



Northumberland County Council

RIGHTS OF WAY COMMITTEE

20 December 2023

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

ALLEGED PUBLIC BRIDLEWAYS Nos 33 & 42 PARISHES OF BRINKBURN & ROTHBURY

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 public bridleway rights over a route from the eastern end of the U4066 road north-west of Wagtail Farm, in a general south-easterly direction to join the northern end of the U4038 road at Brinkburn Station.

Recommendation

It is recommended that the Rights of Way Committee agrees that there is sufficient evidence to indicate that public bridleway rights have been reasonably alleged to exist over the route V₁-V-W-X and that route be included in a future Definitive Map Modification Order.

1.0 BACKGROUND

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

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

or

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

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

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

2.0 PUBLIC EVIDENCE

- 2.1 In June 2021 the County Council received an application, from Simon McClurey-Rutkiewicz, to add to the Definitive Map and Statement a public bridleway from the eastern end of Mill Lane (the U4066 road), just to the north-east of Wagtail Farm, in a general south-easterly direction to the northern end of the U4038 road at the former Brinkburn Station (V-W-X).
- 2.2 The proposal was supported by user evidence from 16 members of the public, 9 of whom claim to have used the path on foot and bicycle or foot and horseback for periods in excess of 20 years.

3. LANDOWNER EVIDENCE

- 3.1 By letter, dated 12th September 2022, the Northumberland Estates responded to the consultation, stating:

“I am in receipt of your letter dated 30th August 2022 received at this office on 5th September 2022.

“As requested, I return the plans confirming ownership of land is managed by Northumberland Estates at the sites which applications have been made on. I confirm we will be objecting to the application at Rothbury – and request at this stage that we are provided with a copy of the application submitted by Simon McClurey Rutkiewicz and the supporting evidence of the 16 members of the public – I think rather than waste people’s time and energy this needs to be disclosed now.

- 3.2 By note, received on 24th October 2022, Jessica Pringle of Wagtail Farm responded to the consultation stating:

“Wagtail Farm, Tenancy June Taylor farming in partnership with Jessica & Geoff Pringle.

“Personally I have ridden both horses and cycle since railway was taken up in 60s from Wagtail to West Raw (Brinkburn).”

- 3.3 By letter, dated 25th November 2022, Ward Hadaway responded to the consultation, stating:

“We are instructed by The Honourable Lord Max Ralph Percy in relation to the above and, in particular, to respond to your pre-order consultation letter of 30 August 2022 requesting information in support or rebuttal of the proposal to add Alleged Bridleway No. 33 (Parish of Brinkburn) and Alleged Bridleway No. 42 (Parish of Rothbury) (as identified on plan 20 appended to this letter at Appendix 1 from V-W-X) to the Definitive Map and Statement (together hereinafter referred to as "the Application Route").

“Lord Percy owns the freehold title to the land over which the Application Route passes ("the Land"), registered at HM Land Registry with title numbers ND126322 and ND126072.

“We are instructed to object to the proposal to add the Application Route to the Definitive Map and for the reasons set out below, it is

submitted that the alleged footpath has not been reasonably alleged to subsist and accordingly that the Council ought to reject the Proposal and decline to modify the Definitive Map.

“1. The Application Route

“1.1. The Application Route is a former railway line, forming part of the Rothbury branch line of the Northumberland Central Railway, which ran from Scots Gap to Rothbury. The Application Route runs along the former railway track from Wagtail Farm at point V to the former Brinkburn Station at point X.

“1.2. The Land was transferred to the North British Railway Company on 12 November 1875. It is reported by G.W.M Sewell in his study *The North British Railway in Northumberland*¹ that the last service on this line was on 9 November 1963 and that the tracks were lifted the following year. The Land was conveyed from the British Railways Board back to the Duke of Northumberland on 29 October 1970.

1.3. The term "the Northumberland Estates" is used (and will be used in this Letter) to collectively refer to the various interests and landholdings of the Duke of Northumberland, his companies and the trusts and settlements associated with the Duke and the Duke's family. The Land has formed part of the Northumberland Estates since 1970.

1.4. Pursuant to a Trust Instrument and a Vesting Deed dated 19 April 1972 the Land (and other land) was vested in the trustees of the Tenth Duke of Northumberland's 1972 Settlement ("the Trustees"). The Land was subsequently transferred by the Trustees to Lord Percy on 23 December 2014 by way of a Vesting Deed and transfer of a portfolio of titles.

1.5. The Application Route is abutted by Wagtail Farm, which has been leased to the Taylor family since 1989 and West Raw Farm which is currently tenanted by William Carmichael Charleton, known (and hereinafter referred to) as Michael Charleton, and has been since 1963. Butterknowes Farm is to the south west of the Application Route. The tenant farmers of Wagtail, West Raw and Butterknowes farms use the Application Route with the permission of the Northumberland Estates.

1.6. A portion of the Application Route running from point E to point F on the plan appended to this letter at Appendix 2 has formed part of St Oswald's Way long-distance walking route since approximately 2007, pursuant to a permissive path licence granted to Northumberland County Council and Alnwick County Council. Consequently, the relevant portion of the Application Route is marked by waymarkers and "kissing"/"wicket" gates were installed by the Council in approximately 2007 to enable access to the route.

1.7. From 1970 until approximately 2000, a shooting licence in respect of the Application Route (and other land) was granted to the Carmichael syndicate (with the Carmichael syndicate having some limited ongoing shooting rights until 2003), and the Application Route and surrounding area was used for shooting. Since 2000, shooting has continued to take place on the Application Route, initially organised directly by the Northumberland Estates and from 2016 under a new shooting licence

to John Dodds. In addition, the Application Route is also frequently used for hunting by the Morpeth Hunt.

2. The legislative framework

2.1. It is acknowledged that Northumberland County Council ("the Council") have a duty, by virtue of section 53(2)(b) of the Wildlife and Countryside Act 1981 ("WCA 1981") to keep the Definitive Map and Statement under continuous review, and we note that in determining whether to update the Definitive Map, the Council are obliged to take into account the relevant test set out in section 53(3)(c)(i) WCA 1981. This requires the Council to modify the Definitive map following:

" (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"

2.2. An application was made to the Council in June to add the Application Route to the Definitive Map and Statement ("the Application"), supported by user evidence forms completed by 16 individuals. Where, as in this case, an application is based upon user evidence, we note the use must satisfy the statutory test set out section 31(1) Highways Act 1980 ("the HA 1980") which states -

"Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."

2.3. We submit that, due to the reasons set out below, the user evidence in support of the Application is not sufficient to satisfy the test set out in section 31 HA 1980, and consequently a public right of way has not been reasonably alleged to subsist over the Application Route requiring the Council to modify the Definitive Map pursuant to section 53 WCA 1981. We therefore respectfully invite the Council to decline to make a Definitive Map Modification Order in response to the Application.

3. The Relevant Period

3.1. In accordance with s31(2) of the HA 1980, the period of 20 years referred to in s31(1) HA 1980 is calculated retrospectively from the date when the right of the public to use the way is first brought into question.

3.2. Section 31(6) of the HA 1980 provides for a landowner to deposit with the appropriate council a map and statement indicating which ways he admits to have dedicated as highways and that such a deposit, along with statutory declarations at the relevant intervals, shall act to evidence the negative intention of the landowner to dedicate any additional ways.

3.3. Prior to a transfer of a portfolio of titles to Lord Percy on 23 December 2014, the freehold title to the Land was held by the trustees of the Tenth Duke of Northumberland's 1972 Settlement ("the Trustees").

3.4. The Trustees (in addition to other individuals being the trustees or statutory owners of other land comprising part of the Northumberland Estates) deposited with the Council a statement and plan under s31(6) of the HA 1980 in October 1997 (the relevant extracts of which are enclosed at Appendix 3), such plan including the land over which the Application Route passes. Furthermore, the Trustees, as landowners, made statutory declarations in January 1998, May 2003 and May 2013. The statutory declarations are appended to this letter at Appendix 4. Such a declaration is deemed sufficient both to demonstrate that the landowner did not have an intention to dedicate the route as a right of way, and as consequently call the public's right to use the way into question. The right of the public to use the route was therefore brought into question, at the latest, by January 1998, but may have been brought into question earlier as set out in paragraphs 3.6 below.

3.5. Therefore, in order for the Application to meet the statutory test, there is a need to demonstrate that the requirements of s31(1) HA 1980 are met in respect of a 20 year period prior to January 1998. The relevant period is therefore, at the latest, the twenty year period from January 1978 to January 1998.

3.6. However, the public right to use the Application Route appears to have been first brought into question prior to the deposit of the s31(6) statement by the locking of a number of gates across the Application Route.

3.7. As detailed in the witness statements of Michael Charleton, tenant at West Raw Farm (appended to this letter at Appendix 5) and Alan Wilson, a former fencer for the Northumberland Estates (appended to this letter at Appendix 6), it is believed that gates were first erected along the Application Route in the early 1970s after the Land was transferred back to the Northumberland Estates. Gates are currently located on the Application Route at the points marked A – D on the plan appended to this letter at Appendix 2. As referred to in paragraph 8 of his witness statement, Michael Charleton recalls that when gates were originally erected they were located on the boundary between West Raw farm and Wagtail Farm and at the railway cutting (the locations of two of the current gates at those locations marked B and C on the plan at Appendix 2), as well as at the boundary between West Raw Farm and Butterknowes Farm in the approximate location marked C on Exhibit 3 to his witness statement, this gate being located underneath the bridge over the railway line at the southern end of Brinkburn Station Cottage. Alan Wilson recalls installing five gates on the boundaries between each farm along the length of the former railway line (part of which is the Application Route).

3.8. Although it is not known precisely when the gates were first locked, it is understood that they were locked shortly after they were installed and Stephen Mills, former gamekeeper for the Northumberland Estates who used the Application Route very frequently in the course of his

duties (his witness statement is appended at Appendix 7), asserts that when he first became the gamekeeper responsible for the Land in 1989, the gates were locked the majority of the time. Michael Charleton appears to share this recollection, stating that the gates were often locked, and that as far as he recalls the reason why the gates were sometimes left unlocked was due to keys getting lost from time to time. We understand that the gates were initially locked with "Estate Padlocks", with keys held by the Northumberland Estates and the local tenant farmers, and are now locked with combination locks.

3.9. It is submitted that the locking of the gates with keys held by the Estate and issued only to a limited number of properties is clearly an action inconsistent with an intention to allow public use of the Application Route, and as such the public right to use the Application Route was called into question by the locking of the gates, likely in the late 1970s or early 1980s. Consequently, it is submitted that the relevant period is considerably earlier than January 1978 to January 1998, and is instead a twenty year period prior to the locking of the gates in the late 1970s or early 1980s.

3.10. As detailed in section 1 above, until late 1963 the land over which the Application Route passes was used as an operational railway line (and was owned by the British Railway Board until it was conveyed back to the Duke of Northumberland in 1970). Pursuant to section 55 of the British Transport Commission Act 1949, it is (and was from the enactment of the legislation in 1949) an offence to trespass upon the lines of railways or sidings or in any tunnel or upon any railway embankment cutting or similar work now or hereafter belonging or leased to or worked by the Boards.

3.11. As such, prior to late 1963 it would have been a criminal offence to walk along the Application Route, and consequently it is submitted that any use prior to this date could not contribute to the acquisition of public rights. This was the conclusion reached by the Inspectors decision dated 19 December 2007 in respect of a proposed footpath running along the line of the former Alnwick to Alnmouth railway (reference FPS/R2900/7/45) in which it was stated at paragraph 8 that "Whilst the route was an operational railway it would have been a criminal offence to walk along it and any such use could not contribute to the acquisition of public rights over it."

3.12. For the reasons set out in the above paragraphs it is our primary submission that an uninterrupted 20 year period as required by s31(1) HA 1980 cannot be established for the period covered by the user evidence forms and consequently, without it being necessary to consider the user evidence, the Application must fail.

3.13. Without prejudice to the above position, it is critical to note that the actions taken by the Northumberland Estates throughout the period of claimed use are demonstrative of a landowner who is intent on protecting its land from accrual of public rights. The actions referred to by the landowner elsewhere in this letter are sufficient to call into question the public's right to use the way for the purposes of s31 or, at the very least, evidential of a landowner who clearly has no intention whatsoever to dedicate public rights of way over its land.

4. Analysis of User Evidence

4.1. Notwithstanding the conclusions set out in paragraph 3.12 above that it is unlikely that an uninterrupted 20 year period of use can be established due to the locking of gates across the route calling into question the public's right to use the Application Route, we submit that in any event the user evidence submitted in support of the Application provides insufficient evidence of public use to conclude that it has been reasonably alleged that the Application Route existed as a public right of way prior to 1998.

4.2. Pursuant to section 31(1) of the HA 1980, and following *R v Oxfordshire County Council ex parte Sunningwell*, public use of the Application Route must be "as of right", namely without force, secrecy or permission.

4.3. In addition, in considering whether the quality and quantity of public use of the Application Route is sufficient to raise the presumption of dedication under section 31(1) of the HA 1980, it is submitted that while statute does not stipulate a minimum usage, following the Supreme Court decision in *R (Lewis) v Redcar and Cleveland Borough Council* the extent and quality of the use should be sufficient to alert an observant owner to the fact that a public right is being asserted.

4.4. Further, following the High Court decision in *Powell v Secretary of State for the Environment Food and Rural Affairs* it is our submission that the correct approach is to firstly examine the quality, and quantity, of the user evidence and then subsequently consider if any of the vitiating elements of the above tripartite test can apply.

4.5. The Quantity and Quality of User Evidence It is submitted that in order to meet the requirements of *Lewis*, it must be demonstrated that the Application Route has been used by the public at large, contrasted with sporadic use of the Application Route by a nominal number of people.

4.5.1. The Application consists of 16 User Evidence forms (UEFs). As discussed in paragraph 4.6 below, 3 of these 16 UEFs refer to use which is with permission (and a further UEF refers to use which we understand was with permission), and not, therefore, use "as of right". In the context of the combined population of the Parishes of Rothbury and Brinkburn, recorded as 2,329 in 2011 (the most up to date publicly available census figures), it is submitted that the quantum of user evidence is therefore very limited and not sufficient to constitute 'use by the public' as required by s31(1) HA 1980.

4.5.2. In addition while the UEFs assert frequent use of the Application Route, a considerable number also demonstrate a general lack of familiarity with the Application Route. Three of the 16 UEFs relating to use after 1970 do not recognise the existence of any gates on the route, despite, as set out above, the evidence of Michael Charleton and Alan Wilson being that there has been a number of prominent (often locked) gates on the route since the early 1970s. The UEF completed by Samantha Davidson refers to the gates having been in place for "approx. 20 years", despite the witness evidence of Alan Wilson and Michael Charleton suggesting that gates having been in situ

approximately 50 years prior to the completion of the UEF. Further, despite there currently being a number of prominent signs on the Application Route (in particular located near the point F on the plan appended to this letter at Appendix 2 which state "Private, No Public Access") clearly distinguishing between the St Oswald's Way and the stretch of the Application Route over which no permissive rights are granted, there being small plastic signs on a number of the gates reading "No cycling" and "No horses" and Stephen Mills recalling a sign on the Application Route at the boundary of Wagtail Farm reading "Permissive Right of Way" being in place when he became gamekeeper in 1989, 9 out of the 12 UEFs which refer to use after 1989 do not recognise the existence of the signs.. We submit that these points potentially raise further questions as to the familiarity of the users with the Application Route.

4.5.3. Further, the impression created by the UEFs of considerable public use of the Application route prior to 1998 appears to be at odds with the recollection of Northumberland Estates employees during this period. At paragraph 7 of his witness statement, Stephen Mills comments that prior to the creation of the St Oswald's Way permissive route, he "rarely saw anyone using the Alleged Bridleway when [he] was working along it". As referenced briefly above, Stephen Mills spent a very considerable amount of time on the Application Route while employed as a gamekeeper for the Northumberland Estates, visiting the Application Route at least once a week during the winter months, but often daily or twice daily (particularly in the spring months) to manage wildlife. As such, it is asserted that he would have been well placed to notice frequent use of the Application Route by the public at large.

4.5.4. In addition, while 7 of the UEFs state that users have ridden horses along the Application Route, this is also at odds with the perspectives of Michael Charleton and Stephen Mills as regards use of the route. Stephen Mills comments that other than use by the Whitton Trekking Centre and June Gibson (which was with likely with permission, discussed further below) he "rarely saw anyone try to use the Alleged Bridleway on a horse". Michael Charleton notes that while he does recall "some" horses on the line, his understanding is that these were likely ridden out from either Wagtail Farm or West Raw Farm, or with his express permission.

4.6. As of Right

4.6.1. As stated at paragraph 4.2 above, a key requirement of the statutory test is that the use of the Application Route is as of right. This is established by considering the tripartite test set out in *R v Oxfordshire County Council, ex parte Sunningwell 6* which is that the use must be without force, secrecy or permission.

4.6.2. Three of the 16 UEFs submitted in support of the Application state that use of the Application Route was (at least for some of the duration of use) with permission:

4.6.2.1. Suzanne Laidlaw states that she received permission to use the route from Jack Carr at Wagtail Farm and Michael Charleton at West Raw in approximately 1975;

4.6.2.2. Kenneth Davidson states that he received permission from Michael Charleton of West Raw farm in approximately 1984; and

4.6.2.3. James Fenwick states that he received permission from Mr and Mrs Taylor (of Wagtail Farm) in 1983.

4.6.3. It is submitted that the use of these individuals after the date upon which permission was received was not "as of right" and should be discounted when considering the extent of public use of the Application Route. Once the use of the Application Route by Suzanne Laidlaw, Kenneth Davidson and James Fenwick after 1975, 1984 and 1983 respectively is discounted, this leaves only 13 UEFs which assert evidence of use by the public "as of right" prior to 1998.

4.6.4. In addition, as briefly discussed above, while 7 of the UEFs assert use of the Application Route on horseback, it is submitted that it is very likely that such use was with permission, and should therefore be discounted when considering the extent of public use. Stephen Mills notes at paragraph 8 of his witness statement that while Mary Rains asserts use of the Application Route with groups of riders from the Whitton Trekking Centre, he understands that permission to use the Application Route was sought from Northumberland Estates after the Trekking Centre had been prevented from using the Garleigh (Lordenshaw) Hill fort route. Further, while Michael Charleton acknowledges in his witness statement that there has been some use of the Application Route on horseback, it appears to be his understanding that these horses were being ridden out from either Wagtail Farm or West Raw Farm (and therefore using the route with permission) or the use was with his express permission. Mr Charleton specifically recalls giving permission to Ann Foggin to use the route on horseback, which is not acknowledged in her UEF, albeit she acknowledges that Mr Charleton did inform her that the route was not public. When Ann Foggin's use with permission is taken into account, it would suggest that four of the individuals who submitted UEFs were using the Application Route with permission and not "as of right".

4.6.5. While the UEF completed by William Gaskell refers to use of the Application Route by a pony and trap, it is submitted that such use was also very likely to have taken place with permission, and should therefore not be considered when evaluating public use. As detailed in paragraph 10 of Michael Charleton's witness statement and also noted in the witness statement of Stephen Mills, it is understood that the only individual using the Application Route in this way was June Gibson, a former partner of Michael Charleton. We understand that Ms. Gibson lived with Mr. Charleton at West Raw Farm from approximately 1989 to 2020 and as such any use of the Application Route was with his permission. Mr. Charleton also notes that notwithstanding this permission, Ms Gibson did not frequently use the Application Route in this way due to the difficulties caused by the need to open and close the gates along the route.

4.6.6. In addition to the instances of express permission discussed above, it is submitted that (as is reflected in the witness statements of Michael Charleton and Stephen Mills) there is a general understanding that tenants of the Northumberland Estates have an implied permission to access other land owned by the Northumberland Estates. At

paragraph 7 of his witness statement Stephen Mills states that he would "recognise the tenants of the Estate and it was accepted that Estate tenants generally had permission to be on Estate land so I wouldn't have challenged those persons". Michael Charleton also appears to recognise this understanding, commenting that the tenants of Butterknowes Farm would use the Application Route to move stock but that "as they were tenants of the Estate it was always considered that they had permission....". Consequently, it is submitted that while it is not disputed that there was some public use of the Application Route during the relevant period, the perception of frequent public use created by the UEFs does not take into account that a number of Northumberland Estates tenants used the Application Route on the basis of this implied permission, and should therefore not be taken into account when considering the extent of public use of the Application Route.

4.7. It is therefore our submission that UEFs submitted in support of the Application provide insufficient evidence of public use to conclude that a public right of way has been reasonably alleged to subsist over the Application Route. It is submitted that they are insufficient in terms of quantum and in some instances show a general lack of familiarity with the route or use of the route that is at odds with the recollection of Northumberland Estates employees or tenants, and in a number of cases provide evidence only of use that was with the permission of Northumberland Estates or Northumberland Estates' tenants on their behalf. The granting of permission to Northumberland Estate tenants and select individuals is reflective of the typical approach taken by the Estate to land such as the Application Route. Nevertheless, it was, and remains, the primary intention of the Northumberland Estates to prevent use of the Application Route by the public at large, granting permission (including permissive access to the public by way of the St Oswald's Way) as and when appropriate taking into consideration the interests of the Estate and its tenants.

5. Lack of Intention to Dedicate

5.1. As set out above, we submit that the test set out in s31 HA 1980, requiring 'use by the public' is not met during this period, due to insufficient user evidence and/or such limited use not being as of right.

5.2. However, notwithstanding the above conclusions, we contend that in any event there is an extensive and continuous history of actions which demonstrate a lack of intention to dedicate the Application Route as a public right of way, further preventing the test in s31 HA 1980 from being met:

5.2.1. The decision made by the Northumberland Estates to erect and maintain a number of gates across the Application Route which (as discussed at paragraph 3.8 above) were subsequently locked with Estate padlocks and keys issued only to a limited number of individuals, not only (we submit) calls into question the public's right to use the Application Route, but is also sufficient in itself to demonstrate a clear intention not to dedicate the Order Route a public right of way. While the witness statement of Alan Wilson, former Estate Fencer, does assert that the initial purpose of the gates was to prevent livestock moving between the farms, it is submitted that the subsequent locking

of the gates with keys provided only to a limited number of individuals demonstrates a clear intention to prevent public access without permission. In any event, it is submitted that both the erection and the locking of the gates provide clear evidence of a landowner actively managing and controlling access to the Application Route, without any intention to dedicate it as a public right of way. We further submit that the same conclusion can be drawn in respect of the depositing by the Northumberland Estates of a statement and a plan pursuant to s31(6) HA 1980 and the subsequent making of the three statutory declarations.

5.2.2. A number of the UEFs submitted in support of the Application as well as the witness statements provided by Stephen Mills and Michael Charleton demonstrate that there have been consistent efforts made by the Northumberland Estates and its tenant farmers to challenge users of the Application Route. The UEFs submitted by both Ann Foggin and Kenneth Davidson assert that they were informed that the Application Route was not public, while the UEF submitted by William Gaskell refers to his friend being prevented from using the Application Route to cycle to work in Rothbury. Both Michael Charleton and Stephen Mills refer to challenging individuals they have come across using the Application Route and advising them specifically that the Application Route is not a public right of way. We submit that the actions of Mr Charleton and Stephen Mills demonstrate a clear lack of intention on behalf of the Northumberland Estates to dedicate the land as a public right of way.

5.2.3. As referenced briefly above, from 1970 until approximately 2000, a shooting licence in respect of the Application Route (and other land) was granted to the Carmichael syndicate (with some limited ongoing shooting rights granted until 2003), and from 2000 shooting on the line was run directly by the Estate, with the frequency of shoots varying over the years, but generally 6-12 times per year. Stephen Mills recalls that the shooting would generally take place for several hours over the course of the day, with the guns being along the stretch of the Application Route coloured yellow on Exhibit 2 to his witness statement and, when the Estate ran the shoot, the Estate gamekeepers being responsible for unlocking the gates for the shoot. This is echoed by Michael Charleton, who recalls the guns standing on a 150-200 yard stretch near to the railway cutting, coloured yellow on the plan appended at Exhibit 3 to his witness statement, shooting over the crag. We submit that in the granting of a shooting tenancy over the Application Route, and by subsequently running the shooting over the Application Route, preventing access to the Application Route other than for those involved in the shoot, the Northumberland Estates has demonstrated a clear lack of intention to dedicate the land as a public right of way. This can also be said in respect of the Estate granting permission to the Morpeth Hunt to use the Application Route (Stephen Mills comments that this takes place approximately 6 times per year), with the gates to be unlocked by the tenant farmers. Further, it is submitted that the Estate gamekeepers and tenant farmers being responsible for unlocking the gates for shooting and hunting activity respectively is consistent with a landowner that is keen to keep close control over the Application Route, with no intention to allow wider public access.

5.2.4. We also note that significant maintenance works have been carried out by Northumberland Estates on the Application Route, as detailed at paragraphs 10 to 12 of the witness statement of George Tate of the Estate Clerk of Works department (attached at Appendix 9), blocking public access to stretches of the Application Route for periods of time. Mr Tate recalls significant resurfacing works being carried out on a stretch of the Application Route not forming part of St Oswald's Way in 2012 and culvert repair and renewal works being carried out on part of St Oswald's Way from 2012 to 2014. He comments that during these periods the stretches of the Application Route where works were undertaken were closed to prevent public access. In the case of the works on St Oswald's Way, a sign was used to notify the public, but Mr Tate recalls that a sign was not needed for the culvert works because public access was not permitted on that part of the Application Route.

5.2.5. We understand that Mr. Charleton used to use the stretch of the Application Route adjacent to West Raw Farm for the wintering of his un-weaned calves. As can be seen in a note prepared by Northumberland Estates on 2 March 1998 and correspondence sent by Northumberland Estates to Mr Charleton on the same date (both attached at Appendix 8), this was considered a significant obstacle to negotiations with Sustrans regarding allowing use of the Application Route as a permissive cycle way. We submit that in permitting and supporting the use of the Application Route in this way by Mr Charleton, which is likely to have interfered to some extent with public use of the route Northumberland Estates once again demonstrated a lack of intention to dedicate the Application Route as a public right of way. In addition, the negotiations with Sustrans referred to in the documents at Appendix 8 indicate that at this time it was known and understood that the Application Route was not a public right of way, but private land in the control of the Northumberland Estates, and that permission had to be sought to use it.

5.2.6. We note that s31(4) HA 1980 provides that where the owner of the land has erected and maintained a notice inconsistent with the dedication of the land as a highway, in such a manner as to be visible to persons using the way, this is (in the absence of proof of contrary intention) considered sufficient evidence to negative the intention to dedicate the way as a highway.

5.2.7. As referenced in paragraph 4.5.2 above, there are currently a number of prominent notices displayed on the Application Route distinguishing between the permissive St Oswald's Way and the private track, including two notices at approximately the point marked F on the plan at Appendix 2, stating "Private – No Public Access", as well as small plastic signs displayed on a number of the gates reading "No cycling", "No Horses" or similar. In his witness statement, George Tate recalls signs intended to prevent public access reading "Private – No Public Access" or similar being erected on the Application Route and subsequently replaced two or three times when they had been damaged or removed. Michael Charleton also confirms that there are signs along the Application Route advising that it is private, and that when the signs are removed he contacts Northumberland Estates to request that they are replaced. While it is acknowledged that the signs referred to by George Tate were only erected relatively recently (within the last ten years), Stephen Mills refers at paragraph 5 of his witness

statement to recalling signs stating "Permissive Right of Way" in the locations marked with letters A and B on the plan appended to his witness statement at Exhibit 2 being in place from when he commenced his role as gamekeeper in 1989. He recalls replacing the signs on one occasion when they were removed in approximately the late 1990s, but that they disappeared in around the year 2000. Consequently, it is our submission that the use of notices on the route, both in more recent years and also potentially for a significant proportion of the relevant period prior to 1998, demonstrates a clear lack of intention on behalf of the Northumberland Estates to dedicate the Application Route as a public right of way.

6. Common Law

6.1. Dedication of a public right of way at Common Law can be inferred by evidence of user and the acquiescence of the landowner of that user. It is our submission that, as set out in paragraph 4.5 above the quality and quantum of the use evidenced in the application is insufficient to raise any inference of a dedication of the Application Route.

6.2. Further, considering the actions taken on behalf of the landowner detailed at paragraph 5.2, we submit that there is in any case no acquiescence of the landowner to any use of the Application Route. On this basis, there can be no case for the dedication of the Application Route at Common Law.

7. Conclusion

7.1. We do not consider that there is sufficient evidence to justify that an order be made to include the Application Route on the Definitive Map.

7.2. We submit that the depositing of statement and plan pursuant to S31(6) HA 1980 in 1997, and the making of a subsequent statutory declaration in 1998 mean that the right of the public to use the route was therefore brought into question, at the latest, by January 1998. However, it is submitted that the right of the public to use the route was in fact first brought into question by the locking of the gates across the Application Route in the late 1970s or early 1980s. Considering that the Application Route was an operational railway line until 1963, it appears unlikely that an uninterrupted 20 year period as required by s.31(1) HA 1980 can be established.

7.3. We further submit that the user evidence, provided by a small number of individuals, does not demonstrate a level of public use sufficient to conclude that a public right of way has been reasonably alleged to subsist over the Application Route. It is submitted that they are insufficient in terms of quantum, quality and in a number of instances provide evidence only of use that was with the permission of the Northumberland Estates.

7.4. We therefore contend that the legal requirement of actual enjoyment by the public as of right for a period of 20 years without interruption, has not been met.

7.5. Furthermore, the s31(6) deposits and statements, the erection and locking of gates, the granting of access for hunting and shooting, the challenging of users on the route and the erection of signs all demonstrate a consistent lack of intention to dedicate the Application Route as a public right of way. We therefore submit that notwithstanding that the requirement of public use set out in s31(1) HA 1980 has not been met, a lack of intention to dedicate the Application Route as a public right of way has been consistently demonstrated by the Northumberland Estates.

7.6. Therefore, it is our submission that there is no reasonable allegation that a public right of way has been proven to exist over the Application Route.

7.7. We reserve our client's position to make further representations in relation to this matter in due course. Please do not hesitate to contact us if you require any further information.

3.4 Appendix 5 to Ward Hadaway's letter of rebuttal is a witness statement, dated 22 November 2022, from Mr Charleton of West Raw Farm which states:

"I William Carmichael Charleton of West Raw Farm, Rothbury do state as follows that:

"Introduction

"1. I make this statement in relation to land between Wagtail Farm and Brinkburn Station Cottage in Rothbury, Northumberland, which forms part of the Northumberland Estates, ("the Estate") which is affected by an application made by Mr Simon McClurey Rutkiewicz on the 13 June 2021 to modify the definitive map and statement for the County of Northumberland ("the Application"). Northumberland County Council ("The Council") has sought pre-order consultation to establish whether public rights of way can be reasonably alleged to exist along the route shown marked V-W-X on the plan shown at Exhibit 1 ("the Alleged Bridleway").

"Background

"2. I was granted the tenancy of West Raw Farm, Morpeth by the Duke of Northumberland in 1963 and have held the tenancy since that date. The tenancy was held jointly with my father, Septimus Charleton, until his death in 1971. Prior to holding the tenancy at West Raw, I lived at Brinkburn Station Cottage.

"3. West Raw Farm ("West Raw") is located to the South East of Rothbury, and in part lies adjacent to the Alleged Bridleway. The plan appended at Exhibit 2 shows the extent of West Raw Farm edged red. While my tenancy does not include the Alleged Bridleway I, and the other local Estate farm tenants have permission from the Estate to use the Alleged Bridleway. In view of the fact that the Alleged Bridleway is largely adjacent to my farm, it is essentially treated as being part of my tenancy due to the need to use it on a daily basis to access my fields.

"4. At West Raw, I farm sheep and in the past I have also farmed cattle. As the tenant farmer of West Raw I have since the beginning of my

tenancy been along the Alleged Bridleway every day, some days I will be along the route a lot (for example up to 6 times a day) and less on other days (maybe only 3 or 4 times a day) . I use the route to get my sheep from one field to another as it is easier to do this using the Alleged Bridleway and before the Mart in Rothbury closed in 2000 I used the Alleged bridleway to get my sheep to the Mart. The hill sheep have always been brought in using the Alleged Bridleway. These days I go along the route on a gator but in the past I will have walked the route.

“The Application

“5. I am aware that the Application relates to the route shown from V-W-X on the plan attached at Exhibit 1. The Alleged Bridleway runs adjacent to my farm.

“6. When I started my tenancy, the Alleged Bridleway was no longer in use as a railway line, but the track was still laid initially.

“7. Northumberland Estates ("the Estate") acquired the railway line from the railway board around 1970.

“8. Shortly after the Estate bought the railway line they erected gates along its length. I recall that the gates were originally wooden. From this time there was always a gate at the boundaries between Wagtail Farm and West Raw and West Raw and Butterknowes Farm and one at the cutting along the Alleged Bridleway in the approximate locations shown marked A, B and C on Exhibit 3. A gate was more recently (on or before 2010) erected at the approximate location marked D on Exhibit 3.

“9. I have seen the user evidence forms submitted with the Application. I note that a couple of the forms talk about horses being ridden along the Alleged Bridleway; while I do recall some horses on the railway line, these were likely horses being ridden out from either Wagtail Farm or West Raw Farm. I have also given permission to people to use the Alleged Bridleway on horseback, for example I gave permission to Anne Foggin to do so when she was a young girl and neighbour at Butterknowes Farm.

“10. The only person that I am aware of that tried to use a trap or buggy along with the Alleged Bridleway was June Gibson. June was my partner for over 20 years until 2020 and lived at West Raw Farm with me during this time and so any use was with my permission. However, June did not use the trap/buggy very often because of the gates and the need to open and close them; she thought there were too many gates to be bothered to use the line very often with the trap.

“11. The gates were often locked. I do not recall that they were always locked but they were frequently locked for periods of time. The tenant farmers of Wagtail Farm, West Raw, and Butterknowes Farm all had keys to unlock the gates as did the shooting tenants. The tenants of Butterknowes Farm would use the railway line to get their stock to the Mart in Rothbury, but as they were tenants of the Estate it was always considered that they had permission from the Estate to use the line in the same way that I had permission and the tenants of Wagtail also had permission. The keys did get lost from time to time which I think is why

the gates were not always locked. The gates are locked now using combination locks so there are no keys; the gates have been locked much more in the last 10 years or so as a result. When using the permissive route that is St Oswald's way the public use the wicket gates provided by the Council. The public obviously use the wicket gates at the sides provided for the permissive use of that part of the route that is now St Oswald's Way.

“12. Since St Oswald's Way permissive route was created most of the walkers keep to the part of the Alleged Bridleway that now forms part of St Oswald's Way marked E — F on the plan at Exhibit 3 but if I do come across people that I don't know using the part of the Alleged Bridleway marked F-X I do challenge them and advise them that the route is not public and that they shouldn't come along it. I have challenged users on bikes and horses as well as people walking. I try to be helpful though and where users get lost and have used the Alleged Bridleway instead of using the public footpath I will help them get back to the public footpath.

“13. There are signs along the route advising people that the route is private but people knock them down or pull them off. At the gate near Craghead (shown marked B on Exhibit 3) there are two more formal signs saying "Private No Public Access". There are also plastic signs secured by cable ties advising "No cycling" and "No horses" on the gates marked A, B and D on Exhibit 3. I let the Estate know if I notice that new signs are needed because the old ones have been pulled off and they come and erect new signs. People also try to knock down the wicket gates so that they can try to get bikes or quad bikes along the route. People have also tried to damage the rails/fences that are alongside some of the gates for example at the Brinkburn end.

“14. My tenancy excludes any shooting rights as the Estate wanted to be able to grant separate shooting licences, but there has always been shooting along the railway line since the railway line was closed and the track lifted. The frequency of the shooting varies depending on the rights that the current shooting tenant has but whenever there is a shoot the guns are along the Alleged Bridleway; they stand on a 150-200 yard stretch near to the railway cutting (coloured yellow on Exhibit 3) and they shoot over the crag. The gamekeeper would have the key/combination to the gates to be able to unlock the gates for the shoot; I do not have to unlock them for the shoot.”

3.5 Appendix 6 to Ward Hadaway's letter of rebuttal is a witness statement, dated 22 November 2022, from Mr Wilson of Ratcheugh which states:

“I Alan Milburn Wilson of Stewarts Cottage, Ratcheugh do state as follows:

“Introduction

“1. I make this statement in relation to land between Wagtail Farm and Brinkburn Station Cottage in Rothbury, Northumberland, which forms part of the Northumberland Estates, which is affected by an application made by Mr Simon McClurey Rutkiewicz on the 13 June 2021 to modify the definitive map and statement for the County of Northumberland ("the Application"). Northumberland County Council ("The Council") has

sought pre-order consultation to establish whether public rights of way can be reasonably alleged to exist along the route shown marked V-W-X on the plan shown at Exhibit 1.

“Background

“2. Prior to my retirement in 2002 I worked for the Northumberland Estates ("the Estate"). I started working for the Estate in 1958 as an Estate Fencer and held the position until my retirement.

“3. As an Estate Fencer, I was responsible (as part of a small team) for erecting and maintaining fencing, gates and other boundaries on land owned by the Estate.

“4. During the early years of my employment with the Estate (until approximately 1970) my team did not have transport, so mainly worked on the Alnwick Castle estate. However, after this point my team were provided with a Land Rover and trailer and so we worked over a much wider area, including in and around Rothbury.

“The Application

“5. I am aware that the Application relates to the route shown from V-W-X on the plan attached at Exhibit 1 ("the Alleged Bridleway"), and that the Alleged Bridleway forms part of a former railway line.

“6. I can recall being instructed by Mr. Robert Mattison (who was employed by the Estate as the assistant land agent) to install gates along the former railway line. Although I cannot recall precisely when the gates were installed, I believe this was in the early 1970s, as I recall it being one of the first jobs carried out by my team outside the Alnwick Castle estate (after we were provided with transport). The railway track had already been lifted by the time we installed the gates.

“7. To the best of my recollection, we installed five gates along the length of the former railway line (part of which is the Alleged Bridleway), at the boundaries between each farm to prevent livestock moving between the farms, including at the boundary of Wagtail Farm and West Raw Farm.

“8. I do not recall noticing substantial public use or any horses on the Alleged Bridleway when I was installing the gates.”

3.6 Appendix 7 to Ward Hadaway’s letter of rebuttal is a witness statement, dated 22 November 2022, from Mr Mills of Denwick which states:

“I Stephen Mills of Broomhouse Farm, Denwick do state as follows:

“Introduction

“1. I make this statement in relation to land between Wagtail Farm and Brinkburn Station Cottage in Rothbury, Northumberland, which forms part of the Northumberland Estates, which is affected by an application made by Mr Simon McClurey Rutkiewicz on the 13 June 2021 to modify the definitive map and statement for the County of Northumberland ("the Application"). Northumberland County Council ("The Council") has

sought pre-order consultation to establish whether public rights of way can be reasonably alleged to exist along the route shown marked V-W-X on the plan shown at Exhibit 1.

“Background

“2. I worked as a gamekeeper for Northumberland Estate ("the Estate") from 1983 to 2010. From 1983 I was the gamekeeper responsible for the moors adjacent to Rothbury and would therefore have occasions to come onto the Alleged Bridleway. From 1989 I was gamekeeper for that part of the Estate that included the Alleged Bridleway.

“3. While I was gamekeeper for the moor, I would at least weekly need to come on to the Alleged Bridleway to control the foxes that would otherwise come onto the moors. From 1989, as gamekeeper I would regularly be on the Alleged Bridleway but the actual frequency would vary depending on the season. I would always be on the Alleged Bridleway at least once a week, but at times this would be daily, or twice a day, and at times overnight. I would be on the Alleged Bridleway most frequently in the Spring time to control any vermin/unwanted wild animals during the lambing season. During the winter months I would go along the line once or twice a week to keep an eye on what was going on on the land.

“4. As gamekeeper my role involves managing the wildlife that would otherwise cause problems for the tenant farmers of the Estate and for the shooting.

“The Application

“5. I recall that the Alleged Bridleway has always been a permissive route. When I became the gamekeeper responsible for the land that included the Alleged Bridleway in 1989 I recall that there were signs on the route stating "Permissive Right of Way". I recall that these signs were located at the boundary of Wagtail Farm and one on a peg at Cragend Cottage pointing back to the direction to the Alleged Bridleway. I have marked where these signs were located with letters A and B on the plan at Exhibit 2. I recall that the signs were knocked down on one occasion in or around the late 1990s and I put them back up. However, around 2000 the signs disappeared and so far as I was aware no further signs were erected other than in connection with St Oswald's Way.

“6. When I started on the Alleged Bridleway in 1989 there were gates; where the railway cutting is and where the Wagtail boundary fence ran down as shown marked C and D on the plan at Exhibit 2. The gates were locked most of the time initially, but from around 2000 they were mostly unlocked. The gates were locked using an "Estate padlock", which meant that a number of people had a key; this would be myself and other gamekeepers for the Estate, the tenant farmers, and anyone else at the Estate who needed access.

“7. I rarely saw anyone using the Alleged Bridleway when I was working along it. I would say that the route was very quiet, especially compared to the rest of the nearby National Park. If I came across people using the route that I did not know then I would stop and challenge them and

tell them that the route was not a public route. I would recognise the tenants of the Estate and it was accepted that Estate tenants generally had permission to be on Estate land so I wouldn't have challenged those persons. Once St Oswald's Way permissive route was created that part of the Alleged Bridleway became busier.

"8. I have seen the user evidence forms submitted with the Application and I note that Mary Rains says she used the Alleged Bridleway with groups of riders from Whitton Trekking Centre. I understood at the time (around 1990) that Whitton Trekking Centre had sought permission from the Estate to use the railway line after the National Park Authority had stopped them from using the Garleigh (Lordenshaw) Hill fort route as part of a management arrangement. Other than the Whitton Trekking Centre I also saw June Gibson use the Alleged Bridleway on her horse, but at the time she was living with the tenant farmer of West Raw Farm and so had permission to be on the line. Otherwise I rarely saw anyone try to use the Alleged Bridleway on a horse.

"9. I do recall seeing an occasional cyclist trying to use the Alleged Bridleway but I would always challenge them.

"10. As the gamekeeper I was also involved in the shoots that took place regularly along the Alleged Bridleway. When I first started along the route in 1989 the shoots took place 6-12 times per year but the frequency varied depending upon who had the shooting tenancy. I understand that the current tenant shoots more often than this. The Carmichael syndicate had the shooting licence until 2000 (and some ongoing shooting rights until 2003) and during that period I was not involved directly in the shooting but undertook my usual gamekeeper role. From 2000 until after I left employment there was no shooting tenant and from 2000-2010 I ran the shooting directly on behalf of the Estate. Between 2000 and 2005 the shooting was again usually 6-12 times per year, but slightly less frequently after that. I had a key to the gates so would be able to unlock any gate as necessary. The shooting would take place for several hours over the course of the day with the guns being along the Alleged Bridleway at the cutting but there would also be beaters and flankers along the ground surrounding the Alleged Bridleway. The shoot always took place along the Alleged Bridleway, usually on the stretch of the Alleged Bridleway coloured yellow on the plan at Exhibit 2. I do not recall that we ever encountered anyone attempting to use the Alleged Bridleway during a shoot.

"11. The Morpeth Hunt would also use the Alleged Bridleway about 6 times a year. The hunt would either ask the tenant farmer in advance to open the gates for them, or they would jump over the wicket fences to the side of the main gates."

3.7 Appendix 9 to Ward Hadaway's letter of rebuttal is a witness statement, dated 23 November 2022, from Mr Tate of The Northumberland Estates which states:

"I George Tate of Northumberland Estates, the Estate Office, Alnwick Castle, Alnwick, Northumberland, NE66 1 NQ do state as follows:

"Introduction

"1. I make this statement in relation to land between Wagtail Farm and Brinkburn Station Cottage in Rothbury, Northumberland, which forms part of the Northumberland Estates, which is affected by an application made by Mr Simon McClurey Rutkiewicz on the 13 June 2021 to modify the definitive map and statement for the County of Northumberland ("the Application"). Northumberland County Council ("The Council") has sought pre-order consultation to establish whether public rights of way can be reasonably alleged to exist along the route shown marked V-W-X on the plan shown at Exhibit 1.

"Background

"2. I currently work for Northumberland Estates ("the Estate") in the Clerk of Works Department ("the Department") based at Alnwick Castle where I have been employed since 1971. My current role is Maintenance Surveyor, a position I have held since February 2022.

"3. However, I was first employed by the Estate as a joiner which involved working on the Rothbury estate and held this position for approximately 26 years before I became the Department Foreman from 1997 until 2022. From February 2022 I was employed as a Maintenance Manager.

"4. My current role as Maintenance Surveyor involves surveying sites and property for the Estate and advising in respect of current and future property maintenance requirements.

"The Application

"5. I am aware that the Application relates to the route shown from V-W-X on the plan attached at Exhibit 1 ("the Alleged Bridleway"). I have been generally aware of the Alleged Bridleway since my time as a joiner, having been instructed to carry out works in the area, including repairs to Brinkburn Station Cottage roof and West Raw farmhouse

"6. I can recall that the Department has erected signs on the Alleged Bridleway for at least the last 10 years, but I cannot be certain of the precise year that I first recall the Department carrying out works on the Alleged Bridleway.

"7. Terry Clarke, the sign writer for the Department, was asked to prepare signs for the Alleged Bridleway by Graham Caygill, the former Head of the Department. Graham Caygill left the employment of the Estate in approximately 2014, so signage must have been erected on the Alleged Bridleway prior to this time. The instruction to erect the signs most likely came from the Agent, who at this time was Rory Wilson.

"8. Although I cannot remember precisely what the signs said, I recall that they were generally intended to prevent public access. The current signs state "Private, No Public Access" and the previous signs would have advised similarly.

"9. While the Department did not carry out a regular schedule of maintenance on the Alleged Bridleway, the Department repaired or replaced the signs when the Estate was made aware by the tenant

farmers or other Estate personnel that the signs had been kicked down and/or removed. I recall that this has happened at least two or three times. Terry Clarke, the sign writer, would also occasionally check the route to check how many new signs were required and since 2013 an annual inspection of the Alleged Bridleway has been carried out by the Department, originally on the instructions of Graham Caygill. My impression is that the Estate and Mr. Charleton the tenant farmer at West Raw Farm are very keen for the signage on the Alleged Bridleway to remain in place.

“10. I also recall that while I was employed as Maintenance Manager the Estate carried out significant maintenance works on the Alleged Bridleway. In 2012, works were carried out to the surface of the stretch of the Alleged Bridleway not forming part of St Oswald's Way (at the Brinkburn Station Cottage end of the track). The surface of the Alleged Bridleway was in very poor condition and was causing water and drainage issues so it was scraped off and works were carried out to reshape the surface of the embankment to form water run off areas. Shrub and tree clearance was also carried out at this point.

“11. In addition, between 2012 and 2014 works were carried out on a culvert under the stretch of the Alleged Bridleway near Wagtail Farm, which forms part of St Oswald's Way. I organised a survey of the culvert, and repairs were carried out in 2012, followed by renewal of the culvert from 2013 to 2014.

“12. As far as I recall, when the surface works and the maintenance works to the culvert were taking place, we had to close the parts of the Alleged Bridleway where the works were taking place, to prevent access by members of the public. As the works to the culvert required closing part of the permissive path along St Oswald's Way, we put a sign on the gate at Wagtail Farm. I do not recall a sign being used when the surface works were being carried out at the Brinkburn Station end of the route because public access was not permitted on that part of the Alleged Bridleway.”

4. CONSULTATION

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

4.2 By email, on 29 September 2022, Rothbury Parish Council responded to the consultation, stating:

“Further to the pre-order consultation, Rothbury Parish Council are fully in support of the proposal to add a public bridleway 160 metres north-west of Wagtail Farm to the Parish of Brinkburn.”

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

“Parish of Brinkburn Addition of Bridleway 33 / Parish of Rothbury Addition of Bridleway 42

“This route follows the line of the old railway line into Rothbury. It is fenced off from adjacent farmland and from vehicular traffic and so would provide an excellent riding route. The user evidence suggests it has been used for many years by local people. It links with the rural road network and an existing bridleway at Brinkburn Station.”

- 4.4 By email, on 28th November 2022, Cycling UK responded to the consultation, stating:

“PB 33/42

Description - Disused railway track with gravel surface

Support - Yes+++

Comment - Oft used by local residents; move FP 107 /006 onto it; – east half is St Oswald’s Way, would be improved.”

- 4.5 By email, on 29th November 2022, Brinkburn Parish Council responded to the consultation, stating:

“Bridleway Number 33

The Parish Council have consulted local people on the proposal to add to the ‘Definitive Map and Statement of Public Rights of Way’ Bridleway 33 as shown on your published draft map. Many local people, whose families have lived in the area for a number of generations, have stated that this path has been in use continually ever since the railway line closed in 1963. It has been used by walkers, cyclists and horse riders for recreational purposes and as a traffic-free route into Rothbury. This safe and easily accessible route for pedestrians, bikes and horses is ideal for families to get from Rothbury to Hesleyhurst, and on to green paths to Brinkburn and the east coast.

“Access to the railway line has been impeded recently by notices saying that this is private land. This has made access to Rothbury from Hesleyhurst very difficult for cyclists in particular, who have had to use to use the B6344. This road is very busy and dangerous for bike riders. Young riders have therefore been prevented from travelling by bike to Rothbury.

“The Parish Council supports the proposal to add Bridleway 33 to the Definitive Map and would welcome regular updates on the progress of the proposal. In addition the Council has a long-standing aspiration to extend this path along the old railway line all the way to Morpeth to provide a safe, environmentally friendly way for people to travel to our Parish and on to Rothbury.

“Please contact us if we can provide further information.”

- 4.6 By email, on 2 December 2022, the Ramblers’ Association responded to the consultation, stating:

“Turning to the user evidence claims you sent me, I have no knowledge or comments, about the Ellingham and Matfen cases, other than it would be nice to have 2 more FPs.

“The Rothbury / Brinkburn path is a different matter. The section from V to the edge of Access Land is, surely, already a right of way. It is very well walked and shown on the OS map as part of St Oswald's Way. I walked it myself about a month ago.

“From the edge of the Access Land i.e. where the path goes left into the field if you are walking from Rothbury, there is a clear notice and gate preventing further progress along the old railway line. I know W to X is walked despite this, mainly by locals, dog walkers etc-but how often, and how "openly" I don't know. I would be amazed if a successful claim based on user evidence could be made, although, again, we would welcome / use it if it became a RoW.”

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.

c.1952 Definitive Map – original Survey Schedules & Map

Footpaths Nos 1 and 8 are shown on a roughly parallel course, north of the alleged bridleway. The OS base map (dated 1925) depicts the route of alleged Bridleways Nos 33 and 42, itself, as part of a railway line. Footpath No 1 starts at the southern end of the public road, close to the western end of the alleged bridleway. Bridleway No 7 ends close to Point X, at Brinkburn Station.

Draft Map

Footpaths Nos 1, 10 and 8 are shown on a roughly parallel course, north of the alleged bridleway. The OS base map depicts the route of alleged Bridleways Nos 33 and 42 as part of a railway line. Footpath No 1 starts close to the western end of the alleged bridleway. Bridleway No 7 ends close to Point X, at Brinkburn Station.

Provisional Map

As with the Draft Map, Footpaths Nos 1, 10 and 8 are shown on a roughly parallel course, north of the alleged bridleway. The OS base map depicts the route of alleged Bridleways Nos 33 and 42 as part of a railway line. Footpath No 1 starts close to the western end of the alleged bridleway. Bridleway No 7 ends close to Point X, at Brinkburn Station.

1962 Original Definitive Map and Statement

Footpaths Nos 16 and 6 are shown on a roughly parallel course, north of the alleged bridleway. The alleged bridleway route is depicted as a railway line. Existing Footpath No 16 is shown beginning at, or very close to, Point V, and existing Bridleway No 7 is shown terminating very close to Point X.

1957 Ordnance Survey Map: Scale 1:10,560

Only the map sheet covering NU 00 SE is available in the department's collection. This map appears to depict the alleged bridleway route as a functioning railway line.

First Review Definitive Map

As with the original Definitive Map, Footpaths Nos 16 and 6 are shown on a roughly parallel course, north of the alleged bridleway. The alleged bridleway route is depicted as a railway line. Existing Footpath No 16 is shown beginning at, or very close to, Point V, and existing Bridleway No 7 is shown terminating very close to Point X.

1978 Ordnance Survey Map: Scale 1:10,000

Only the map sheet covering NZ 09 NE is available in the department's scanned collection. This map only shows the eastern end of the alleged bridleway route, but appears to indicate that, whilst the course of the railway still existed, there was no longer any track along it.

1997 / 98 Section 31(6) deposit by Northumberland Estates

In their 1997 Statement, the Northumberland Estates included a set of Maps identifying the land which they owned, and the public rights of way which they acknowledged to exist over that land. No public rights of way were recognised over the alleged bridleway route. In 1998, the Northumberland Estates submitted a Statutory Declaration indicating that they had not dedicated any additional public rights of way over their land, and followed this up with further statutory declarations in 2003 and 2013.

6. SITE INVESTIGATION

- 6.1 From a point marked V₁, 210 metres north-west of Wagtail Farm, a 3.75 metre wide tarmac track proceeds in a south-easterly direction for a distance of 35 metres, to Point V, at the western boundary of the dismantled railway. Point V is currently identified as the eastern end of the U4066 road, though all the available historical documentary evidence indicates that the U4066 ascended to terminate at the western end of a former bridge over the former railway. The bridge no longer exists, but there is no evidence to indicate that the U4066 was legally diverted onto the tarmac road.
- 6.2 From Point V, a 3 metre wide, mostly tarmac surfaced road proceeds in a south-easterly direction for 155 metres to a point where the road turns east into Wagtail Farm, and passage along the railway line is limited by a field gate with an adjacent step stile. From this point, a 3 metre wide mostly ash surfaced track, with grass verges, proceeds in a south-easterly direction for 235 metres to a field gate with adjacent kissing gate. There were signs on the field gate saying "No Cycling" and "No Horses – Footpath only". Thereafter a 2.7 to 3 metre wide mostly ash surfaced track continues in an easterly direction for 400 metres to a point where the corridor narrows, briefly, to 3.9 metres, where a short bridge crosses a water course, then continues in a general easterly direction for a further 340 metres to a field gate with adjacent pedestrian gate. A sign on the gate stated "Warning – Loose livestock Dogs must be kept on leads" with penned additions saying "No cycling" and "No horses". There was a St Oswald's Way waymark on the pedestrian gate. A 3

metre wide grass surfaced track continues in a south-easterly direction for about 50 metres, to a point where there are field gates giving access to fields on either side of the track. Beside the gate on the north side there is a large sign with 3 arrows saying "Public Footpath" pointing through the gate. This appears to be the route of St Oswald's Way, and the existing public footpath which the Way follows lies a short distance into this field. A 2.7 to 3 metre wide ash track with grass verges continues in a south-easterly direction for about 155 metres, where the corridor narrows, briefly, to 4.2 metres, as it crosses a bridge, then continues for a further 50 metres to Point W (the Rothbury – Brinkburn parish boundary). A 2.5 to 2.7 metre wide ash track , with grass verges, continues in a general south-easterly direction for a further 845 metres to a field gate with a handwritten sign saying "No Cycling No horses please" attached. Facing the other direction was a large official looking sign saying "Private No Public Access". A 2.7 metre wide stone surfaced track proceeds in a southerly direction for a distance of 37 metres, passing Brinkburn Station Cottage to another field gate.

- 6.3 Beyond this gate, a 2.7 metre wide stone surfaced track continues in a south-easterly direction for a distance of 20 metres to a junction with existing Public Bridleway No 7 at a tarmac road, 35 metre south-east of Brinkburn Station Cottage (Point X).

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.
- 7.2 By letter, dated 27 November 2023, Ward Hadaway made the following comments in relation to the draft report:

"Thank you for sight of the draft report in respect of the application submitted by Mr Simon McClurey - Rutkiewicz to add alleged bridleway No 33 and alleged bridleway no 42 to the Definitive Map and Statement as a public bridleway ("the Proposal").

"We note the recommendation that the Council's Right of Way Committee agrees that there is sufficient evidence to indicate that public bridleway rights have been reasonably alleged to exist over the route V1 -V-W-X.

"We make the following comments in respect of the draft Report and would be grateful if these could be considered as part of the consideration of the Proposal.

"Notwithstanding the comments in the Report in respect of R v Secretary of State for Wales ex parte Emery we nevertheless wish to draw the Committee's attention to the extensive and detailed evidence set out in our initial response and accompanying witness statements, and reiterate the points made therein. It remains our view that our response and the witness statements submitted detail an extensive history of actions which demonstrate a clear lack of intention to dedicate the proposed route as a public right of way, including (but not limited to) the erection of signage and the locking of gates across the route.

“The above comments are made without prejudice to our primary submission, set out in paragraphs 3.9 and 3.12 of our initial response, that an uninterrupted 20 year period of use cannot be established due to the fact that the public right to use the proposed route appears to have been first brought into question prior to the deposit of the s31(6) Statement by the locking of gates across the proposed route.

“We also note that the Report appears to attribute weight to the consultation responses provided by both Rothbury and Brinkburn Parish Councils. However, the response from Rothbury Parish Council amounts only to stating their support of the creation of a bridleway, providing no evidence of any basis for this. The Brinkburn Parish Council response does allege continual public use since 1963, however it again provides no evidence for this nor any details of the extent of use during the relevant 20 year period. As such it is our view that the comments of the Councils should not carry any weight in determining the matter.

“The Report further states at paragraph 8.5 that "there is a strong suggestion that other users for the period January 1978 to January 1998 do exist" however any decision by the Council must be based on the actual user evidence provided and not on speculation as to what other user may be alleged to have occurred.

“The Council further comments at paragraph 8.8 of the Report that "it is not clear that Jack Carr, Michael Charleton or Mr and Mrs Taylor has any authority to give permission for anyone to use the route", however, it remains our Client's view that the tenants were able in such circumstances to stand in place of the landowner and provide such permission.

“We would also note that Council Officers have previously acknowledged that use of the route is on a permissive basis, and enclose an email which includes extracts of comments made by Tony Derbyshire, Northumberland County Council Area Countryside Officer, to this effect.

“As a final comment, please can you ensure that all witness statements are fully redacted such that personal address details are also redacted.”

By email, on 12 July 2010, Ted Liddle sent the following email to Tracy Hall, at Northumberland Estates, quoting a consultation response provided by Tony Derbyshire, of Northumberland County Council.

I regret to say I omitted to insert the consultation below from NCC into the main report which was a complete oversight on my part but I'm sure it isn't too late to include it. [REDACTED]

Disused Railway Track (DRT) at Rothbury - formal consultation

This is already a well liked and much used route. It has been promoted in the past for cyclists (which you know about, and the agreement has probably lapsed by now), and more recently as the official route of St. Oswald's Way, for pedestrians. However current access is only on a permissive basis, and the route would benefit from a more formal agreement.

As far as I am aware the surface of this track is fairly good in the summer, but I'm not sure how free draining it is in the winter months, or what vehicular use is made of this track by the farmers/gamekeeper etc. There used to be one or two over bridges spanning the track in places, and these were in poor condition, a possible hazard to users, but I don't know if they have been demolished or made safe.

I fully support this scheme and have no concern upon any impact on Footpath no.16, which traverses difficult terrain and is not a path easily used by all.

8. DISCUSSION

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

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

- 8.2 When considering an application / proposal for a modification order, Section 32 of the Highways Act 1980 provides for “any map, plan or history of the locality or other relevant document” to be tendered in evidence and such weight to be given to it as considered justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.
- 8.3 The representation of a path or track on an Ordnance Survey Map is not evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey.
- 8.4 The applicant was advised that the landowner (The Northumberland Estates) had, since 1997 / 98 deposited Maps and Statements and Declarations under s31(6) of the Highways Act 1980 in order to rebut successful claims for public rights of way based on unchallenged long public usage. These deposits have no retrospective qualities but, if made correctly, would be likely to defeat applications relying on user which occurred after the first statutory declaration was received, in January 1998. Officers agree with Ward Hadaway (for the Northumberland Estates) that this would make the relevant 20 year period for the purposes of determining this application to be January 1978 to January 1998.
- 8.5 The proposal is supported by user evidence from 16 people. The applicant concentrated on gathering evidence from people who had used the route before 1998. 7 of the 16 people have indicated that they used the route either on foot and horseback or on foot and by bicycle for the full 20 year period 1978 to 1998. In addition, by combining the user evidence of Chandler with that of K Fenwick, and the user evidence of J Curry with that of J Fenwick, and the user evidence of J Rogers with that of M Rains, 3 more ‘composite’ persons cover the relevant 20 year period. As can be seen on the usergram, the frequency of use ranges from “Every few months” which we have simplified to “3 times per year” up to “daily”. Some people have described a degree of variability in their use – which is only to be expected – but the usergram lacks the necessary sophistication to reflect this. Ward-Hadaway has argued (para 4.5 of their 22/11/22 letter) that they do not believe the quantity of user evidence provided with this application is sufficient to raise a presumption of dedication. Officers can’t agree with this assessment. The application contained evidence from 16 people, 14 of whom were horse-riders and / or cyclists covering a period of use which ended more than 20 years ago. The application is supported by both parish councils and there is a strong suggestion that other users for the period January 1978 to January 1998 do

exist. Ward Hadaway has also noted that they believe the frequency of use described by users (particularly equestrian traffic) is at odds with the recollections of the Estate's staff and tenant.

- 8.6 McClurey-Rutkiewicz's application describes the alleged bridleway as starting at Wagtail Farm and finishing at Brinkburn Station. On the plan attached to his application, the route is depicted starting at the point where Mill Lane crosses the dismantled railway line (Point V) and ending at the point where Bridleway No 7 meets the Brinkburn Station Road (Point X). There is an existing alignment issue in the vicinity of Point V – the old County Road Schedules and more detailed highways maps have the U4066 road ending on the western ramp of the former bridge over the now dismantled railway. The Definitive Map depicts Public Footpath No 45 (formerly Cartington FP 16) as proceeding along a track up the eastern ramp of the former bridge over the dismantled railway and the Definitive Statement describes the footpath as "From the Wagtail Road at the former British Railways (Morpeth Branch), in a south-easterly direction ...". So, the public road ends on the western side of the (now missing) bridge over the former railway and the public footpath crossed that bridge to meet it. As the bridge no longer exists, anyone proceeding along Mill Lane (the U4066), who wishes to continue along Public Footpath No 45, presumably crosses the former railway at the current 'level crossing', immediately to the north, and continues along the track which ends at Little Mill. The last 30 metres of the tarmac track (immediately west of the former railway line) appears to have no recorded status, and nor does the 150 metre long continuation from the current 'level crossing', south-easterly, towards Wagtail Farm. This could be significant, in that a number of the user evidence providers seem to have assumed that the public road ends where the tarmac road swings east, off the dismantled railway line, towards Wagtail Farm, though it is reasonably clear that they must have used the 150 metre long section of dismantled railway line to get to this point.
- 8.7 The southern end of the application route is Point X, where existing Public Bridleway No 7 meets the U4038 road, 40 metres south-east of Brinkburn Station Cottage. The southernmost 20 metres of the application route is actually identified on the Council's List of Streets as being part of the U4038 road (the U4038 terminating at a gate, 20 metres south-east of Brinkburn Station Cottage). This 20 metre long section is the subject of a separate report (alleged Byway Open to All Traffic No 26 (Parish of Brinkburn) which considers the status of the U4038 as a whole).
- 8.8 Whilst everyone seems to have encountered some other people using the route on occasions when they were using it, three people (K Davidson, S Laidlaw and J Fenwick) have also indicated that they had permission to use the route. Suzanne Laidlaw had permission from the tenants (Jack Carr at Wagtail Farm and Michael Charleton at West Raw) in 1975, as she rode Mr Carr's ponies from Wagtail Farm. Kenneth Davidson says he was given permission by Michael Charleton, around 1984. James Fenwick says he was given permission by the tenants, Mr & Mrs Taylor, in 1983. In paragraph 4.6 of their 22/11/22 letter, Ward Hadaway discuss the "as of right" topic. They had, similarly, identified that three of the users had indicated that they had used the route with the permission of one or more of the tenant farmers. This is undoubtedly a complicating factor but, just from the user evidence forms, it isn't clear what the nature of this permission was. There may have been an explicit request for permission to use the route indefinitely, or just that one time that particular user was encountered, they might have asked "Is it OK if I ride along the line?" Or it might, simply, have been a passing nod to the farmer,

who acknowledged the user's presence with a friendly wave back. As Ward Hadaway pointed out in paragraph 1.5 of their letter, the tenant farmers themselves use the route with the permission of The Northumberland Estates – the former railway line is not part of their tenancies. On that basis it is far from clear that Jack Carr or Michael Charleton or Mr & Mrs Taylor had any authority to give permission for anyone to use the route. Commenting on the draft report, Ward Hadaway stated that "it remains our client's view that the tenants were able in such circumstances to stand in place of the landowner and provide such permission." They can argue that position, but it is far from clear that this is the case. Carr, Charleton and the Taylors were not tenants of the railway line, so what authority did they have?

- 8.9 The Taylors' tenancy (now, at least) only appears to include the most westerly 460 metres or so of the alleged bridleway, so most of the route (around 2870 metres) would not be covered by their permission. Suzanne Laidlaw's permission was given in 1975, three years before the relevant period. It is not clear what the nature of this permission was – was it given, just for the purpose of riding the ponies - or whether she was still riding Mr Carr's ponies during any part of the relevant period. Kenneth Davidson's and James Fenwick's permissions do appear to have been given during the relevant 20 year period. On that basis, it may be that Kenneth Davidson and James Fenwick were not using the whole route as of right, with at least part of it, for at least some of the relevant period, being used with the permission of a tenant.
- 8.10 When seeking to claim a 'new' public right of way, on the basis of presumed dedication, it is necessary for the public use to have been without secrecy, without force and without permission. If the majority of use was taking place during the dead of night, so a vigilant landowner might have no idea it was taking place, that use wouldn't usually qualify towards establishing a public right of way. Similarly, if the landowner was taking steps to prevent access by fencing the route off or by locking gates, but users kept removing the fence or breaking the locks, then that use wouldn't usually qualify. And if the only people using a route were people who had been given express permission to do so, from the landowner, then that use wouldn't count, either (they weren't using it by virtue of an acquired right, they were there because they had the landowner's permission to use it).
- 8.11 Although McClurey-Rutkiewicz's application seeks to record a public bridleway, three of the people completing user evidence forms have indicated that they believe the route has a higher status (namely, restricted byway). The documentary evidence, available, provides little in the way of assistance and none of these three users has set out why they think the route might be more than just a public bridleway, except for the fact that Jean Curry appears to have learned to drive using this route. Some people might be arguing for a public vehicular right of way because they know cars or horse drawn vehicles have used the route in the past, but the user evidence currently available does not support more than public bridleway rights.
- 8.12 Based upon the historical map evidence, information from path users and Brinkburn Parish Council's consultation response, it appears that the application route was a functioning railway until 1963. There is no suggestion that the public were walking, riding or cycling along the route whilst it was still a railway. If they had been, anyone trespassing along the railway would have been committing a criminal offence (not merely a civil trespass against the landowner) and such use could not have contributed towards establishing a

public right of way. Once the railway had closed, it seems it did not take long for the public to begin walking, riding and cycling along the route.

- 8.13 The most westerly 1450 metres of the alleged bridleway follows the route of St Oswald's Way, a 97 mile long-distance walking route between Heavenfield (near Hexham) and Holy Island. This section of the path appears to be permissive – since it doesn't follow an existing recorded public right of way. At a point approximately 200 metres north-west of Point W, St Oswald's Way leaves the railway, and follows Public Footpath No 45 on a route slightly further to the north-east. St Oswald's Way appears to have opened in 2006, so after the relevant 1978-1998 20 year period. The background information supplied by Ward Hadaway, in relation to negotiations with Sustrans, around 1998, with regard to a possible cycleway, and dealings with Northumberland County Council, from 2006 onwards, in relation to St Oswald's Way (and the works and signage associated with this Trail), is all useful, but falls outside the key period January 1978 – January 1998.
- 8.14 None of the user evidence providers claim to have been prevented from using the route, during the period January 1978 to January 1998, though 3 of the evidence providers have acknowledged having been given permission to use the route.
- 8.15 No user evidence providers have acknowledged the existence of any locked gates, private signs or other challenges of their right to use the route, during the period January 1978 to January 1998. Suzanne Laidlaw does mention gates that were sometimes locked, but does not give any approximate dates for this. The other users who have mentioned gates have generally stressed that these were never locked. Ann Foggin says she was told by the farmer – Mr Charleton at West Raw – that the way was not public, but she doesn't say when this was. By contrast, Ward Hadaway has asserted, supported by the witness statements provided by a tenant and some past and present employees of the Northumberland Estates, that there have been locked gates across the route. It is their understanding that gates were first erected in the early 1970s, shortly after the former railway line was transferred back to the Northumberland Estates in 1970, and the gates started to be locked not long after they were installed. Stephen Mills, the former gamekeeper, has indicated that when he took up his position, in 1989, the gates were locked the majority of the time and Michael Charleton has indicated the gates were often locked. There is clearly a conflict between some users asserting that no gates existed and the Estate arguing that there were gates from a very early period, and that these gates were routinely locked. There is a similar conflict in relation to past signage which might have challenged the public's right to use the route.
- 8.16 In *R v Secretary of State for Wales, ex parte Emery* 1998 (Court of Appeal) it was held that, in determining, for the purposes of s.53(3)(c)(i) of the Wildlife and Countryside Act 1981, whether a public right of way was reasonably alleged to subsist over land, the question to be considered by the local authority was whether the evidence produced by the claimant together with all the other relevant available evidence showed that it was reasonable to allege a public right of way. If the evidence from witnesses as to user was conflicting but, reasonably accepting one side and reasonably rejecting the other, the right of way would be shown to exist, it was reasonable to allege such a right. In short, where there is a conflict of credible evidence, if the positive evidence in favour of a right of way satisfies the reasonably alleged test then, unless there is some incontrovertible and powerful evidence set against it, the route should be included in a Definitive Map Modification Order. It is accepted that

the witness statements supplied by Ward Hadaway, on behalf of Northumberland Estates, contain reasonably detailed rebuttals. Although this rebuttal evidence was certainly credible, it would be a massive stretch to argue that any of it was incontrovertible.

- 8.17 Commenting on the draft report, Ward Hadaway has argued that “any decision by the Council must be based on the actual user evidence provided and not on speculation as to what other user may be alleged to have occurred.” That is absolutely correct – any decision can only be based upon the evidence which is available. The point about additional users being likely to exist, for this path, was made primarily to address Ward Hadaway’s observation (in 4.5.1 of their 25 November 2012 letter) that the quantum of evidence in support of the public bridleway (16 user evidence forms from a combined Rothbury and Brinkburn parishes 2011 population of 2329 people) was inadequate. Since the applicant was aware that they would probably need to prove use during the period 1978 to 1998 (given the landowners’ deposits under section 31(6) Highways Act 1980), the current size of the local population isn’t particularly relevant. Given that the likely 20 year qualifying period for public use ended 25 years ago, and ‘users’ would still need to be alive and still live in the Rothbury area (or have some connection to Rothbury), 16 user evidence forms should be considered a reasonable showing.
- 8.18 Commenting, further, on the draft report, Ward Hadaway has observed that Council officers had previously acknowledged that use of the route was on a permissive basis. To support this they enclosed a copy of a 2010 email to them, from Ted Liddle, which enclosed comments he had received from Northumberland County Council’s Area Countryside Officer, Tony Derbyshire. Mr Derbyshire’s comments would have been based on the fact that the route was not, then, a recorded public right of way and the fact that the landowner was currently allowing a certain amount of public use to take place (St Oswald’s Way). But this all relates to a period after the one currently under consideration (i.e. 1978 – 1998). This type of information is only likely to be significant if the section 31(6) deposits were set aside for some reason, so that evidence of more recent use and acts of rebuttal might have a bearing.
- 8.19 An Inspector, appointed by the Secretary of State to determine a Definitive Map Modification Order that has attracted objections, must balance all the conflicting evidence and decide, on a balance of probabilities, whether or not the alleged rights exist. This is not, generally, an easy task. In effect, they must determine which version of events seems to be the most credible. This is the Inspector’s role – it is not the County Council’s. The Council’s role is, essentially, to determine whether or not there is a case to answer.
- 8.20 Based on the user evidence, the consultation responses from the two parish councils and in the absence of any evidence of any clear and definite acts of rebuttal prior to January 1998, it would be appropriate to conclude that public bridleway rights have been reasonably alleged to exist over the route.
- 8.21 Advice from the Planning Inspectorate in their ‘consistency guidelines’ states that it is important to have the correct width, where known, recorded in the definitive statement. The user evidence providers have identified a path width mostly in the range 3 to 6 metres. From measurements taken on my site visit, in October 2022, the current width of the track that physically exists on the ground, now, would appear to be 2.5 to 3 metres, typically with grassy margins of a further metre on both sides. The only exceptions being the points where the track crosses three minor water courses in the middle section of the route,

where the corridor width drops briefly to around 4 metres. If the path is included in a future Definitive Map Modification Order, it would seem appropriate to identify it with a width ranging from 4 to 5 metres.

- 8.22 When a site visit was carried out, in October 2022, there were 5 field gates along the route. Three of these were on the St Oswald's Way section, and these three had either a step stile, kissing gate or standard pedestrian gate alongside. Not all of these gates appear to have been acknowledged by users and both Samantha Davidson and Robin Murray specifically stated that there were no gates across the route, initially. By contrast, Mr Charleton has indicated that he believes gates were erected in the early 1970s (and have been maintained subsequently) at 3 locations (A+B+C - identified on a plan enclosed with this report) with a 4th gate being added near Brinkburn Cottage (Point D) around 2010. H doesn't mention the fifth gate, immediately south-west of Wagtail Farm. Mr Mills (who worked in the immediate area from 1989 to 2010, recalls the gates at points A and B on Mr Charleton's plan. Ultimately, it may be determined that some (possibly, even, all) of the current gates weren't in place during the relevant 20 year period (1978 to 1998) and any that weren't would not be considered lawful limitations to public use. That said, cases might be made for each of the present gates being necessary for stock control, and as such they could be authorised by Northumberland County Council.
- 8.23 If a public right of way is, ultimately, determined to exist over this route on the basis of presumed dedication, then it is unlikely that it will be one which is maintainable at public expense. Sections 36(1) to 36(5) of the Highways Act 1980 set out the mechanisms by which highways might be considered maintainable at public expense. As a rule, footpaths and bridleways established on the basis of public user after 1959 will not qualify.

9. CONCLUSION

- 9.1 In the light of the evidence submitted, it appears that there is sufficient evidence to justify that public bridleway rights have been reasonably alleged to exist over the claimed route.

BACKGROUND PAPERS

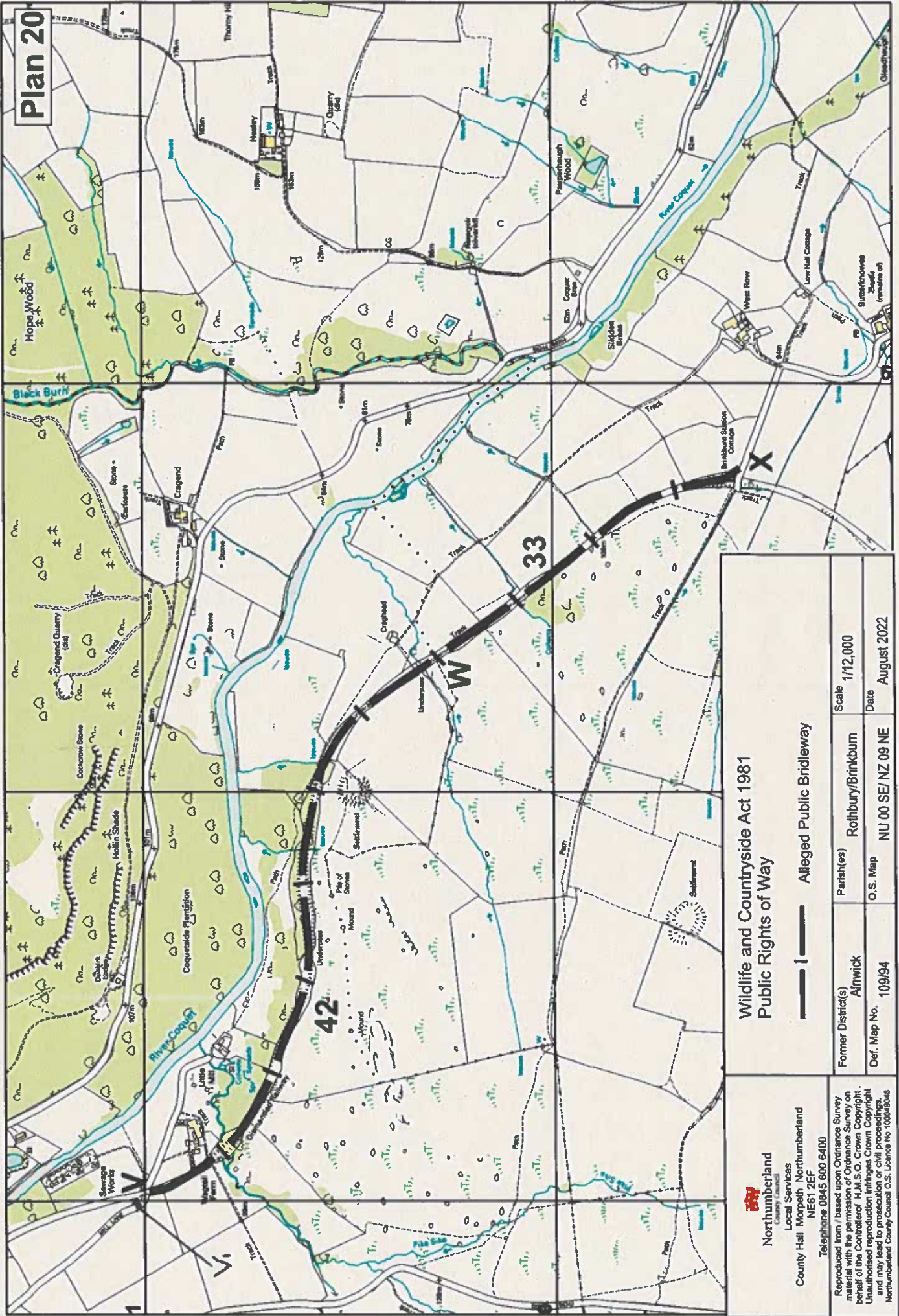
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Report Author Alex Bell – Definitive Map Officer

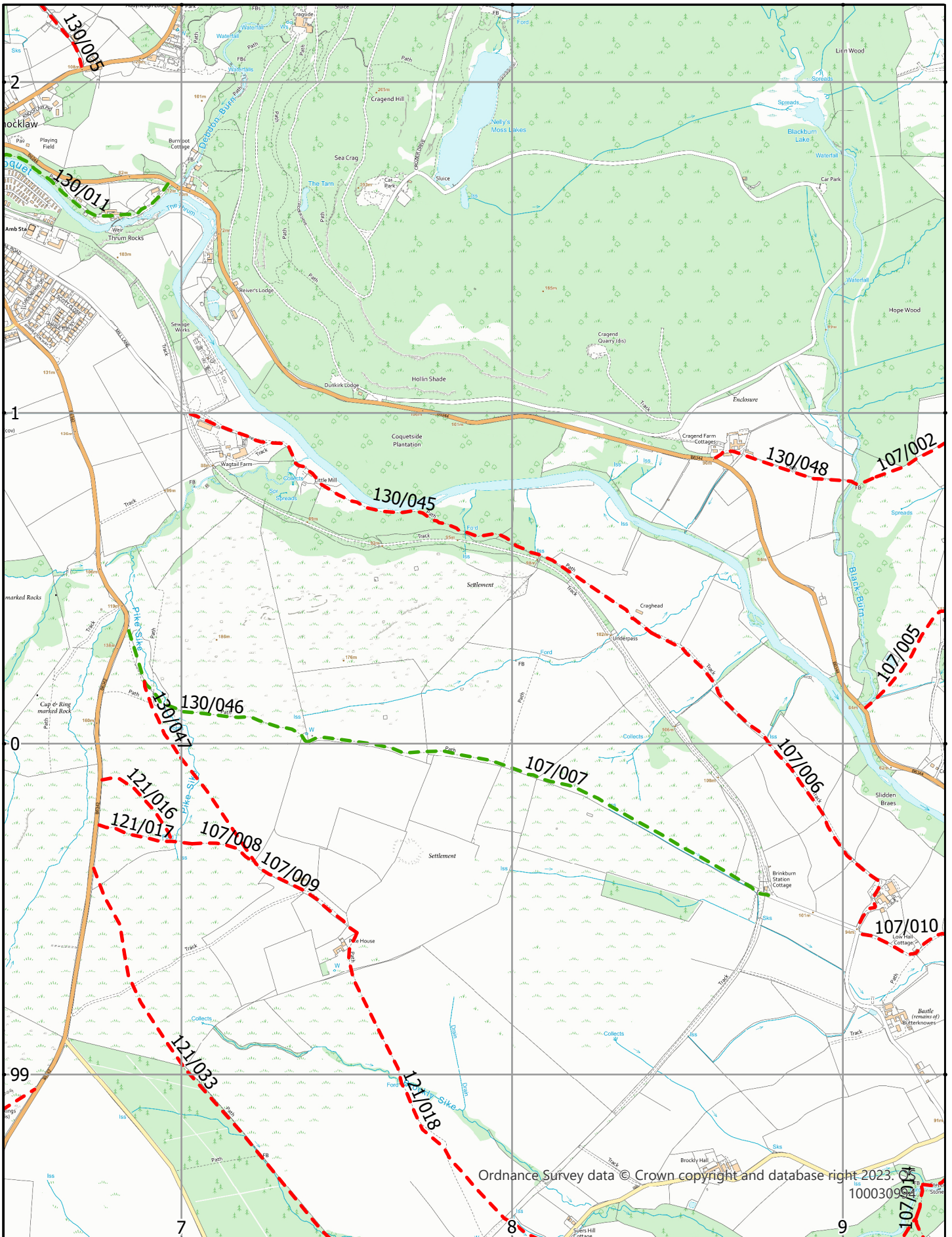
(01670) 624133

Alex.Bell@Northumberland.gov.uk

Plan 20



<p>Northumberland County Council</p> <p>Local Services County Hall, Morpeth, Northumberland NE61 2EF Telephone 0845 600 6400</p> <p><small>Reproduced from / based upon Ordnance Survey materials with the permission of Ordnance Survey on behalf of the Controller. H.M.S.G. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution in civil proceedings. Northumberland County Council O.S. Licence No. 10000848</small></p>	<p>Wildlife and Countryside Act 1981</p> <p>Public Rights of Way</p> <p>— — Alleged Public Brideway</p>		<p>Scale 1/12,000</p>
	<p>Former District(s) Alnwick</p>	<p>Parish(es) Rothbury/Brinkburn</p>	<p>Date August 2022</p>
<p>Def. Map No. 109/94</p>	<p>O.S. Map NU 00 SE/NZ 09 NE</p>		



Northumberland
County Council

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

Legend

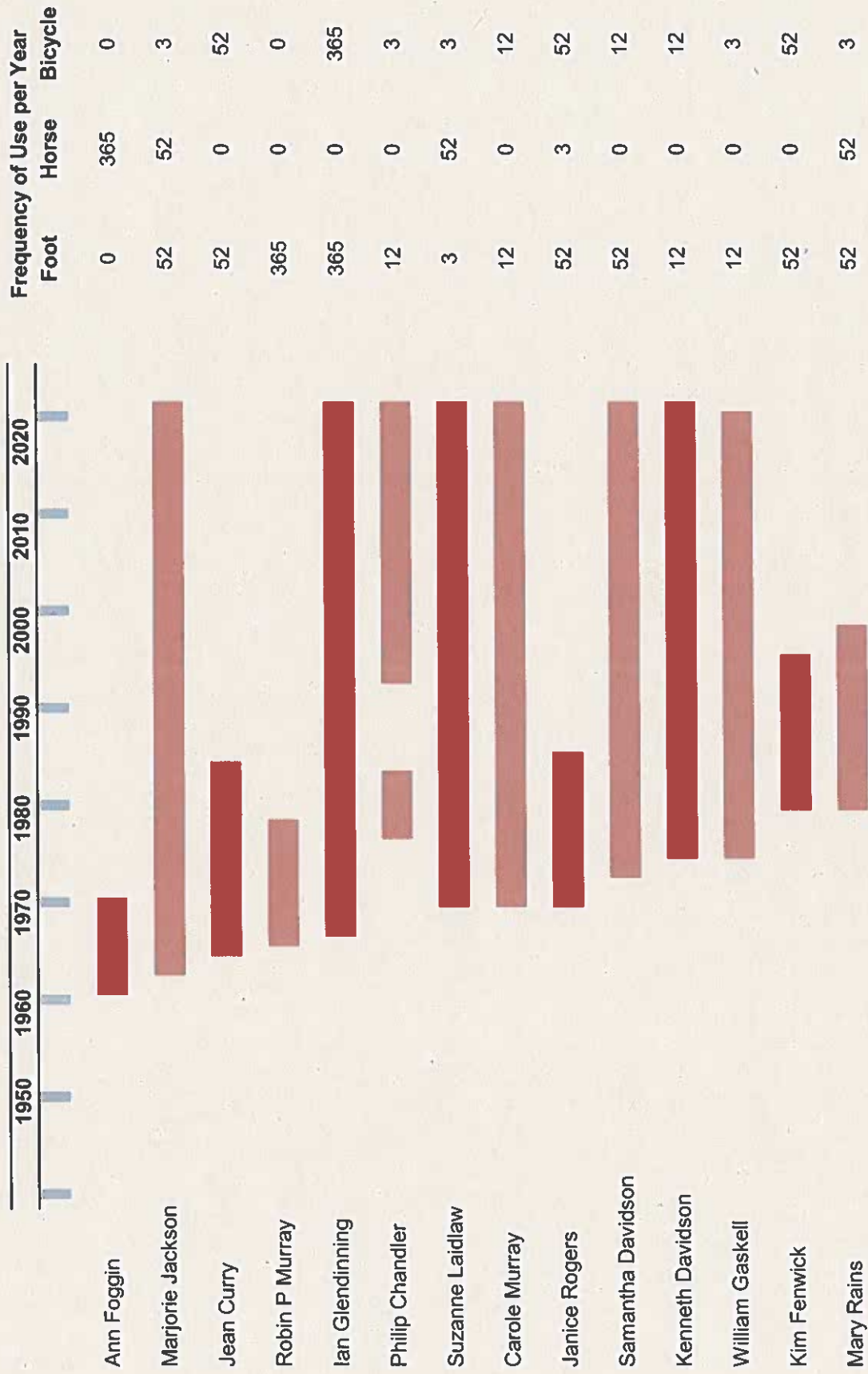
- - - Footpath
- - - Bridleway
- - - Restricted Byway
- Byway Open to All Traffic

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

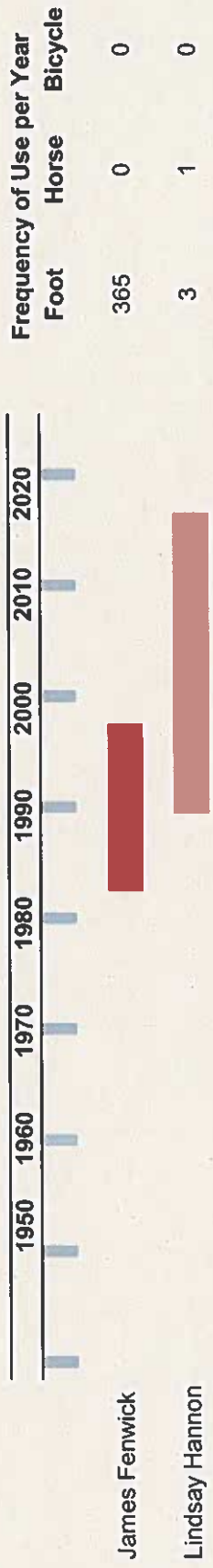
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**Usergram for Alleged Public Bridleways Nos 33 and 42
(Parishes of Brinkburn and Rothbury)**



Usergram for Alleged Public Bridleways Nos 33 and 42 (Parishes of Brinkburn and Rothbury)



PUBLIC RIGHTS OF WAY

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

APPLICATION FOR MODIFICATION ORDER

Former Borough/District Alnwick.....

Parish Cartington / Brinkburn..... Rights of Way No.
(on Definitive Map)

To: Director of Local Services
Northumberland County Council
County Hall
Morpeth
Northumberland
NE61 2EF

I/We Simon McCURRY - RUTKIEWICZ..... (Name)

of CLIFFSIDE, HILLSIDE, ROTHBURY, NORTHUMBERLAND..... (Address)

NE65 7YG.....

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

1. Adding the (~~footpath~~) (bridleway) (~~restricted byway~~) (~~byway open to all traffic~~) (*Delete whichever is inapplicable*)

from WAGTAIL FARM, ROTHBURY.....

to BRINKBURN STATION.....

2. (Upgrading) (downgrading) to a (footpath) (bridleway) (restricted byway) (byway open to all traffic) the (footpath) (bridleway) (restricted byway) (byway open to all traffic) (*Delete whichever is inapplicable*)

from

to

3. Deleting the (footpath) (bridleway) (restricted byway) (byway open to all traffic) (*Delete whichever is inapplicable*)

from

to


4. (Varying) (adding to) the particulars relating to the (footpath) (bridleway) (restricted byway) (byway open to all traffic) (*Delete whichever is inapplicable*)

from

to

by providing that
as shown on the plan attached.

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

Dated 13/06/21..... Signed 

NOTE: This application must be accompanied by a map showing the right(s) of way applied for. Legally such a map must be at a scale of not less than 2 1/2" to 1 mile, but 6" to 1 mile (being the scale at which the Definitive Map is to be prepared and maintained) will normally be preferable.

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name MRS JEAN WRAY
Address WATKINS CROSS, STODDY LANE
..... HESBURY, ALNWICK
..... Postcode DE66 3PO
Year of Birth 18 / 06 / 54

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

1. MOUNT HEALY VILLAS, ROTHBURY
1965 - 1984

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

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

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

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

MAP OF THE APPLICATION ROUTE

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

YOUR USE OF THE APPLICATION ROUTE

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

From 1965 To 1984

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

AFTER 1984 MOVED TO AMURK
.....
.....

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

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot		✓				
On horseback						
By pedal cycle		✓				
By car						✓
Other [1]						

learned to drive using mt train wagon to Brinkburn

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

Yes

Don't know

No

If no – how and when was the route altered?

.....
.....

5. Approximately how wide is the application route?

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

.....
.....

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

gravel
.....
earth
.....

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

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

.....

How long were they in place?

.....

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

.....

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

.....

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

No Yes

If yes, please give details

.....

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

Yes Don't know No

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

.....

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

No Yes

If yes, please provide any additional information about this

.....

Land Ownership

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

No Yes

If yes, provide details and dates

.....
.....

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

No Yes

If yes,

a. From whom?

b. When?

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

No Yes

If yes, by whom and when?

.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

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

Driving
.....
.....

Other Information

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

No Yes

If yes – please provide details

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

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

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

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

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

No Yes

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

No Yes

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

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

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



Print full name:

JEAN ROTH WOLBY

Date:

5/2/21

You should keep a copy of the completed statement

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

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name Mr Kim Fenwick

Address 51 Windsor Gardens

Alnwick

Postcode NE 66 1LP

Year of Birth 5 Nov 1975

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

Arcadia Wagtail Road, Corrbury

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

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

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

from Wagtail Farm to Brinkburn station

MAP OF THE APPLICATION ROUTE

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

YOUR USE OF THE APPLICATION ROUTE

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

From 1980 To 1995

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

..... 1997 to present day. I joined the RAF
 and moved to Alnwick and very rarely
 visited Northwy

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

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

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

Yes Don't know No

If no – how and when was the route altered?

.....

5. Approximately how wide is the application route?

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

I believe the width is approximately
 10m wide.

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

I believe it is mainly earth and
grass

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

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

.....

How long were they in place?

.....

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

.....

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

.....

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

No

Yes

If yes, please give details

.....

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

Yes

Don't know

No

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

.....

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

No

Yes

If yes, please provide any additional information about this

The route was regularly used by others
walking and on bikes

Land Ownership

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

No Yes

If yes, provide details and dates

.....
.....

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

No Yes

If yes,

a. From whom?

b. When?

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

No Yes

If yes, by whom and when?

.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

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

.....
.....

Other Information

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

No Yes

If yes – please provide details

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

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

[Continue on a separate sheet if necessary]

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

.....
During the time I used the carriage way
I was never told that I couldn't
use it. it was a great for cycling
and walking along.
.....
.....

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


No Yes

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

No Yes

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

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

Signature (of the person making the statement of truth) 

Print full name:

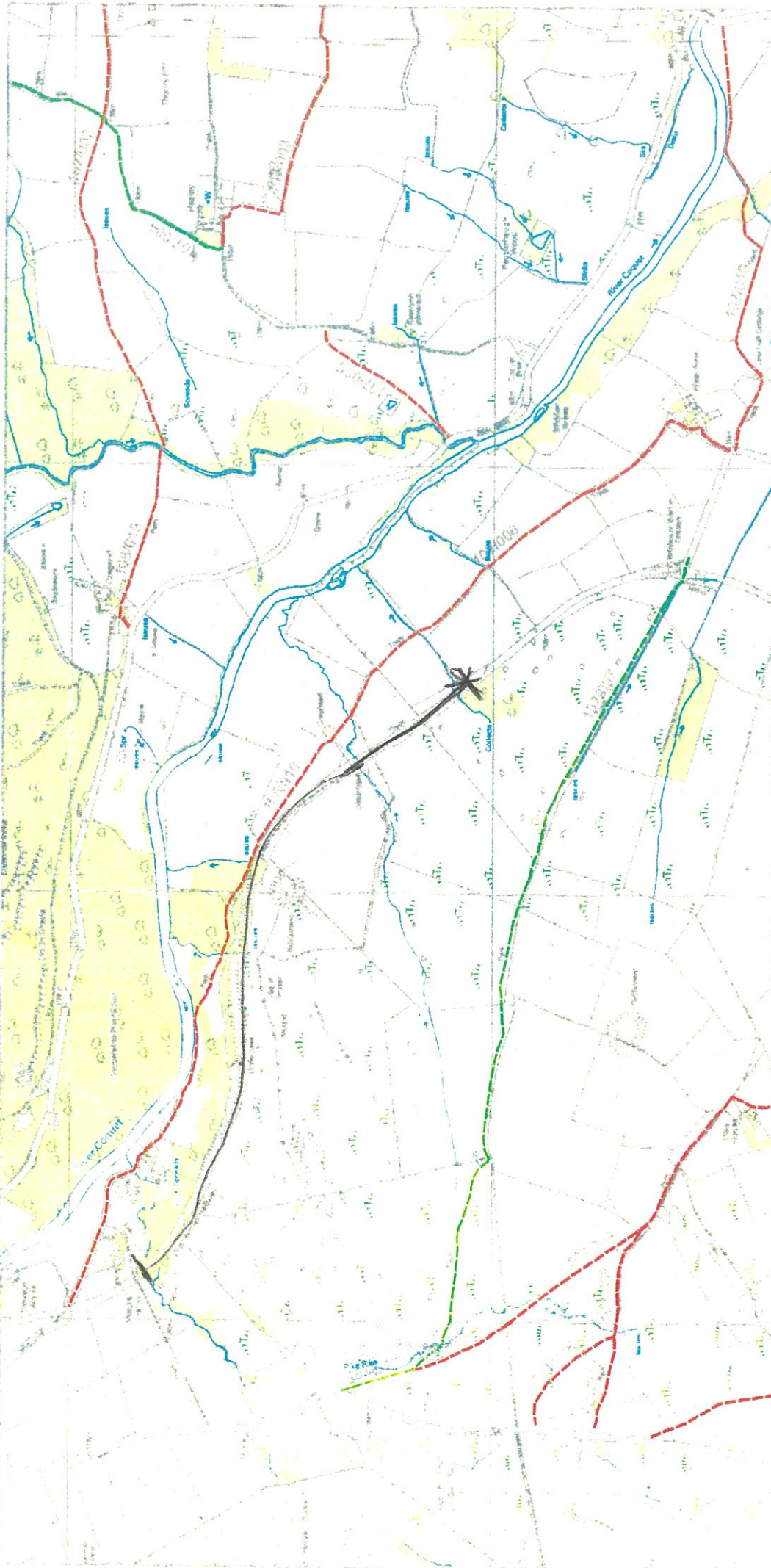
Wm Fenwick

Date:

16 APR 21

You should keep a copy of the completed statement

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



Wildlife & Countryside Act, 1981



Northumberland
County Council

Central Services
County Council Offices, 100, Northumberland
Street, Newcastle, NE1 7AF. Telephone: 0275 262 247

This map is made for the purposes of the Wildlife and Countryside Act 1981. It is based on the Ordnance Survey maps of the area. It is not intended to be used as a legal document. For more information, please contact the County Council.

Alleged Public Right of Way

Parish: Carlington/Brinkburn	Scale: NTS
Date: 9/1/89	Date: January 2021
OS Map No: NU00SE/NZ09NE	

R. H. Feinstein 16 APR 20

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name L. Hannon

Address Town hall flat, Newbrough

Postcode NE47 5AR

Year of Birth ~~1977~~ 2/1/78

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

West lane, Longframlington 92-96, Wooperton hall Cottages, 96-97, Lookout farm 97-99, Marpeth - 91-92

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

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

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

through the industrial estate at Rotherbury and on to the old railway track. I use

MAP OF THE APPLICATION ROUTE

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

YOUR USE OF THE APPLICATION ROUTE

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

From 1990 To 2016

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

.....

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

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

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

Yes

Don't know

No

If no – how and when was the route altered?

.....

5. Approximately how wide is the application route?

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

4/5 metres

.....

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

Gravel, old railway line

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

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

.....

How long were they in place?

.....

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

Yes, to access line at Rothbury end, one other opposite Clayhead I think.

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

.....

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

No Yes

If yes, please give details

.....

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

Yes Don't know No

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

.....

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

No Yes

If yes, please provide any additional information about this

many other walkers, dog walkers other trails over the years

Land Ownership

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

No Yes

If yes, provide details and dates

.....
.....

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

No Yes

If yes,

a. From whom?

b. When?

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

No Yes

If yes, by whom and when?

.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

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

.....
.....

Other Information

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

No Yes

If yes – please provide details

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

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

[Continue on a separate sheet if necessary]

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

It has been used as such for years, seemingly long before I used it. My parents & older brother walked it also.

.....
.....

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

No Yes

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

No Yes

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

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

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

[Redacted Signature]

Print full name: LINDSAY HANNON

Date: 5/3/21

You should keep a copy of the completed statement

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

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name JANICE ROGERS

Address KADENSA THROPTON

..... MORPETH

..... NORTHUMBRIA

Postcode NE65 7LT

Year of Birth 1957

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

..... MOUNT HAGEN VILLAGES, GARLEIGH RD, ROXBURY NE65 7RF

..... 1960 TO 1985

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

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

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

..... STARTING AT WAGTAIL FARM TAKE UP THE OLD RAILWAY-
..... LINE WITH WAGTAIL FARM ON YOUR LEFT FOLLOW THE
..... OLD TRACK TO BRINKBURN. BESIDE BRINKBURN STATION COTTAGE
..... TAKE THE ROAD PAST BUTTERKNIVES AND JOIN UP WITH ROAD 107/007

MAP OF THE APPLICATION ROUTE

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

YOUR USE OF THE APPLICATION ROUTE

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

From 1970 To 1985

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

..... No

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

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

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

Yes Don't know No

If no – how and when was the route altered?

.....

5. Approximately how wide is the application route?

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

..... APPROXIMATELY 20 FT

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

..... GRASS & GRAVEL

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

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

..... NO

How long were they in place?

.....

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

..... YES AT THE BANKSWAN SIDE OF THE CANYON, UNLOCKED, USED TO KEEP SHEEP FROM STRAYING

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

.....

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

No Yes

If yes, please give details

.....

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

Yes Don't know No

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

.....

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

No Yes

If yes, please provide any additional information about this

..... LOCAL PEOPLE OUT WALKING, HORSES OCCASSIONALLY, ALSO CYCLISTS

Land Ownership

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

No Yes

If yes, provide details and dates

.....
.....

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

No Yes

If yes,

a. From whom?

b. When?

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

No Yes

If yes, by whom and when?

.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No

Yes

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

.....
.....

Other Information

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

No

Yes

If yes – please provide details

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

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

[Continue on a separate sheet if necessary]

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

THE OLD RAILWAY LINE HAS ALWAYS BEEN USED FOR
PEOPLE TO TAKE WALKS, EVER SINCE I WAS A YOUNG
CHILD. IT IS AN EXCELLENT ROUTE TO EXERCISE AND
ENJOY THE COUNTRYSIDE. THERE ARE CANALS TO THE
RIGHT OF THE LINE WHERE WE ALSO PLAYED AS CHILDREN.

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

No

Yes

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

No

Yes

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

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

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



Print full name:

JAKE ROGERS

Date:

29TH JANUARY 2021

You should keep a copy of the completed statement

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

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name WILLIAM M. F. GASKELL

Address 11 EMBLETON TCF THE LEE

LONGFRAMINGTON, MORPETH

NORTHUMBERLAND Postcode NE65 8JJ

Year of Birth 1944

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

.....
.....

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

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

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

THE ROUTE OF THE DISUSED RAILWAY LINE

FROM WASTAIL FARM TO BRINKBURN STATION

.....
.....

MAP OF THE APPLICATION ROUTE

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

YOUR USE OF THE APPLICATION ROUTE

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

From 1975 To 2020

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

.....

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

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

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

Yes Don't know No

If no – how and when was the route altered?

.....

5. Approximately how wide is the application route?

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

FROM 4 TO 6 METRES

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

ALL OF THE ABOVE
IN VARYING DEGREES

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

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

How long were they in place?

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

3 GATES UNLOCKED

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

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

No Yes

If yes, please give details

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

Yes Don't know No

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

BRINKBURN STATION 2019

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

No Yes

If yes, please provide any additional information about this

WALKERS / CYCLISTS / PONY & TRAP

Land Ownership

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

No Yes

If yes, provide details and dates

.....
.....

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

No Yes

If yes,

a. From whom?

b. When?

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

No Yes

If yes, by whom and when?

.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

If yes, please give details including when this happened

A FRIEND CYCLING TO HIS WORK IN ROTHBURY
2019

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

No

Yes

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

.....
.....

Other Information

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

No

Yes

If yes – please provide details

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

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

[Continue on a separate sheet if necessary]

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

I HAVE LIVED AT MY PRESENT ADDRESS
SINCE 1975. I HAVE REGULARLY USED THE
ROUTE ON FOOT + BICYCLE. IT IS A VERY
NICE ROUTE + CORRIDOR FOR BIRDS + MAMALS.
WHY WOULD ANYONE WANT TO DENY THE PUBLIC
ACCESS.

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

No

Yes

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

No

Yes

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

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

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

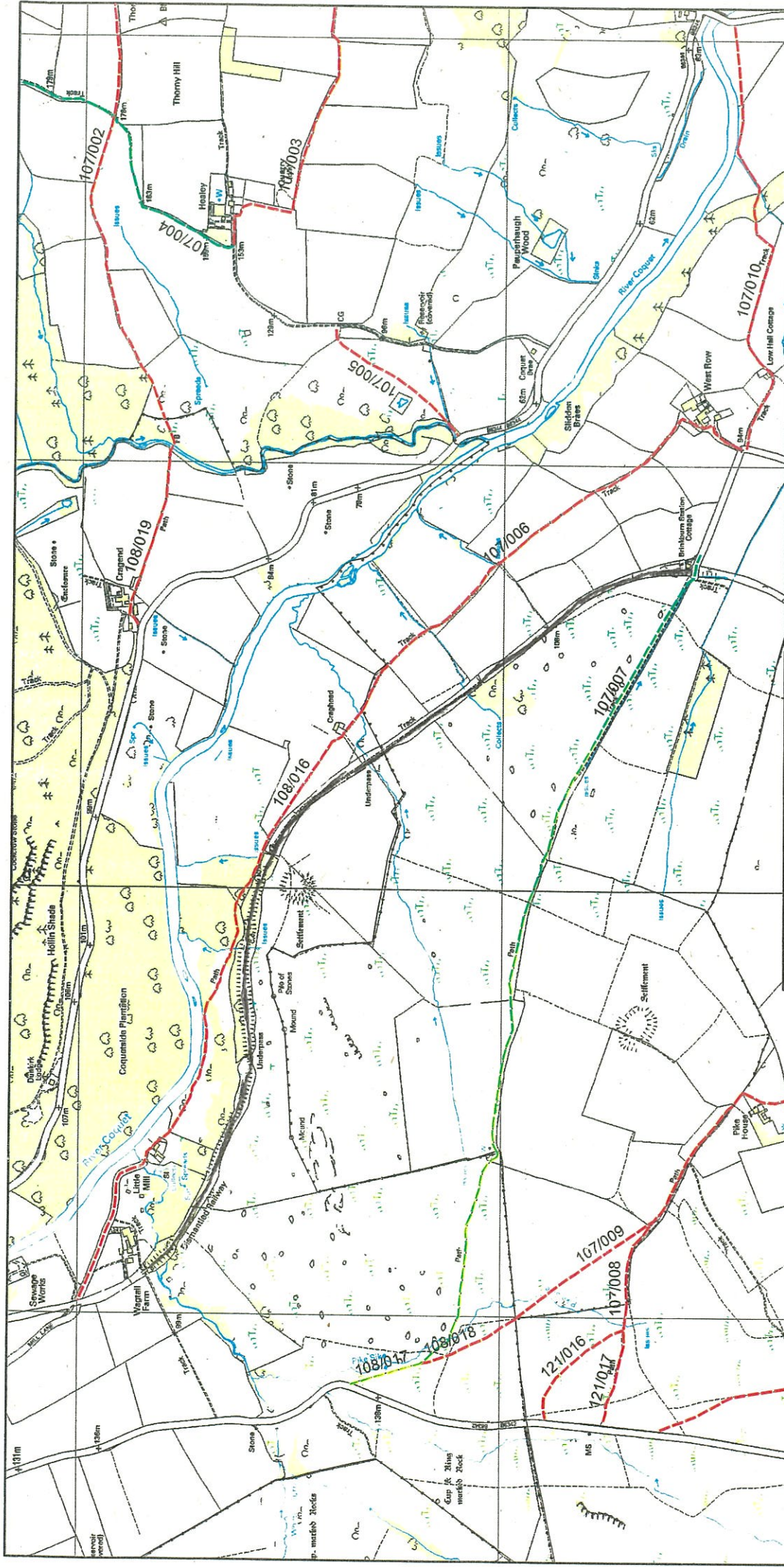


Print full name: *WILLIAM F. GASKELL*

Date: *31.1.2021*

You should keep a copy of the completed statement

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



Wildlife & Countryside Act, 1981

Alleged Public Right of Way



Local Services
Sustainable Transport
County Hall Morpeth Northumberland
NE61 2EF Telephone 0345 600 6400

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Former District	Alnwick	Parish	Cartington/ Brinkburn	Scale	NTS
Def. Map. No.	94/109	O.S. Map	NU00SE/NZ09NE	Date	January 2021

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name JAMES FENWICK

Address 8 FULLERS WALK

..... ALDWICK

..... Postcode NE66 1BW

Year of Birth 09-01-1956

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

..... ALCOCK WINGAIL ROAD

..... ROXBURY

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

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

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

.....

.....

.....

.....

MAP OF THE APPLICATION ROUTE

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

YOUR USE OF THE APPLICATION ROUTE

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

From 1983 To 1997

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

..... IN 1998 WE MOVED TO SCOTLAND
 FOR WORK

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

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

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

Yes

Don't know

No

If no – how and when was the route altered?

.....

5. Approximately how wide is the application route?

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

..... 2.6 METERS IT WAS AN DISUSED RAILWAY LINE

..... SOME PARTS WERE 1.5 METERS AS THE GRASS HAD GROWN IN

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

CINDER FROM THE RAILWAY

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

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

YES

How long were they in place?

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

YES

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

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

No Yes

If yes, please give details

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

Yes Don't know No

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

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

No Yes

If yes, please provide any additional information about this

MANY WALKERS AND CYCLISTS

Land Ownership

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

No Yes

If yes, provide details and dates

.....
.....

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

No Yes

If yes,

a. From whom? *MR + MRS DAYKOR THE TENANT FARMER*

b. When? *1983*

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

No Yes

If yes, by whom and when?

.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No

Yes

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

.....
.....

Other Information

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

No

Yes

If yes – please provide details

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

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

[Continue on a separate sheet if necessary]

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

I THINK ALL DISUSED RAILWAY LINES
SHOULD BE MADE INTO PUBLIC RIGHT OF WAY
THE SURFACE IS THERE ALREADY TO WALK
CYCLE ON.

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

No

Yes

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

No

Yes

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

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

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

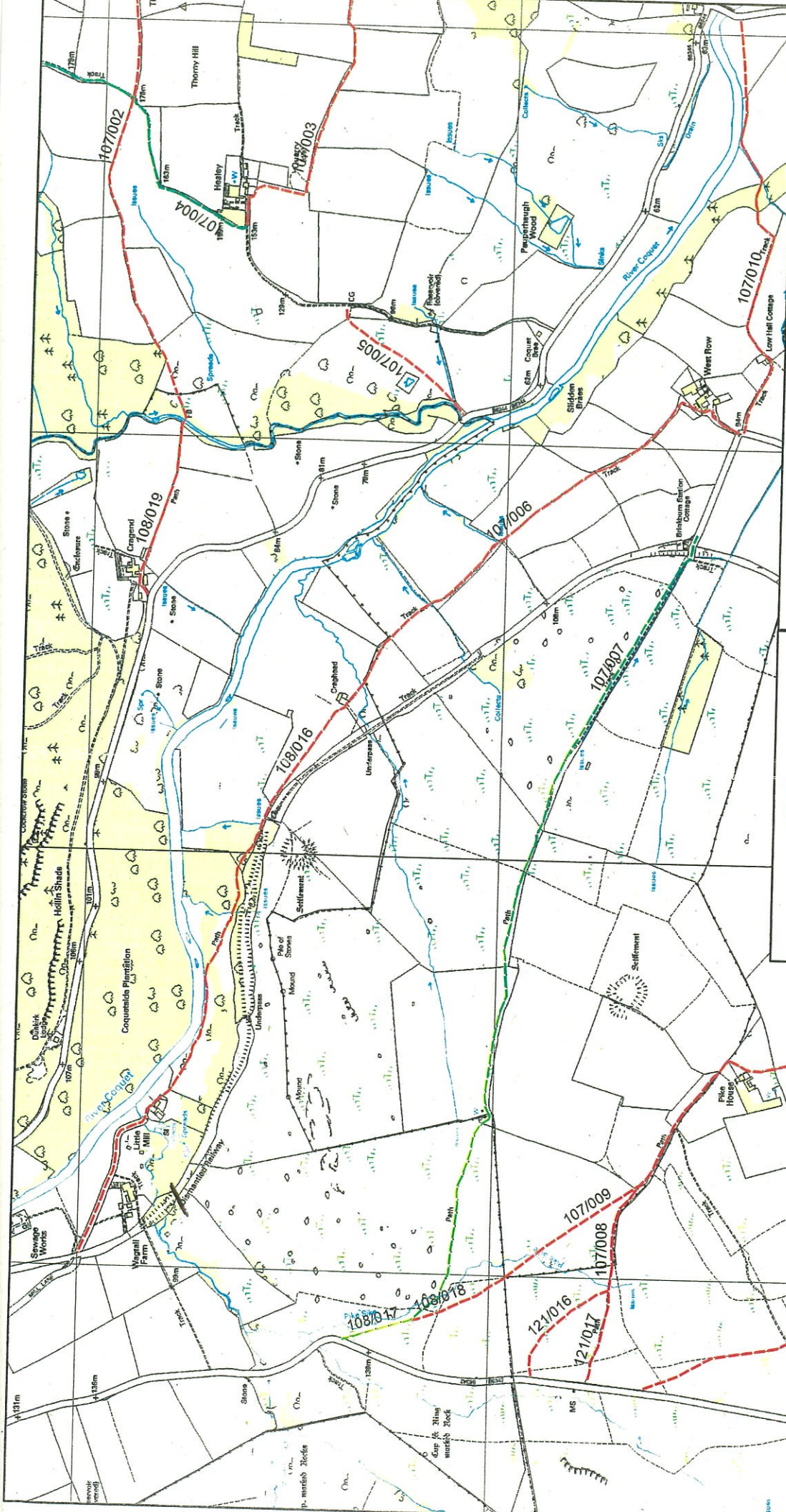


Print full name: **JAMES ARTHUR FENWICK**

Date: **28/1/21**

You should keep a copy of the completed statement

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



Wildlife & Countryside Act, 1981

Alleged Public Right of Way

Northumberland
County Council
Local Services
Sustainable Transport
County Hall Morpeth Northumberland
NE61 2EF Telephone 0845 600 6400

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Former District	Alnwick	Parish	Cartington/ Brinkburn	Scale	NTS
Def. Map. No.	94/109	O.S. Map	NU00SE/NZ09NE	Date	January 2021

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name ROBIN P. MURRAY

Address 23 ANNYCOMBE CLOSE, ROXBURY,
MORPETH, NORTHUMBERLAND

Postcode NE65 7QF

Year of Birth 7-10-1951

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

ARCADIA, WASTAIL ROAD, ROXBURY, MORPETH,
NORTHUMBERLAND

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

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

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

I have no OS grid points, but when I was younger I
walked and played along the whole route from the
old Railway Station to Brinkburn station. I used to
collect raschips, blackberries etc

MAP OF THE APPLICATION ROUTE

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

YOUR USE OF THE APPLICATION ROUTE

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

From 1966 To 1978

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

I didn't use the railway line as much once I started work in 1968, but continued to use it mainly weekends

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

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

In my old age I walk along the line approx 3 times per year due to poor hips.

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

Yes

Don't know

No

If no – how and when was the route altered?

.....

5. Approximately how wide is the application route?

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

The route is the width of the old railway line when I used it, but it has become overgrown and an industrial site now takes up part of the route I used to take

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

varying - the base is mainly the foundation the railway ran on, but a lot of grass has taken over.

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

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

None that I remember

How long were they in place?

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

In later years there were two gates and they were never locked in my time

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

None that I remember

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

No

Yes

If yes, please give details

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

Yes

Don't know

No

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

Only signs were when it was a working railway line

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

No

Yes

If yes, please provide any additional information about this

Usually meet at least 2 or 3 people

Land Ownership

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

No Yes

If yes, provide details and dates

.....
.....

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

No Yes

If yes,

a. From whom?

b. When?

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

No Yes

If yes, by whom and when?

.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

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

.....
.....

Other Information

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

No Yes

If yes – please provide details

.....
Some photos from more recent times
.....
.....

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

[Continue on a separate sheet if necessary]

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

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

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

No Yes

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

No Yes

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

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

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



Print full name:

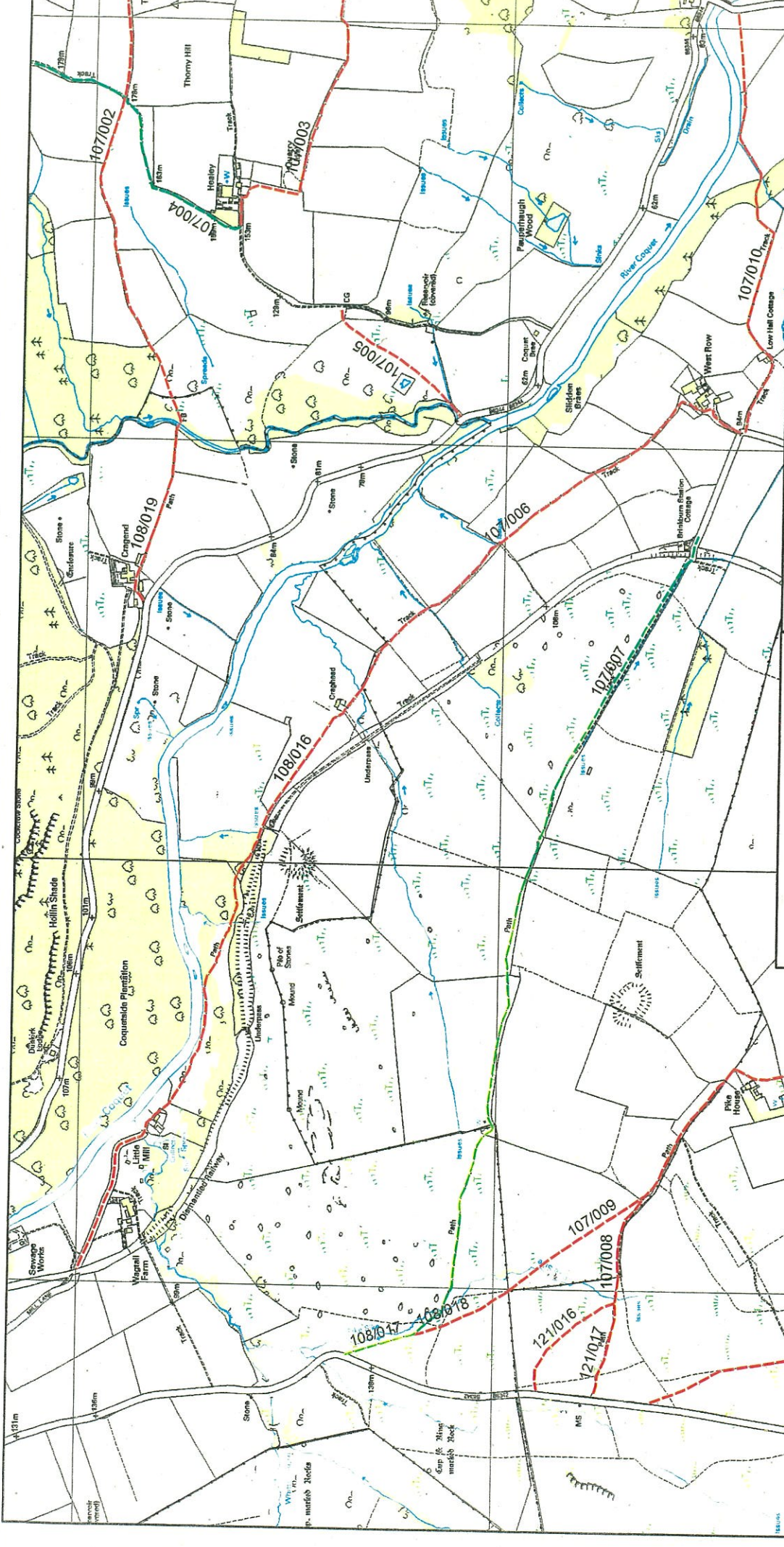
ROBERT PHILIP MURRAY

Date:

25TH JANUARY 2021

You should keep a copy of the completed statement

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



Wildlife & Countryside Act, 1981

Alleged Public Right of Way



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

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Former District	Alnwick	Parish	Cartington/ Brinkburn	Scale	NTS
Def. Map. No.	94/109	O.S. Map	NU00SE/NZ09NE	Date	January 2021

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name MARY RAINS

Address 3 CHURCH FIELDS

..... THROPTON

..... MORPETH Postcode NE65 7EB

Year of Birth 1951

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

..... LIVED IN ROTHBURY EARLY 1980'S - 1998

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

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

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

..... OLD RAILWAY LINE FROM ROTHBURY

..... INDUSTRIAL ESTATE TO BRINKBURN STATION

MAP OF THE APPLICATION ROUTE

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

YOUR USE OF THE APPLICATION ROUTE

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

VERY FREQUENTLY
FromEARLY.....1980's..... To 1998.....
+ OCCASIONALLY SINCE

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

.....NO.....
.....

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

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

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

Yes Don't know No

If no – how and when was the route altered?

.....
.....

5. Approximately how wide is the application route?

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

.....VARIES.....
.....

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

..... VARYING SURFACES

.....

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

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

.....

How long were they in place?

.....

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

..... GATE AT WAGTAIL FARM & ANOTHER ABOUT
..... HALF WAY

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

.....

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

No Yes

If yes, please give details

.....

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

Yes Don't know No

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

.....

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

No Yes

If yes, please provide any additional information about this

..... WALKERS, CYCLISTS & HORSE RIDERS

Land Ownership

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

No Yes

If yes, provide details and dates

.....
.....

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

No Yes

If yes,

a. From whom?

b. When?

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

No Yes

If yes, by whom and when?

.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No

Yes

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

.....
.....

Other Information

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

No

Yes

If yes – please provide details

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

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

[Continue on a separate sheet if necessary]

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

..... I used this path extensively before
..... moving to Thropton in 1998 for
..... dog walking and horse riding, often
..... in groups of 8 or more riders
..... from Whitham Treking centre. At that
..... time we never encountered any problems.

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

No

Yes

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

No

Yes

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

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

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

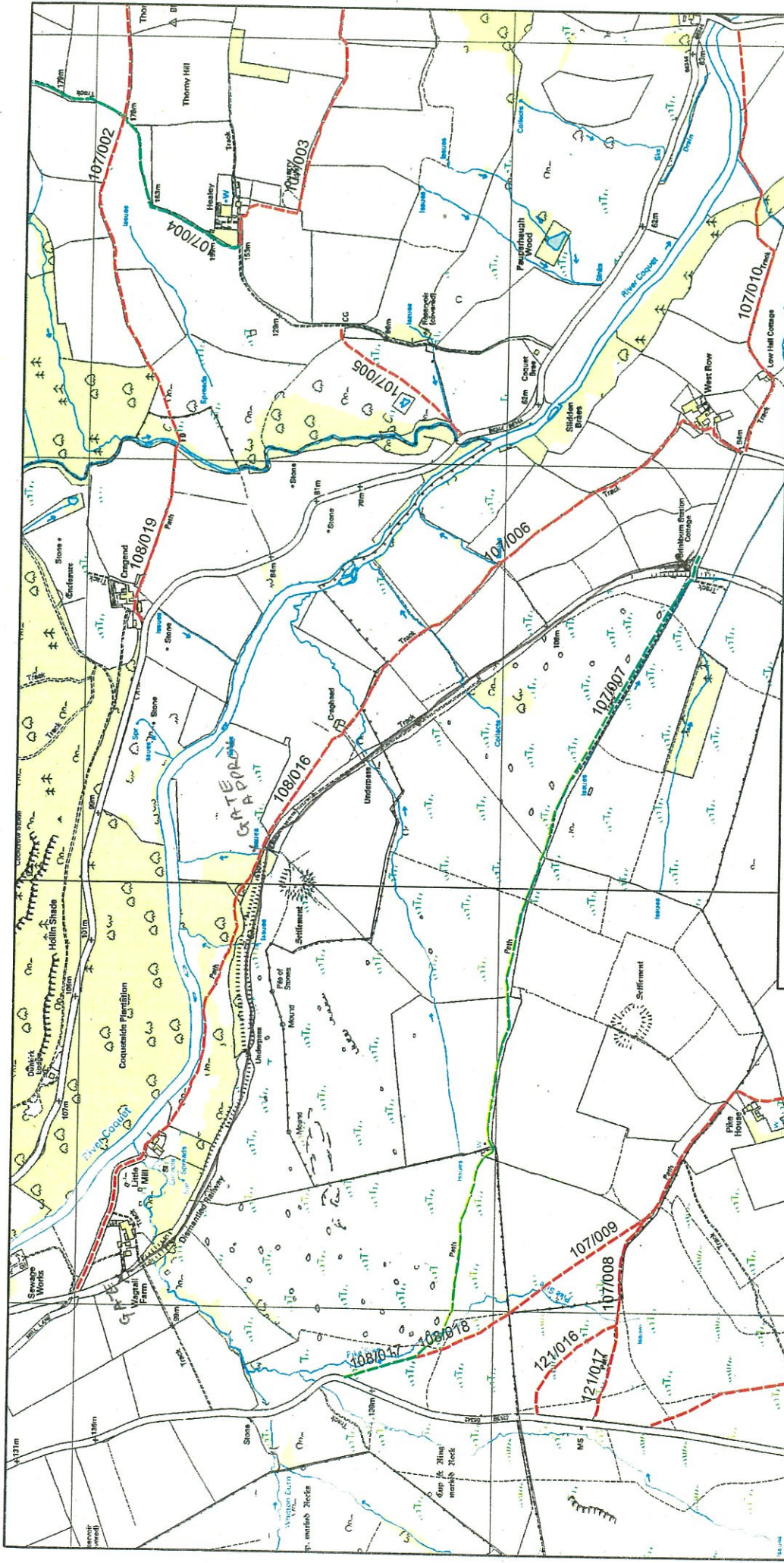


Print full name: MARY ALISON RAINS

Date: 15. 4. 21

You should keep a copy of the completed statement

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



Wildlife & Countryside Act, 1981

— Alleged Public Right of Way

Northumberland
County Council
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Former District	Alnwick	Parish	Carlington/ Brinkburn	Scale	NTS
Def. Map. No.	94/109	O.S. Map	NU00SE/NZ09NE	Date	January 2021

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name Ann Feggin

Address Tosson Tower Farm
Rothbury

Postcode NE65 7NW

Year of Birth 1955

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

Butterknowes Farm Long Framlington
had my pony then horse along the lane for
about 12 yrs when young with friends or their
horses too

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

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

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

route runs from Brinkburn Station
village to Wagtail Farm

MAP OF THE APPLICATION ROUTE

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

YOUR USE OF THE APPLICATION ROUTE

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

From 1961 To 1970

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

No

.....

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

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

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

Yes Don't know No

If no – how and when was the route altered?

.....

.....

5. Approximately how wide is the application route?

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

In the 60's it was the width of the railway track that was taken up.

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

grass & earth

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

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

No

How long were they in place?

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

No

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

No

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

No

Yes

If yes, please give details

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

Yes

Don't know

No

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

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

No

Yes

If yes, please provide any additional information about this

Other horse riders and walkers

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

grass & earth

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

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

No

How long were they in place?

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

No

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

No

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

No

Yes

If yes, please give details

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

Yes

Don't know

No

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

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

No

Yes

If yes, please provide any additional information about this

Other horse riders and walkers

Land Ownership

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

No Yes

If yes, provide details and dates

.....
.....

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

No Yes

If yes,

a. From whom?

b. When?

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

No Yes

If yes, by whom and when?

The farmer - Mr. Charlton West Raw
.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No

Yes

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

.....
.....

Other Information

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

No

Yes

If yes – please provide details

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

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

[Continue on a separate sheet if necessary]

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

It would be such an asset to be able to use the old railway line as a bridle path - would not be suitable for motor vehicles. Wonderful walk for seeing world life & tourists would love a new route as well as locals.

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

No

Yes

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

No

Yes

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

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

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



Print full name:

Ann Foggin

Date:

25.1.21

You should keep a copy of the completed statement

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

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name IAN GLENDINNING

Address GLENLAW, LONGFRAM LINGTON
MORPETH

NORTHUMBERLAND Postcode NE65 8JE

Year of Birth 1951

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

No

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

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

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

From Blackburn Station to Wigtail Farm

MAP OF THE APPLICATION ROUTE

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

YOUR USE OF THE APPLICATION ROUTE

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

From 1967 To ONWARDS

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

No

.....

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

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

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

Yes Don't know No

If no – how and when was the route altered?

.....

.....

5. Approximately how wide is the application route?

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

10 yards Plus

.....

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

Shale

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

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

How long were they in place?

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

Gates at each end of Farms property
and one near Craighood Cottage

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

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

No

Yes

If yes, please give details

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

Yes

Don't know

No

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

Sign on Fence at Brinkburn Station

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

No

Yes

If yes, please provide any additional information about this

People walking, cycling

Land Ownership

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

No Yes

If yes, provide details and dates

.....
.....

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

No Yes

If yes,

a. From whom?

b. When?

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

No Yes

If yes, by whom and when?

.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No

Yes

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

.....
.....

Other Information

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

No

Yes

If yes – please provide details

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

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

[Continue on a separate sheet if necessary]

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

ears ago I went to a meeting I think by Sustrans about a cycle tracks around Rothbury, one was to Thrapston via the riverside, can't remember the second, but the third was from Wagtail Farm to Bankburn Station. Maybe the parish council will have records of these meetings. The meeting was in the parish Hall

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

No

Yes

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

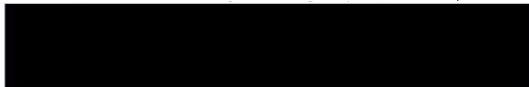
No

Yes

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

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

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

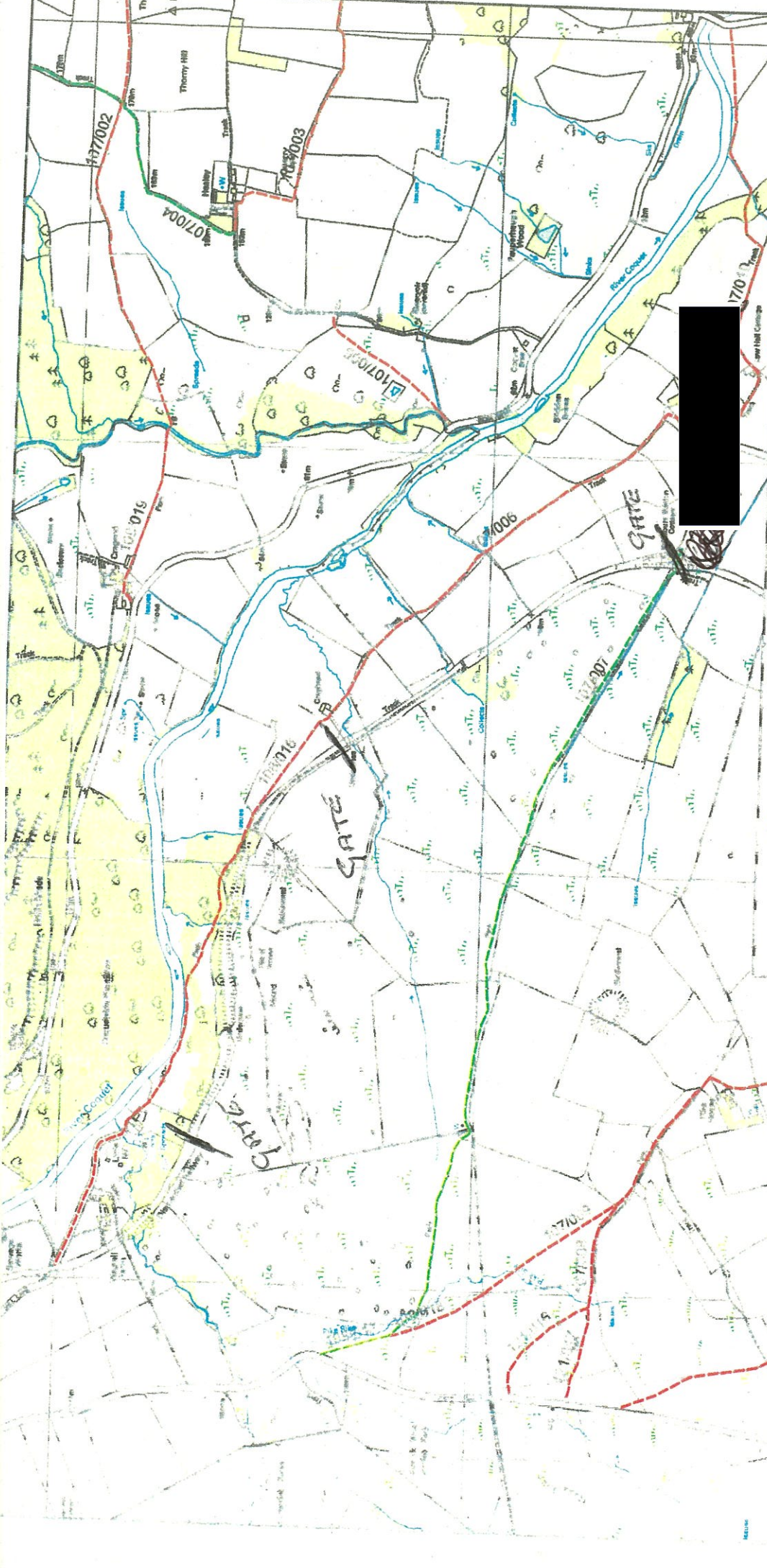


Print full name: **IAN GLENDINNING**

Date: **1 - 2 - 21**

You should keep a copy of the completed statement

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



Wildlife & Countryside Act, 1981

Alleged Public Right of Way





Northumberland
 County Council
 Local Services
 Planning and Transport
 County Hall, Newcastle
 NE1 8SE Telephone 01675 455140

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Form or District:	Alnwick	Parish	Carlington/ Brinkburn	Scale	NTS
Def. Map. No.	94/109	O.S. Map	NU00SE/NZ09NE	Date	January 2021

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name K.J. DAVIDSON

Address 37 Jubilee crescent

ROTHBURY

Postcode NE65 7QZ

Year of Birth 04/04/1971

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

GATEHOUSE, GARLEIGH ROAD, ROTHBURY

NE65 7RB

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

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

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

From just past the factories along the industrial estate ROTHBURY
Into the cutting along to the WAGEHILL FARM.
Then along ^{to the} (still the old railway line) BRINKBURN STATION.

MAP OF THE APPLICATION ROUTE

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

YOUR USE OF THE APPLICATION ROUTE

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

From *1975* To *2021*

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

*The old railway line is there and every day use is not feasible
I have used the route to Emberton Terrace where my grand mother lived*

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

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

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

Yes Don't know No

If no – how and when was the route altered?

.....
.....

5. Approximately how wide is the application route?

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

4m it is an old railway line

.....
.....

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

Gravel

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

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

stiles and GATES TO separate the two farms that are on the route.

How long were they in place?

they have been there as long as I can remember.

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

GATES TO separate farms and to steer stock onto the hill from the west farm.

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

~~KISSING GATE~~

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

No

Yes

If yes, please give details

.....

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

Yes

Don't know

No

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

.....

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

No

Yes

If yes, please provide any additional information about this

There are many people that use the old railway including all of my family. MOTHER FATHER AND FOUR of us kids, and now three of us kids have NINE children that use the route occasionally.

Land Ownership

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

No Yes

If yes, provide details and dates

.....
.....

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

No Yes

If yes,

a. From whom? *Michael Charlston*

b. When? *1984 ish*

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

No Yes

If yes, by whom and when?

cant remember

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No

Yes

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

.....
.....

Other Information

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

No

Yes

If yes – please provide details

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

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

[Continue on a separate sheet if necessary]

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

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

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

No

Yes


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

No

Yes

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

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

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

Print full name: KENNETH JASON DAVIDSON

Date: 23/01/21

You should keep a copy of the completed statement

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

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name SUZANNE DAWN LAIDLAW

Address 8 STANLEY Rd, NEMARKET, SUFFOLK

Postcode CB8 8AF

Year of Birth 1965

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

ROTBURY 1965-1993, YETBURN 1993-1998

IRELAND 1998-2000

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

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

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

Joining the old railway line at gate by Wagtail farm, proceeding along the old railway line until leaving it at Binkburn Station Cottage.

OS MAP 81 07/00 08/99

MAP OF THE APPLICATION ROUTE

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

YOUR USE OF THE APPLICATION ROUTE

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

From approx 1970 To present day

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

I didn't use it much 1998-2000 as I was living in Ireland and only returned for holidays

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

	Daily	Weekly	Monthly	Every few months	Once a year	Other (please describe)
On foot				✓		
On horseback		✓				1970-1978
By pedal cycle				✓		
By car						
Other []						

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

Yes

Don't know

No

If no – how and when was the route altered?

.....

5. Approximately how wide is the application route?

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

Approx 3-4m

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

Old cinder that the railway was built on.

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

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

There may have been a stile by the 2d gateway from Wagtail farm.

How long were they in place?

Don't remember.

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

Yes gates at different locations. Sometimes locked.

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

N/A

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

No

Yes

If yes, please give details

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

Yes

Don't know

No

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

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

No

Yes

If yes, please provide any additional information about this

Frequently meet walkers.

Land Ownership

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

No Yes

If yes, provide details and dates

.....
.....

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

No Yes

If yes,

- a. From whom? JACK CARR, WAGTAIL FARM (Also Michael Charles West Law)
- b. When? approx. 1975, as I rode his ponies from Wagtail.

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

No Yes

If yes, by whom and when?

.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No

Yes

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

.....
.....

Other Information

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

No

Yes

If yes – please provide details

.....
Will look for old photographs.
.....

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

[Continue on a separate sheet if necessary]

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

We used to use the route to visit our relations at West Raw Farm, either on foot or bicycle.
.....
.....

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

No

Yes

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

No

Yes

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

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

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



Print full name: SUZANNE DAWN LAIDLAW

Date: 30.01.21

You should keep a copy of the completed statement

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

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name MARJORIE JACKSON

Address 30, WOODLANDS

..... ROTHBURY, MORPETH,

..... NORTHUMBERLAND Postcode NE65 7XZ

Year of Birth 1955

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

..... 1972-1986, whilst married.

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

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

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

..... Wagtail Farm along old railway line to
..... Brinkburn station

MAP OF THE APPLICATION ROUTE

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

See attached Map. - Marked * →
Old railway line between Wagtail Farm
and Brinkburn 2 station.

YOUR USE OF THE APPLICATION ROUTE

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

From 1963 To To-Date. 30/1/21.

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

.....

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

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

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

Yes Don't know No

If no – how and when was the route altered?

.....

5. Approximately how wide is the application route?

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

^u The width of the railway line - Don't know.

.....

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

Grass / Gravel / Earth
.....
.....

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

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

n/a
.....

How long were they in place?

.....

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

Wagtail farm gate and one just beyond - Not locked
.....

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

.....

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

No Yes

If yes, please give details

.....

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

Yes Don't know No

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

.....

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

No Yes

If yes, please provide any additional information about this

~~.....~~
Meeting up with friends to ride ponies along line to Butterknowes farm.
Other dog walkers. 4 Runners.
families out walking.
cyclists.

Land Ownership

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

No Yes

If yes, provide details and dates

.....
.....

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

No Yes

If yes,

a. From whom?

b. When?

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

No Yes

If yes, by whom and when?

.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No

Yes

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

.....
.....

Other Information

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

No

Yes

If yes – please provide details

..... Photograph of myself cycling - however
..... in the early days we didnt have a camera thus no
..... photos of riding the ponies back & forth along the line.

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

[Continue on a separate sheet if necessary]

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

On a regular basis as a child aged approx 8yrs onwards
I would meet friends to ride ^{ponies} along the old railway line ^{to Butter knoves} ~~and St James~~
As well as walking with parents, taking my own children on walks
with the dog and grandchildren when on occasion of visits ^{and} friends
As well as cycling to exercise photo enclosed

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

No

Yes

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

No

Yes

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

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

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

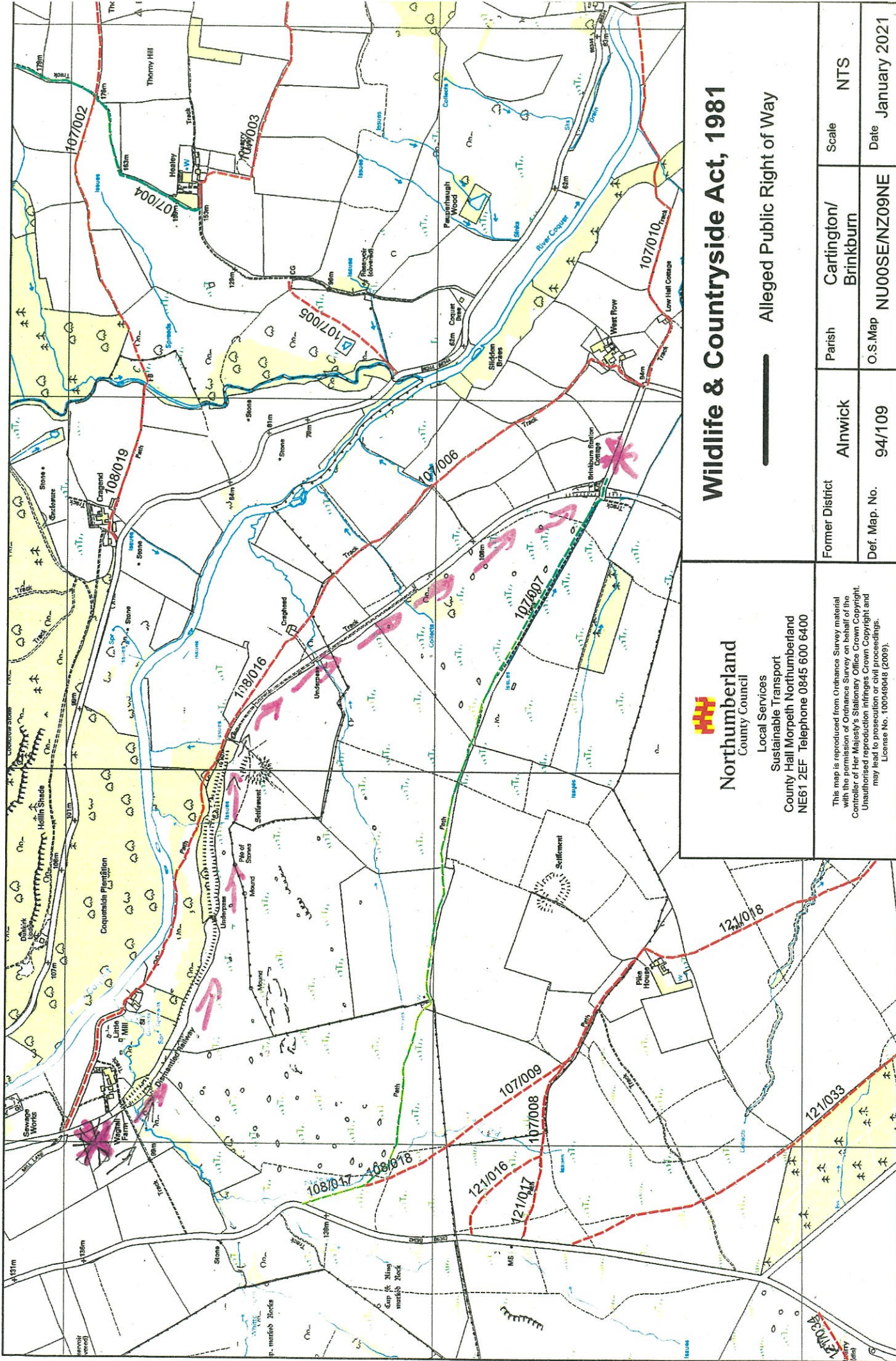


Print full name: **MARJORIE JACKSON**

Date: **30/1/21.**

You should keep a copy of the completed statement

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



Wildlife & Countryside Act, 1981

Alleged Public Right of Way



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

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Former District	Alnwick	Parish	Carlington/ Brinkburn	Scale	NTS
Def. Map. No.	94/109	O.S. Map	NU00SE/NZ09NE	Date	January 2021

(Margorie Jackson)

30.1.21.

Cycling along old railway line onto
Brinkburn station from Wagtail farm.
Cragend farm in the distance.



PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name Carole Murray

Address Gleann Luadh Carishader Uth
St. Lewis

Postcode AS2 9ER

Year of Birth 1962

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

Heatherview NE575Y 2015 to current

Highway NE570Y 1995 to 2015

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

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

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

The old railway line Lomby
from Lomby Industrial estate to Brinkburn
Station

MAP OF THE APPLICATION ROUTE

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

YOUR USE OF THE APPLICATION ROUTE

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

From 1970..... To current.....

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

NO
.....
.....

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

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

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

Yes Don't know No.

If no – how and when was the route altered?

.....
.....

5. Approximately how wide is the application route?

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

The width approx 12 feet
.....
.....

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

earth

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

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

How long were they in place?

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

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

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

No

Yes

If yes, please give details

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

Yes

Don't know

No

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

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

No

Yes

If yes, please provide any additional information about this

regularly other walker, runners, cyclist & on one occasion a horse & drawn cart

Land Ownership

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

No

Yes

If yes, provide details and dates

.....
.....

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

No

Yes

If yes,

a. From whom?

b. When?

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

No

Yes

If yes, by whom and when?

.....

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

No

Yes

If yes, please give details including when this happened

.....
.....

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

No

Yes

If yes, please give details including when this happened

.....
.....

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

No

Yes

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

.....
.....

Other Information

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

No

Yes

If yes – please provide details

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

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

[Continue on a separate sheet if necessary]

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

As a child my grandmother took me along this route picking blackberries

As a parent I took my daughter on a bike ride on the back of my bike and as she got bigger she rode her own bike (between '95 and 2010)

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

No

Yes

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

No

Yes

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

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

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



Print full name:

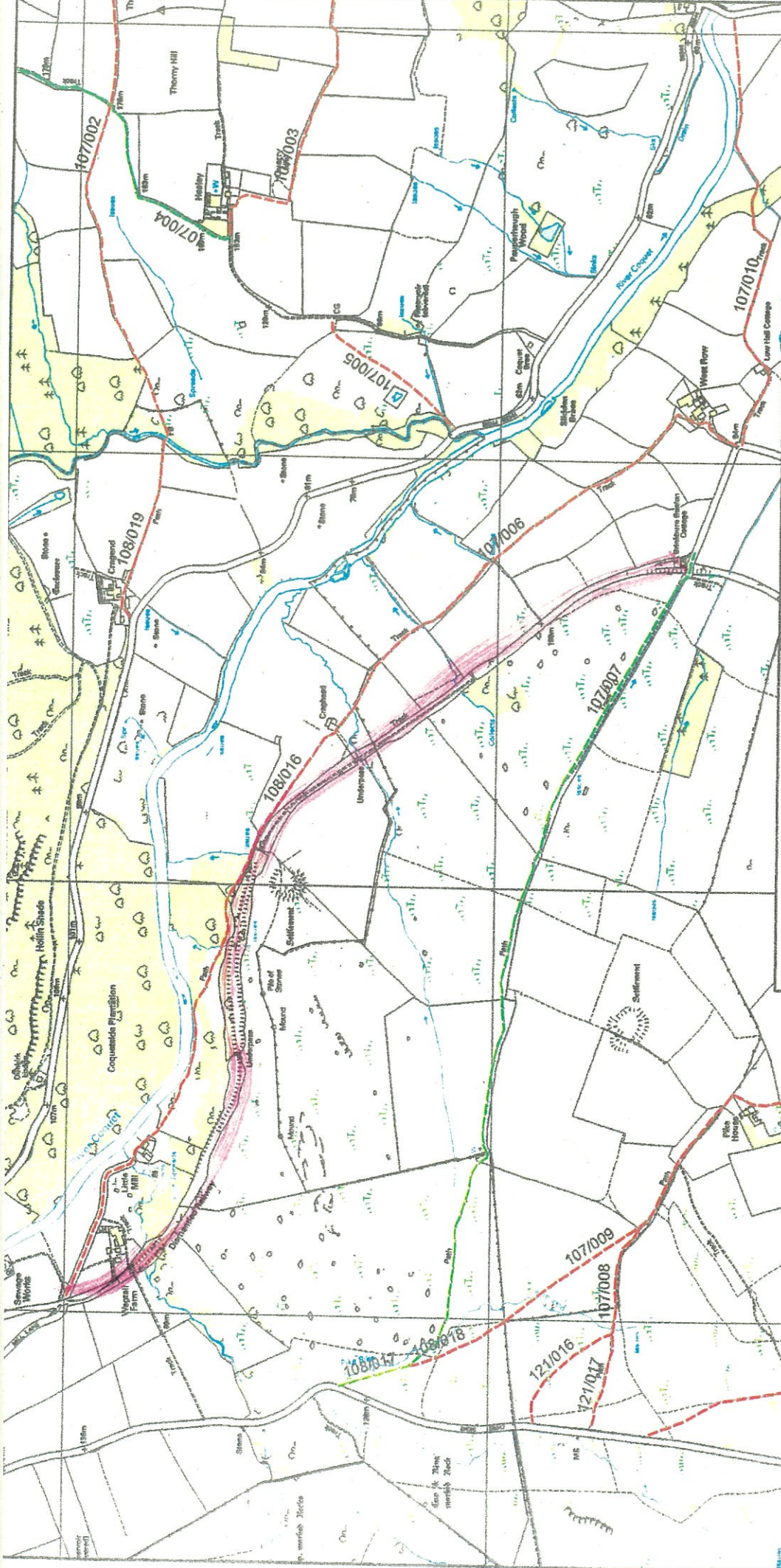
Carole Murray

Date:

11/2/2021

You should keep a copy of the completed statement

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



Wildlife & Countryside Act, 1981

Alleged Public Right of Way



Northumberland
County Council

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

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Former District	Alnwick	Parish	Carlington/ Brinkburn	Scale	NTS
Def. Map. No.	94/109	O.S. Map	NU00SE/NZ09NE	Date	January 2021

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name Samantha Davidson

Address 12 Embleton Tce, The Lee, Longsightington
Morpeth, Northumberland

Postcode NE65 8JJ

Year of Birth 31~12~1968

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

Gate House, Garleigh Rd, Rothbury
Wreigh Burn Fields, Thropton

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

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

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

Start Brinkburn Station Cottage - follow road
leading onto ^{disused} R line. Continue this path until Wagtail
Farm. OS Grid Ref's = NU 070 009
N2 087 996

MAP OF THE APPLICATION ROUTE

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

YOUR USE OF THE APPLICATION ROUTE

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

From 1973 To 2021

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

No.

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

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

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

Yes Don't know No

If no – how and when was the route altered?

.....

5. Approximately how wide is the application route?

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

The disused railway line route is approx 10-12 ft wide. Plenty room for pass other walkers, cyclists or horseback. Narrower in some areas where road has been blotted for railway line.

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

Gravel and earth throughout route Some was more earthy. Grassy area to Gate 2 (see map)

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

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

Yes - see map Gate 1 and Gate 2 were stiles before pedestrian "kissing" gates
How long were they in place? Gate A style + Gate - not locked
20 yrs approx.
There were no gates or stiles originally.

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

Gate 1 + Gate 2 unlocked (see map)
Gate A + Gate 4 unlocked " "

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

No other barriers

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

No Yes

If yes, please give details

.....

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

Yes Don't know No

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

.....

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

No Yes

If yes, please provide any additional information about this

.....

Land Ownership

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

No Yes

If yes, provide details and dates

.....
.....

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

No Yes

If yes,

a. From whom?

b. When?

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

No Yes

If yes, by whom and when?

.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No

Yes

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

.....
.....

Other Information

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

No

Yes

If yes – please provide details

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

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

[Continue on a separate sheet if necessary]

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

School trip to search for artifacts from the Railway line c. 1977. Found a metal bolt + old sleeper. Sleeper still visible near to Brinkburn Railway Cottage. At least 30 pupils on trip.

I have walked + cycled this route since a child (dob 1968) to visit my grandmother at Embleton Terrace

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

No

Yes

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

No

Yes

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

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

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



Print full name: *Samantha Dorothy Davidson*

Date: *7/2/20*

You should keep a copy of the completed statement

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

PUBLIC RIGHT OF WAY USER EVIDENCE STATEMENT

ABOUT YOU

Name PHILIP CHANDLER

Address DENESIDE STATION ROAD

ROTHBURY, NORTHUMBERLAND

Postcode NE65 7QJ

Year of Birth 1967

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

CRAMLINGTON (1967-1983), MORPETH (1983-1986)

SUNDERLAND (1986-1990), WHALTON (1990-1993)

ABOUT THE APPLICATION ROUTE

How do you think the application route should be recorded?

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

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

WAGTAIL FARM (NU 07084 00887) VIA OLD

RAILWAY LINE TO FORMER BRINKBURN

STATION (NZ 08747 94580)

MAP OF THE APPLICATION ROUTE

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

YOUR USE OF THE APPLICATION ROUTE

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

From To

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

1983 - 1993 - FAMILY GAVE UP STATIC CARAVAN
ON RIVERSIDE SITE IN ROTHBURY

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

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

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

Yes Don't know No

If no – how and when was the route altered?

.....
.....

5. Approximately how wide is the application route?

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

THE ROUTE VARIES BETWEEN APPROX 10 - 15 FEET

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

ASH / CINDER BED OF DISUSED RAILWAY

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

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

1 ('A' ON MAP)

How long were they in place?

SINCE MID 1990s

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

4 ('B', 'C' & 'D' 'E' ON MAP - ALL GATES ALLOWED WALKING / CYCLING ACCESS)

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

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

No

Yes

If yes, please give details

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

Yes

Don't know

No

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

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

No

Yes

If yes, please provide any additional information about this

WALKERS, MOUNTAIN BIKERS, HORSE RIDERS AND FARM VEHICLES

Land Ownership

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

No Yes

If yes, provide details and dates

.....
.....

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

No Yes

If yes,

a. From whom?

b. When?

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

No Yes

If yes, by whom and when?

.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

If yes, please give details including when this happened

.....
.....

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

No Yes

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

.....
.....

Other Information

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

No Yes

If yes – please provide details

.....
ROUTE INCLUDED ON 'NORTHUMBERLAND NATIONAL PARK -
RUTHBURY & COQUETDALE' CYCLE + WALKING GUIDE (COPY
ATTACHED - ORIGINAL AVAILABLE IF REQUIRED)

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

[Continue on a separate sheet if necessary]

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

.....
I HAVE BEEN USING THE OLD RAILWAY LINE
FOR WALKING AND CYCLING FROM WHEN
I WAS ABLE (EARLY 1970's) RIGHT UP
TO THE PRESENT DAY AND HAVE NEVER BEEN
CHALLENGED OR OBSTRUCTED FROM DOING SO

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

No Yes

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

No Yes

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

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

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



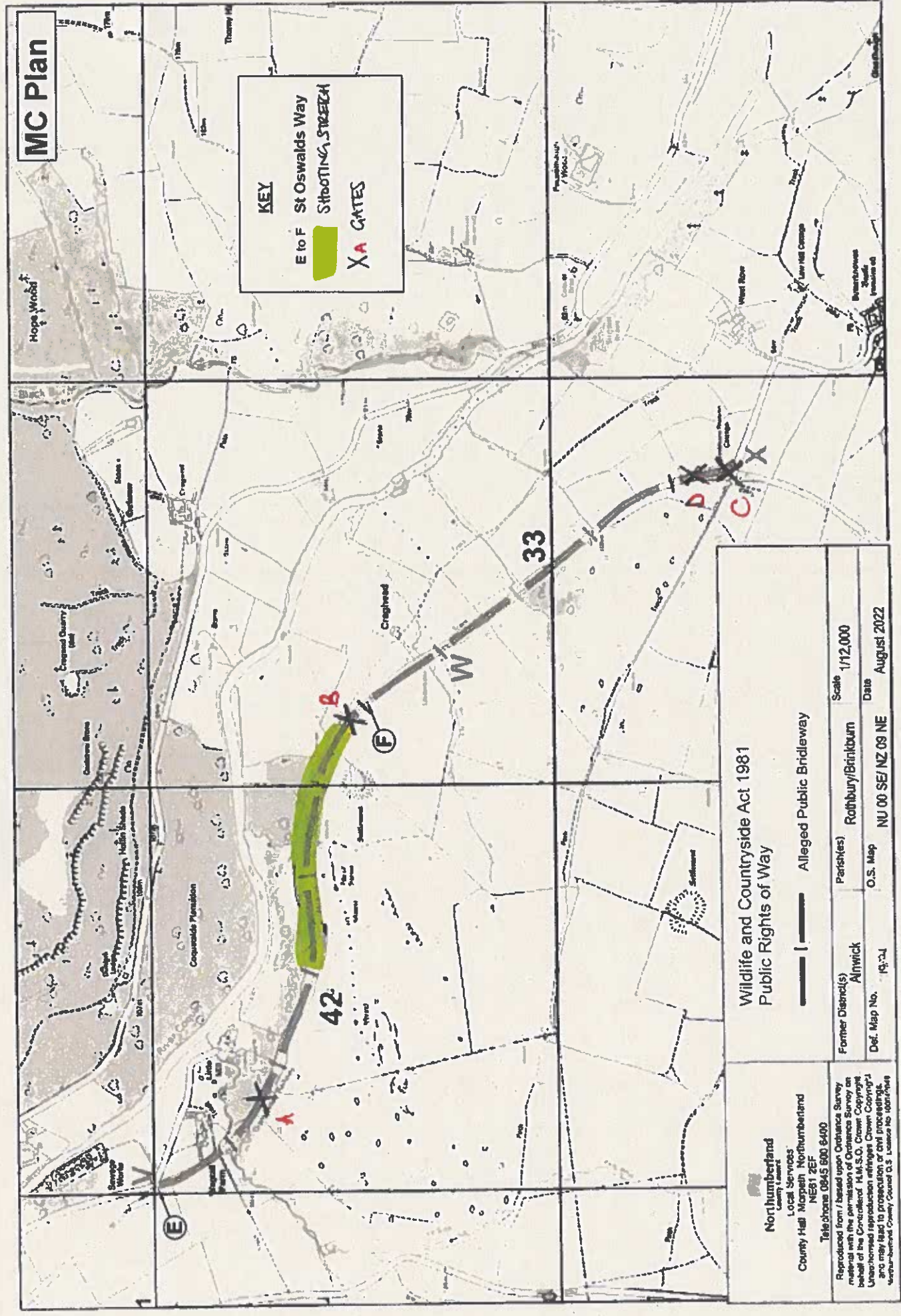
Print full name: PHILIP CHANDLER

Date: 14/2/21

You should keep a copy of the completed statement

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

MR CHARLETON'S GATE PLAN
EXHIBIT 3

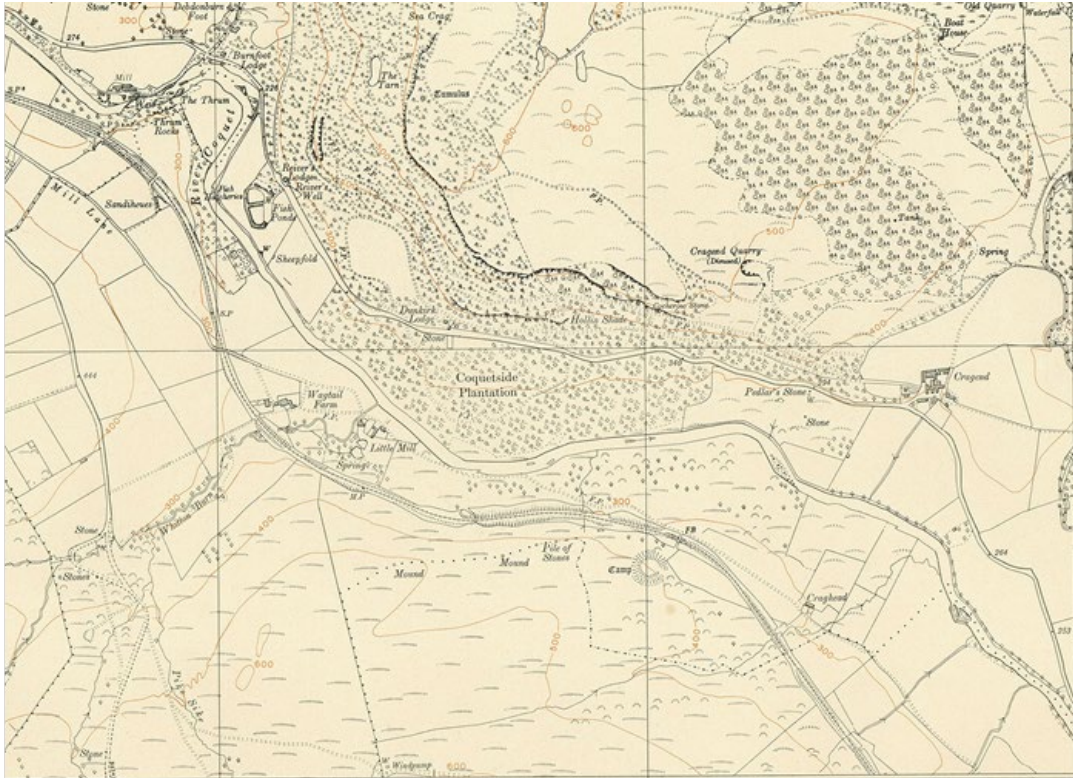


MC Plan

KEY
 E to F St Oswalds Way
 SHOOTING STRECH
 X A GATES

<p>Northumberland Local Services County Hall Midpath Northumberland NE81 2EP Telephone 0845 600 6400</p> <p><small>Reproduced from / based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller, H.M.S.O. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Northumberland County Council O.S. Licence No. 1001/01/01</small></p>	<p>Wildlife and Countryside Act 1981 Public Rights of Way</p> <p>— Alleged Public Bridleway</p>		<p>Parish(es) Rothbury/Brintburn</p>	<p>Scale 1/12,000</p>
	<p>Former District(s) Alnwick</p>	<p>O.S. Map NU 00 SE / NZ 09 NE</p>	<p>Date August 2022</p>	
<p>Def. Map No. 19124</p>				

1:10,560 O.S. Map
1957



1:10,000 O.S. Map
1978

