



Northumberland County Council

RIGHTS OF WAY COMMITTEE
20 December 2023

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

ALLEGED BYWAY OPEN TO ALL TRAFFIC No 26 PARISH OF BRINKBURN

Report of the Director of Environment & Transport
Cabinet Member: Councillor John Riddle, Roads & 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 vehicular rights over the U4038 road, between the C168 road, 15 metres south of East Raw and Brinkburn Station Cottage.

Recommendation

It is recommended that the committee agrees that:

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

1.0 BACKGROUND

- 1.1 By virtue of section 53 of the Wildlife and Countryside Act, 1981 the County Council is required to keep the Definitive Map and Statement under continuous review and make modification orders upon the discovery of evidence, which shows that the map and statement need to be modified.
- 1.2 The relevant statutory provision which applies to adding a public right of way to the Definitive Map and Statement, based on historical documentary evidence, is Section 53(3)(c)(i) of the Wildlife and Countryside Act, 1981. This requires the County Council (as Surveying Authority) to modify the Definitive Map and Statement following:

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

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

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

2.0 PUBLIC EVIDENCE

- 2.1 In the late 1980s the County Council carried out consultations regarding proposals to add a number of unsealed tracks in the north of the County to the Definitive Map as byways open to all traffic on the basis that the routes were included in the County Council's "List of Streets" as unclassified County roads (UCR). The rationale for doing so was that it would not be obvious to members of the public (particularly horse riders, walkers and cyclists) that they were legally entitled to use routes such as these (which were considered to have vehicular status), because their physical appearance might suggest otherwise.
- 2.2 The view, held by those officers of the Council responsible for maintaining the 'List of Streets' for the County of Northumberland was (and still is) that only public roads (not public bridleways or public footpaths) were shown on this List. The only exceptions to this are the surfaced paths and alleyways providing pedestrian links between roads, in urban streets. Thus, tracks in rural settings, which have their own unique reference numbers (e.g. the 'U4038' road), were considered to be all-purpose public highways maintainable at public expense.
- 2.3 Shortly afterwards, the processing of applications from third parties seeking to record public footpath or public bridleway rights was afforded a higher priority. Later on, the process of recording UCRs as byways open to all traffic was effectively suspended because the Ordnance Survey indicated that they would be showing such routes on their published maps as being an "Other route with public access". Although, on that basis, members of the public would still be unclear as to precisely what rights they had over routes identified in this fashion.
- 2.4 The most recent advice from DEFRA (paragraph 4.42, Rights of Way Circular 1/09) is that inclusion on the List of Streets may provide evidence of vehicular rights but that this should be examined on a case by case basis. In view of this advice, it is considered prudent to evaluate the status of the U4038 unclassified County road based upon more than simply its inclusion in the List of Streets.

3. LANDOWNER EVIDENCE

- 3.1 By letter, dated 31st May 2018, Northumberland Estates responded to the

consultation, stating:

**“Parish of Brinkburn Proposed Byway Open to All Traffic No 26
Plan 13**

This route is already an adopted highway according to Northumberland County Council. The route has issues re poor maintenance. The Estate do not believe there is any requirement for a BOAT to be created due to the road adoption but do require NCC to maintain it.”

4. CONSULTATION

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

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

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

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

4.3 By email, on 12th April 2018, the British Horse Society responded to the consultation, stating:

“Alleged Byway Open to All Traffic 26 (Brinkburn Station)

This is a useful route for walkers, cyclists and horse riders as it leads to both public footpaths and a public bridleway. St Oswalds’s Way also connects to it. It will also be used by vehicles as access to Butterknowes and West Raw Farms. The BHS supports its addition to the definitive map.”

5. DOCUMENTARY EVIDENCE

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

1769 Armstrong’s County Map

Although there is an east-west route passing The Raw, there is no evidence of a road or track approximating to the route of alleged Byway No 26.

1820 Fryer’s County Map

There is clear evidence of an “Other road” approximating to the most southerly half of the route of alleged Byway No 26.

1827 Cary's Map

There is clear evidence of a "Parochial road" approximating to the route of alleged Byway No 26.

1828 Greenwood's County Map

There is clear evidence of a "Cross road" closely approximating to the route of alleged Byway No 26.

1866 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a mostly enclosed road / track over the route of alleged Byway No 26. The railway and Brinkburn station have yet to be constructed.

1897 Ordnance Survey Map: Scale 1:2500

There is clear evidence of an enclosed road / track over the route of alleged Byway No 26.

1899 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a mostly enclosed road / track over the route of alleged Byway No 26.

Finance Act 1910 plan

There is clear evidence of a mainly enclosed road / track over the route of alleged Byway No 26. The route is identified as being separate from the adjacent land by coloured boundaries. This is a good indication that the road was considered to be public at that time.

1923 Ordnance Survey Map: Scale 1:2,500

There is clear evidence of a mostly enclosed road / track over the route of alleged Byway No 26.

1925 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a mostly enclosed road / track over the route of alleged Byway No 26.

1951 Highways Map

The route of alleged Byway Open to All Traffic No 26 is coloured so as to identify it as a publicly maintainable road. It is labelled as "U4038".

c.1952 Definitive Map – original Survey Schedules & Map

The route of alleged Byway Open to All Traffic No 26 exists on the map as a brown coloured line. Known public roads were generally coloured brown to indicate what the extent of the road network was considered to be.

Draft Map

The route of alleged Byway Open to All Traffic No 26 exists on the base map. It is not identified for inclusion on the Definitive Map as either a public footpath, public bridleway or Road Used as a Public Path (RUPP). Two public footpaths and one public bridleway are shown beginning or terminating on the route of the alleged byway.

Provisional Map

The route of alleged Byway Open to All Traffic No 26 exists on the base map. It is not identified for inclusion on the Definitive Map as either a public footpath, public bridleway or Road Used as a Public Path (RUPP). Two public footpaths and one public bridleway are shown beginning or terminating on the route of the alleged byway.

1957 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a mainly enclosed road / track over the route of alleged Byway Open to All Traffic No 26.

1958 County Road Schedule

The entry for the U4038 road, in the 1958 County Road Schedule, states:

“U4038 East Row – Brinkburn Station Road
From C168 at East Row to Brinkburn Station.”

The length of the U4038 road is identified as 0.64 miles.

1962 Original Definitive Map

The route of alleged Byway Open to All Traffic No 26 exists on the base map, but is not identified as a public footpath, public bridleway or Road Used as a Public Path (RUPP).

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

Public Footpath No 6 (Brinkburn)

“From Footpath No 16 in the Parish of Cartington at that parish boundary in a south-easterly and south-westerly direction 45 by the West Row to join the Brinkburn Station - East Row road, east of Brinkburn Station.

Public Bridleway No 7 (Brinkburn)

“From Bridleway 17 in the Parish of Cartington at that parish boundary in a south-easterly direction crossing the bridge over the British Railway Lines to join the public road at Brinkburn Station.”

Public Footpath No 10 (Brinkburn)

“From the Brinkburn Station - East Row road in an easterly direction to join the Pauperhaugh - East Row road south of the bridge over the River Coquet.

First Review Definitive Map (Relevant Date 1 Nov 1963)

The route of alleged Byway Open to All Traffic No 26 exists on the base map, but is not identified as a public footpath, public bridleway or Road Used as a Public Path (RUPP).

1964 Highways Map

The route of alleged Byway Open to All Traffic No 26 is coloured so as to identify it as a publicly maintainable road. It is labelled as "U4038".

1964 County Road Schedule

The entry for the U4038 road, in the 1964 County Road Schedule, states:

"U4038 East Row – Brinkburn Station Road
From C168 at East Row north-westwards to Brinkburn Station."

The length of the U4038 road is identified as 0.64 miles.

1974 County Road Schedule

The entry for the U4038 road, in the 1974 County Road Schedule, states:

"U4038 East Row – Brinkburn Station Road
From C168 at East Row (NZ 093988) north-westwards to former Brinkburn Station (NZ 088996)."

The length of the U4038 road is identified as 0.64 miles.

2005 Ordnance Survey Explorer 340 Map: Scale 1:25,000

There is clear evidence of an enclosed track over the route of alleged Byway Open to All Traffic No 26. The route is shown as a yellow line. In the map key, under "Roads and Paths" the yellow line symbol denotes "Road generally less than 4 metres wide"

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

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

6. SITE INVESTIGATION

- 6.1 From a point marked T, on the C168 road, 15 metres south of 'East Raw', a 3 metre wide tarmac surfaced track, in a 5.5 to 9 metre wide corridor proceeds in a general north-westerly direction for a distance of 690 metres, to a point 90 metres south-west of West Raw Farm. Thereafter, a 3 metre wide tarmac track, in a 6 to 8 metre wide corridor, continues in a westerly direction for a distance 255 metres, and then a 3 metre wide stone surface track, in a 6 to 7 metre wide corridor, proceeds in a northerly direction for a distance of 25

metres to a field gate, at a point marked U, 20 metres south east of Brinkburn Station Cottage.

7. COMMENTS RECEIVED ON THE DRAFT REPORT

- 7.1 In November 2023, a draft copy of the report was circulated to those landowners / occupiers who responded to the initial consultation for their comments.
- 7.2 By letter, dated 21 November 2023, Northumberland Estates, the landowner, made the following comments in relation to the draft report:

“Wildlife & Countryside Act 1981 - Review of the Definitive Map and Statement of Public Rights of Way-Alleged Byway Open to All Traffic No 26 (Parish of Brinkburn)

I refer to your letter of 8th November 2023.

I would wish to reiterate the point that in our view we do not consider it necessary to change the designation of the route to a Byway Open to All Traffic bearing in mind the fact that the route in question is an existing adopted highway and consequently it should be quite clear to all potential road users that this is a public right of way. The Estate is not endeavouring to argue, as might be concluded by paragraph 8.14 to your report, that notwithstanding the route being referred to in the Council's List of Streets of publicly maintained roads, that there are no public rights of way over it.

Whilst I accept that this is not the purpose of your current proposal or consultation, I would also stress that the Northumberland Estates would be resistant to any future move to have the route no longer designated as being publicly maintained, in light of its significance for those living in and moving around the locality.”

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 route of alleged Byway Open to All Traffic No 26 is identified on the County Council's current List of Streets as being the U4038 road. The whole route appears to have been identified on both the Council's 1951 Highways Map and the later 1964 Highways Map. It was also included in the 1958, 1964 and 1974 County Road Schedules.
- 8.5 The route has been consistently identified as a mainly enclosed road / track on Ordnance Survey maps since 1866. Although the route is not shown on Armstrong's County Map of 1769, it is shown on Fryer's and Greenwood's County Maps of 1820 and 1828 and on Cary's Map of 1827. On the plan, prepared under the Finance Act 1910, the route is clearly identified as being separate from the adjacent land by coloured boundaries, indicating it was considered to be public at that time.
- 8.6 Although other public rights of way were identified nearby, with two public footpaths and one public bridleway identified as either beginning or ending on the route, the route itself was not included on the Draft, Provisional or original Definitive Maps as a footpath, bridleway or Road Used as Public Path (RUPP). On the Survey Map the route is coloured brown in the same way that other public roads were identified.
- 8.7 The County Council accepts that, given the way the regulations were written with regard to the way highway authorities could include publicly maintainable highways in the List of Streets, there was no impediment to public bridleways and public footpaths also being included. That is not to say that any bridleways or footpaths were so shown – just that they could be. It must, therefore, be entirely proper to consider each UCR on a case by case basis, but that does not mean that we should begin with the assumption that each UCR is no more than a public footpath unless higher rights can be proven by other means. In Northumberland there is no evidence to suggest that public footpaths and public bridleways were deliberately shown on the 1958, 1964 or 1974 County Road Schedules (forerunners of the modern day List of Streets). The fact that a route is shown on these schedules must, therefore, be evidence of some weight that public vehicular rights exist.
- 8.8 Letters from DEFRA, dated 2003 and November 2006, and Rights of Way Circular 1/09 set out the approach Inspectors and order making authorities should take in determining the status of routes included on the List of Streets. In summary, the guidance states that the inclusion of a route on the List of Streets is not a record of what legal rights exist over that highway but may provide evidence of vehicular rights. However, this must be considered with all other relevant evidence in order to determine the nature and extent of those rights. Highway Authorities are recommended to examine the history of such routes and the rights that may exist over them on a case by case basis in order to determine their status.
- 8.9 The Natural Environment and Rural Communities Act 2006 (NERC Act 2006) had a major impact upon the recording of byways open to all traffic based upon historical documentary evidence. Under section 67 of the Act, any existing, but unrecorded, public rights of way for mechanically propelled vehicles were extinguished unless one of the 'saving' provisions applied. In

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

- 8.10 Of the saving provisions above, (b) will apply to the route of alleged Byway No 26. The public's motor vehicular rights would not have been extinguished by the NERC Act 2006.
- 8.11 For a route to be a byway open to all traffic, it has to be (i) a public motor vehicular right of way and (ii) a route which is nevertheless used (or is likely to be used) by the public mainly for the reasons which footpaths and bridleways are used.
- 8.12 Most of this route (from East Raw to 25 metres south-east of Brinkburn station) has a reasonable driveable tarmac surface. This part of the route will be used by those living at the dwellings at 1 and 2 East Raw, Beacon View, Glenlaw, Butterknowes Farm and West Raw, their visitors and also by farm traffic. The remaining most northern 25 metres of the route has a rougher stone / earth / grass surface and will be used by those living at Brinkburn Station Cottage and their visitors. From my site visit, the route would also appear to be well used by non-motorised traffic.
- 8.13 The Northumberland Estates has suggested that it is not necessary for this route to be recorded as a byway open to all traffic; public rights over the route not being in doubt, by virtue of it already being recorded on the Council's List of Streets. Of course, being recorded on the List of Streets does not prove a route's status - it is more a statement about maintenance liability. A number of landowners in Northumberland (including The Northumberland Estates) have, in the recent past, argued that certain routes on the Council's List of Streets have no public rights of way over them, whatsoever.
- 8.14 Responding to the draft report, The Northumberland Estates has indicated that they do not consider it necessary to "change" the designation of the route to byway open to all traffic. This implies that it currently has some other designation, which will be altered by this process. This is not the case. The route currently has no status identified. It is recorded on the Council's List of Streets as the U4038 road, and will remain so recorded; but being on the list of Streets is a statement about maintenance liability, not the public rights that exist over it. Its physical appearance is no guarantee of status. There are many minor roads and tracks that are private roads with only public footpath or bridleway rights over them - and sometimes no recognised public rights over them whatsoever.
- 8.15 The Northumberland Estates also argued that "Bearing in mind the fact that the route in question is an existing adopted highway ... consequently it should be quite clear to all potential road users that this is a public right of way." But the road isn't an "adopted highway". We don't have any adoption records, per se, for this route. It is recorded on the Council's List of Streets having been identified as a publicly maintainable highway since the 1950s. The status of the route isn't quite as certain as the Northumberland Estates appears to be suggesting and, as indicated earlier, some landowners (including the Northumberland Estates, as recently as 2016) have argued that some U roads

are not public vehicular highways or, in some instances, not even public rights of way of any description. These challenges have sometimes been made in circumstances where the provenance of the road is bolstered by the existence of a 1930s Handover Map and a map and / or schedule prepared under the Restriction of Ribbon Development Act 1935 - documents which aren't available to support the status of routes in the former Rothbury RDC area.

- 8.16 Advice from the Planning Inspectorate in their 'consistency guidelines' states that it is important to have the correct width, where known, recorded in the definitive statement. Usually there is a boundary to boundary presumption for public highways. However, where no defined corridor exists, and there is no (usually) documentary evidence to establish width, the Council has adopted a standard width of 5 metres (wide enough for two vehicles travelling in opposite directions to pass each other) for vehicular rights of way. On this basis it is proposed to record Byway Open to All Traffic No 26 with a width varying from 5.5 to 9 metres, as identified in paragraph 6.1 above.

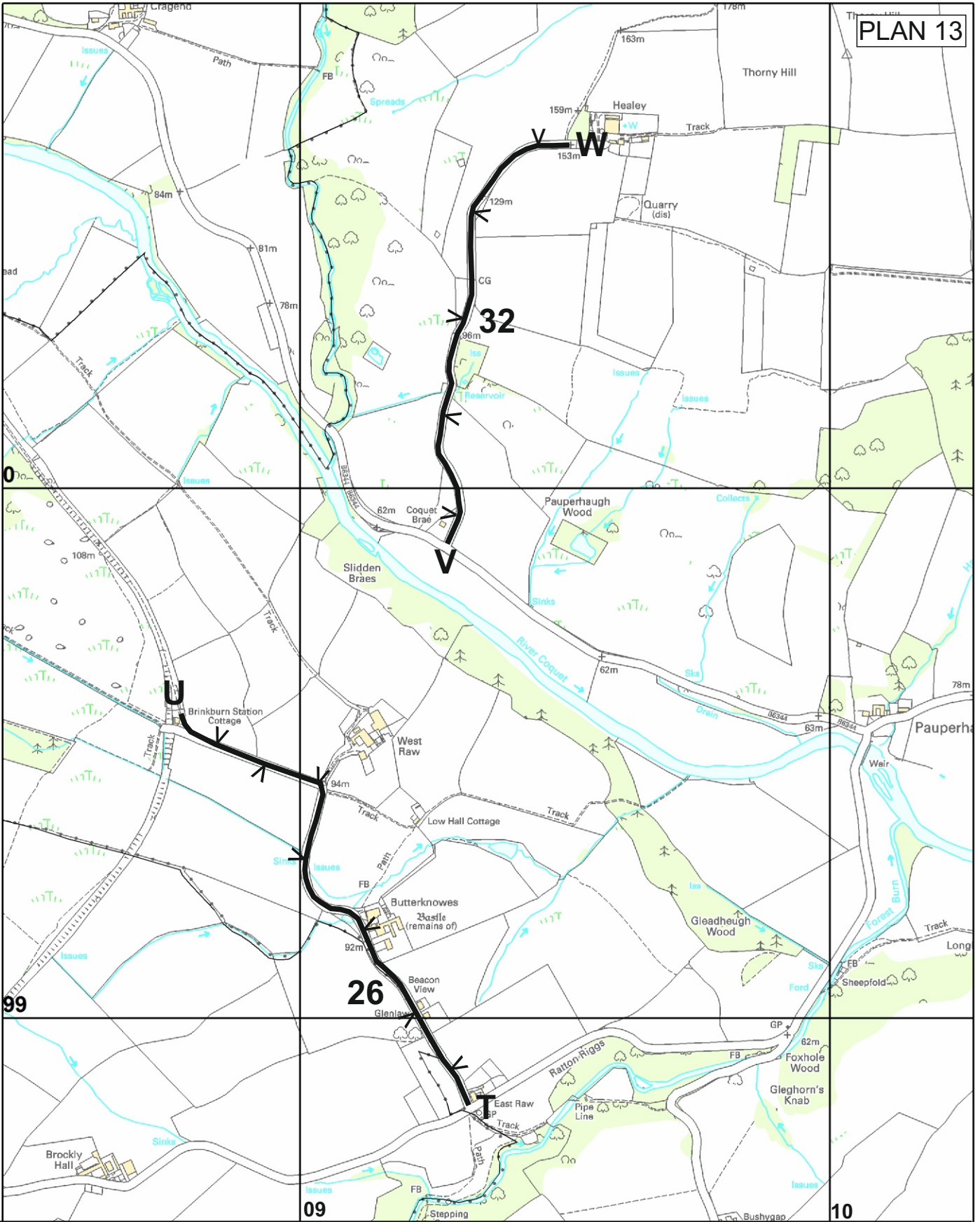
9. CONCLUSION

- 9.1 In light of the documentary evidence submitted, it appears that public vehicular rights have been reasonably alleged to exist over the route of alleged Byway Open to All Traffic No 26.
- 9.2 The Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motor vehicular rights over the route. It would be appropriate to recognize the public's rights over the route by recording it on the Definitive Map as a byway open to all traffic.

BACKGROUND PAPERS

Local Services Group File: 107/026z

Report Author Zara Quinn – Definitive Map & Search Technical Officer
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Zara.Quinn@Northumberland.gov.uk



NORTHUMBERLAND

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

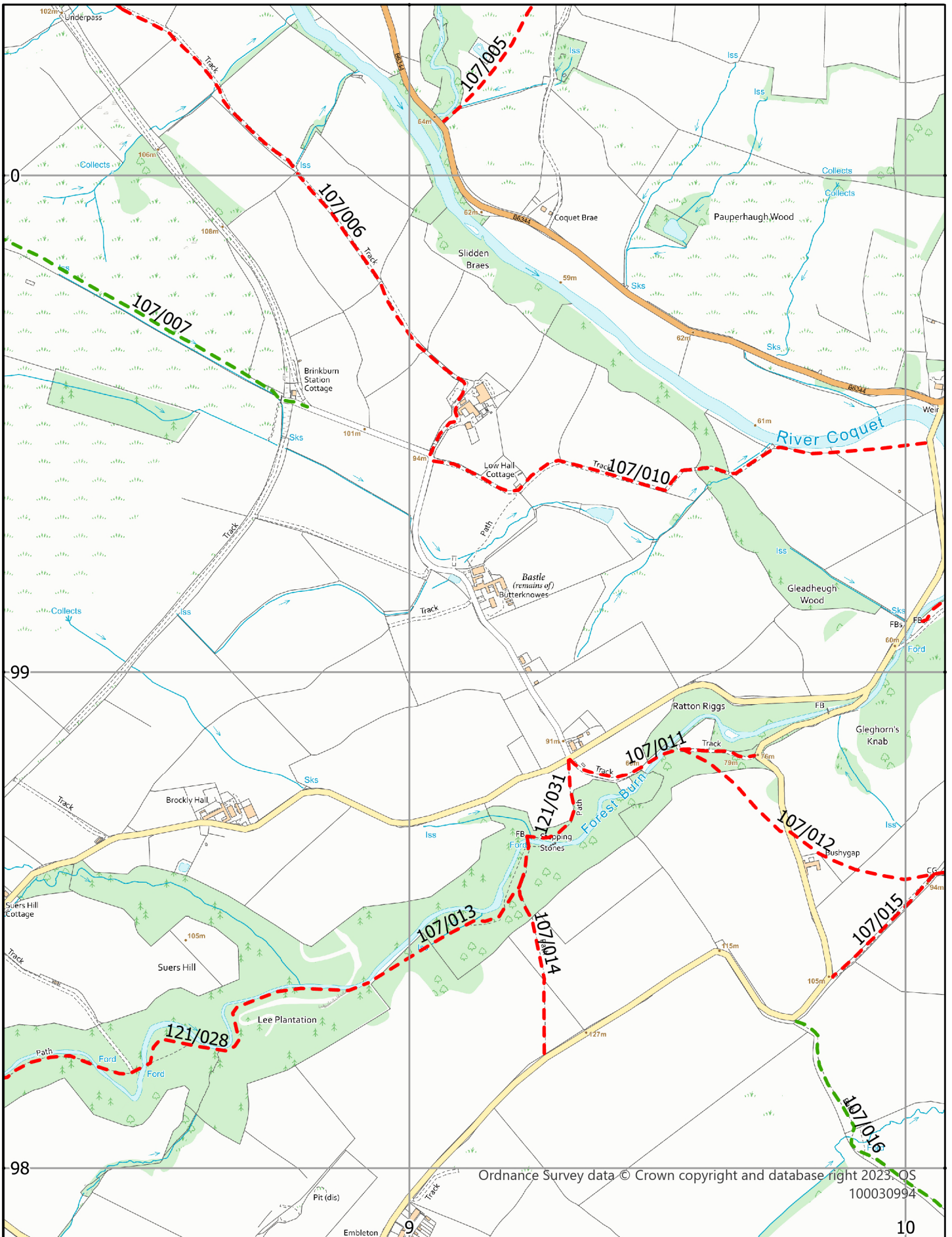
Wildlife and Countryside Act 1981 Public Rights of Way



Alleged Byway Open to All Traffic

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Former District(s) Alnwick	Parish(es) Brinkburn	Scale 1:10,000
Def. Map No. 94/109	O.S. Map NU 00 SE/ NZ 09 NE	Date October 2016



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

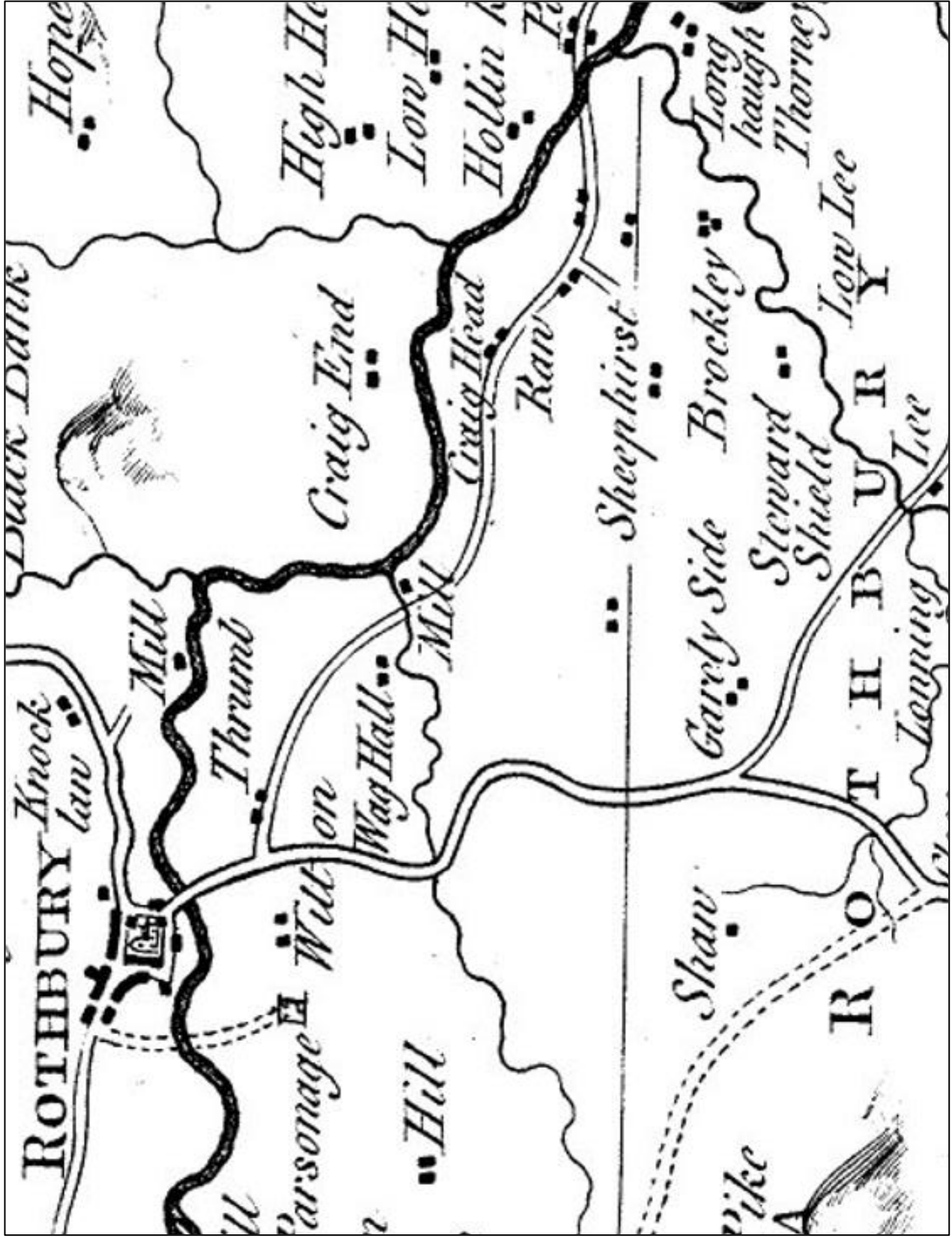
Legend

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

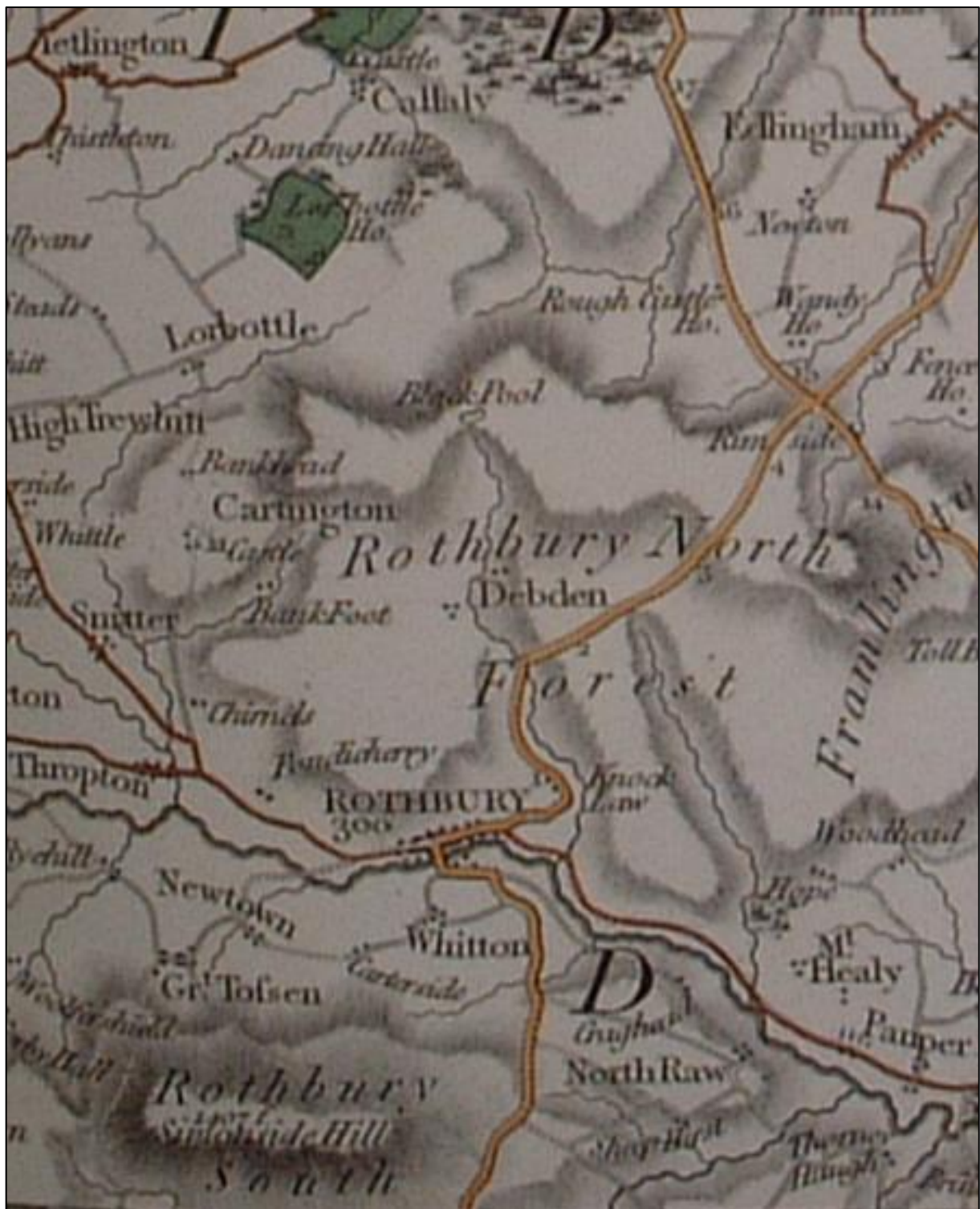
This is a computer generated extract of the Working Copy of the Definitive Map of Public Rights of Way

Scale 1:10,000

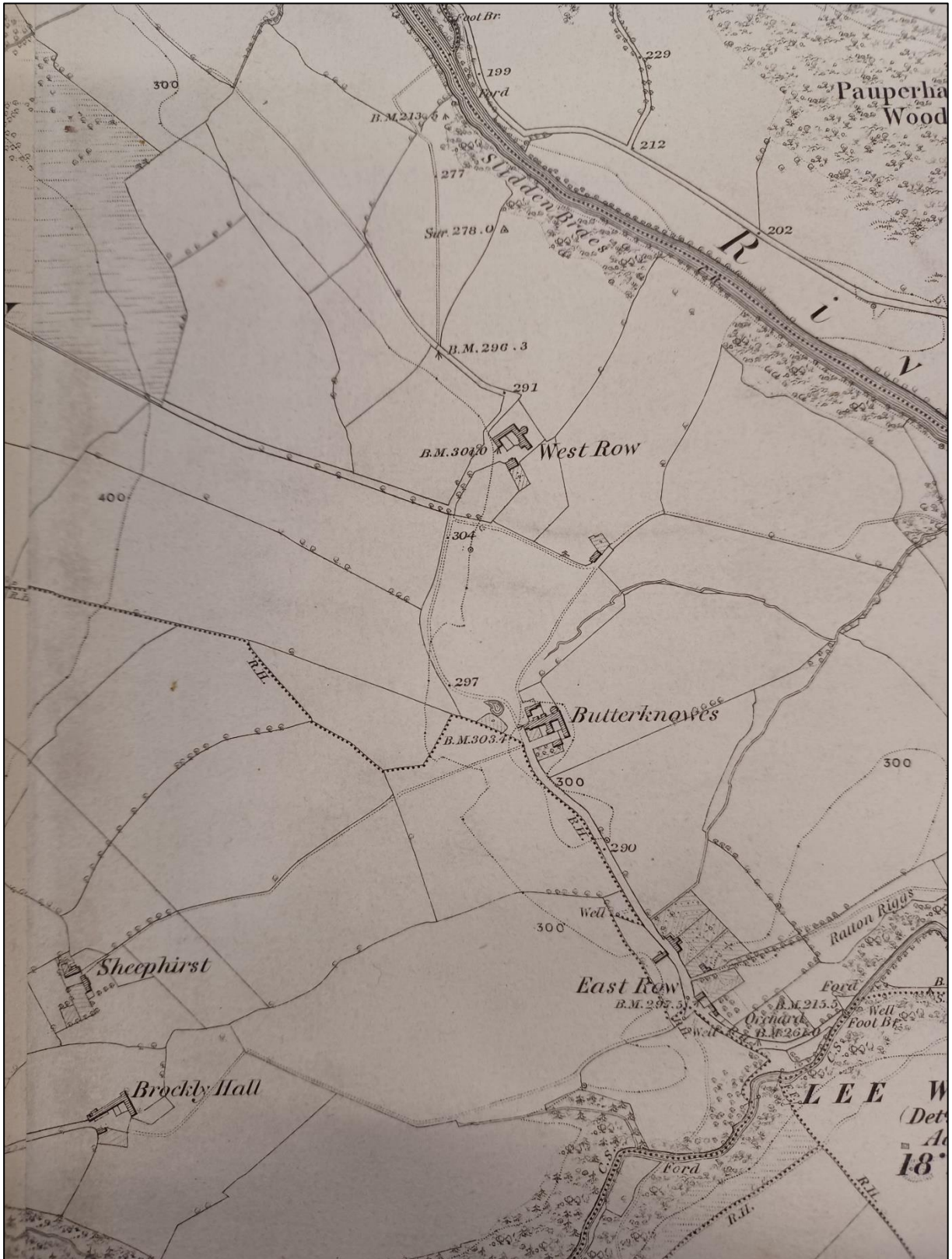
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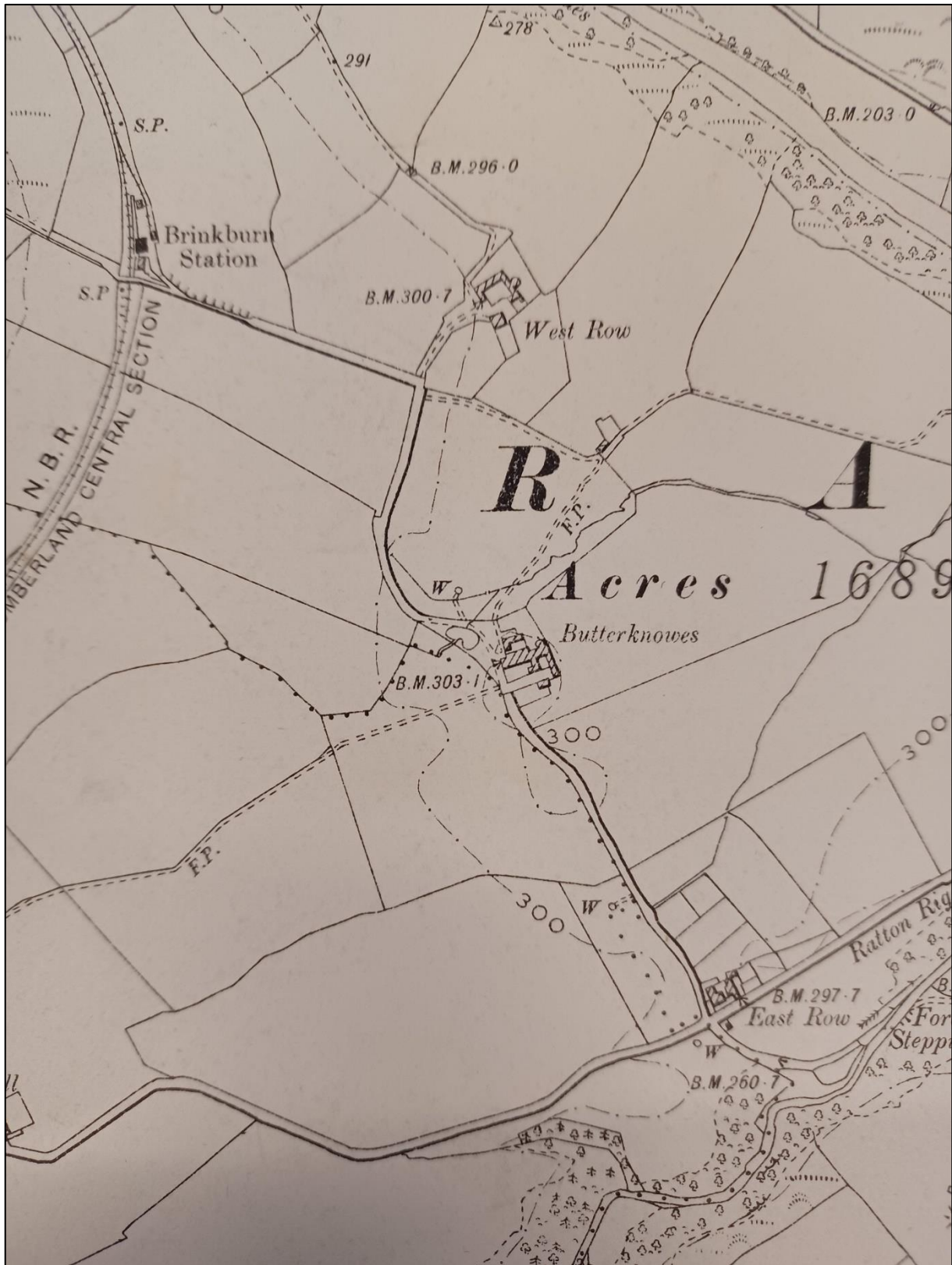






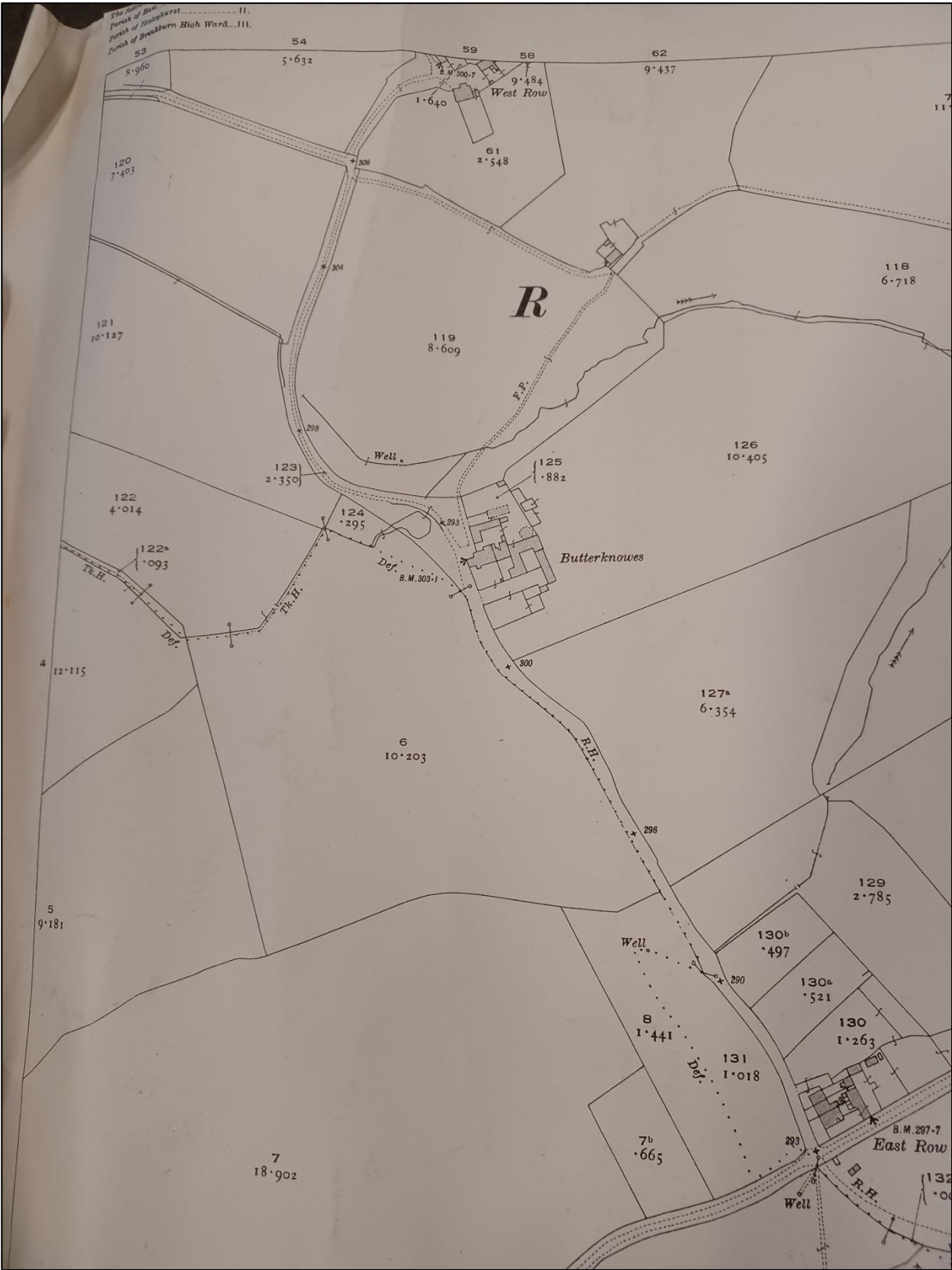
2nd Edition 25" O.S. Map
1897

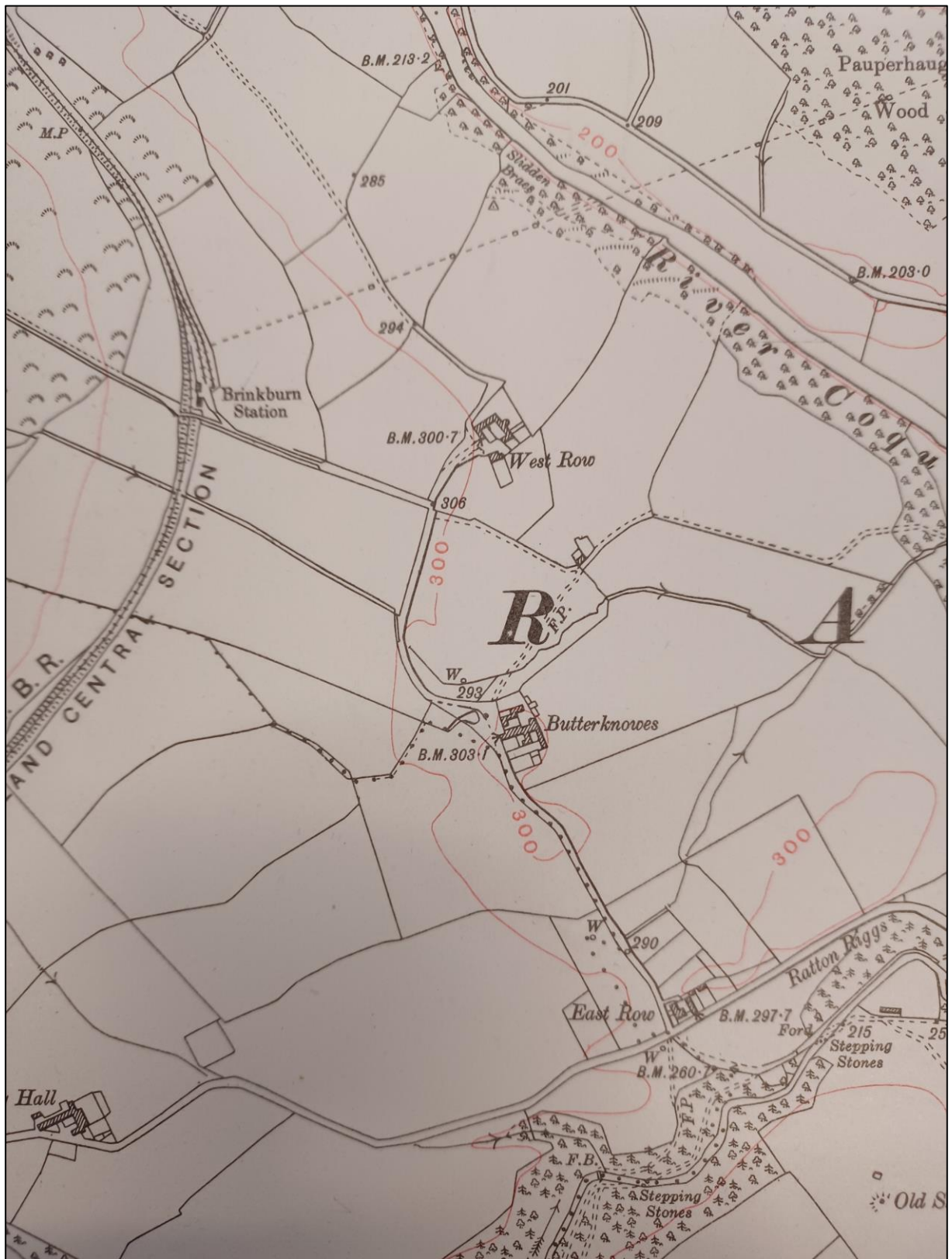


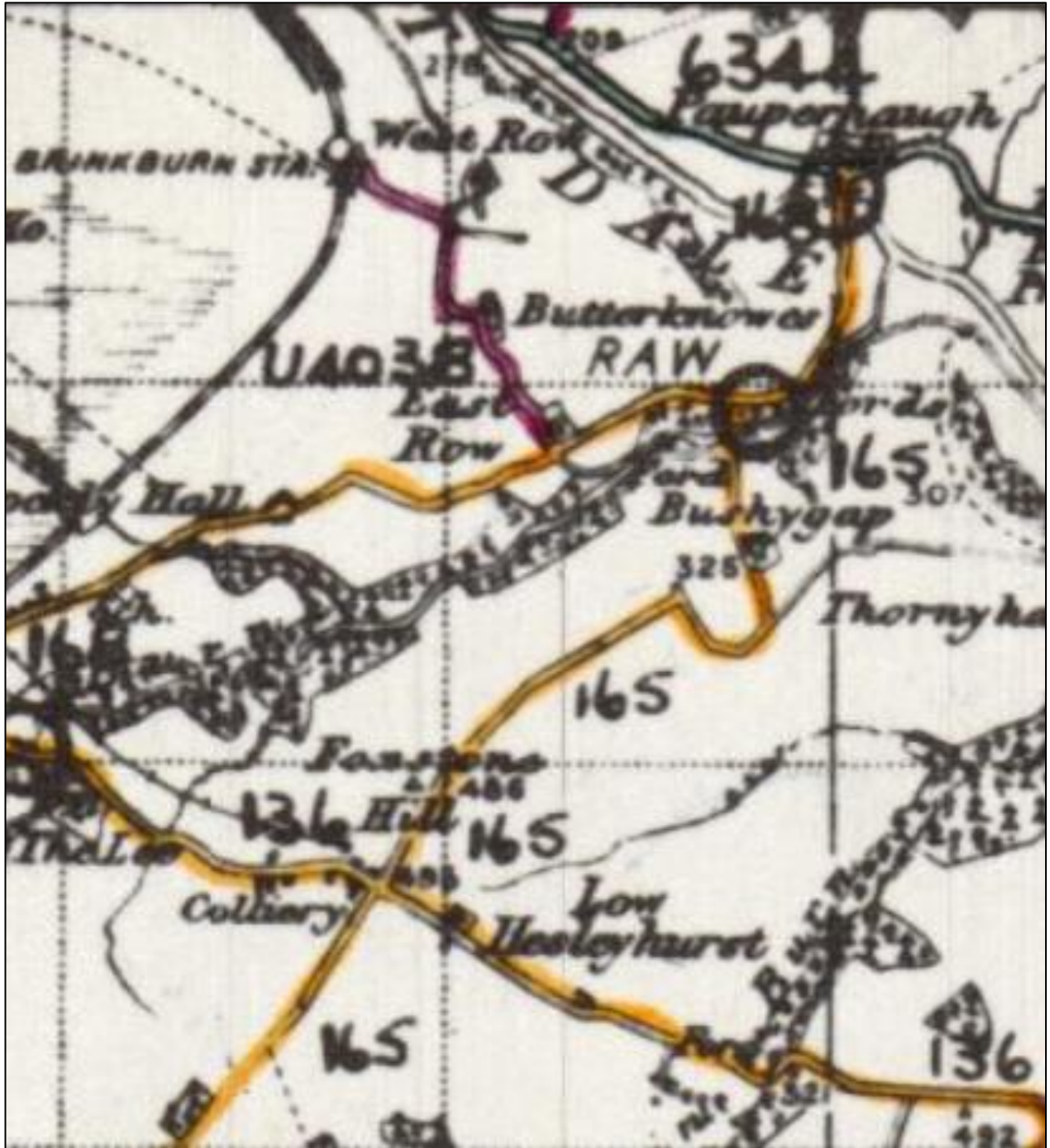


Finance Act 1910 Plan

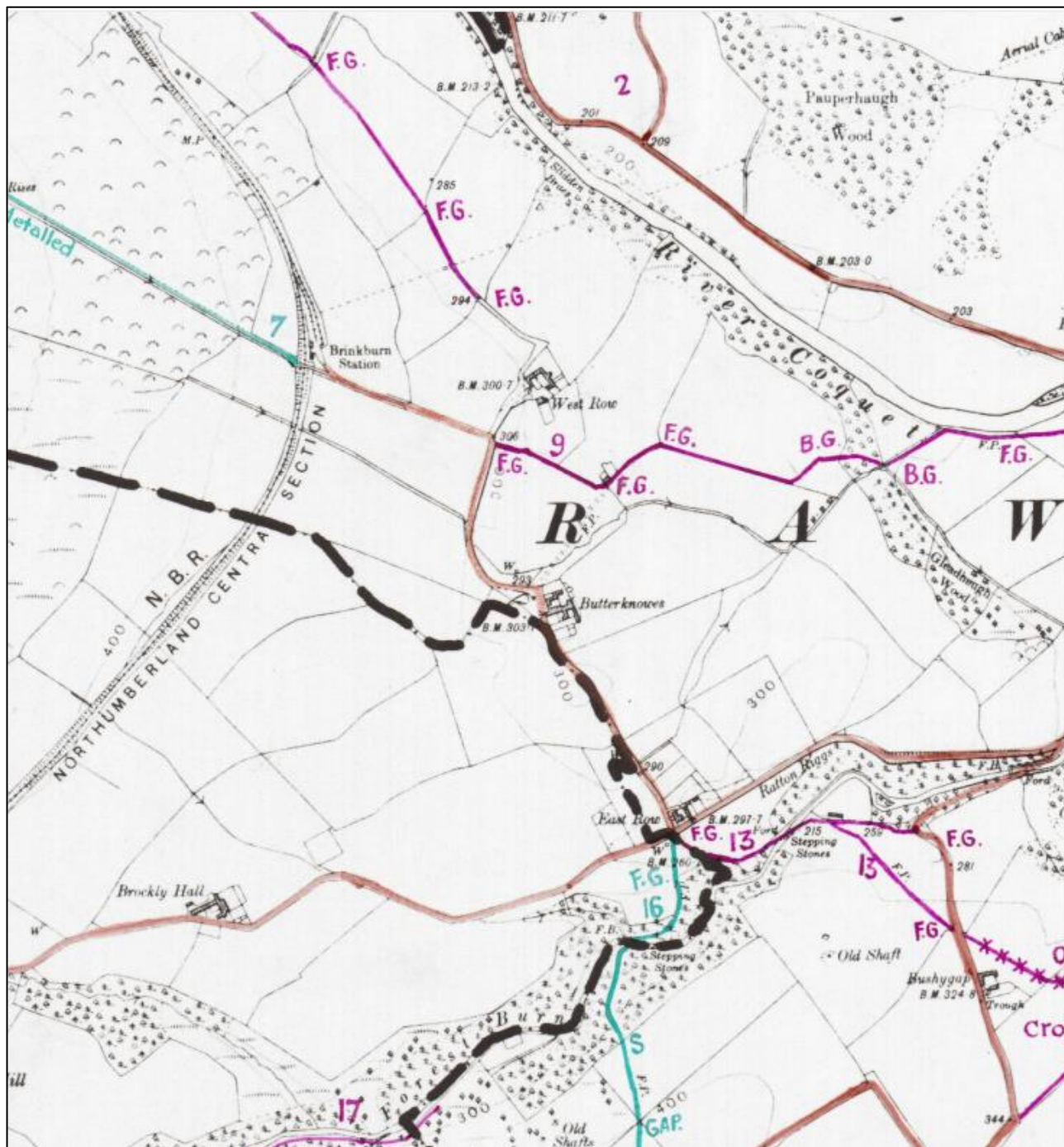








Definitive Map – Original Survey Schedules & Map
c. 1952



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

Parish of RAW in the Rural District of _____

Borough District } of ROTHBURY
~~Rural~~ District } (Delete whichever is inapplicable).

1. Number of highway on Map 7 2. Kind of Path (i.e., P.P., B.R.) BR
3. Starts at BRINKWELL STATION to WINDRUP
4. Name of Path (if any) NIL
5. Is the Path well defined? Partly
6. Is the Path metalled? If so, define length YES over half its length
7. If its width can be stated, insert here 8'
8. What is the present condition of the path, stiles, etc.? Private
9. Is it subject to being ploughed out? Yes
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known NIL
11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant NIL
12. Have persons been prevented using the highway? Not known
13. Give particulars of any obstructions NIL
14. Names of owners of freehold and previous owners, if known, for past 30 years
CHARLES WETT RAW Tenant
CARR WATSON FTI "
DUKE OF NORTHUMBERLAND
15. What maps have been consulted, and where are they deposited?
/
16. What records have been consulted, and where are they deposited?
/
17. Any other relevant information
Not used much.

Surveyed by	Address	Date of Survey
<u>R. D. Hill</u>	<u>Private Longhampton</u>	<u>3/5/53</u>

Important :- Sheet No. of Map on which Highway is shown
285 | 45 | 50 NW

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

Parish of RAW in the Rural District of _____

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

1. Number of highway on Map 8 2. Kind of Path (i.e. F.P., B.R.) F.P. FARM ROAD
3. Starts at WEST RAW to CRAGHEAD
4. Name of Path (if any) Nil
5. Is the Path well defined? YES
6. Is the Path metalled? If so, define length YES OR
7. If its width can be stated, insert here 7/8'
8. What is the present condition of the path, stiles, etc.? SUITABLE for farm use
9. Is it subject to being ploughed out? NO
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known

Nil

11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant

Used to be a F.P. but path as it crosses next parish (ROSDEN) washed away by flood. F.P. west of CRAGHEAD as shown on map is non-existent

12. Have persons been prevented using the highway? NO
13. Give particulars of any obstructions See 11

14. Names of owners of freehold and previous owners, if known, for past 30 years

DUCE OF NORTHUMBERLAND
CARR Waytail Farm (Tenant)

15. What maps have been consulted, and where are they deposited?

16. What records have been consulted, and where are they deposited?

17. Any other relevant information

Suggest no longer required for public use

Surveyed by	Address	Date of Survey
<u>R. D. ...</u>	<u>Pringale Layparlington</u>	<u>3/5/53</u>

Important :- Sheet No. of Map on which Highway is shown

285 / 45 / 51NW

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

Parish of RAW in the Rural District of _____

Borough ECCLES District of ROTHBURY
(Delete whichever is inapplicable).

10

1. Number of highway on Map 9
2. Kind of Path (i.e., F.P., B.R.) FP
3. Starts at S. OF WEST RAW ROW to PAUPER HAUGH Bridge
4. Name of Path (if any) N.L.
5. Is the Path well defined? Yes
6. Is the Path metalled? If so, define length NO
7. If its width can be stated, insert here Varies FP wide 1' / 3'
8. What is the present condition of the path, stiles, etc.? See map OK

9. Is it subject to being ploughed out? No
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known
N.L.

11. Grounds for believing the path to be public (if known), e.g. "Awarded," "Repaired at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant
Previously the route from Pauperhaugh to Brambles station. The Station is not now used as such.

12. Have persons been prevented using the highway? NO
13. Give particulars of any obstructions See map
14. Names of owners of freehold and previous owners, if known, for past 30 years.
DUCE OF NORTHUMBERLAND
C. GRADY Pauperhaugh (Tenant)
Mr. Nilburne Bullinches (Tenant)

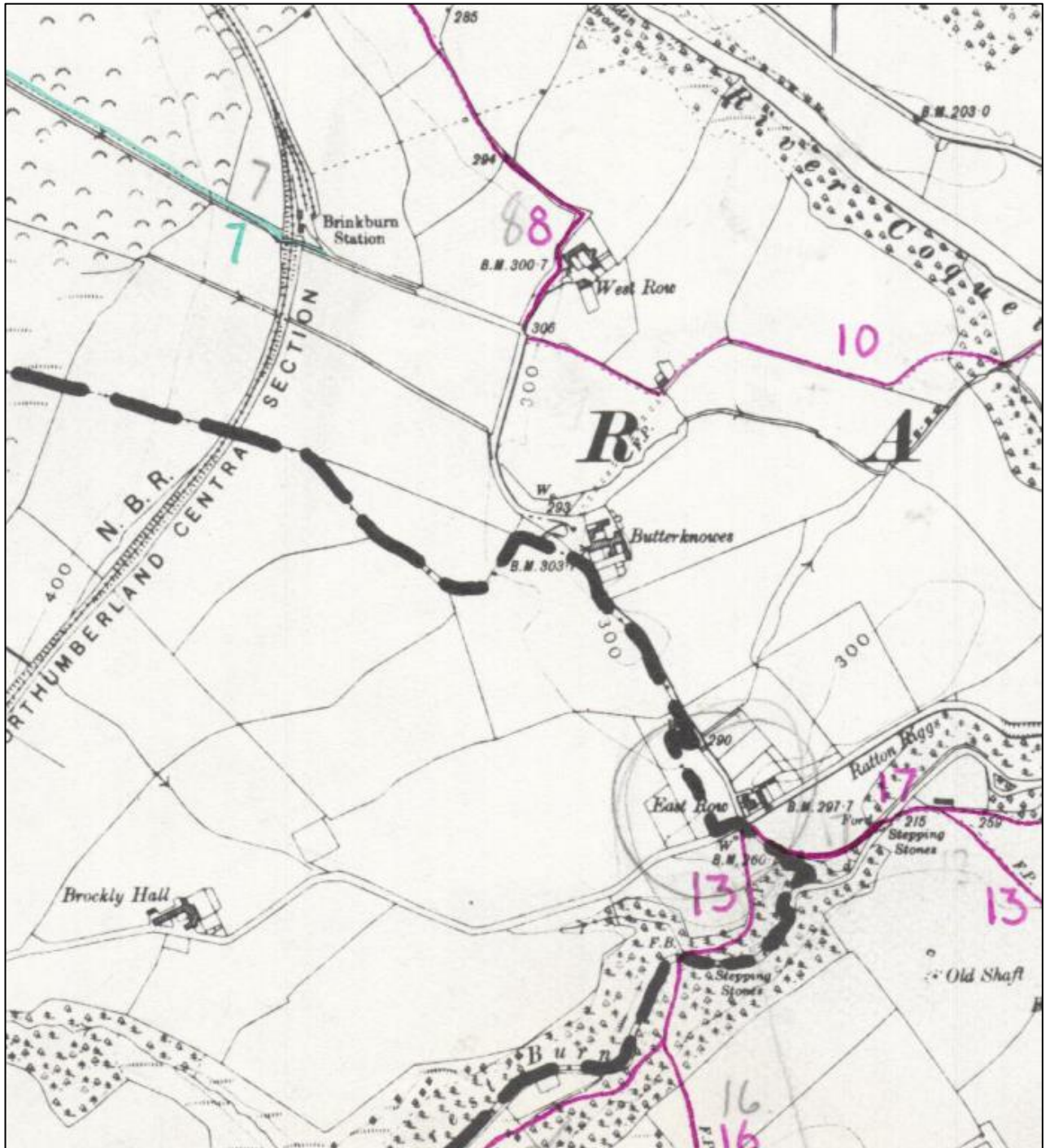
15. What maps have been consulted, and where are they deposited?
/

16. What records have been consulted, and where are they deposited?
/

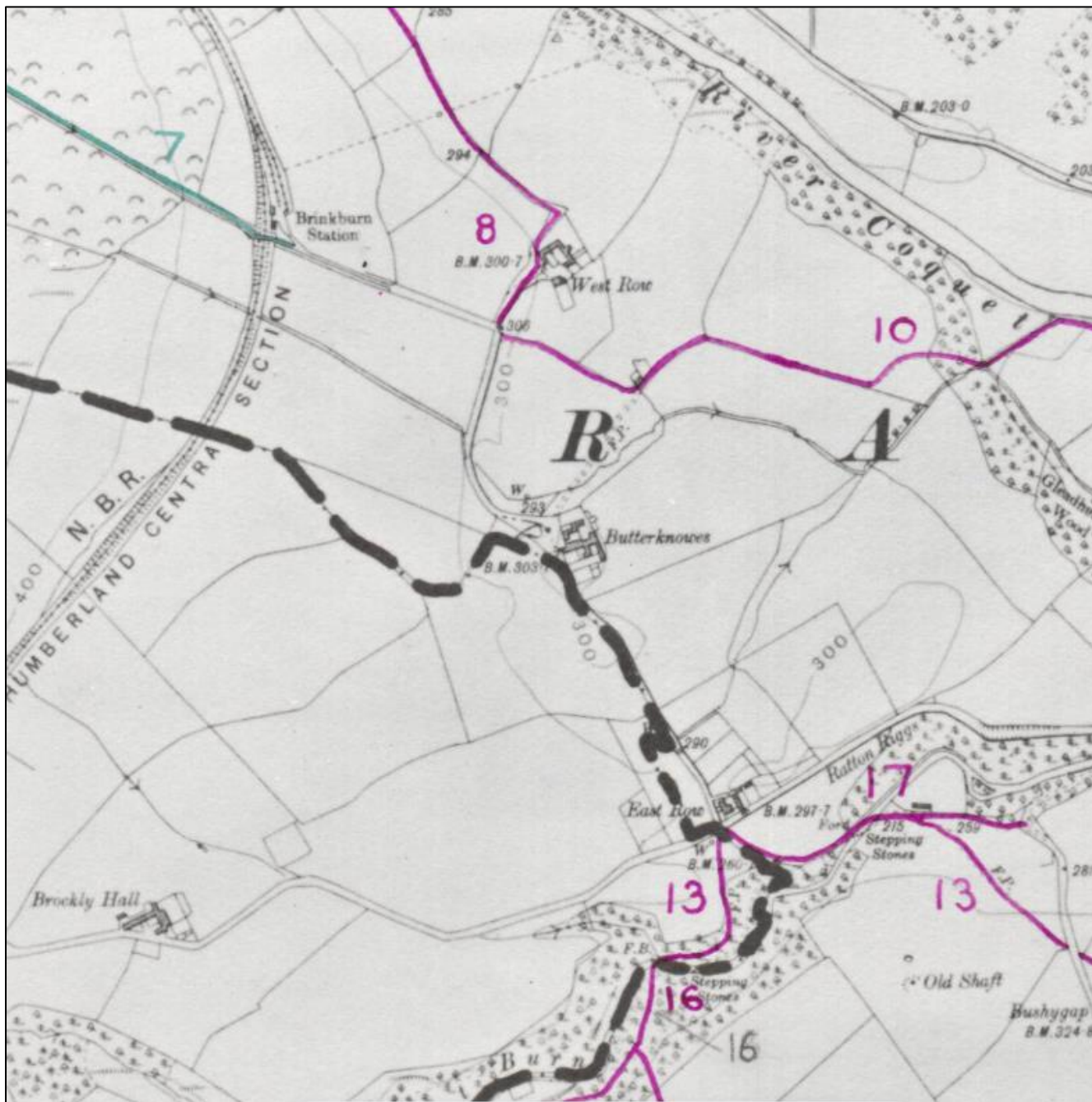
17. Any other relevant information As no longer used for original intention, little sign of its now being public. Useful as short cut from Pauperhaugh to West Row etc.

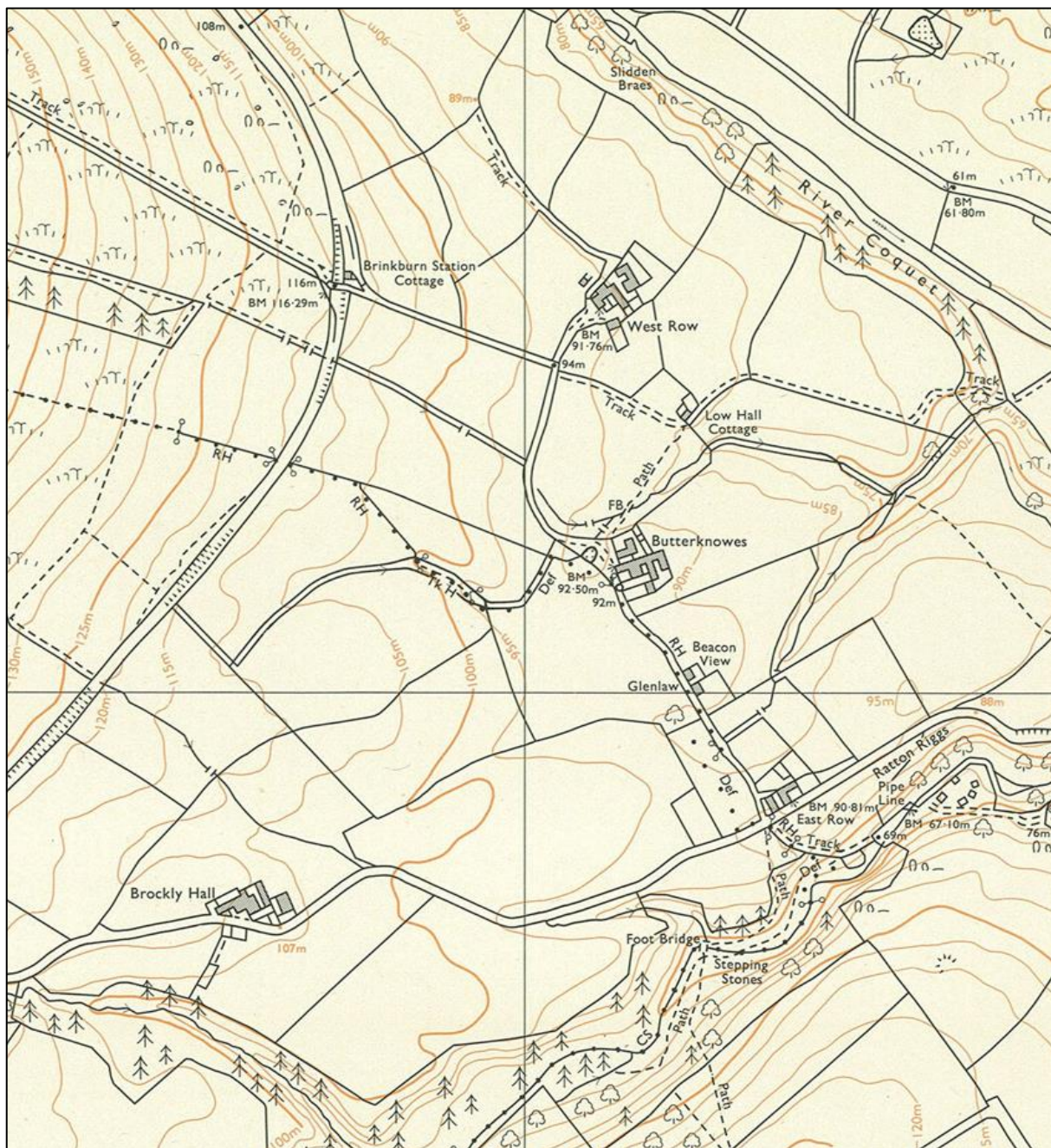
Surveyed by	Address	Dates of Survey
<u>R. Bullin</u>	<u>Pauperhaugh Longfoldington</u>	<u>3/5/53</u>

Important:—Sheet No. of Map on which Highway is shown
285 / 45 / 50 RW



Provisional Map



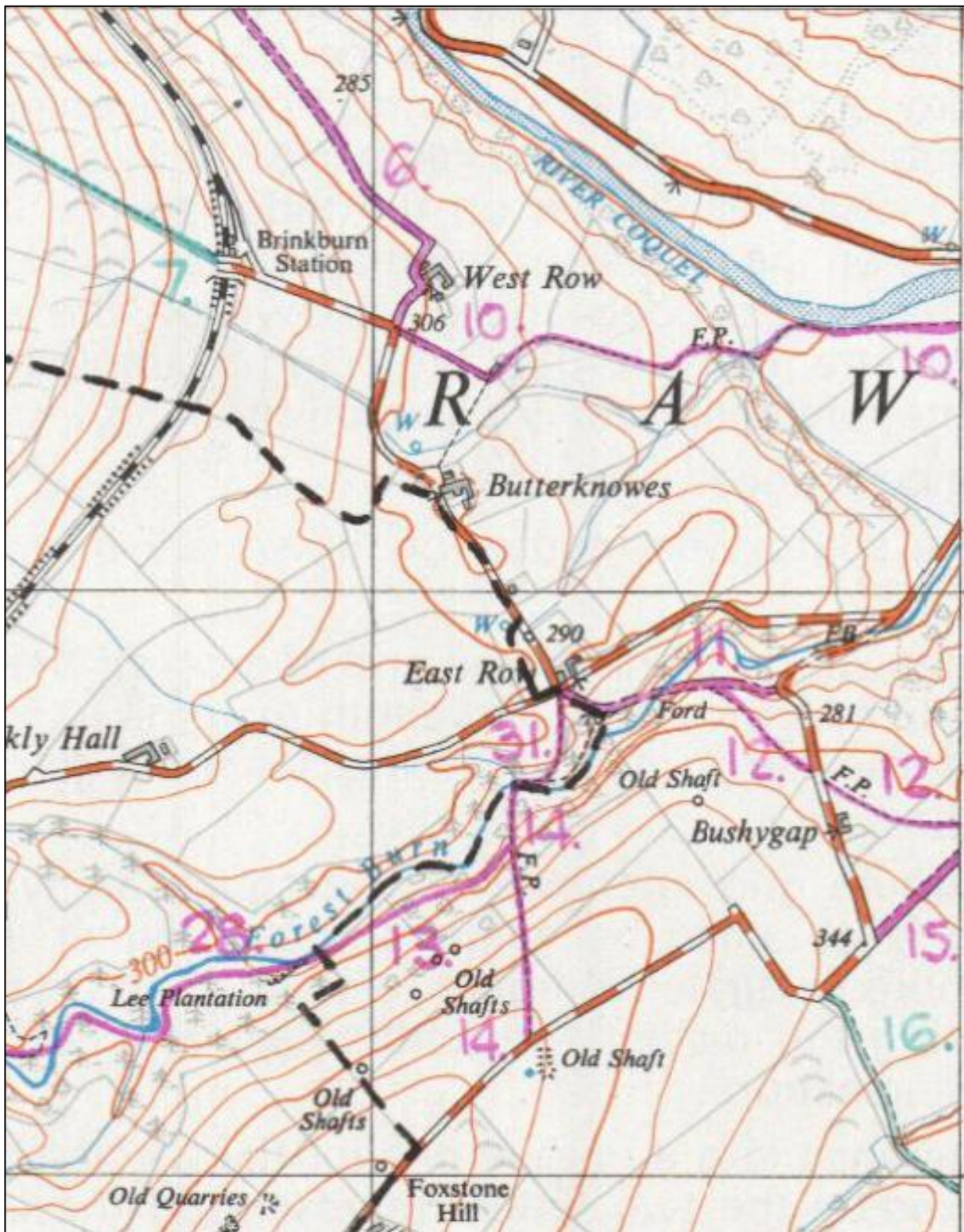


County Road Schedule 1958

MORPETH DIVISION

Unclassified Roads in Rothbury Rural District

U.4032	Bowershiel Road.	From B.6341 south of the entrance to North Riding to Middle Riding.	0.42
U.4033	Elsdon - Eastnook Road.	From B.6341 at Elsdon via Lendshot to Eastnook including Branch Road to Hudspeth.	3.33
U.4034	Folly Road	From B.6341 west of the Bird in the Bush (P.H.) Northwards for a distance of 550 yards towards the Folly.	0.32
U.4036	Rothley Village Road.	From C.161 to Rothley Village.	0.20
U.4037	Rothley Shiel Road.	From B.6342 at Rothley Shiel East via Rothley Shield West to B.6342 west of Rothley Crossroads.	1.81
U.4038	East Row - Brinkburn Burn Station Road.	From C.168 at East Row to Brinkburn Station.	0.64
U.4039	North Birks - Todstead Road, with link to Westerheugh.	From C.135 north of North Birks via Tod Burn and River Coquet to B.6344 at Todstead (L.264 mls) and branch road from near Folly over Todburn westwards to C.136 near entrance to Westerheugh (L.327 mls).	2.591
U.4040	Brinkburn High House - Westerheugh Road.	From B.6344 at Brinkburn High House to U.4039 east of the entrance to Westerheugh.	1.15
U.4041	Brinkburn High House - Hare Crossroad.	From B.6344 near Brinkburn High House via Coelshot to C.188 west of the entrance to the Hare Cross.	0.92
U.4044	Vicarage Road, Longframlington.	Late A.697 now by-passed.	0.26
U.4045	Old Road, Longframlington.	From U.4045 to High Veldon.	1.05
U.4046	High Veldon Road.	From C.188 west of Healey Cote North-westwards to Hope.	0.34
U.4048	Healey Cote - Hope Road.	From B.6344 west of Pauperhaugh to Healey.	1.24
U.4049	The Healey Road.		0.55
		Carried forward	<u>14.821</u> miles



NORTHUMBERLAND COUNTY COUNCIL.

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

PUBLIC RIGHTS OF WAY - STATEMENT.

1. Borough
Urban District
Rural District ROTHBURY

2. Parish BRINKBURN

3. Number of Footpath on Map 6

4. Name of Path

5. Kind of Path (i.e. FP/BR) FP (metalled 7' - 8' wide)

6. General Description of Path From FP 16 in the parish of Cartington at that parish boundary in a south-easterly and south-westerly direction by the West Row to join the Brinkburn Station - East Row Road east of Brinkburn Station.
.....
.....
.....

7. Other relevant information
.....
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.....
.....

NORTHUMBERLAND COUNTY COUNCIL.

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

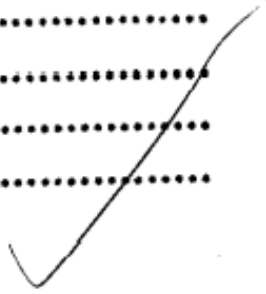
PUBLIC RIGHTS OF WAY - STATEMENT.

1. Borough
Urban District
Rural District

ROTHBURY
2. Parish

BRINKBURN
3. Number of Footpath on Map

7
4. Name of Path
5. Kind of Path (i.e. FP/BR) BR (metalled 8' wide).....
6. General Description of Path From BR 17 in the parish of Cartington at that
parish boundary in a south-easterly direction crossing the bridge over the
British Railway Lines to join the public road at Brinkburn Station.
.....
.....
.....
7. Other relevant information
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NORTHUMBERLAND COUNTY COUNCIL.

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

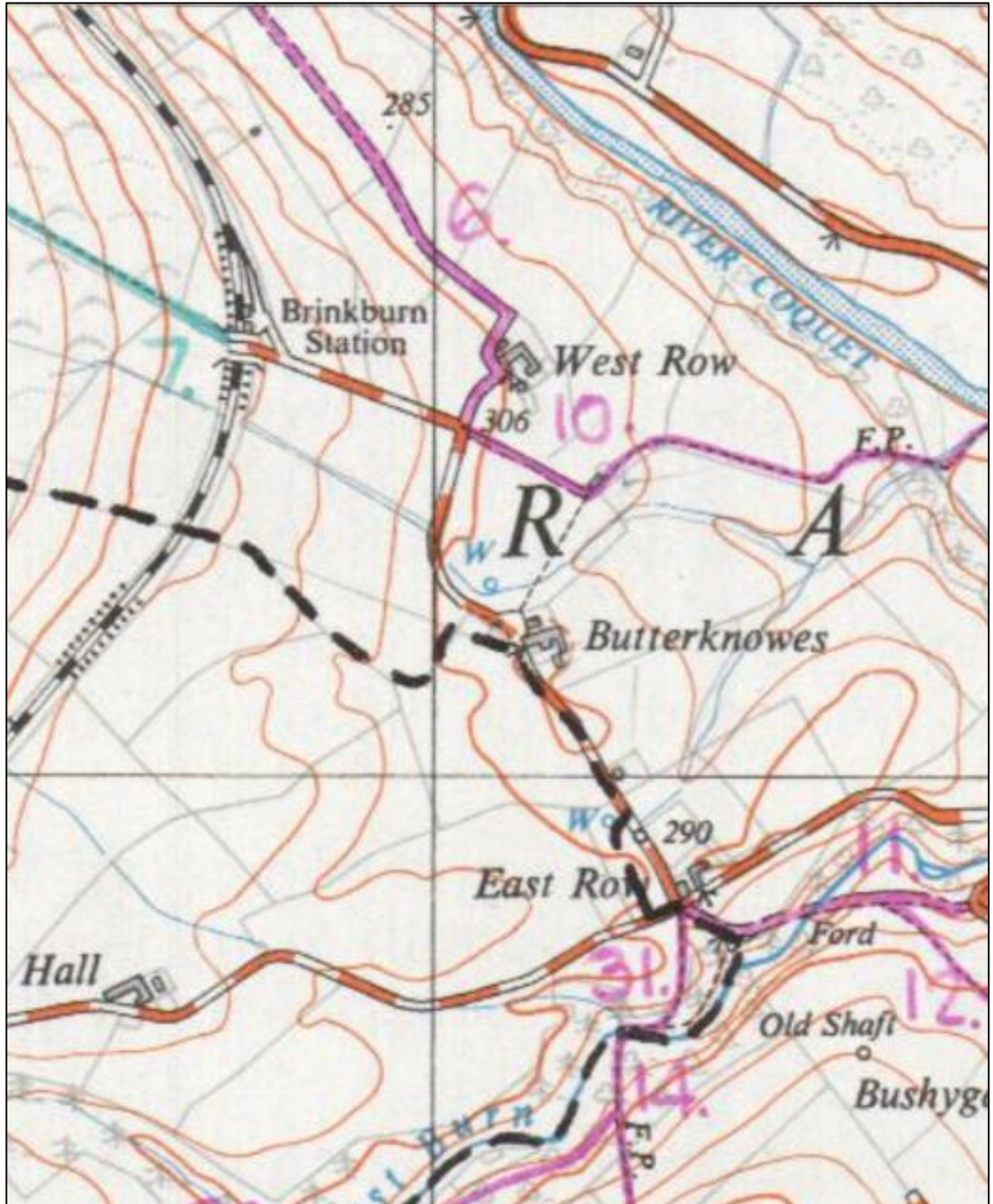
PUBLIC RIGHTS OF WAY - STATEMENT.

1. Borough
Urban District
Rural District ROTHBURY
2. Parish BRINKBURN
3. Number of Footpath on Map 10
4. Name of Path
5. Kind of Path (i.e. FP/BR) F.P. (1' - 2' wide)
6. General Description of Path From the Brinkburn Station - East Row Road
in an easterly direction to join the Pauperhaugh - East Row Road south of the
bridge over the River Coquet.
.....
.....
.....
7. Other relevant information
-
-
-
-
-

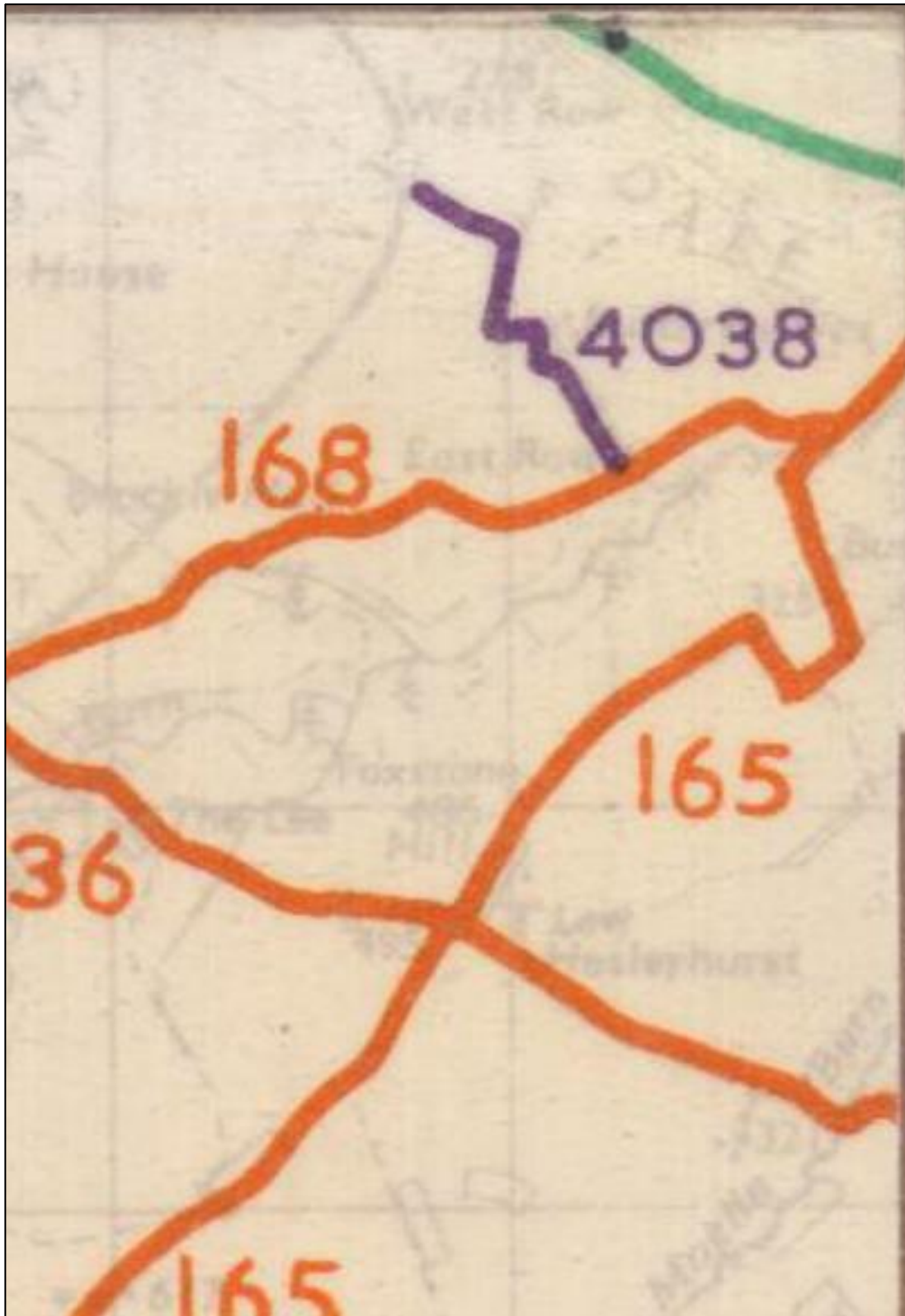
County Road Schedule 1964

Route No.	Name of Road.	Description.	Responsible Division or Authority.	Mileage.	Total Mileage.
U.4037	Rothley Shield Road.	From B.6342 at Rothley Shield East via Rothley Shield West to B.6342 west of Rothley Crossroads.	Morpeth.	1.81	1.81
U.4038	East Row-Brinkburn Station Road.	From C.168 at East Row north-westwards to Brinkburn Station.	Morpeth.	0.64	0.64
U.4039	North Birks-Todstead Road, with link to Westerheugh.	From C.135 north of North Birks via Tod Burn and the River Coquet to B.6344 at Todstead, (1.264 miles), and branch road from near the Ford over Todburn westwards to C.136 near the entrance to Westerheugh, (1.327 miles).	Morpeth.	2.59	2.59
U.4040	Brinkburn High House-Westerheugh Road.	From B.6344 at Brinkburn High House to U.4039 east of the entrance to Westerheugh.	Morpeth.	1.15	1.15
U.4041	Brinkburn High House-Hare Cross Road.	From B.6344 near Brinkburn High House via Cockshot to C.188 west of the entrance to the Hare Cross.	Morpeth.	0.92	0.92
U.4042	North End-Low Hall Road.	From C.106 at North End, Longframlington, eastwards to Low Hall.	Alnwick.	0.41	0.41
U.4043	Newmoor Hall Road.	From C.106 south of the Swarland Burn south-eastwards to Newmoor Hall at the Rural District boundary. (Continues in Alnwick Rural District as U.3049).	Alnwick.	0.43	0.43
U.4044	Vicarage Road and White Cottages Road, Longframlington.	Off south side of C.188 at Longframlington.	Morpeth	0.28	0.28
U.4045	Old Road, Longframlington.	Late A.697 now by-passed. Serving Low Town, Longframlington.	Morpeth.	1.05	1.05
U.4046	High Weldon Road.	From U.4045 south-eastwards to High Weldon.	Morpeth.	0.34	0.34
U.4047	Moor Lodge-Snitter Road.	From B.6341 at Moor Lodge via South Cartington to C.176 at Snitter.	Alnwick.	3.23	3.23
U.4048	Healey Cote-Hope Road.	From C.188 west of Healey Cote north-westwards to Hope.	Morpeth.	1.24	1.24

First Review Definitive Map

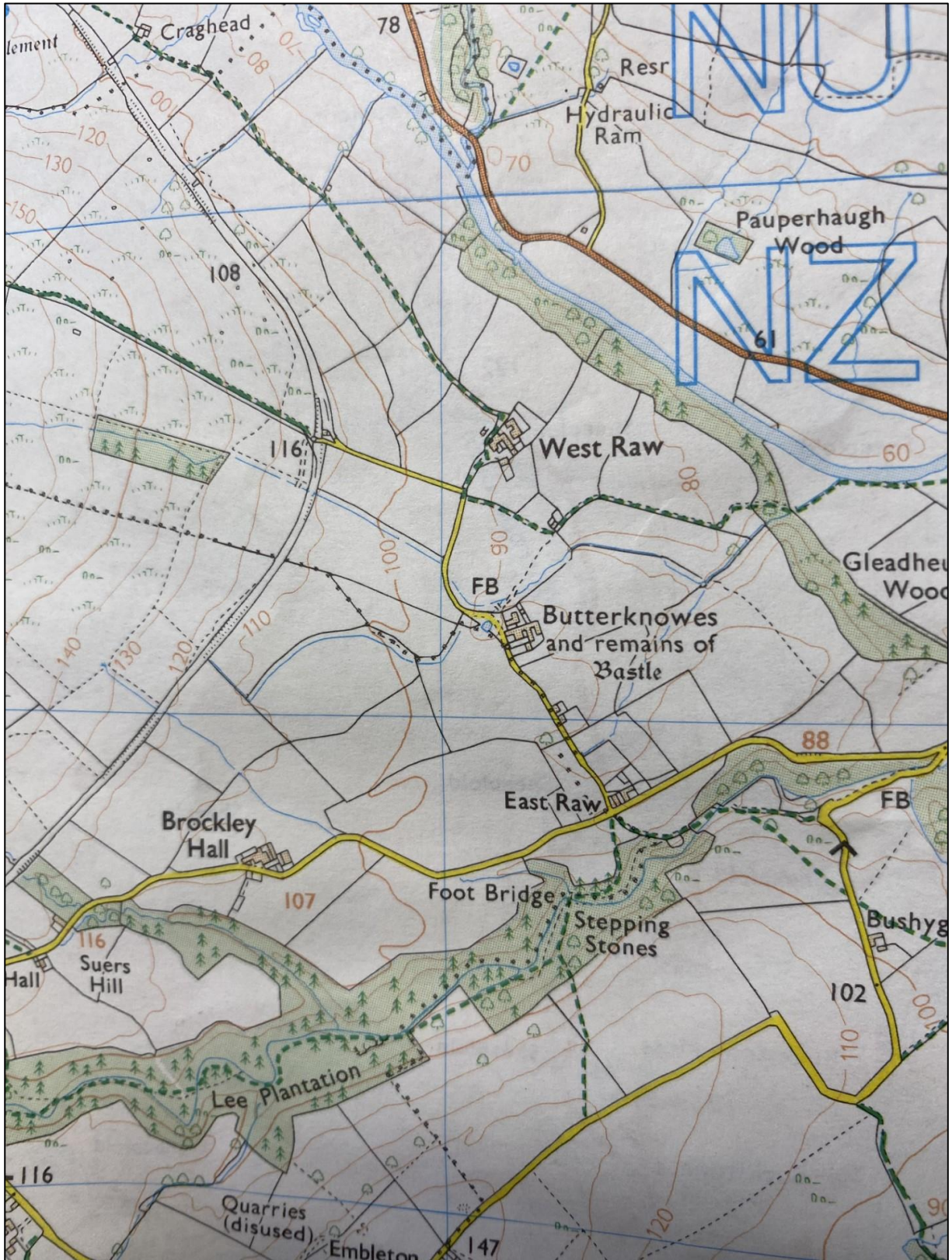


Highways Map
1964



County Road Schedule
1974

Route No.	Name of Road	Description	Responsible Division or Authority	Mileage	Total Mileage
U. 4031	Bowersfield-High Carrick Road.	From B. 6341 north of Bowersfield (N.Z. 938953) north-westwards to the entrance to High Carrick (N.Z. 926966).	Morpeth Division.		1.11
U. 4032	Bowersfield Road.	From B. 6341 south of the entrance to North Riding (N.Z. 937948) eastwards via Bowersfield to a point approximately 330 yards east of Bowersfield.	Morpeth Division.		0.42
U. 4033	Elsdon-Eastnook Road.	From B. 6341 at Elsdon (N.Z. 937933) eastwards via Landshot to Eastnook, (N.Z. 967932) including branch road to Hudspeth (N.Z. 948942) to N.Z. 948942.	Morpeth Division.		3.33
U. 4034	Folly Road.	From B. 6341 west of the Bird in the Bush Inn (N.Z. 928934) northwards for a distance of 550 yards towards the Folly.	Morpeth Division.		0.32
U. 4035	Lordenshaw-Great Fossen Road.	From B. 6342 south of its crossing with the Lordenshaw burn (N.Z. 059978) north-eastwards to U. 4061 at Great Fossen (N.Z. 031005).	Alnwick Division.		2.64
U. 4036	Rothley Village Road.	From C. 161 north of Scots Gap (N.Z. 041881) eastwards to Rothley Village (N.Z. 044881).	Morpeth Division.		0.20
U. 4037	Greenleighton Road.	From B. 6342 at Rothley Shield East (N.Z. 045908) north-westwards towards Greenleighton (N.Z. 035914) thence southwards via Rothley Shield west to rejoin B. 6342 west of Rothley Crossroads (N.Z. 040897).	Morpeth Division.		1.81
U. 4038	East Row-Brinkburn Station Road.	From C. 168 at East Row (N.Z. 093988) north-westwards to former Brinkburn Station (N.Z. 088996).	Morpeth Division.		0.64
U. 4039	North Birks-Fodshead Road, with link to Westerhough.	From C. 135 north of North Birks (N.Z. 127972) northwards via Fodsburn and the River Coquet to B. 6344 at Fodshead (N.Z. 126989) (1.264 miles), and branch road from near the Ford over Fodsburn (N.Z. 126983) westwards to C. 136 near the entrance to Westerhough (N.Z. 109971) (1.327 miles).	Morpeth Division.		2.59



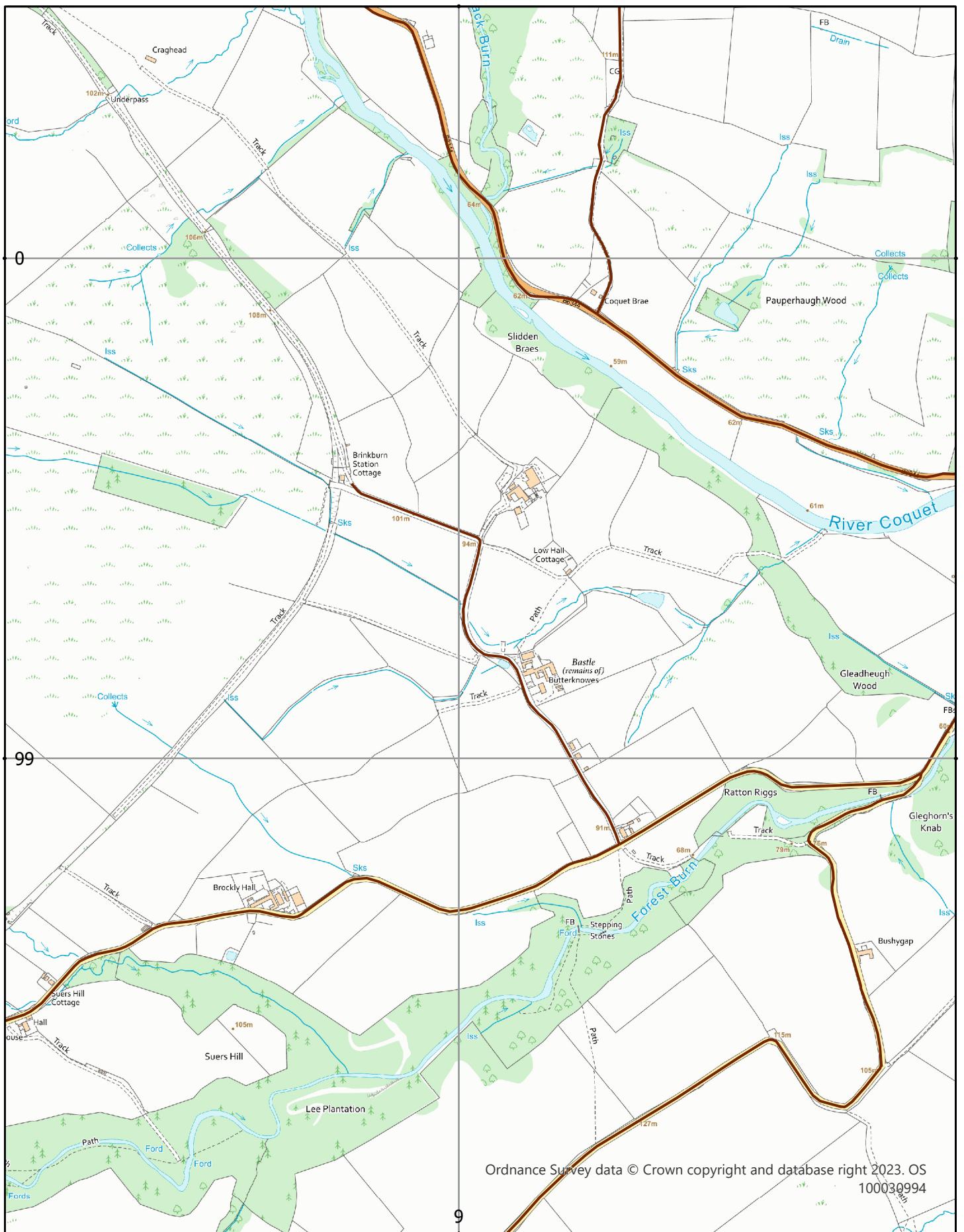
The Council's 'List of Streets' (at 2 May 2006)

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

<i>Road Number</i>	<i>Description</i>	<i>Length - Metres</i>
U4031	B6341 JCT TO HIGH CARRICK	1,783
	<i>Total length for U4031</i>	<i>1,783</i>
U4032	B6341 JCT TO EAST OF BOWERSHIELD	684
	<i>Total length for U4032</i>	<i>684</i>
U4033	B6341 JCT TO HUDSPETH ROAD JCT	833
	HUDSPETH ROAD JCT TO EASTNOOK	3,238
	HUDSPETH ROAD JCT TO HUDSPETH	1,349
	<i>Total length for U4033</i>	<i>5,421</i>
U4034	B6341 JCT TO DISTRICT BOUNDARY U5097	518
	<i>Total length for U4034</i>	<i>518</i>
U4035	B6342 JCT TO SIMIONSIDE PICNIC AREA	3,162
	SIMIONSIDE PICNIC AREA TO U4061 TOSS	1,151
	<i>Total length for U4035</i>	<i>4,313</i>
U4036	C161 TO ROTHLEY FARM	310
	<i>Total length for U4036</i>	<i>310</i>
U4037	U4037 TO B6342	1,149
	B6342 (S) TO U4037 QUARRY ROAD	1,778
	<i>Total length for U4037</i>	<i>2,927</i>
U4038	C168 TO BRINKBURN STN	1,017

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

Road Number	Description	Length - Metres
U4038		
	<i>Total length for U4038</i>	1,017
U4039		
	U4039 TO C135	1,277
	U4039 TO B6344	751
	U4040 TO U4039	1,156
	C136 TO U4040	1,010
	<i>Total length for U4039</i>	4,194
U4040		
	U4039 TO B6344	1,872
	<i>Total length for U4040</i>	1,872
U4041		
	B6344 TO C188	1,571
	<i>Total length for U4041</i>	1,571
U4042		
	C106 JCT TO LOW HALL FARM	618
	<i>Total length for U4042</i>	618
U4043		
	C172 TO DRAKESTONE VIEWHARBOTTLE	33
	<i>Total length for U4043</i>	33
U4044		
	BEECH TREE CLOSE	89
	C188 (W) TO C188 (E) VICARAGE ROAD	399
	C188 (W) TO C188 (E) WHITE COTTAGES R	45
	<i>Total length for U4044</i>	532
U4045		
	U4046 TO A697 (N)	1,376



Network Management Information System

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Highways Act 1980 Section 36(6) County of Northumberland List of Streets which are highways maintainable at the public expense as at 02-May-2006		
Drn: ZQ	Date: October 2023	Scale: 1:10,000