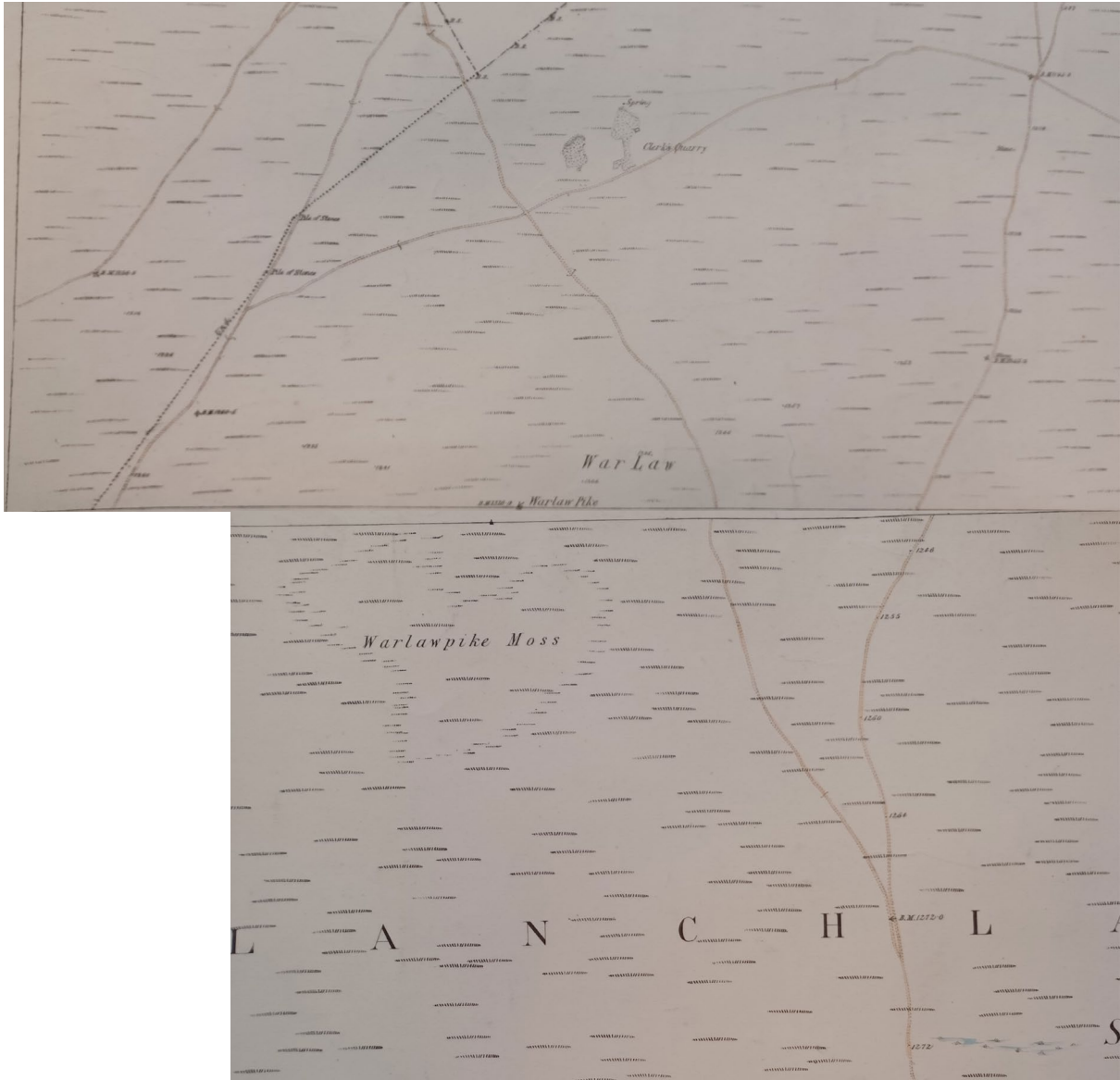
Chapman & Hall's Map of Northumberland
1833



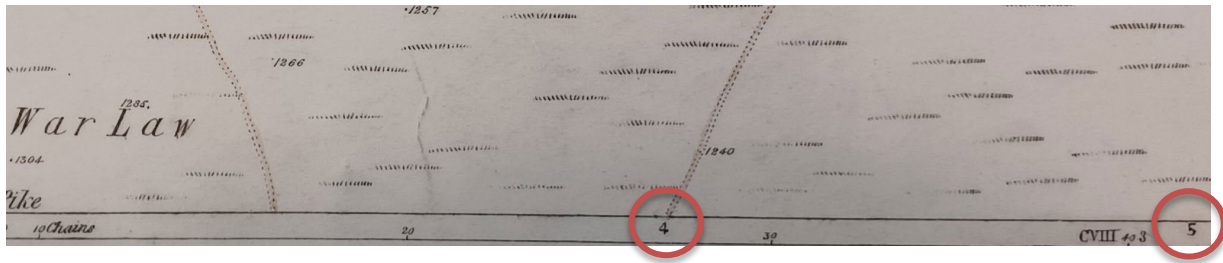
John Cary's Reduction of his Large Map of England and Wales
1834



1:2500 Ordnance Survey Map
c.1860

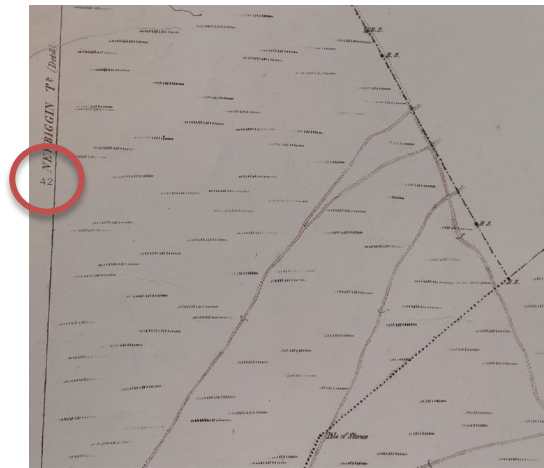


1:2500 Ordnance Survey Map – accompanying Book of Reference
c.1860



TOWNSHIP OF SHOTLEY HIGH QUARTER.

No. of Sheet.	No. on Plan.	Area in Acres.	Description.
CHL. 15.	1	·198	Pond.)
"	2	·147	Pond.) Duck Pools.
"	3	·141	Pond.)
CVIII. 7.	4	8·165	Public road.
CVIII. 3.	5	2403·886	Rough pasture, &c. (Blanchland Moor).
CHL. 14.	6	·081	Waste, &c.
"	7	11·863	Wood.
"	8	2·401	Arable.
"	9	1·033	Arable.
CVIII. 2.	10	5·871	Arable.
"	11	5·030	Pasture.
"	12	2·653	River. (Devils Water).
"	13	105·626	Rough pasture, &c.
"	14	·184	Old dam. (water).
CHL. 16.	15	5·973	Pasture, &c.
"	16	·200	Houses, &c. (High Actonmill).
"	17	6·684	Pasture, &c.
CVIII. 4.	18	·180	House, gardens, &c. (Acton Mill).
CVIII. 2.	19	1·726	Pasture, &c.
"	20	3·649	Pasture, &c.
"	21	·413	Pasture, &c.
"	22	12·064	Pasture, &c.
"	23	10·116	Arable, &c.
"	24	6·156	Pasture.
"	25	4·880	Arable, &c.
"	26	6·814	Pasture, &c.
"	27	2·862	Wood.
"	28	1·243	Houses, &c. (Burntshield Haugh).
"	29	1·039	Arable.
"	30	·171	House, gardens, &c.
"	31	3·130	Pasture.
"	32	5·869	Rough pasture, &c.
"	33	6·603	Pasture, &c.
"	34	·439	Wood.
"	35	·202	Wood.
"	36	·680	Rough pasture & trees.
"	38	·463	Pasture, &c.
"	39	4·039	Arable, &c.
"	40	13·773	Wood, &c.
		2646·647	Carried forward.



28 TOWNSHIP OF NEWBIGGIN (DETACHED).

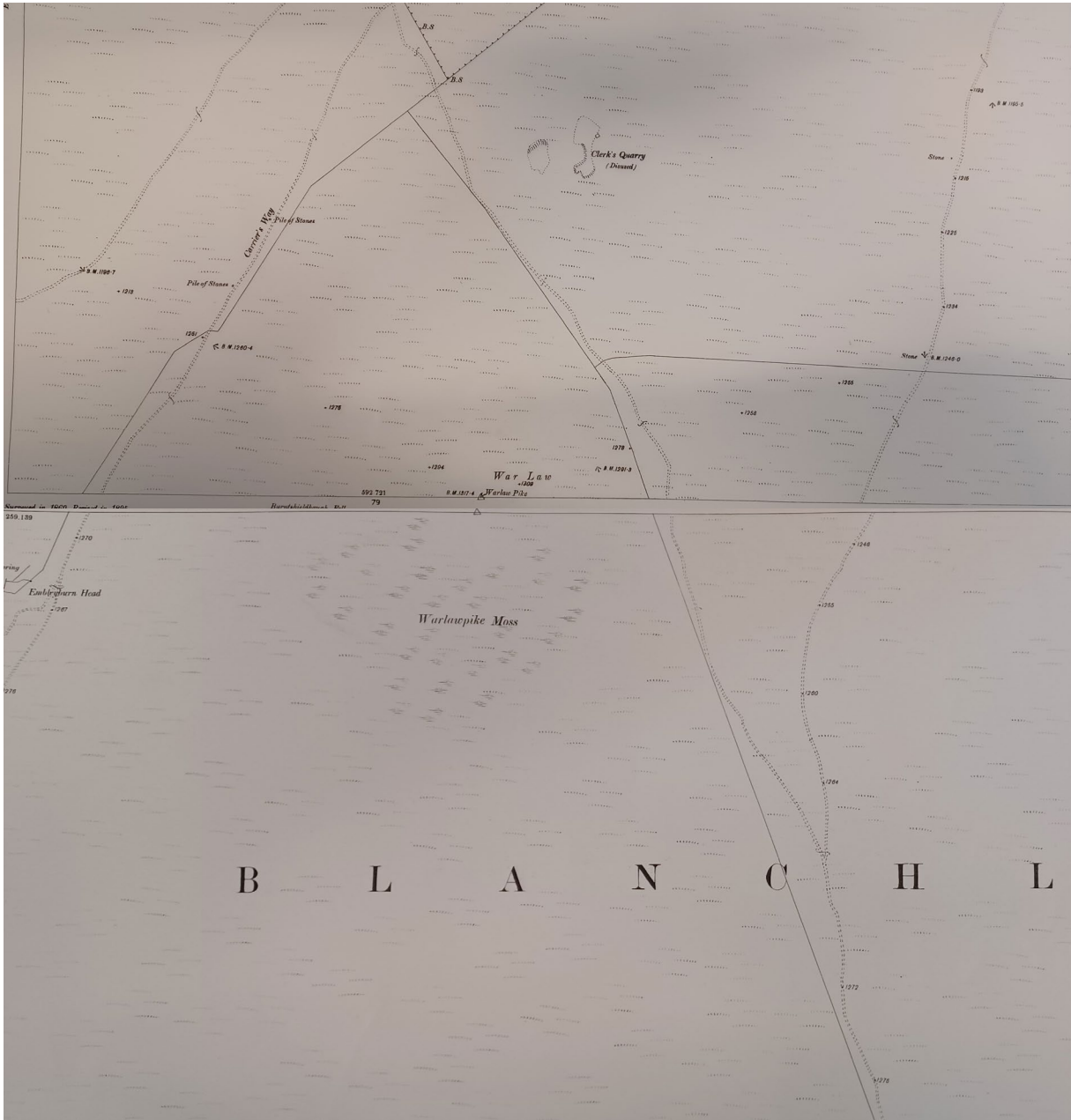
No. of Sheet.	No. on Plan.	Area in Acres.	Description.
CIII. 14.	40	231-405	<i>Brought forward.</i>
	41	14-239	Arable, &c.
"	42	28-762	Arable.
"	43	272-538	Rough pasture, &c. (Embley Fell, Bulbeck Common,—part of).
"	44	1-466	Arable.
"	45	1-418	Wood.
"	46	16-363	Arable, &c.
"	47	0-051	Garden.
"	48	0-225	Garden.
"	49	2-046	Arable.
"	50	8-299	Pasture, &c.
"	51	5-595	Pasture.
"	52	1-916	Rough pasture, &c.
"	53	12-520	Pasture.
"	54	0-903	Houses, yards, &c. (Embley).
"	55	12-227	Pasture, &c.
"	56	26-776	Pasture.
"	57	17-660	Rough pasture, &c.
"	58	67-930	Rough pasture.
"	59	7-168	Rough pasture.
"	60	1-052	Rough pasture, &c.
"	61	9-690	Wood, &c. (Embley Banks).
"	62	12-300	Rough pasture.
"	63	17-729	Rough pasture.
"	64	66-972	Rough pasture, &c.
"		0-871	Public road.
		838-121	

RECAPITULATION.

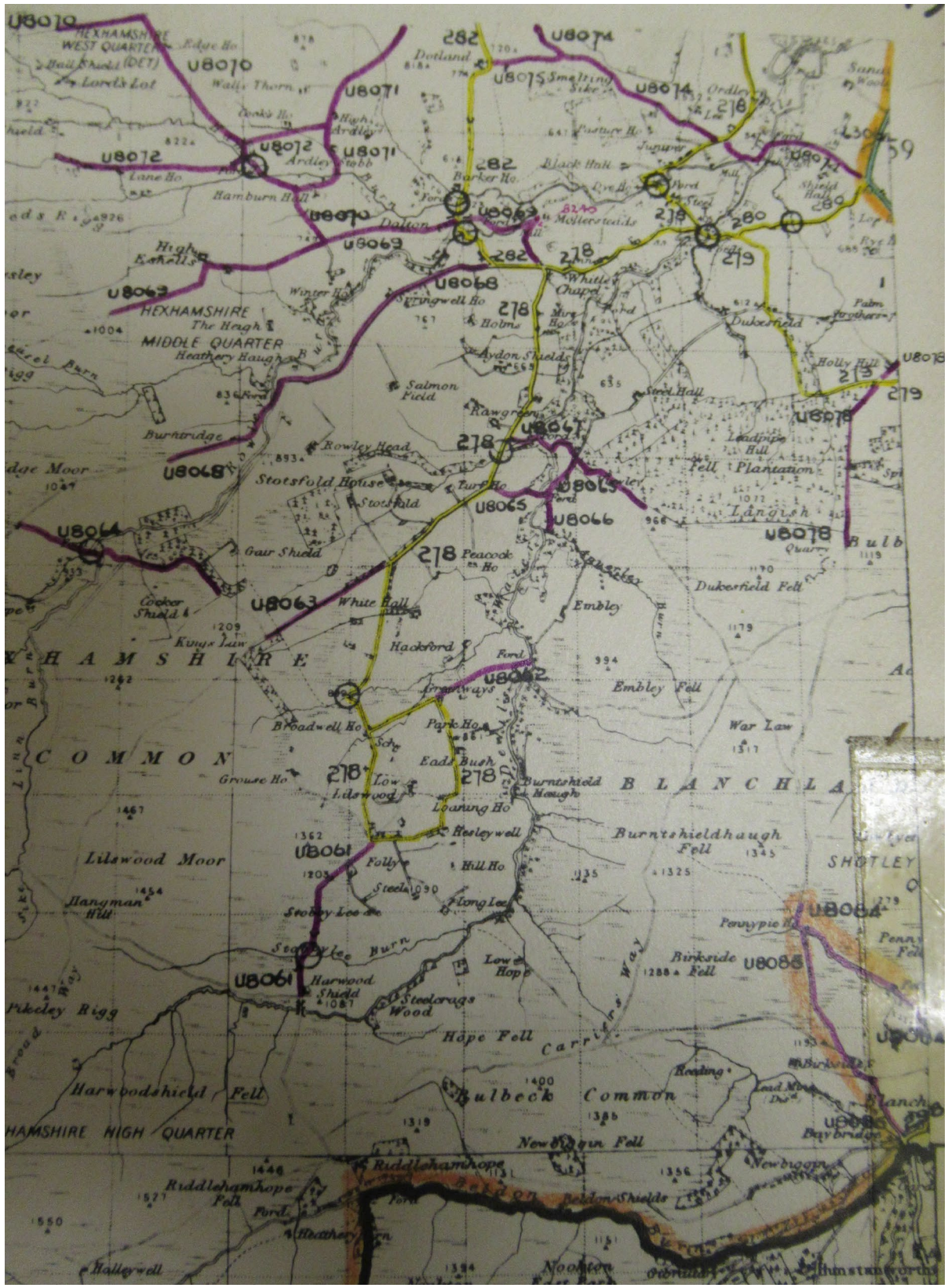
831-765	Land.
1-589	Public roads.
4-767	Water.
838-121	Area of the Township of Newbiggin (Detached).

RECAPITULATION FOR THE TOWNSHIP.

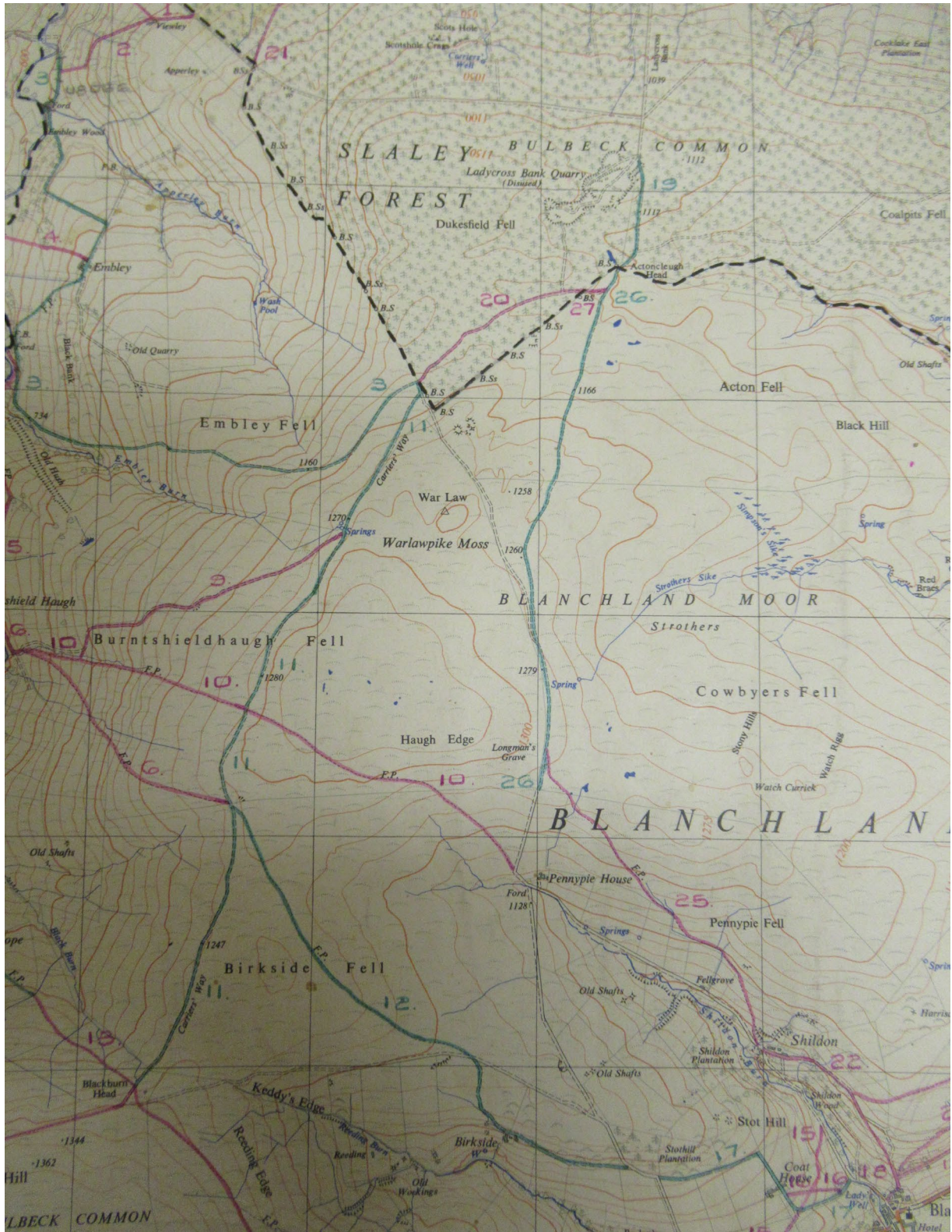
2426-223	Land.
6-559	Public roads.
11-508	Water.
2444-290	Total area of the Township of Newbiggin.

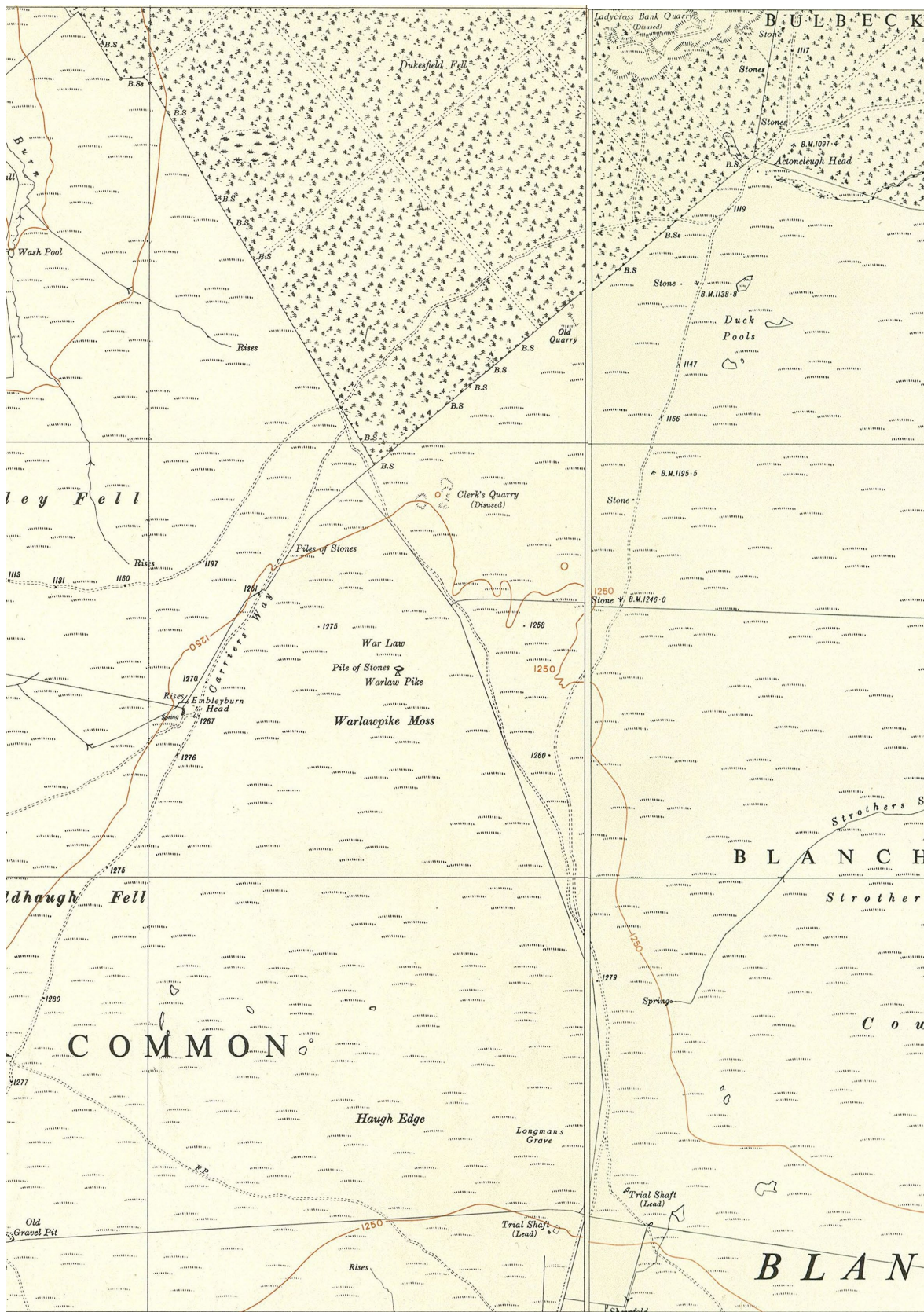


Highways Map
1951

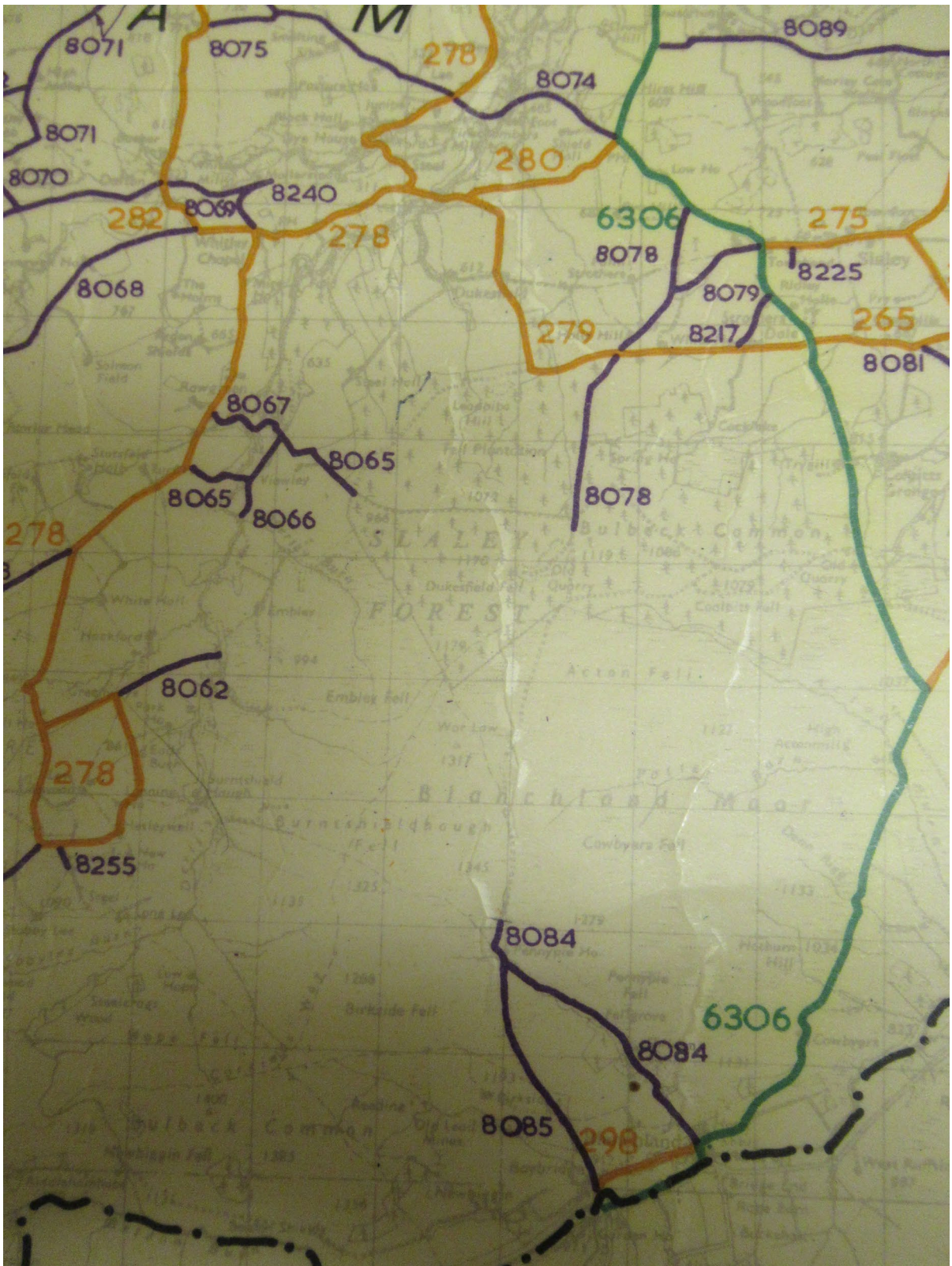


Original Definitive Map
(Relevant Date: 20 Sept 1954)





Highways Map
1964



1:10,000 Ordnance Survey Map
1977 / 78

