



# Northumberland County Council

## RIGHTS OF WAY COMMITTEE

28 February 2024

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

### DELETION OF EXISTING PUBLIC FOOTPATHS Nos 4 & 5 MORPETH TOWN

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

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#### **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 non-existence of public footpath rights over parts of existing Public Footpaths Nos 4 and 5, through Quarry Woods, Morpeth.

#### **Recommendation**

**It is recommended that the committee agrees that:**

- (i) there is not sufficient evidence to show, on a balance of probabilities, that public footpath rights do not exist over the K-L section of existing Public Footpath No 4 or the M-N section of existing Public Footpath No 5 (i.e. these footpaths should remain on the Definitive Map);**
- (ii) further investigation is required in relation to the precise alignment of Public Footpath No 4, south of the bridge over the River Wansbeck, and Public Footpath No 5, at Park House.**

#### **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 deleting a public right of way from the Definitive Map and Statement, based on historical documentary

evidence, is Section 53(3)(c)(iii) 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 there is no public right of way over land shown in the map and statement as a highway of any description ...”

- 1.3 All the relevant statutory provisions and competing rights and interests have been considered in making this report. The recommendations are in accordance with the law and proportionate, having regard to individuals' rights and the public interest.
- 1.4 This is an unusual application, in that it seeks to remove sections of two public rights of way from the Definitive Map, altogether. The committee will be much more familiar with applications to add routes, or upgrade existing ones to a higher status. In *Trevelyan v Secretary of State (ETR) (2001)* the Court of Appeal determined that where an application was made to delete a public right of way from the Definitive Map, the Secretary of State (or an Inspector appointed by the Secretary of State) had to start with the initial presumption that the right of way did exist. The standard of proof required to show that a route's inclusion on the Definitive Map was incorrect was still just the balance of probabilities, but evidence of some substance had to be put into the balance if it was to overcome or outweigh the initial presumption that the way had been correctly included in the first place. The Court of Appeal made reference to Lord Denning's judgement in *R v Secretary of State for the Environment ex parte Hood (1975)* where he stated “The Definitive Map in 1952 was based on evidence then available, including, no doubt, the evidence of the oldest inhabitants then living. Such evidence might well have been lost or forgotten by 1975. So it would be very unfair to reopen everything in 1975).”

## **2.0 PUBLIC EVIDENCE**

- 2.1 In March 2022, Tom Smith of Morpeth made a formal application seeking to modify the Definitive Map of Public Rights of Way by deleting sections of existing Public Footpaths Nos 4 and 5, on his land, from Whorral Bank to Park House farm and from Stobsford Bridge to Parkhouse Banks.
- 2.2 Mr Smith supplied the following analysis of the evidence to accompany his application:

“I, Tom Smith, as owner and occupier of the affected land shown in the plan below require Northumberland County Council to review the legal basis for the existence of Rights of Way across that land.

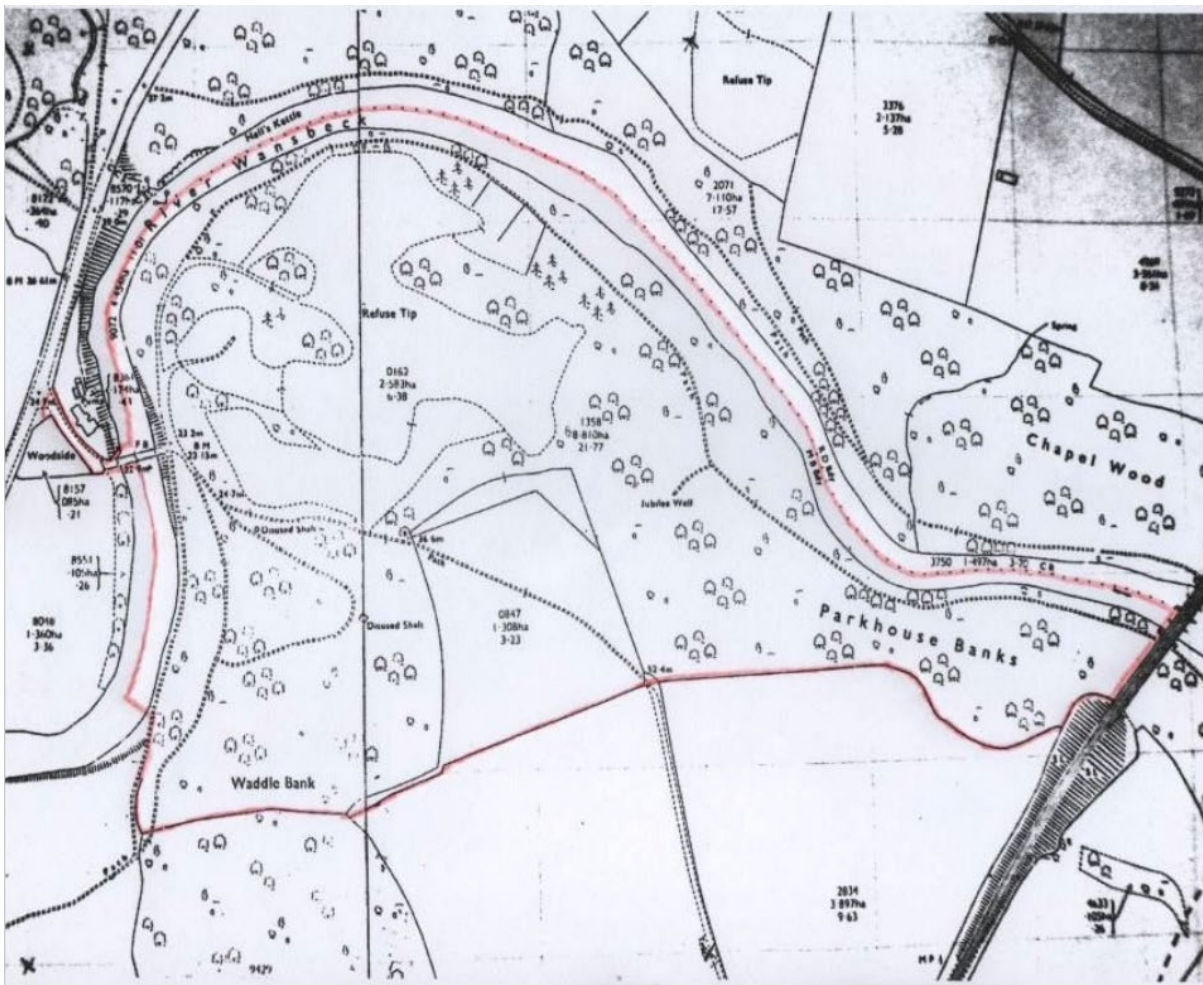
“My actions make clear that at no time have I dedicated any part of my land to become a public right of way. Castle Morpeth Borough Council asked my permission to create a riverside footpath for the 2006 Castles Woods & Water project. I refused permission. That need to ask permission supports the illegal status of the purported Rights of Way.

“I have, whilst acting within the law, done what I can to remove all public rights of way alleged to exist on my land and prevent their being established.

“Their claimed and widely advertised presence, with associated limitations on preventing public access, has encouraged trespass and criminal behaviour and thereby caused me to be unable to successfully develop the caravan site, which Castle Morpeth Borough Council granted planning permission on my land.

“The following evidence shows that the Definitive Map and Statement are a nullity.

“Additional documentation illustrates both absence of evidence for Public Rights of Way and evidence to the contrary. Further historical evidence is available and, having been seen as superfluous, excluded in order to save Northumberland County Council resources.



“In 1985 I wished to own a caravan park as I then had many years of experience and practical knowledge of developing and managing caravan sites. Land in several locations was advertised for sale as being suitable for development as a caravan site. The land I now own appeared the most suitable for our needs to me and my wife and we agreed to take steps to gain suitable planning consent and if successful in that to purchase the land.

“Experience of problems caused by criminal behaviour of a particularly troublesome person at another caravan site highlighted the need for security.

“With the agreement of the landowner, J.R.Temple and Sons, on 19th March 1987 I, Tom Smith, applied to Castle Morpeth Borough Council planning department for a diversion and stopping up of rights of way on foot purported to be over the land and according to planning officers numbered Morpeth 4 and 5 as shown in council minutes.

“Prior to making the application I met with Northumberland County Council National Park Officer Mr. A. A. Macdonald at my bridge at Whorral Bank, Morpeth. His office was located in Northumberland County Council National Park and Countryside Department, Eastburn, South Park, Hexham. He was the officer responsible for footpaths. I asked the officer for a copy of the Definitive Map and statement as I was unclear about the location of the public footpaths concerned and no footpaths were signposted. He refused to let me have a copy of the map and statement. He informed me that I would have to make an appointment and travel to his office in Hexham to view them. I asked the officer about making an appointment and he obfuscated describing that there were few staff and they were short of time. He assured me, when I heard that reply and questioned him about it, that there were public footpaths as he described and I accepted his word.

“I now find that Northumberland County Council acted illegally as it is a requirement to make available the Definitive map and Statement in the district concerned.

“Hexham was in the district of Northumberland administered by Tynedale District Council.

“The alleged footpaths concerned were in the district administered by Castle Morpeth Borough Council.

“I was prevented from adequately investigating the legal basis for the Public Right of Way footpaths at that time as Northumberland County Council illegally refused to supply me with or let me have sight of the necessary documents.

**The Wildlife and Countryside Act 1981**

(5) As regards every definitive map and statement, the surveying authority shall keep a copy of the map and statement; and copies of all orders under this Part modifying the map and statement, available for inspection free of charge at all reasonable hours at one or more places in each district comprised in the area to which the map and statement relate and, so far as appears practicable to the surveying authority, a place in each parish so comprised; and the authority shall be deemed to comply with the requirement to keep such copies available for inspection in a district or parish if they keep available for inspection there a copy of so much of the map and statement and copies of so many of the orders as relate to the district or parish.

“Castle Morpeth Borough Council refused my request to remove the Rights of Way and gave the reason that closing the footpaths would not improve security of the caravan site. The council planning officer verbally informed me that I would not be given permission to erect any fences.

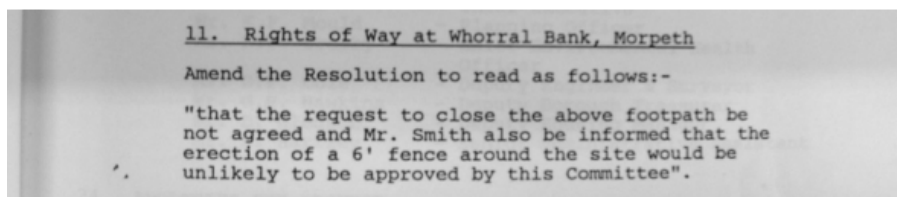
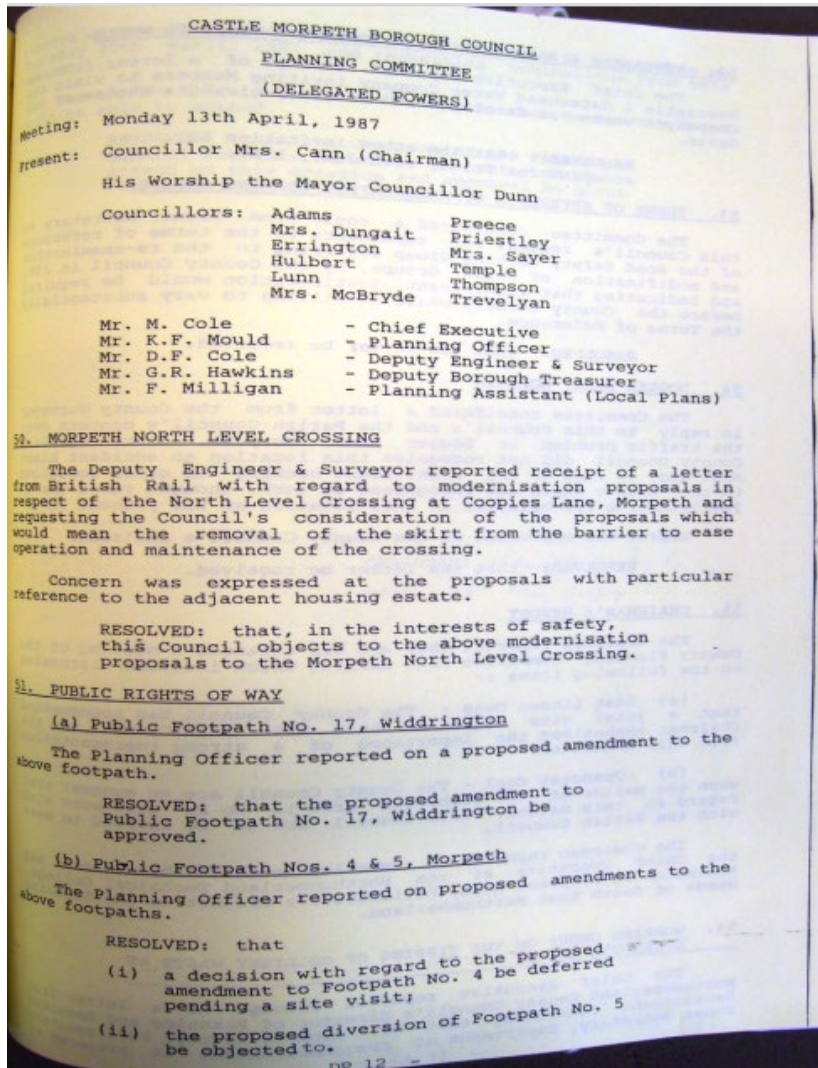


"I submitted an appeal to the Department of the Environment and Transport as site security would clearly be improved considerably by removing the Public Right of Way.

"On 23rd November 1987 my appeal to the Department of the Environment and Transport was rejected on the basis that the planning committee had given full consideration to the evidence presented.

"The legal basis of the claimed Rights of Way was not investigated by Castle Morpeth Borough Council.

"The legal basis of the claimed Rights of Way was not investigated by the Department of the Environment and Transport.

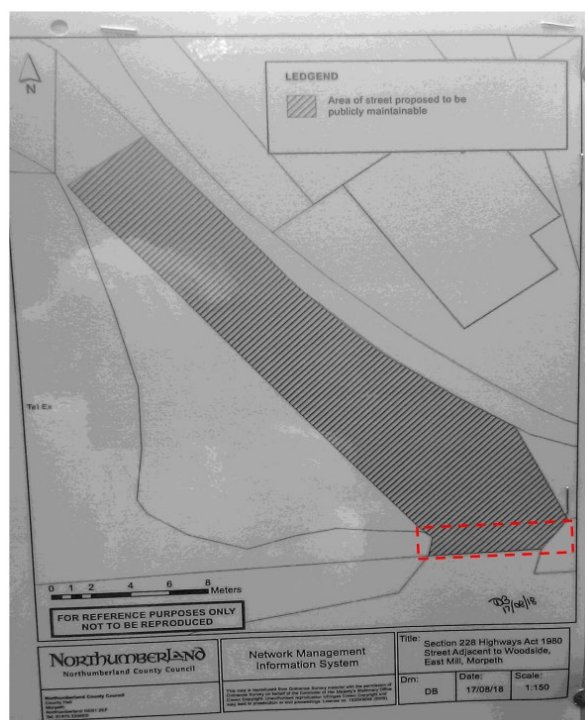




“In October 2018 when I was renewing my bridge over the River Wansbeck I came into contact with officers of the council involved with Rights of Way who were ill informed, inadequately prepared, unhelpful and behaved illegally.

“Whilst I was engrossed in carrying out the arduous task of removing my existing bridge and replacing it with one in good condition a notice was nailed to one of my fences. David Brookes, one of those Northumberland County Council officers, proposed adopting part of my metalled entrance road, and a strip of adjoining grassland, as indicated.

“I engaged lawyers with necessary knowledge and experience to successfully oppose that illegal adoption process.



“The behaviour of those Northumberland County Council officers caused me concern.

“I used a number of Freedom of Information requests and carried out extensive time consuming research of council records held at the Northumberland County Council archive in Ashington, in order to obtain documentary evidence of the legal position.

“I made a complaint to Northumberland County Council about the behaviour of their officers.

“After exhausting the Northumberland County Council formal complaints process and having received unsatisfactory responses I complained to the Local Government Ombudsman (LGO).

“In the course of a telephone conversation the LGO officer informed me that she had requested information regarding footpaths to carry out her investigation. I asked her to let me have a copy of the Definitive map and Statement.

“On 5th June 2020 she informed me that she also had not been given sight of the Definitive map and Statement but only a statement having a Relevant date of 1st December 2005 which she emailed to me with a ‘computer generated extract of the Working Copy of the Definitive Map of Public Rights of Way’.

“This statement describes footpath 5 as:-  
‘Scheduled as a Public Right of Way by Morpeth Borough Council.’

“Morpeth Borough Council had no power to Schedule a public right of way. That caused me to be concerned. I had no knowledge of this revised statement and wondered why the Definitive Map and Statement had not been made available to the LGO.

“As evidenced by this 19th January 1976 entry in the London Gazette on 16th January 1976, and the 30.43.1 extract of the Castle Morpeth District Local Plan, Castle Morpeth Borough Council had an Agency Agreement with Northumberland County Council in respect of being Highways Authority for the district of Northumberland administered by Castle Morpeth Borough Council and administered Public Rights of Way.

“Castle Morpeth Borough Council was formed on 1st April 1974 and dissolved on 1st April 2009.

# HIGHWAYS ACT, 1959

## CASTLE MORPETH BOROUGH COUNCIL

HIGHWAYS ACT 1959, Section 108, Twelfth Schedule  
*Stopping-up of Footpath at Coopies Lane, Morpeth*

Notice is hereby given that the Council of the Borough of Castle Morpeth acting under agency powers for the Northumberland County Council as Highways Authority for the highway hereinafter mentioned, intends to apply to the Magistrates Court sitting at the Court House, Morpeth on 25th February 1976 at the hour of 10 o'clock in the forenoon for an Order under Section 108 of the Highways Act 1959 authorising the stopping-up of that part of the footpath at Coopies Lane, Morpeth which is shown coloured pink on a plan deposited at the office of the Chief Executive, Dacre Street, Morpeth and which may be inspected free of charge between 9 a.m. and 5 p.m. on any weekday excluding Saturday on the ground that the said footpath is unnecessary.—Dated 16th January 1976.

Maurice Cole, Chief Executive

Council Offices,  
Dacre Street,  
Morpeth,  
Northumberland.

(180)

### CASTLE MORPETH DISTRICT LOCAL PLAN - ADOPTED FEBRUARY 2003

245 Morpeth

30.43.1 Whilst several rural footpaths have been lost in post war years due to new developments, many rights of way still exist linking Morpeth with the adjoining countryside. They tend to be well used and are an important source of countryside recreation for those living in the town. It is important that the existing rights of way in the Plan area should be well maintained. In this respect the Council operates an Agency Agreement with the Highways Department of the County Council.

Relevant Date: 1st December 2005

### Northumberland County Council

### Wildlife and Countryside Act, 1981 Part III

### PUBLIC RIGHTS OF WAY - STATEMENT

Borough / District : Castle Morpeth  
Parish : Morpeth Town  
Type of Path : Footpath  
Number of Path on Map : 5  
Width of Path : 0.61 metres  
Name of Path :

#### Route Description of Path :

From the Morpeth - Ashington Road about 300 yards north-east of East Mill in a south-easterly direction, crossing the River Wansbeck by the footbridge and the L.N.E. Railway, past the west side of Park House to the Borough boundary at Coopie's Lane.

#### Other Relevant Information :

Scheduled as a Public Right of Way by Morpeth Borough Council.  
Width varies from 2 feet to 10 feet.





“On 10th June 2020 I asked Northumberland County Council what the arrangements were to view the Definitive Map and Statement during the restrictions imposed by the COVID-19 virus and was supplied with a copy attached to the email below together with an explanation of the legal procedure.

Dear Mr Smith

The Definitive Map and Statement of Public Rights of Way in Northumberland is held both as a paper copy (Maps and Statements) and as PDF files (Maps and Statements). I have attached for your information all of the records which relate to the Definitive Map and Statement for public footpath No.5 in the area of Morpeth Town Council. These records are the survey map, survey statement, draft plan, draft plan (modification), provisional plan, definitive plan and definitive statement.

In the 1950's when the Definitive Map and Statement was being prepared it was part of a statutory public process. The first stage was the preparation of survey plans followed by the production of a draft plan. At this stage anyone had a right to object or make representations on what was or was not included on the draft plan. Following completion of this exercise a draft (modification) plan was produced which showed any additional rights of way to be included or deleted from the first draft. The next stage was the production of the Provisional Map. The Provisional Map was only subject to objections or representations from landowners. Where a landowner objected to the inclusion of a public right of way on the Map and Statement the objection was heard by a member of the local bar who determined the objection. Following this stage the Highway Authority published the Definitive Map and Statement.

Public Footpath No 5 was shown on the survey map as path no. 4 and its path number was changed to no. 5 on the draft map and has retained this number ever since. The footpath was included on all the versions of the Definitive Map and Statement outlined above and was not subject to any representations or objections from members of the public or the landowner.

The map depicts the footpath as extending across the River Wansbeck to the west bank and the statement describes the footpath as being from "the Morpeth - Ashington Road about 300 yards north-east of East Mill in a south-easterly direction, crossing the River Wansbeck by the footbridge..."

The combined information of the map and statement serves to show that there is at least a public right of way on foot from the B1337 and this is further evidenced by the location of a public footpath signpost at the junction of the B1337 and the unadopted highway. The Highway Authority does not have any current plans to change the existing situation on the unadopted highway. The land which has been leased to you is a separate issue and any questions that relate to this land should be directed to Strategic Estates Management.

Regards

David Brookes



“The email described ‘the location of a public footpath signpost at the junction of the B1337 and the unadopted highway’ as being evidence of there being a Public Right of Way. That signpost, erected by Northumberland County Council in the verge of the B1337 highway, has no legal foundation.

“I have provided extensive evidence to Northumberland County Council which shows:-

1. No part of my entrance road is adopted This is confirmed in the above email.
2. No part of my entrance road is ‘highway’.

“A copy of a document was provided attached to the email. It is typewritten with a handwritten annotation describing a footpath 5 from the A197 to Coopie’s Lane 1288 yards in length. ‘ 2 feet to 10 feet with a length of 1288 yards starting from the A197 , crossing the River Wansbeck by the footbridge and the L.N.E. Railway, past the west side of Park House to the Borough boundary at Coopie’s Lane.’

“The Maps initially supplied did not cover the full extent of footpaths 4 and 5. Following a second request I was emailed copies of the east section of footpaths 4 and 5 on 13th February 2021.

NORTHUMBERLAND COUNTY COUNCIL.

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949.

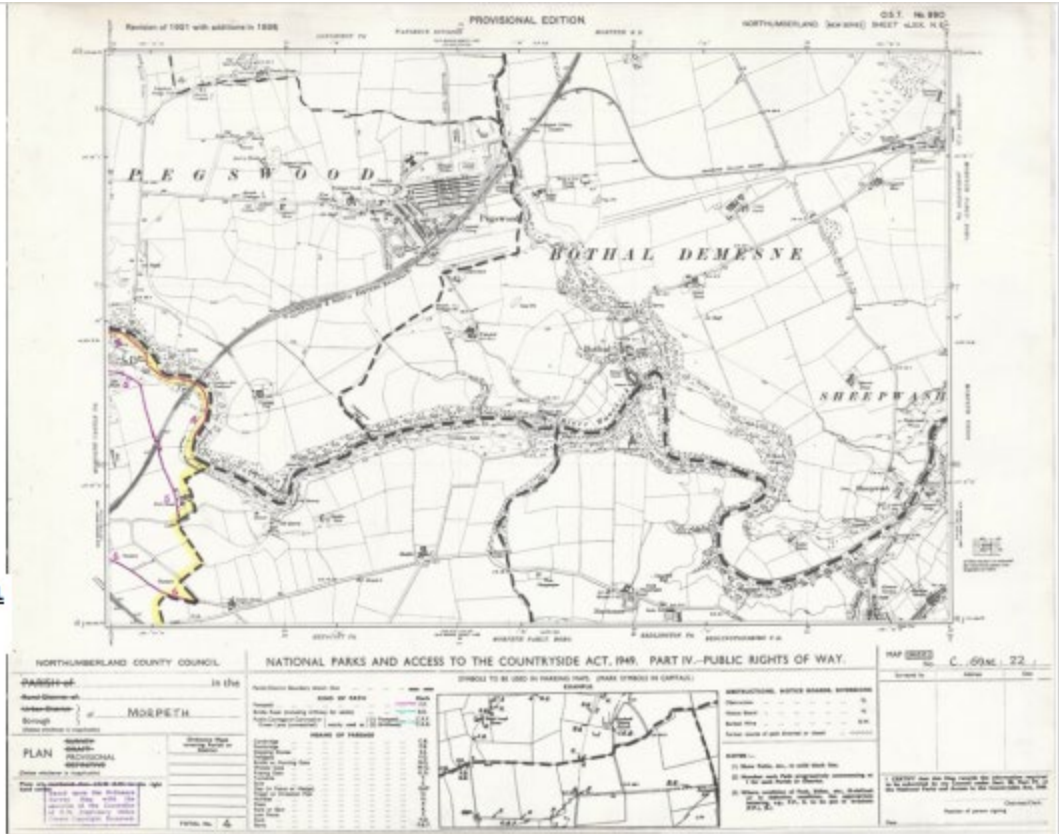
PART IV.

PUBLIC RIGHTS OF WAY - STATEMENT.

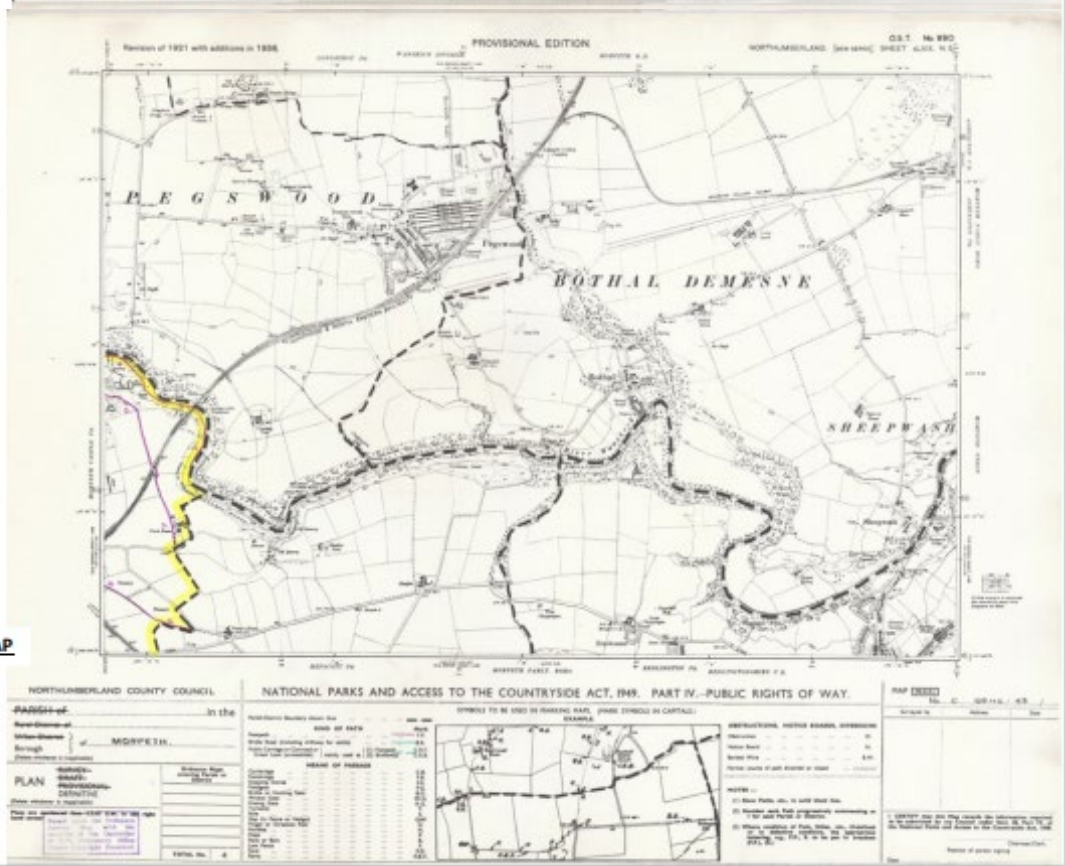
1.	Borough	.....	MORPETH
	<del>Urban District</del>	.....	
	<del>Rural District</del>	.....	
2.	Parish	.....	
3.	Number of Footpath on Map	.....	5
4.	Name of Path	.....	
5.	Kind of Path (i.e. FP/BR)	.....	F.P., (width varies from 2'0" to 10'0")
6.	General Description of Path	.....	From the Morpeth-Ashington Road about 300 yards north-east of East Mill in a south-easterly direction, crossing the River Wansbeck by the footbridge and the L.N.E. Railway, past the west side of Park House to the Borough boundary at Coopie's Lane.
		.....	
		.....	
7.	Other relevant information	.....	Scheduled as a Public Right of Way by Morpeth Borough Council.
		.....	
		.....	
		.....	
		.....	
		.....	LENGTH: 1288 yds



**PROVISIONAL  
PLAN**



**DEFINITIVE MAP**







**SURVEY PLAN**

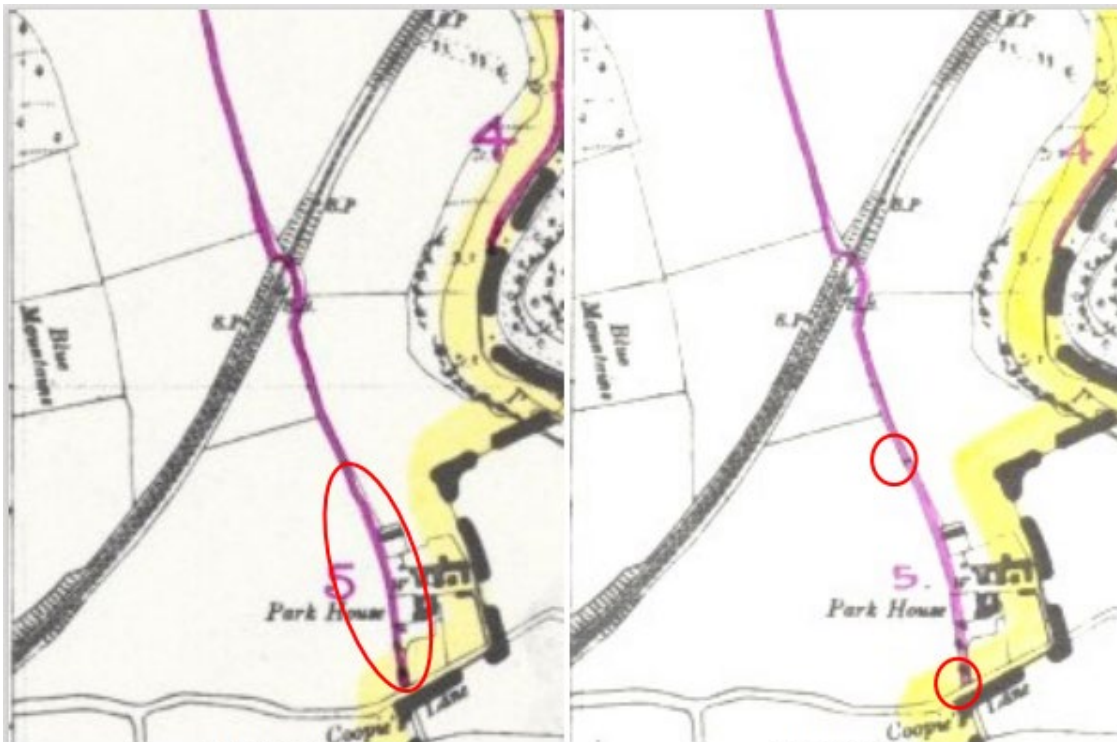
At Park House the Survey Plan shows a Right of Way via gaps in the fences and hedges and a field adjoining the house garden being the position of the footpath although no footpath is shown on the printed Ordnance Survey map.



**DRAFT PLAN**

The Draft Plan also shows a Right of Way footpath via gaps in the fences and hedges and a field adjoining the house garden being the position of the footpath although no such footpath is shown on Ordnance Survey printed map which was revised in 1921 with 1938 additions.

The red oval marks used above are my additions over the published map.



**PROVISIONAL PLAN**

The Provisional Plan is altered from the Draft Plan and shows a Right of Way footpath across fences and hedges and through the house garden being the position of the footpath although no such footpath is shown on the Ordnance Survey printed map which was revised in 1921 with 1938 additions.

**DEFINITIVE PLAN**

The Definitive Plan also shows a Right of Way footpath across fences and hedges and through the house garden being the position of the footpath although no such footpath is shown on the Ordnance Survey printed map which was revised in 1921 with 1938 additions.

**NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949. PART IV.—PUBLIC RIGHTS OF WAY.**

KIND OF PATH		Mark
Footpath		F.P.
Bridle Road (including driveway for cattle)		B.R.
Public Carriage or Carriaged or Green Lane (as installed)	(1) Footpath (2) Bridleway	C.R.L. C.R.B.

MEANS OF PASSAGE		Mark
Cartbridge		C.B.
Footbridge		F.B.
Stepping Stones		S.S.
Hedge		H.
Wicket or Hunting Gate		W.G.
Whin Gate		W.G.
Kissing Gate		K.G.
Turnstile		T.
Slide		S.
Gap (in Fence or Hedge)		GAP
Flag or Direction Post		F.P.
Hurdle		H.
Post		P.
Rails or Bars		R.
Low Fence		L.F.
High Fence		H.F.
Ferry		F.F.

OBSTRUCTIONS, NOTICE BOARDS, DIVERSIONS		Mark
Obstruction		O.
Notice Board		N.B.
Barbed Wire		B.W.
Former course of path diverted or closed		(---)

**NOTES —**

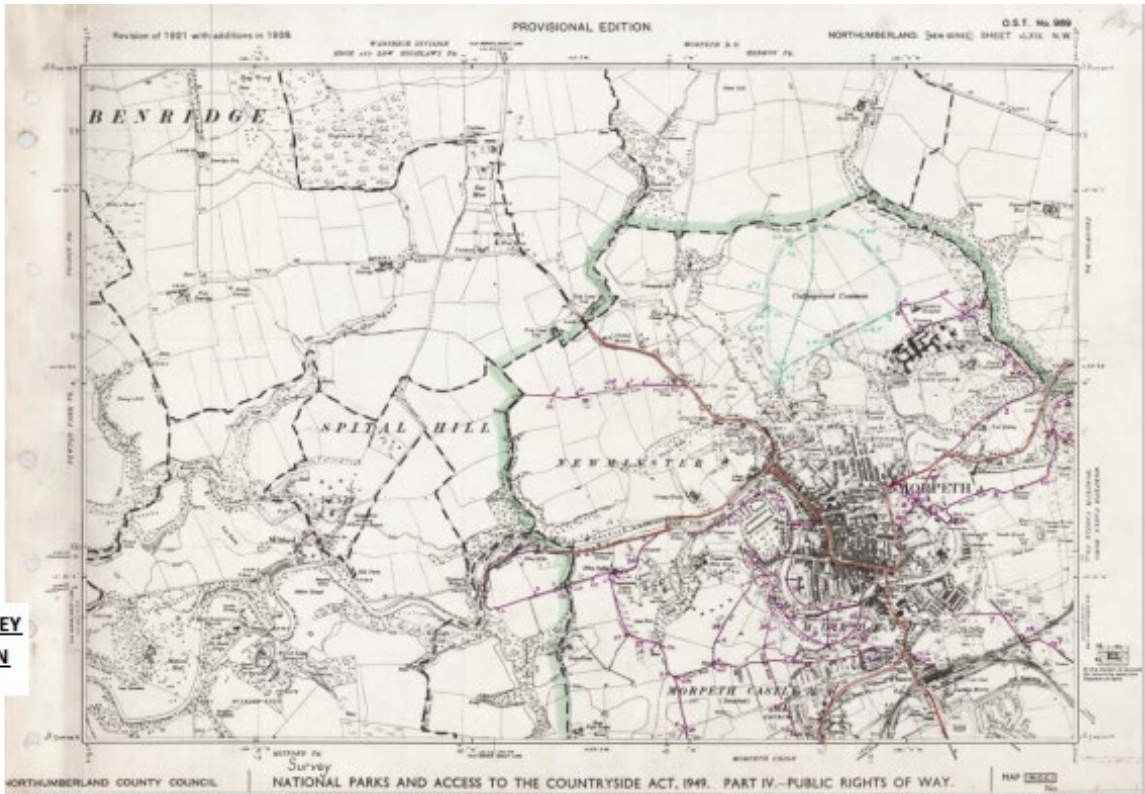
- Show Paths, etc., in solid black line.
- Number each Path progressively commencing as 1 for each Parish or Stowrie.
- Where condition of Path, Slides, etc., is defined or is defecting condition, the appropriate lettering, e.g., F.P., S. to be put in brackets (F.P.), (S.).

“Symbols to be used in marking maps are specified. Although there are obstructions shown by the Ordnance Survey across the purported route of the Right of Way footpath no symbols have been shown to indicate the nature of those obstructions and how they permit access.

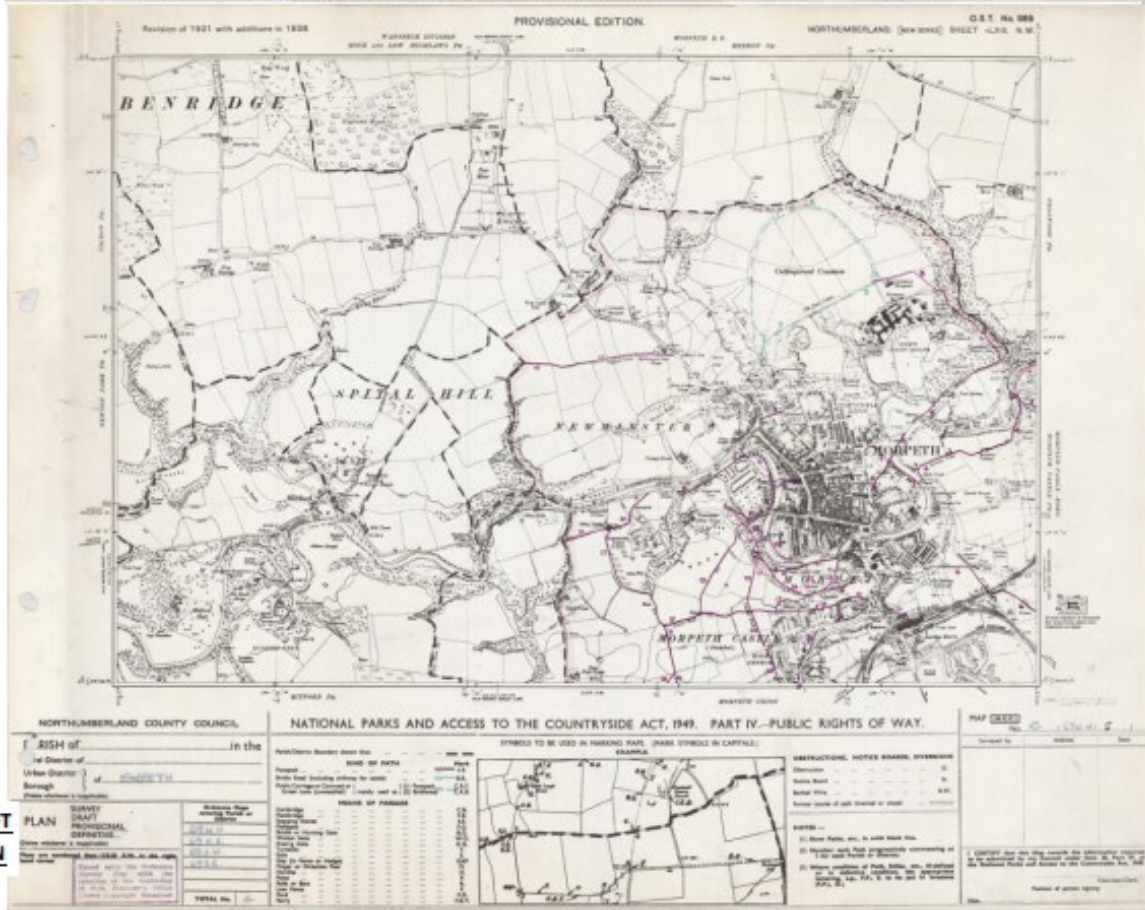
“The red marks used above are my additions over the published map.



**SURVEY  
PLAN**

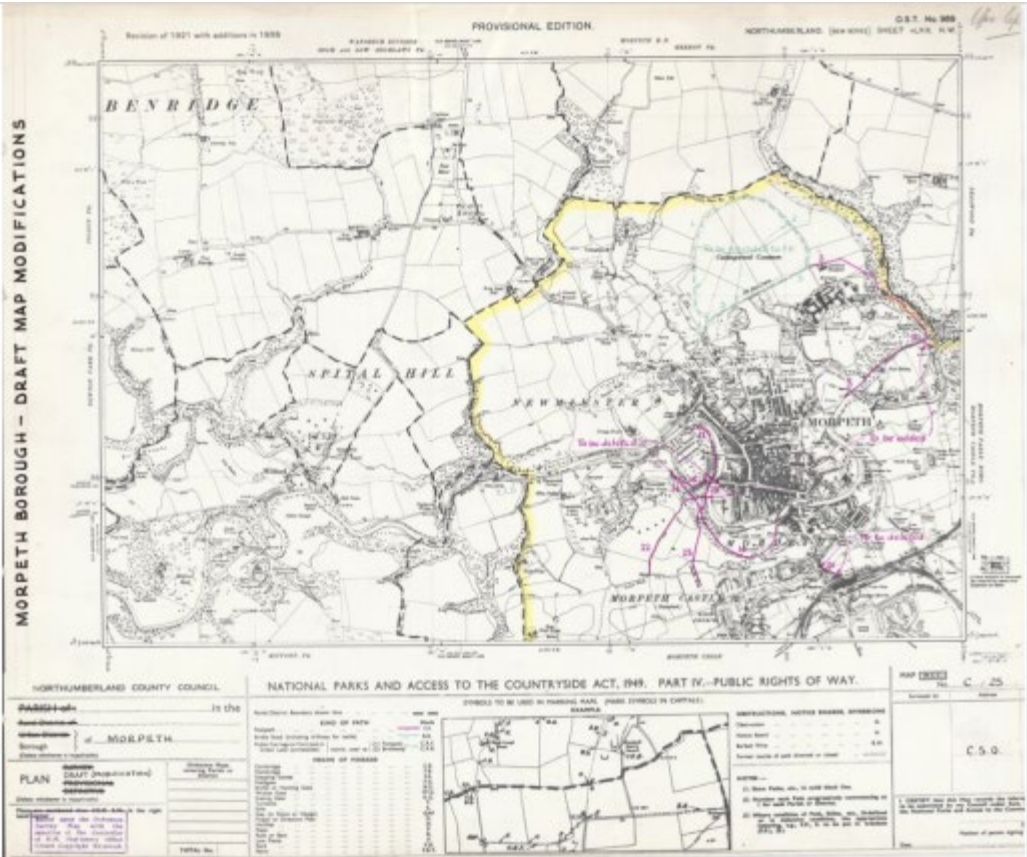


**DRAFT  
PLAN**

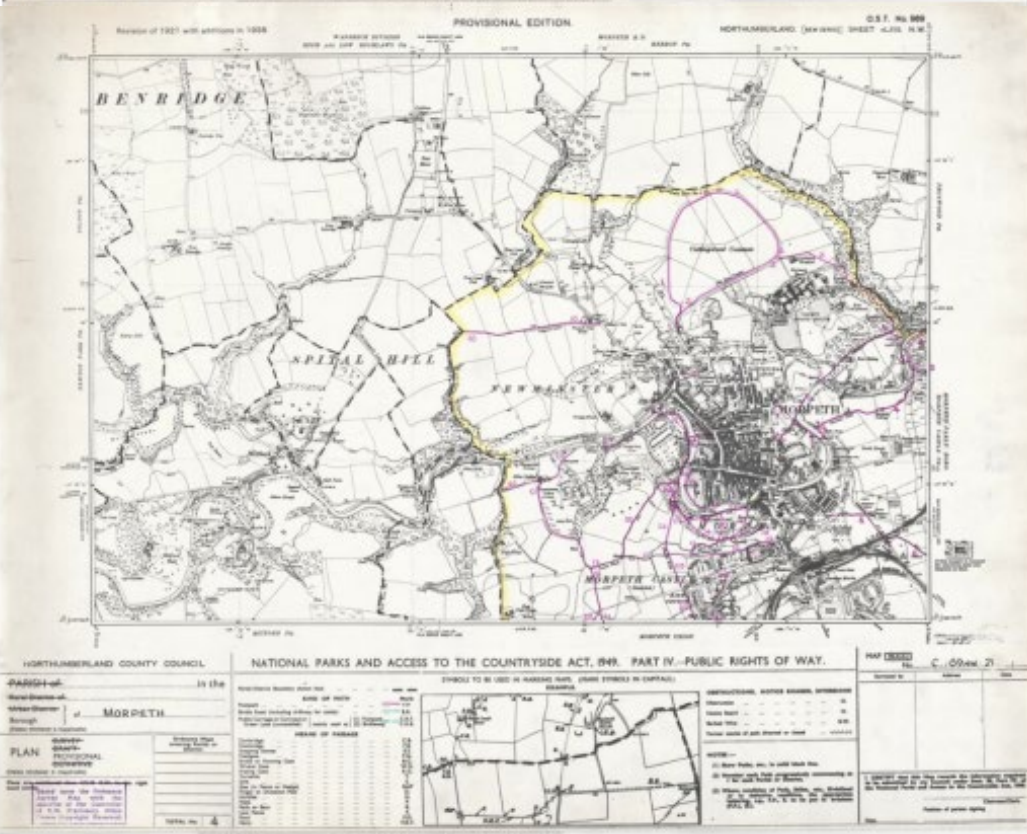


MORPETH BOROUGH - DRAFT MAP MODIFICATIONS

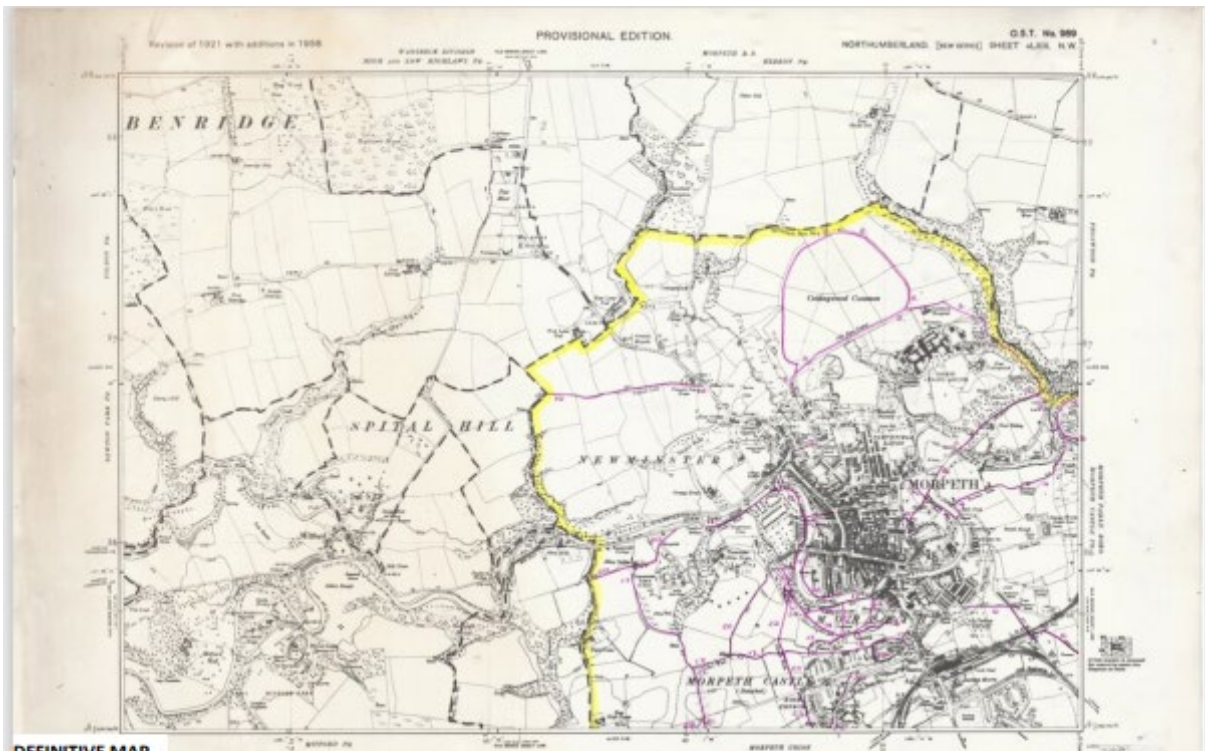
**DRAFT  
MODIFICATION  
PLAN**



**PROVISIONAL  
PLAN**

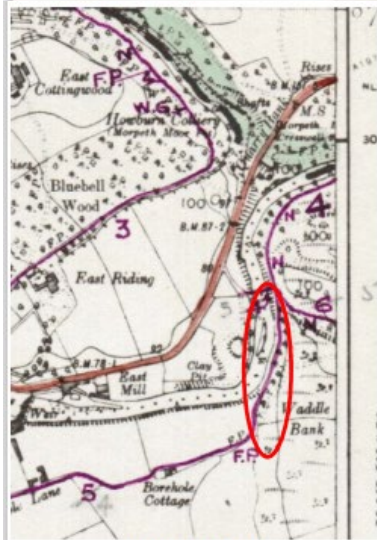






**DEFINITIVE MAP**

NORTHUMBERLAND COUNTY COUNCIL		NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949. PART IV.—PUBLIC RIGHTS OF WAY.		MAP 1000					
PARISH of MORPETH		SYMBOLS TO BE USED IN PAVING MAP. (PINK SYMBOLS IN CAPITALS)		OFFICE COPY					
PLAN		<table border="1"> <tr> <th>SYMBOL</th> <th>DESCRIPTION</th> </tr> <tr> <td>[Symbol]</td> <td>[Description]</td> </tr> </table>		SYMBOL	DESCRIPTION	[Symbol]	[Description]	<p>NOTES:</p> <ol style="list-style-type: none"> <li>1. New Paths, etc., to which such title.</li> <li>2. Existing paths which are not shown on the map.</li> <li>3. Wherever a path is shown on the map, it is assumed to be a public right of way.</li> <li>4. Where a path is shown on the map, it is assumed to be a public right of way.</li> </ol>	
SYMBOL	DESCRIPTION								
[Symbol]	[Description]								



**SURVEY PLAN**

Footpath is shown alongside River Wansbeck



**DRAFT PLAN**

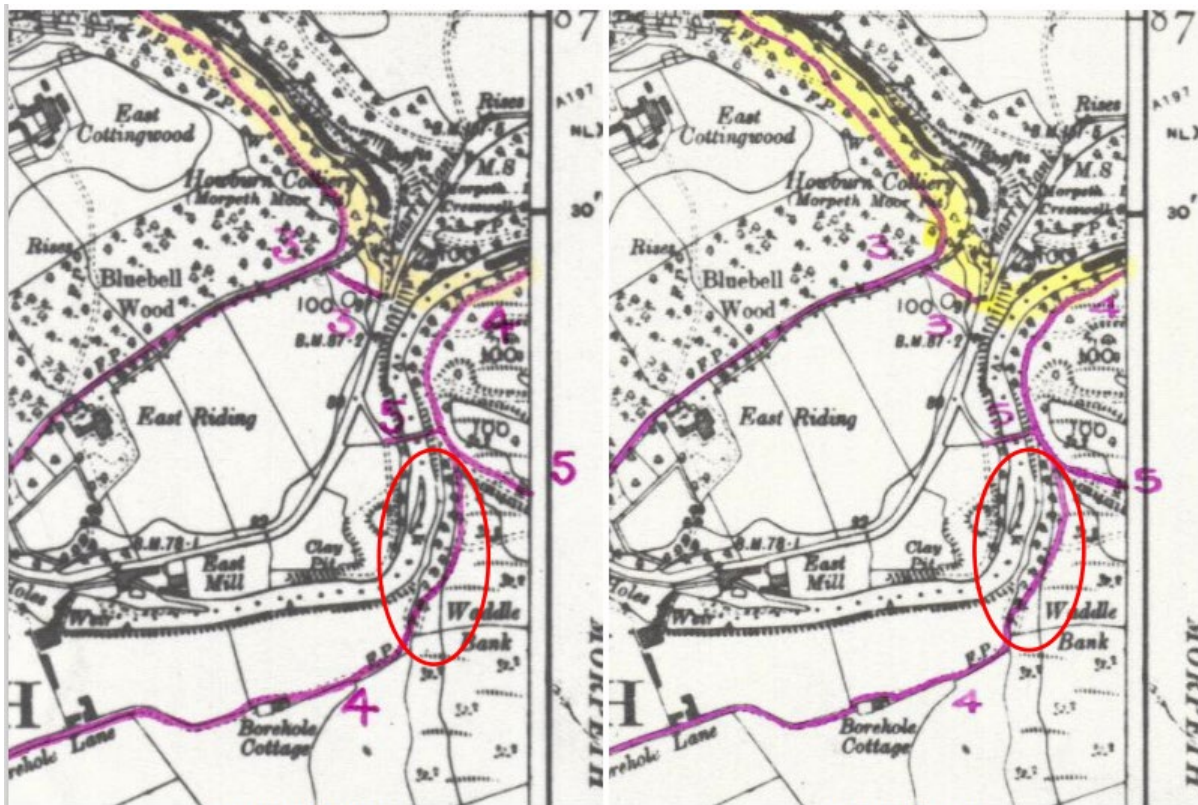
Footpath is shown alongside River Wansbeck



**DRAFT PLAN MODIFICATIONS**

No modification is shown





**PROVISIONAL PLAN**

No Right of Way is claimed alongside the River Wansbeck where the map shows no footpath.

A new Right of Way is claimed on the woodland footpath which terminates at the Waddle Bank field fence.

The red oval marks used above are my additions over the published map.

**DEFINITIVE MAP**

No Right of Way is claimed alongside the River Wansbeck where the map shows no footpath.

A new Right of Way is claimed on the woodland footpath which terminates at the Waddle Bank field fence.

(4) Where under the last foregoing subsection the surveying authority determine to modify the particulars contained in the draft map and statement by the deletion of a way shown as a public path, or as a road used as a public path, or by the addition of a way so that it will be so shown,—

(a) they shall cause notice of their determination, in such form as may be prescribed by regulations made by the Minister, to be published in the London Gazette and in one or more local newspapers circulating in the area of the authority, specifying the time (not being less than twenty-eight days) within which, and the manner in which, representations or objections with respect to the determination may be made to the authority, and

(b) if any representation or objection is duly made to the authority under the last foregoing paragraph, the authority shall notify the effect of the representation to the person (hereinafter referred to as " the original objector ") who made the representation or objection under subsection (3) of this section and, after considering the representation or objection under the last foregoing paragraph and affording to the person by whom it was made and to the original objector an opportunity of being heard by a person appointed by the authority for the purpose, shall decide whether to maintain or revoke the determination and serve notice of their decision on the person by whom the representation or objection under the last foregoing paragraph was made and on the original objector.

“A London Gazette entry was required by law when a modification was proposed to be made to the Draft Map and Statement. On 16th December 1955 such an entry was made. Part 2 of the Schedule Path contains the list of modified Paths. Part 3 of the Schedule is Proposed modifications of Draft Map. No modifications were proposed to be made to Borough of Morpeth paths 4 and 5. The modified position of purported Public Right of Way footpaths 4 and 5 were substantial and deleterious to the landowner. They were not published as required by law.

“Those claimed Public Rights of Way are a nullity

7088

THE LONDON GAZETTE, 16 DECEMBER, 1955

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949

COUNTY OF NORTHUMBERLAND

Public Rights of Way

NOTICE is hereby given that the Northumberland County Council in exercise of the powers conferred on them by subsection 3 of section 29 of the National Parks and Access to the Countryside Act, 1949, have determined to modify certain particulars contained in the Draft Map and Statement prepared under section 27 of the above-mentioned Act in relation to the rights of way within the County Districts specified in the first column of the schedule hereto. The paths affected are described in the second column of the said schedule and the proposed modifications are specified in the third column thereof.

Maps showing the proposed modifications have been deposited at the offices of the Councils of the County Districts concerned, where they may be inspected free of charge during normal office hours.

Any representation or objection with respect to this determination shall be made in writing addressed to the undersigned before the 18th day of January, 1956, and shall state the grounds on which it is made.

The Schedule

(1) County District	(2) Path	(3) Proposed modification of Draft Map
Borough of Berwick-upon-Tweed do.	3 4, 5, 6, 7, 9, 18, 28, 32 and 33	The width to be deleted from the statement. The paths to be deleted.
Borough of Blyth ... ..	16 25, 26 and 27	The path to be extended northwards to Front Street, Bebside. <del>The paths to be deleted.</del>
Borough of Morpeth ... ..	1 and 2	The paths to be shown as footpaths instead of as roads used as public paths.
do. ... ..	3	The footpath to be shown as a footpath instead of as a road used as a public path and extended to the Morpeth-Ashington road at Quarry Bank.
do. ... ..	14	The section of path from Saggerston Cottage to Oldgate Bridge to be deleted.
do. ... ..	23	The path to be extended to Oldgate Bridge.
do. ... ..	31	<del>The path to be deleted.</del>
Borough of Walsend ... ..	21	The path to be deleted.
Alnwick Urban District... ..	22	The path to be shown as a footpath instead of as a bridle road.
Ashington Urban District ... ..	3	The path to be deleted from its junction with path No. 2 to the Morpeth-Ashington road.
Bedlingtonshire Urban District... ..	18	The path to be deleted.
do. ... ..	19	The path to be shown as a footpath instead of as a bridle road.
Hexham Urban District... ..	35	The path to be deleted.
Longbenton Urban District ... ..	8	The southern section of the path to be deleted and another path (No. 42) from Scaffold Hill to the Hospital Lane to be inserted. The paths to be deleted.
Newbiggin-by-the-Sea Urban District... ..	4 and 16	The paths to be deleted.
Prudhoe Urban District... ..	25 and 26 28	The path to be shown as a footpath instead of as a road used as a public footpath and modified so as to join path No. 29 at the mineral railway.
do. ... ..	29	The section of the path to the east of the mineral railway to be deleted and at Bullion Hill the line of the path to be amended so as to follow the southern boundary fence of the field and extended to the Urban District boundary.
do. ... ..	31	The section of path from Ovingham Bridge eastwards for a distance of 1,830 yards to be deleted.
do. ... ..	43, 44, 45 and 46	Footpaths from Orchard House to West Wylam Colliery (No. 43) from West Wylam Terrace to The Rises (No. 44), from Holyoake Street to Adderlane Gill (No. 45) and from Edgewell House Road to path No. 15 (No. 46) to be inserted. The paths to be deleted.
Seaton Valley Urban District ... ..	28, 30, 31, 32, 37, 48, 66 and 68.	The paths to be deleted.
do. ... ..	60	The path to be shown as a footpath instead of as a bridle road.

Dated this 14th day of December, 1955.

County Hall, Newcastle-upon-Tyne, 1.  
(281)

E. P. HARVEY, Clerk of the County Council.

(3) A notice by the owner of the land over which any such way passes inconsistent with the dedication of the way as a highway, placed before or after and maintained

[Ch. 45.] *Rights of Way* [22 & 23 GEO. 5.]  
Act, 1932.

after the commencement of this Act in such a manner as to be visible to those using the way, shall, in the absence of proof of a contrary intention, be sufficient evidence to negative the intention to dedicate such way as a highway, and where a notice has been placed in the manner provided in this subsection and is subsequently torn down or defaced, notice in writing by the owner of the land to the council of the county and of the borough or urban or rural district council in which the way is situate that the way is not dedicated to the public shall, in the absence of proof of a contrary intention, be sufficient evidence to negative the intention of the owner of the land to dedicate such way as a highway.

“The purported Public Rights of Way on foot have been identified by numbers in the SURVEY PLAN surveyed by Morpeth Borough Council surveyor Frank K. Perkins following the annotation used in the 1934 survey carried out by Morpeth Borough Council at the request of Northumberland County Council for the purposes of the Rights of Way Act 1932.

“Frank K. Perkins used the ‘MAP PREPARED FOR RIGHTS OF WAY SURVEY 1932 IN TOWN CLERK’S OFFICE 29 BRIDGE STREET’



“Frank K. Perkins records the presence of 2 signs ‘PRIVATE J.R. TEMPLE AND SONS LTD’ erected in ‘1941. BOTH SIDES OF FOOTBRIDGE’. Those two signs were still in place when I visited the land in 1986 and remained in place after I purchased the land and bridge. They were both nailed to trees. They both faced west so that anyone approaching the land could see them. The signs were professional sign writer quality. They were painted black hardwood with Ogee architrave surround with white lettering as reproduced here.



“I removed that hardwood professionally hand painted sign and replaced its effect after taking legal advice with a vinyl sign ‘Private Parking only with permission’ on my entrance road gates further to the west which I erected in 2008. That vinyl sign was produced by being printed on vinyl which meant it faded after some years but I bought two signs at the same time and renewed it in 2018.

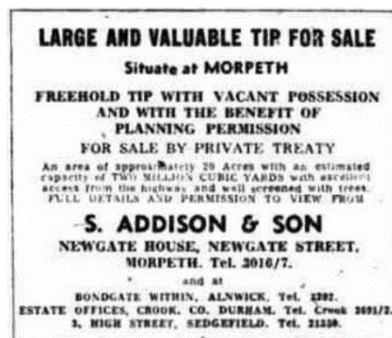
“The picture below looking west to the A197 highway was taken on 11th February 2019 before my neighbour at the kennels stole my gates.



“1975 26th April Newcastle Journal

“Immediately following successful legal action damages were awarded to J.R.Temple & Sons. Due to there being no vehicular Right of Way across Job’s Well Close J.R.Temple & Son accepted as damages the road from their bridge over the River Wansbeck to the A197 highway. They advertised the Tip ‘with excellent access from the highway’ and advertised it for sale but decided to keep it.

“S. Addison & Son were highly respected land agents acting for J.R.Temple & Son.



**National Parks and Access to the Countryside Act 1949 As enacted**

*National Parks and Access to the Countryside Act 1949 (c. 97)*

17

*PART IV – Public Rights of Way*

*Document Generated: 2021-12-26*

*Status: This is the original version (as it was originally enacted).*

- (4) An authority by whom a draft map is prepared as aforesaid shall annex thereto a statement specifying the relevant date and containing, as respects any public path or other way shown thereon in accordance with the foregoing provisions of this section, such particulars appearing to the authority to be reasonably alleged as to the position and width thereof, or as to any limitations or conditions affecting the public right of way thereover, as in the opinion of the authority it is expedient to record in the statement.

**The following document comprises the required Statement.**



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

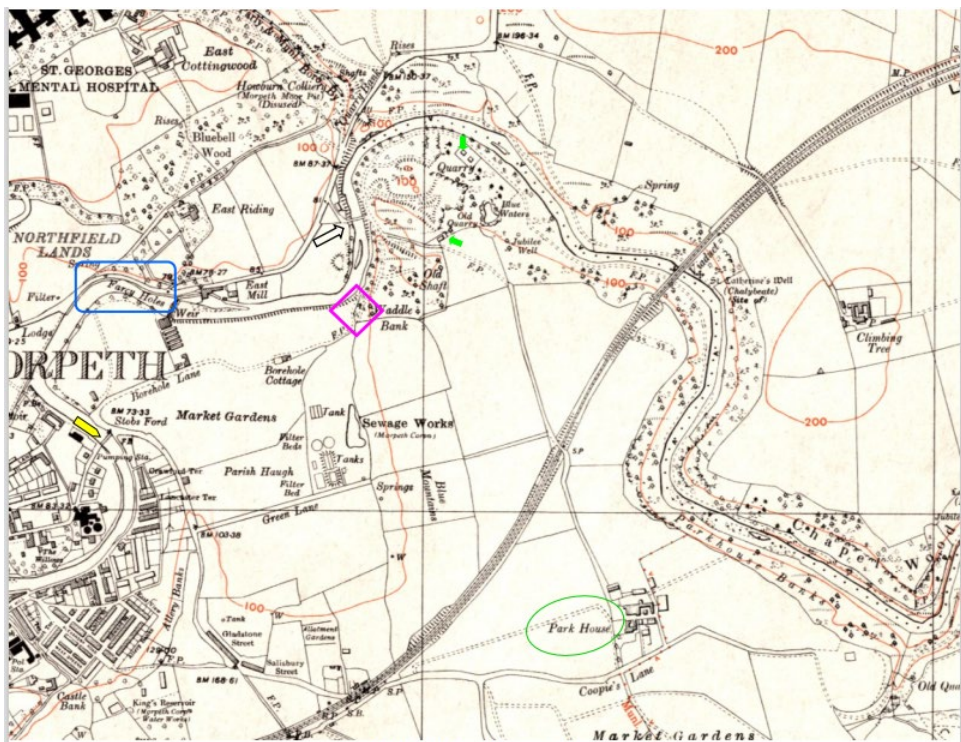
Parish of \_\_\_\_\_ in the Rural District of \_\_\_\_\_

Through Urban-District } of MORPETH  
(Delete whichever is inapplicable).

1. Number of highway on Map 4
2. Kind of Path (i.e. F.P., B.B.) FP
3. Starts at ASHINGTON RD. A197 to PARKHOUSE BANKS
4. Name of Path (if any) \_\_\_\_\_
5. Is the Path well defined? NO
6. Is the Path metalled? If so, define length YES FIRST 100 YDS.
7. If its width can be stated, insert here VARIABLE FROM 3FT TO 2FT.
8. What is the present condition of the path, sides, etc.? PATH HAS A TENDENCY TO BE COVERED OVER WITH FALLEN ROCK. FOOTBRIDGE IS IN UNUSUAL CONDITION
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  
1944 AT BOTH SIDES OF FOOTBRIDGE, PRIVATE J.R. TEMPLE & SONS AT 100 YDS FROM FOOTBRIDGE. NO CAMPING ALLOWED AND AT 200 YDS ANY PERSON FOUND DAMAGING TREES ETC., WILL BE PROSECUTED.
11. Grounds for believing the path to be public (if known), e.g. "Ancient" "Required at Public Expense" (with date) or "mentioned in Minutes of Parish Council" or any other evidence such as that of an old inhabitant  
PRESCRIPTIVE RIGHT.
12. What maps have been consulted, and where are they deposited?  
MAP PREPARED FOR RIGHTS OF WAY SURVEY 1932 IN TOWN CLERK'S OFFICE 29 BRIDGE ST
13. What records have been consulted, and where are they deposited? \_\_\_\_\_
14. Any other relevant information: OLD FOOTBRIDGE WAS KILNED AWAY AND PRESENT ONE WAS ERECTED BY J.R. TEMPLE THE NOTICE BOARDS ARE TO SAFEGUARD HIMSELF AGAINST ACCIDENTS.

Surveyed by	Address	Date of Survey
FRANK K. PERKINS	BOROUGH SURVEYOR'S OFFICE, 36. BRIDGE ST., MORPETH.	18th APRIL 1952.

Important:—Sheet No. of Map on which Highway is shown  
55.169 NW.1 and 55.69 NE.2




1950 Ordnance Survey Map


The 1950 Ordnance Survey map shows the footpath or track west of Park House had no connection to the north.

The footbridge at Stobs Ford, placed there in 1931, is shown. 

The river bank at Farcy Holes is in it's natural position alongside the A197 / B1337 road which is now a parking area or lay-by.

There is no connection from Borehole Cottage to my land. 

There is no connection from my land to Parish Haugh.

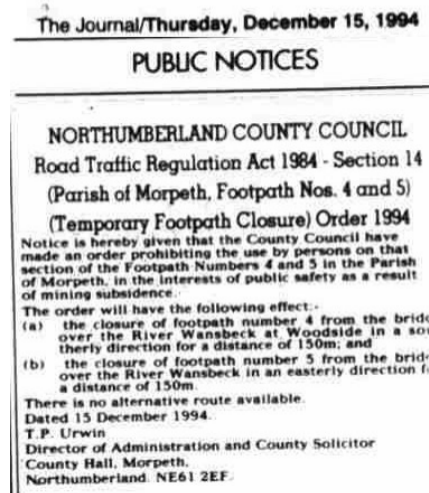
Houses on my land as shown. 

Bridge erected by J.R.Temple and Sons recorded in the Definitive Statement. 

Swinney's Field is disused. Use for football did not commence until 1976 following J.R.Temple and Son giving permission to the club to use their road across Job's Well Close to mow the grass.

The marks used above are my additions over the published map.

## "Historical Evidence



"The above newspaper advertisement was placed by Northumberland County Council to close both of the purported Rights of Way on foot crossing my land. The mining subsidence referred to was in fact the collapse of the cap, placed following the cessation of mining operations, covering the Park House Colliery mineshaft. The shaft had not been filled. The cover was expanded metal plank with 50 mm of concrete. The plank corroded and collapsed into the shaft.

"The shaft was dangerous and work was carried out by Coal Authority contractors to make it safe. The shaft was filled with a large quantity of stone and a thick heavily reinforced concrete disc was cast over the area of the shaft and beyond.

"It is purported to be the case that when mining operations and quarrying operations were taking place the public were trespassing on my land and the landowners and occupiers willingly permitted that trespass without hindrance for twenty years and through lack of effort or wished to dedicate the paths as highway. No credibility can be attached to either claim.

"Both mining and quarrying are dangerous undertakings from which the public must be protected and certainly not permitted to pass through. The quarries presence were well recorded. Coal mining is recorded as having taken place for centuries. Both coal and sandstone outcrop across my land. Sand quarrying is also recorded.



“Without security theft of coal, sand and masonry would take place. Neither quarrying nor coal mining could be commercially successfully nor safely carried out.

“Fishing rights were held by the landowner and let out for money.

“Hunting rights were held by the landowner and let out for money.

“A bathing facility was made by the landowner and let out for money.

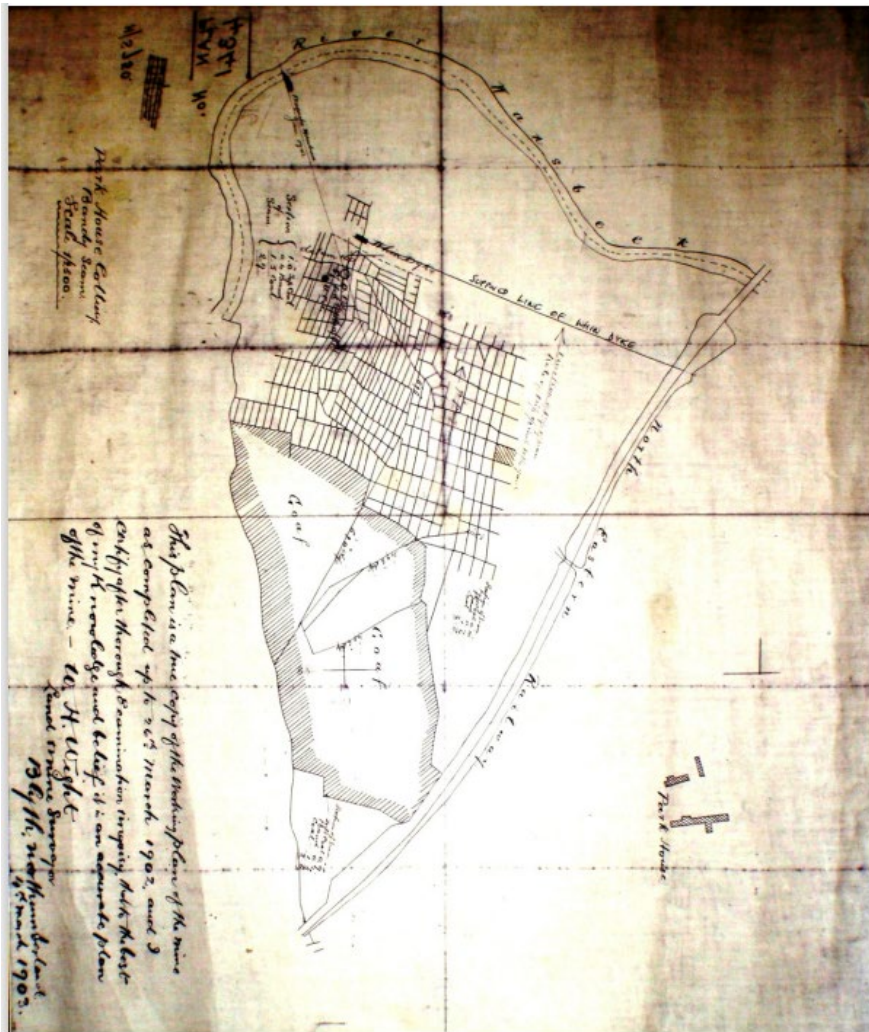
“Newspaper advertisements were placed by owner and occupier to notify the public that trespassers would be prosecuted.

“Every person other than the landowner and land occupiers were denied access by Act of Parliament on foot or cart or with animals.

“Mineral rights were held by the landowner and let out for money. Peaceful enjoyment was required by the occupier

“Park House and Park House Colliery

“The 1903 plan below of the extent of the Bandy Seam workings at Park House Colliery illustrate the amount of coal produced. Records show large quantities of coal having been moved to the surface and safe working areas being necessary which were inconsistent with a Public Right of Way.

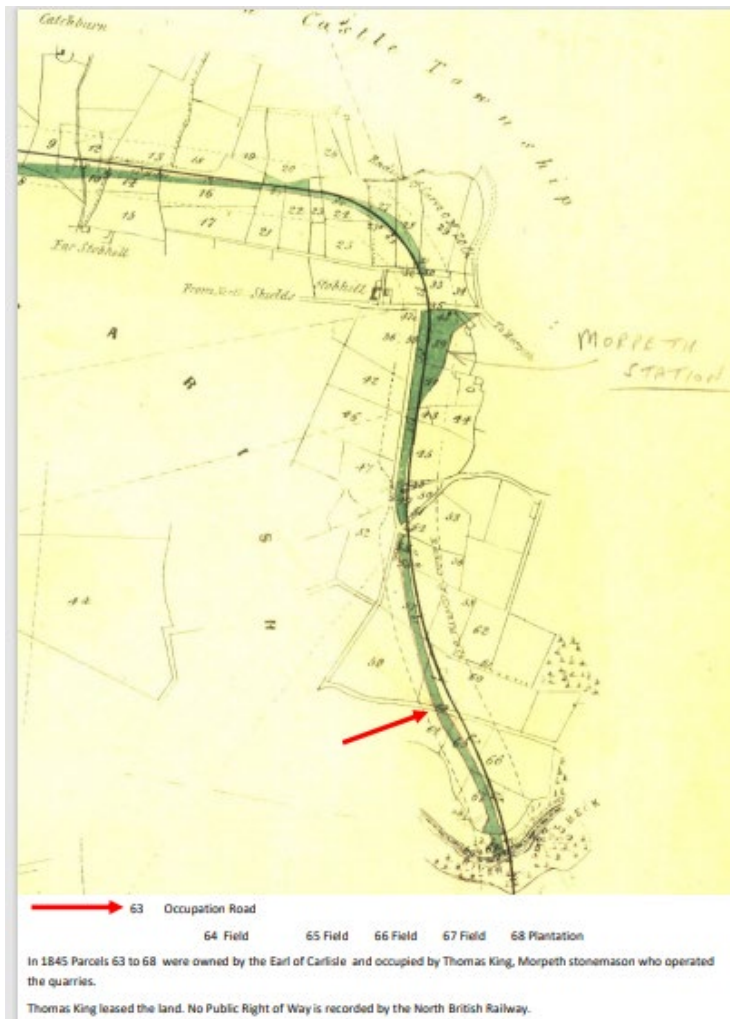




+ Coal Authority records coal mining taking place and being abandoned in 1902, 1912 and 1932.

X 9 shafts are recorded immediately adjacent to footpaths purported to be Rights of Way.

Additional minor pits where coal working has taken place adjacent to purported public rights of way are not so recorded. The Earl of Carlisle as landowner received royalty payments which interest does not correlate with dedication of any Public Right of Way.



(In Duplicate if Copy required by District Estate Surveyor)

EXTRACT FROM BOOK OF REFERENCE

TITLE OF ACT <i>Newcastle &amp; Beach Leasing 1845</i>				
Parish of <i>Morpeth</i> in the County of <i>Northumberland</i>				
No. of Plan	Description	Owners or Reputed Owners	Lessees	Occupiers
57	Field	End of <i>Beckside</i>		<i>Morpeth Bull</i>
58	Field	- <i>ditto</i> -		- <i>ditto</i> -
59	Field	- <i>ditto</i> -		<i>Thomas King</i>
60	Field	- <i>ditto</i> -		- <i>ditto</i> -
61	Plantation	- <i>ditto</i> -		End of <i>Beckside</i>
62	Field	- <i>ditto</i> -		<i>George White</i>
63	Occupation Road	- <i>ditto</i> -		<i>Thomas King</i>
64	Field	- <i>ditto</i> -		- <i>ditto</i> -
65	Field	- <i>ditto</i> -		- <i>ditto</i> -
66	Field	- <i>ditto</i> -		- <i>ditto</i> -
67	Field	- <i>ditto</i> -		- <i>ditto</i> -
68	Plantation	- <i>ditto</i> -		- <i>ditto</i> -
69	<i>Now bounded by the Boundary between the Parishes of Morpeth and Bebbington the Council of Newcastle &amp; Morpeth &amp; the Parish of Bebbington - Red Stone</i>	<i>ditto</i> & <i>The Duke of Richmond</i>		
1	- as above -	<i>Parish of Bebbington</i>		
2	Plantation	<i>Duke of Richmond</i>		<i>Duke of Richmond</i>
2a	Occupation Road	- <i>ditto</i> -		- <i>ditto</i> -
3	Field	- <i>ditto</i> -		<i>George White</i>
4	Field	- <i>ditto</i> -		- <i>ditto</i> -

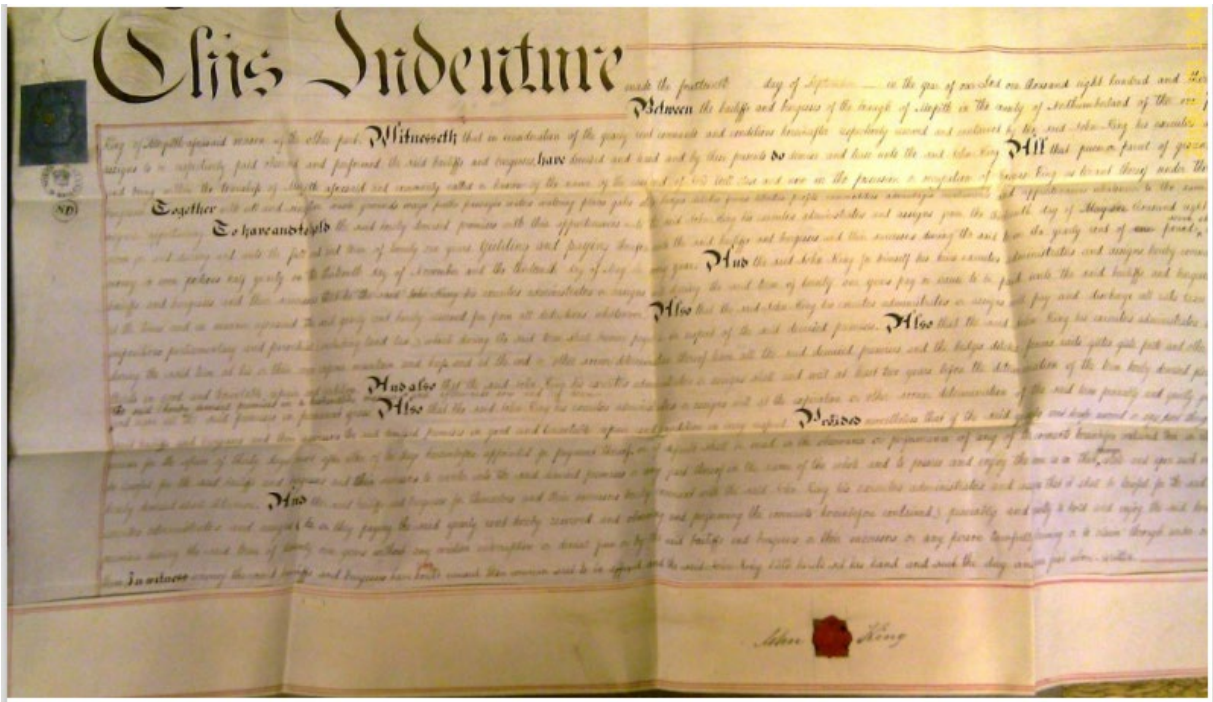
Remarks (if any)

Manuscript/Printed Book of Reference  
 Extracted at *London, Suffolk*  
 By *J. H. Smith*  
 Date *18. 11. 78*

“John King who died in 1867 and his son Thomas King, who died in 1858 and is also buried in St Mary’s churchyard, were stonemasons in Morpeth. They built a reservoir to supply Morpeth with water and numerous other buildings including the Telford bridge and did work on St James church. King Street has numerous stone houses. Access to the quarries he owned was restricted by access. Job’s Well Close gives access and it then being owned by Morpeth Borough Council, John King leased the East end of Job’s Well Close in order to gain access via the ford and stepping stones downstream from my bridge.

“There was no Public Right of Way.





“Lease of East end of Job’s Well Close to John King stonemason from 14th September 1837 for 21 years.



“Lease of East end of Job’s Well Close to John King stonemason from 15th September 1823 for 14 years.

## National Parks and Access to the Countryside Act 1949

(6) In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say.—

" footpath " means a highway over which the public have a right of way on foot only, other than such a highway at the side of a public road ;

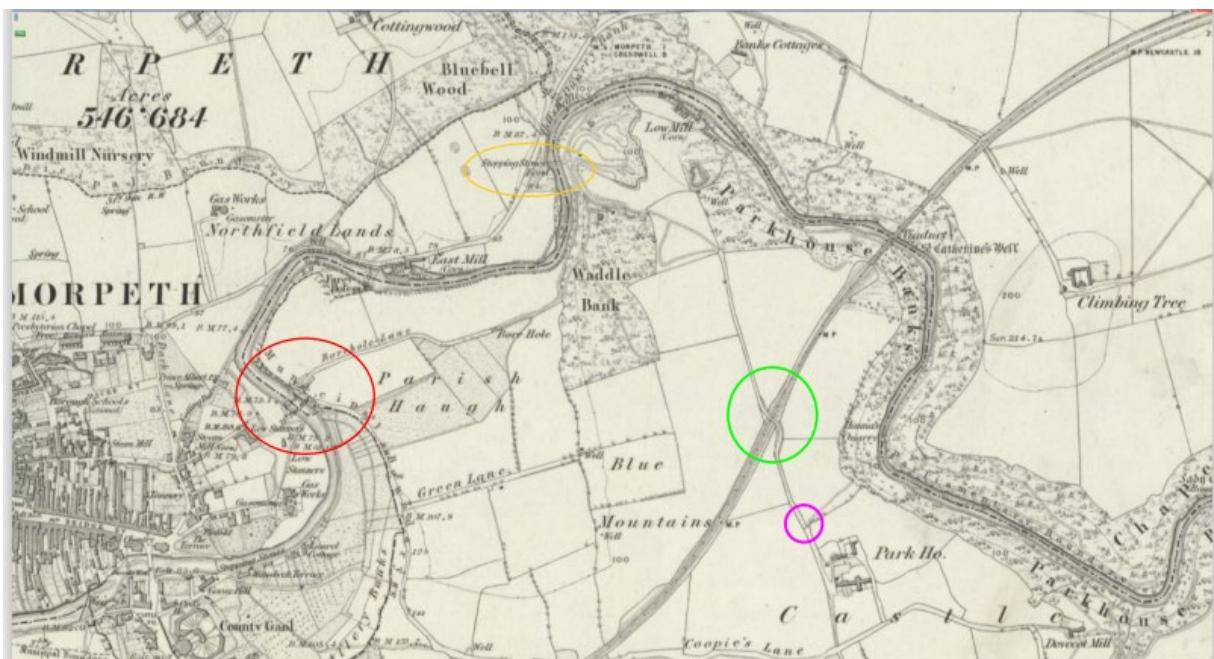
" bridleway " means a highway over which the public have the following, but no other, rights of way, that is to say. a right of way on foot and a right of way on horseback or leading a horse, with or without a right to drive animals of any description along the highway;

" horse " includes pony, ass and mule, and " horseback " shall be construed accordingly;

" public path " means a highway being either a footpath or a bridleway;

" right of way to which this Part of this Act applies " means a right of way such that the land over which the right subsists is a public path;

" road used as a public path " means a highway, other than a public path, used by the public mainly for the purposes for which footpaths or bridleways are so used.



**1859 Ordnance Survey Map**

Access across the River Wansbeck from the East end of Job's Well Close is provided by stepping stones and a ford following John King's acquisition of a lease, renting land for quarrying from the Earl of Carlisle and making an occupation road connecting to Coopie's Lane.

The diverted road is shown where a bridge was made over the newly made railway.

There are two fords at Low Stanners.

Thomas King's occupation road is gated. There is no Public Right of Way.





**1896 Ordnance Survey Map**

Borehole Cottage paths are not contiguous.

East of Borehole Cottage path does not enter Waddle Bank land.

'Quarry Colliery' - correctly named 'Park House Colliery' - operated at this time and was surrounded by fence.

Park House farm house was surrounded by fence with a path from the farm yard to Coupies Lane.

"The 1829 Telford Bridge Act required excavations made to obtain materials for the bridge to be fenced and made safe. The stone for the Telford Bridge and much else in Morpeth, was taken from the quarry on my land then owned by the Earl of Carlisle occupied by Thomas King stonemason. He was involved in building the Telford bridge. He was required to erect fences as described to prevent Accidents to Persons or Cattle'. Substantial fines were to be imposed for failure to do so.

Pits or Holes to be filled up.

LVII. And be it further enacted, That if any Persons employed under the Powers of this Act shall, by searching for, digging, or getting any Gravel, Sand, Stones, Chalk, Clay, or other Materials as aforesaid, make any Pit or Hole in any Lands or Grounds, Rivers or Brooks

5

Brooks as aforesaid, wherein such Materials shall be found, such Person shall forthwith cause the same to be sufficiently fenced off, and such Fence to be supported and repaired during such Time as the said Pit or Hole shall remain open, and shall, within Three Days after such Pit or Hole shall be open or made, where no Materials shall be found, cause the same to be filled up, levelled, and covered with the Turf or Clay which was dug out of the same; and, where such Materials shall be found, within Seven Days after having dug up sufficient Materials in such Pit or Hole, if the same is not likely to be further useful, shall cause the same to be filled up, sloped down, or fenced off, and so continued; and if the same is likely to be further useful, such Person or Persons so employed shall sufficiently secure the same by Fences, to prevent Accidents to Persons or Cattle; and in case any such Person shall neglect to fill up, slope down, or fence off such Pit or Hole in the Manner and within the Time aforesaid, he shall forfeit and pay any Sum not exceeding Ten Pounds for every such Default; and in case such Person shall neglect to fence off such Pit or Hole, or to slope down the same, as herein-before is directed, for the Space of Twenty-four Hours after he shall have received Notice for either of those Purposes from any Justice of the Peace, or from the Owner or Occupier of such several Grounds, River, or Brook, and such Neglect and Notice shall be proved upon Oath before any of the said Justices of the Peace, such Person shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings for every such Neglect, to be determined and adjudged by such Justice; and such Penalty shall be laid out and applied in the fencing off, filling up, and sloping down such Pit or Hole, in such Manner as the said Justice shall direct and appoint; which Forfeiture, in case the same be not forthwith paid, shall be levied as other Forfeitures are herein-after directed to be levied.


Power to stop up old Bridge.

LXXXVIII. Provided always, and be it further enacted, That as soon as the said intended Bridge shall be built and completely furnished and made commodious and opened to the Public for the Passage of Passengers, Carriages, and Cattle over the same, it shall be lawful for the said Commissioners and they are hereby required to stop up the said

said present Bridge, and also all Fords across the said River *Wansbeck*, within Seven hundred and fifty Yards from the East Side of the intended Bridge, and within Seven hundred Yards from the West Side of the said intended Bridge, following the Course of the River in each Case, except the Ford herein-after mentioned, called the *Low Stanners Ford*, so as to prevent Carriages, Horses, or Cattle from passing over or through the same or any of them, and to keep the same stopped up until the Tolls upon the said intended Bridge shall have ceased.


#### 1832 Map


Borehole Lane ford was within the stipulated 750 yards from the East side of the Telford bridge so that the ford leading there was required by the Act of Parliament to be stopped up.


Coopie's Lane led to the Dovecot. 

The correct name has now been forgotten so that Coopies Lane is used forgetting it's origins related to the pigeon coop.

What is later called Borehole Lane had no connection to my land. 

The then Morpeth Borough boundary is shown in green. 

The occupation road made by Thomas King for quarrying sandstone has no record showing a Public Right of Way. 

Nedderton Wagonway supplied Morpeth with coal which was used in Low Stanners gas works. 

These features were all on private land owned by the Earl of Carlisle and rented to occupiers accordingly.



#### 1829 Telford Bridge Act

LXXXIX. Provided always, and be it further enacted, That after the said intended Bridge shall be fully completed and opened to the Public as aforesaid, if any Persons shall drive or take or attempt to drive or take, or cause to pass, any Horse, Mare, Gelding, Mule, Ass, Beast, Sheep, Swine, Calf, Lamb, or any Cattle whatsoever, or any Cart, Coach, Waggon, or any Carriage whatsoever, over or along the said present Bridge, whether the same shall have been stopped up as aforesaid or not, every Person so offending shall forfeit the Sum of Forty Shillings for every such Horse, Mare, Gelding, Mule, Ass, Beast, Sheep, Swine, Calf, Cart, Coach, Waggon, or Carriage; and if any Person shall make any Ford through or Bridge over the said River, within the Distance of Seven hundred and fifty Yards from the East Side of the said intended Bridge, or within Seven hundred Yards from the West Side of the said Bridge, following the Course of the River in each Case, every such Person shall forfeit and pay the Sum of Forty Pounds for every such Offence; and every Person who shall take or drive or cause to pass any Horse, Mare, Gelding, Mule, Ass, Beast, Swine, Sheep, Calf, or other Cattle, or any Coach, Cart, Waggon, or other Carriage whatsoever, through or over any Ford whatsoever, or over or along any Bridge whatsoever, within such respective Distances, shall forfeit and pay any Sum not exceeding Forty Shillings for every Horse, Mare, Mule, Gelding, Ass, Beast, Sheep, Swine, Calf, Coach, Cart, Waggon, and Carriage whatsoever, which he, she, or they shall take, drive, or cause to pass through, over, or along such Ford or Bridge.

Penalty for using old Bridge, or any other Bridge or Ford.







"1848 4th September the bridge loans having been repaid tolls were no longer collected.

#### Obituary

### MR. GEO. TEMPLE, MORPETH

"Though we may only be a very small gathering present in St. Mary's Church this afternoon, I hope I may be permitted to place on record the very high appreciation with which the name of Mr. George Temple is accepted by many people in Morpeth," remarked the Rector of Morpeth (Canon F. Baker) when conducting the funeral service of the late Mr. George Temple, whose death took place at his residence, 2a Bennett's Walk, Morpeth, last Saturday morning.

"A quiet though kindly soul," continued the Rector, "George Temple has been a very loyal member of both St. Mary's and St. James' Churches and most regular in his attendance at service every Sunday until his hearing prevented him from enjoying to the full his participation in public worship. He succeeded his father, the late Mr. Andrew Temple, as a member of the Four and Twenty, who were the forerunners of the present Parochial Council.

He also rendered long and faithful service in St. James' Church as a churchwarden and sidesman, and, though somewhat retiring, his generous nature and loyalty won for him the respect of many people in Morpeth and the surrounding district, and I feel sure the members of his family have the sympathy of many friends, in the time of their present sorrow."

Born in the Kirk Yetholm district 35 years ago, Mr. George Temple possessed many of the sterling qualities associated with the men and women of the border country, and at the age of seven, along with his parents and other members of his family, came from Roddam Hall, when his father accepted the position of head gardener to the Hon. Francis and Lady Grey, when Canon Grey was Rector of Morpeth. While residing at the High Church he assisted his father on many occasions as a boy, and on one occasion helped to plant the six fine trees which line the pathway leading directly west from the St. Mary's porch. When the late Mr. Andrew Temple branched out as a market gardener in Morpeth, Mr. George Temple and his brothers shouldered their responsibilities, and after a few years they branched out from their premises in Wansbeck Street and Bennett's Walk to the land which surrounded Park House, and when the Carlisle estate was broken up in 1813 the late Mr. A. Temple and his sons became the owners of the Park House and Stobhill Gate portions of the estate.

After the death of Mr. Andrew Temple, Mr. George Temple and his younger brother, Mr. John R. Temple, continued in partnership for a time, but in 1829 they dissolved partnership, Mr. John R. Temple taking over the Park House section, while Mr. George retained Stobhill Gate.

A member of the Do Ogle Lodge of Freemasons, he played a prominent part in the original formation of the Morpeth Highland Pipe Band, along with the late Sir George Macwick, of Spring Hill, and other prominent residents of the town of Morpeth.

1874 Temple family moved to Morpeth.

Previously tenants, they bought land at Stobhill and Park House in 1913.

Prior to that market gardeners on Parish Haugh and Allery Banks.

J.R. Temple and Sons partnership formed in 1920.

1857 30th May Morpeth Herald

**MORPETH BOARD OF HEALTH.**—At a meeting of the board held on Wednesday week, Mr. William Noble's plan for buildings at the Goose Hill was ordered to be amended; and a resolution was passed that the board should take charge of, and keep in repair, a bridge over the Wansbeck, at the Low Stanners Ford, about to be erected at the expense of the Earl of Carlisle.

The fishing question and the Corporation may yet become an important matter if a Bill more liberally framed is introduced. The question is one which needs to be handled with extreme care, and in no way will the Corporation to show any special preference to particular classes or sect of individuals. In the first place we might point out that for many, many years the public of Morpeth have had the right of fishing in the Wansbeck from the Green House Bridge to the Royal Water Head, a distance of nearly 3 miles. This privilege they enjoyed unopposed until about twelve months ago when a part of the river from the Railway Viaduct to Royal Water Head was taken from them and introduced as preserved ground. Our noble Dukes are the trustees of the ground, to this fact and an application was made to the Carlisle Trustees asking them to restore the fishing for the public of Morpeth. A very liberal answer was received and the Trustees were quite willing that the public of Morpeth should still have the privilege of fishing in this particular part of the river, and suggested that a club should be formed for the purpose of protecting the river from being over-run with persons who make fishing the excuse for indulging in the illegal search of the river. A meeting of the prominent persons of the town was called and it was agreed that a club should be formed and that a subscription of 2s per annum should be paid by each member, and that for youths below the age of 16 years, all of whom must be inhabitants of the parishes of Morpeth and Buller's Green. Those facts were submitted to the Council for consideration, and after much very lively debate adopted by a majority. There was a strong plea made that the fee was too high and would exclude the working classes from

joining the club. That there is some reason in this opinion is not to be doubted, and it would be well for the Council to take the matter into careful consideration, as it would be a most unjust procedure to place the fee beyond the reach of ordinary working men. The Carlisle Trustees were favourable as to the fishing being free to the public of Morpeth, and the fee of the club might be made so as to meet the demands of all classes. We cannot say that we are in favour of making a fee for the working man and another for the tradesman. That, we believe, would not be at all equitable to either party, as working men generally have to wish but that they should be fairly treated and placed on an equal footing with the rest of the community. The great thing is to make a uniform fee as far as to be within the reach of all classes, and we are strongly of opinion that the fee ought not to exceed 1s per annum. As for apprentices, the half fee should be in operation until they have reached the age of 16. It is most absurd to limit the half fee to youths below 16 years of age, as it is very well known that there are few apprentices, even at the age of twenty whose earnings are sufficiently large enough to keep themselves. Moreover in cases where there are two or three lads in a family between the ages of sixteen and twenty, it would entail considerable expense upon their parents if they had to pay for each of them 1s per annum to join the club. Most of the members of the club as it at present exists have done to fish in other waters, and they should not be regarded as the working classes, who are not so fortunate, to obtain a little recreation as a casual figure. It is only to be regretted that so many of the working men in this town spend much of their leisure time in pursuits that have no beneficial tendency either intellectually or morally, and it behoves all who have the welfare of their fellow-men at heart to encourage that which is calculated to do the most good and which will be conducive to the general welfare of the community at large. We trust that the club will endeavour to get as many working men members as possible and that they will not overlook the claims of the apprentices. They ought to get every angle in Morpeth to join them, for to do this so they will make the fishing within the borough much better than it has ever been, as more attention will be paid to the rules of angling, and young fish will be allowed to grow to respectable proportions before being killed.

**1884 19th July Morpeth Herald**  
**'Our Own Column'**

The right to fish the river from the Railway Viaduct to Bothal Weir Head was rented to a newly formed angling club. The footpath created to fish that bank of the River Wansbeck was not a Right of Way. It leads only to the river.

**1855 25th August Morpeth Herald**

The Bore Hole Lane led to the Bore Hole bath and shower. Charges were made for its use. A cottage was built for an attendant to supervise its use. The Borehole Lane was not a Public Right of Way but provided access for the public to experience the health giving properties of the chalybeate water in the bath and shower.

The "Box Hole."—This fine chalybeate spring within a short distance of this Town having recently failed in its supply, two of Lord Carlisle's workmen, by order of A. R. Fenwick, Esq., were sent to ascertain the cause of the failure, and found underneath the flags at the bottom of the Bath, a large hole through which the water had escaped. Having completely repaired the damage, the Bath is now full of "water clear as diamond spark" and only awaits the inhabitants of Morpeth to appreciate its invigorating properties and benefits to those in quest of health. The small charge of one penny for the plunge, and two pence for the shower bath is made to remunerate the person in attendance.

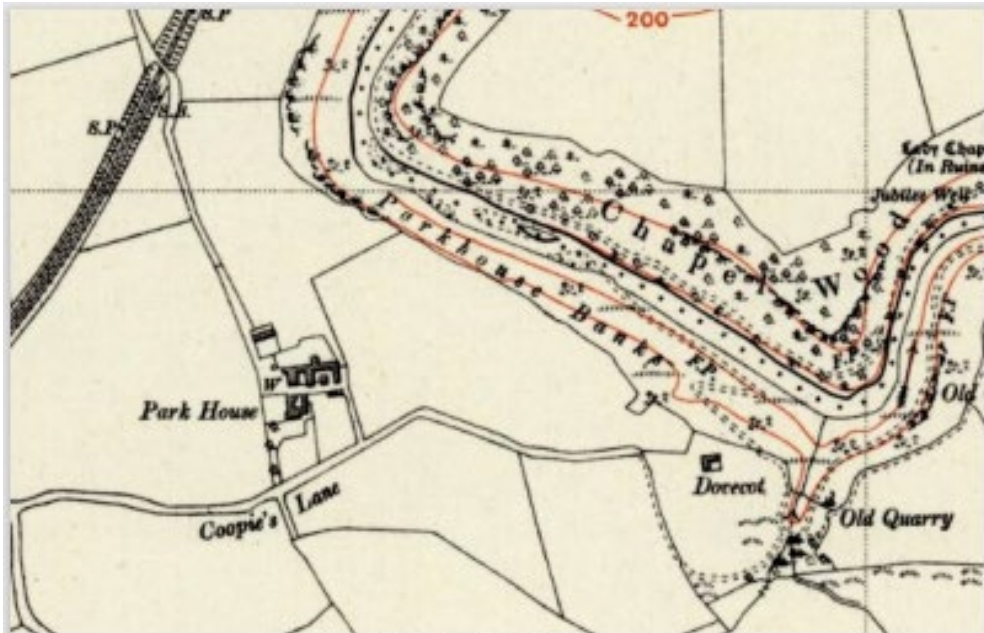
**1857 30th May Morpeth Herald**

Earl of Carlisle erected a wooden bridge at Stobsford. A replacement bridge was put in position in 1931. Made in 1872 it was moved from High Stanners. MORPETH BOARD OF HEALTH.—At a meeting of the board held on Wednesday week, Mr. William Noble's plan for buildings at the Goose Hill was ordered to be amended; and a resolution was passed that the board should take charge of, and keep in repair, a bridge over the Wansbeck, at the Low Stanners Ford, about to be erected at the expense of the Earl of Carlisle.

**1921 Ordnance Survey Map**

- Paths leading from Borehole Cottage are not contiguous. →
- Paths do not connect to my land. →
- My riverside path does not exist to the south of the river crossing. →
- Timber was sourced from the woodland. Output from the market gardens was sold in Newcastle. Horses were kept for that purpose on land unsuitable for arable purposes and paths led from those areas for that reason. These were not public rights of way. Parish Haugh was used for market garden purposes by the Temple and Charlton families. The Temple family carts changed horses at Stannington after the steep hill. The middens of Newcastle provided fertiliser transported on the returning carts.
- The 1921 map shows a greenhouse. ↖





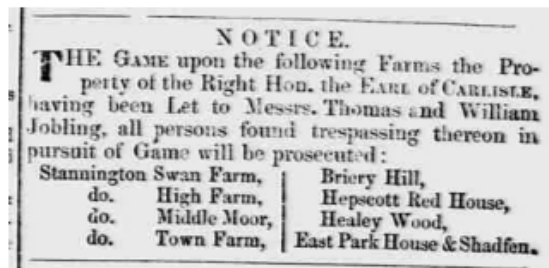
1938 Ordnance Survey Map

No footpath exists adjacent to Park House. The track to the bridge over the railway is gated.

The map shows no evidence of a Right of Way.

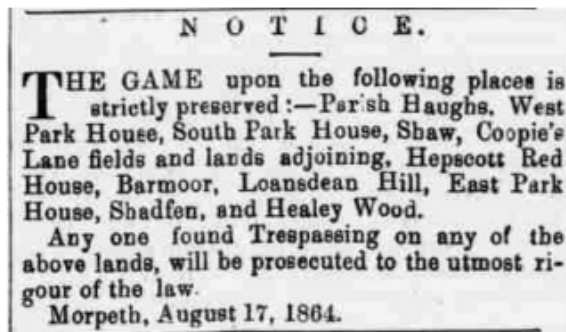
“1857 8th August Morpeth Herald

Trespassers were warned that they would be prosecuted. The notice is not consistent with a wish to dedicate a Right of Way over the land.



“1864 20th August Morpeth Herald

Trespassers were warned that they would be prosecuted. The notice is not consistent with a wish to dedicate a Right of Way over the land.





**BOROUGH OF MORPETH.**

**BUILDING SITES OR GARDENS.**

**T**O L E T. from the 12th day of May, 1865,  
as Building Sites upon lease, for 75 years,  
or as Gardens from year to year, the whole or a  
portion of the following, viz:—

- 1.—The Garden at the Well Way, now occu-  
pied by the Executors of the late Mr. Thomas  
Jobling.
- 2.—The Garden or Field at Job's Well, in the  
occupation of William Potts.

Offers, stating whether for Building Site or  
Garden, and the rent, to be sent in to me, not  
later than the 1st day of Oct. next.

The Corporation does not bind itself to accept  
any offer.

By Order,  
**B. WOODMAN,**  
TOWN CLERK.

Morpeth, 2nd August, 1864.

1882 24th June Morpeth Herald

**N**OTICE.—Any one found gathering Mushrooms  
or TRESPASSING on Park House Farm will  
be prosecuted.

**THOMAS SIMM,**

1885 26th December Morpeth Herald

**Special Notices.**

**NOTICE TO CREDITORS.**

Re **JOHN MOOR**, late of Longhirst in the County  
of Northumberland, Farmer and Butcher, deceased.

**A**LL persons having claims against Thomas  
Simm, of Park House, Morpeth, Cattle Sale-  
man; Francis Hewitt, of Woodhorn Demesne,  
Farmer; and John Bean, of Dovecot House, Stan-  
nington, Farmer, the Trustees under a deed dated  
the 15th day of November, 1870, of the estate and  
effects of the said deceased, or against Mrs. Elizabeth  
Moor, of Longhirst, aforesaid, the widow and  
administratrix of the said deceased, are required to  
send particulars thereof to us the undersigned, on or  
before the 31st day of December, 1885.

Dated this 23rd day of December, 1885.  
**T. & R. NICHOLSON,**  
23, Bridge Street, Morpeth,  
Solicitors to the Estate.

1889 14th September Morpeth Herald

promising and honourable career. The second gentle-  
man who has gone home is Mr. Thomas Simm, of Park  
House, who died on Monday, after a long and pro-  
tracted illness. Mr. Simm was one of the most  
successful cattle salesman in the North, and was  
respected by all classes for his manly and upright  
dealing. He was also known as a thorough practical  
farmer, and his farm at Park House not only shows  
this to be the case, but for years past he has been  
credited with having some of the earliest and best  
crops in the county. His sympathies with the poor  
were plainly manifested in his liberal donations, both  
in money and goods, which he generously bestowed  
upon all charitable movements organised in this town,  
and there are none but who will regret his decease and  
arrange deeply with his sorrowing family. The

### 1869 17th July Morpeth Herald

The report includes a description of the inhabitants of Morpeth walking two abreast 'perambulating the bounds' headed by Mr Banks band and carrying the Mace with the Mayor wearing his chain of office. At Job's Well Close a halt was made refreshments provided, and they toasted the health of the Mayor whilst the band played an appropriate tune.

Rather than use any purported Right of Way across any purported bridge the column crossed the River Wansbeck at East Mill walking on the weir. That was undoubtedly a risky thing to do as the weir is always covered in green slime. Having maintained a mill dam with a similar weir for over 25 years I can testify to the hazardous nature of stone, slime covered weirs.

The How Burn was then called Holburn and Whorral Bank was Quarry Bank. They walked alongside the River Wansbeck via Swinney's Field, then unnamed, crossed East Mill weir onto Parish Haugh and went west to Farcey Hole which was upstream of East Mill, across the west end of Parish Haugh to Low Stanners ford. The present day names of the lane from the ford are Gladstone Street and Salisbury Street however it was then reported as Park House Lane. They then turned west back towards the town centre.

The route was much the same as that followed in 1863.

There was no path or prospective Right of Way across Parish Haugh.

In more recent times they rode the bounds of the extended Morpeth Borough. To do that they asked for my permission, gladly given, in order to cross my land on horseback. Clive Temple had to learn to ride a horse as he was Mayor at one of these events.

### PERAMBULATING THE BOUNDARIES OF MORPETH.

The Mayor, Aldermen and Common Councilors along with a large number of the inhabitants of Morpeth, perambulated the municipal boundaries of the borough on Wednesday. They met at the Council Chamber at 4 o'clock and after having partaken of refreshments provided by the Mayor and Councilor W. Grey, the procession was formed by Mr. News, deputy town clerk. The procession was headed by Mr. Banks' band, then came Mr. James Thompson (a freemason) carrying a hand saw, Mr. E. Barn carrying a hedge knife, the mayor's messenger (Mr. John Broad) carrying the mace, the Mayor (wearing the gold chain of office) with Alderman Hood on his right and Councilor G. S. Hunt on his left, the following councilors two abreast, Councilors F. Brunell, G. S. Chitrey, J. Dixon, T. Jobling, W. Hall, G. R. Grey, W. Stanley, W. Grey, and D. F. Wilson, and the general public also two abreast. They marched along Hoising Street and Oldgate Street, across the Chain Bridge, and took the same route as was done on the last occasion, namely on St. Mark's Day 1863, when the late Mr. Wm. Wilson was Mayor the following is the record left at that time in the minutes of the Corporation:—

Began opposite the Chain Bridge on the High Stanners and proceeding by the northern side of the Upper Farnall Close in the occupation of Mr. Ralph Watson, through the garden adjoining the High Stanners the property of Mr. T. Jobling and others, over the south end of the pig sty into the High Stanners by the north side of the two cottages now or lately occupied by George Chaitler, then by the wall of the Nether Farnall Close to the western extremity of the Stanners over the river in a north westerly direction to the mouth of a drain in a wall forming the southern boundary of a garden belonging to the Rev. B. Ord, and about 33 yards from the ford across the river Wansbeck, along that wall to the centre of the cart road, to Soller's Green Cross, to the end of the Eggar Lane, to Cottingwood Lane, along that lane to the northern bound ary of the North Field lands, passing along the southern fence of Cottingwood Nursery and the Blue Bell Wood to Holburn, down Holburn to the river Wansbeck, by the northern side of the river to the East Mill weir, over that weir into the Parish Haugh, and the Farcey Hole to the Green Lane, above the Barn Hole Lane, to the ford from the Low Stanners, up the Park House Lane, or Old Waggon-way, to Miller's Goby Nook, along the south side of the south hedge of the Alley Banks into the Gledy Haugh and the garden which was formerly part of the Gledy Haugh, and now or lately occupied by Mr. George Purdy, keeping the south side of the fence of the Gledy Garden to the Turnpike Road, across it to the Southern side of the South fence of the garden belonging to and occupied by George Purdy, and by the South West fence of the same garden to the base of the Hill as far as the ancient mound or fence, and along that fence to the water's edge at Babon's Close which adjoins the Castle Wood, and then by the South side of the river to the High Stanners, and by the South fence of the same to the point where the perambulation commenced." In Wednesday's progress, much difficulty was experienced in getting across the river from the High Stanners to the lane leading to the foot of Dogger Bank—the boat being over laden ran aground, and could not be got off till one councilor valourously leaped into the river and waded to the bank, while several others had to be carried ashore. The whole scene caused a great deal of merriment and attracted a crowd of spectators. William Morgan was the only person who traversed that part of the boundary that lies through the Quarry Bank. He also swam up the river a good way, at a point where the company could not get close to the water's edge; and amused them by performing various feats of swimming and diving at the East Mill weir-head, for which he was rewarded by a contribution of twelve shillings. At Job's well, where a halt was made, and refreshments provided, Mr. B. G. Roberts proposed the health of the Mayor, which was drunk with enthusiasm, and responded to by him, and the band played an appropriate tune. The journey occupied about three hours, and the difficulties encountered in the way of climbing steep banks, making sharp descents, and climbing over very unsmooth fences, had exhausted many; for the ranks were considerably thinned before they returned to town. The company afterwards dined at the Queen's Head, under the presidency of the Mayor; and with toasts, songs, and music from the band, a pleasant evening was spent.

### "Flood Events

Flooding has damaged and removed completely bridges which are necessary for purported Public Rights of Way. to have any possibility of existing. No requirement exists or has existed for landowners to construct or maintain the bridges for public use. They were all created by the land occupier for use by the land occupier.

### THE RECORD OF FLOOD STONES

The one gauging station on the Wansbeck at Mitford, just downstream from the confluence with the Font, was established in 1968. However, flood stones at Bothal Mill and East Mill provide a basis for comparing the severe Wansbeck floods of the late nineteenth century with more recent extremes. The record at Bothal Mill is the most comprehensive and, although the wall on which the levels were inscribed was demolished in the early 1980s, fortunately the levels

had been surveyed previously by River Authority engineers. They are as follows:

7 Mar	1963	10.88m above Ordnance Datum
	1898	10.78m
	1878	10.37m
	1886	10.30m
17 Oct	1967	9.81m
1 Jun	1924	9.78m
	1948	9.48m

There are only two engraved stones at East Mill, for 1963 and 1898, and these confirm the supremacy of the 1963 flood, which in this case was about 0.18 metres higher than in 1898.

	11 Jun 1863	2 Nov 1863	20 Dec 1876	21 Aug 1877	22 Jan 1878	31 Dec 1878	9 Mar 1881	6 Nov 1886	7 Sep 1898	18 Oct 1898	26 Oct 1900	9 Oct 1903
High Stanners		1	2	1	1	2	1	1	2			
Olivers Mill				1			1					
Beechfield Ho.	3				1		1		1			
Low Stanners	3	1	1	1	1	1	1	1	1	1	1	1
Staithe Lane							1	1				
Bennett's Walk	3		2/1?				1	1	1	1	1	
Tenter Tce			2/1?			1						
Albert Inn	1	1	Abandoned 1868 and later demolished									
East Mill					1		1	1	1	1		1/2

1 - Flooded houses  
2 - Flooded access  
3 - Flooded road / gardens

### 13th September 1839 Bridge destroyed by flood

the water was several feet deep in some houses at Morpeth. A wooden bridge at Morpeth quarry was destroyed and at the East Mill the water nearly reached the first storey. A stack of hay was taken from Bothal Haughs, carried out to

1839.] HISTORICAL REGISTER OF REMARKABLE EVENTS. 117

the damage was estimated at nearly £3,000. The Wansbeck rose two feet higher than in the great flood of February, 1831, and the water was several feet deep in some houses at Morpeth; a wooden bridge at Morpeth quarry was swept away; the dam at Netherwitton was destroyed; many

### 1878 flood Bridge removed by flood

Water backed up the Cotting burn, flooding Mill Square and the east side of Damside. Wright's timber yard was under two feet of water. Nearby, the quay wall at Beechfield and the Willows was overtopped, covering gardens and floors of the Vineries and filling cellars. Further downstream, East Mill was flooded to a depth of three feet and the bridge at Quarry Drift colliery was twisted out of position.

### 1898 flood no record of Bridge

water reached the seventh step of the stairs leading to the bedrooms. The level is engraved nearby on the doorway of an outbuilding.

A little further downstream an unexpected disaster struck T. Proudlock, a tripe preparer at Job's Well Close. His works adjoined a disused coal shaft and the weight of water broke through the shaft covering and, swirling down the opening, carried away cart, trap, watchdog, ten pigs and part of his buildings. At Sheepwash a temporary bridge damaged in September was completely destroyed.



1769 Armstrong Map

The map shows the Earl of Carlisle as landowner of the Low Stanners ford as is described in the Telford Bridge Act.

There is not even a ford at Job's Well Close.



Dated 20th February 1873

The Mayor Aldermen and Burgesses of Morpeth

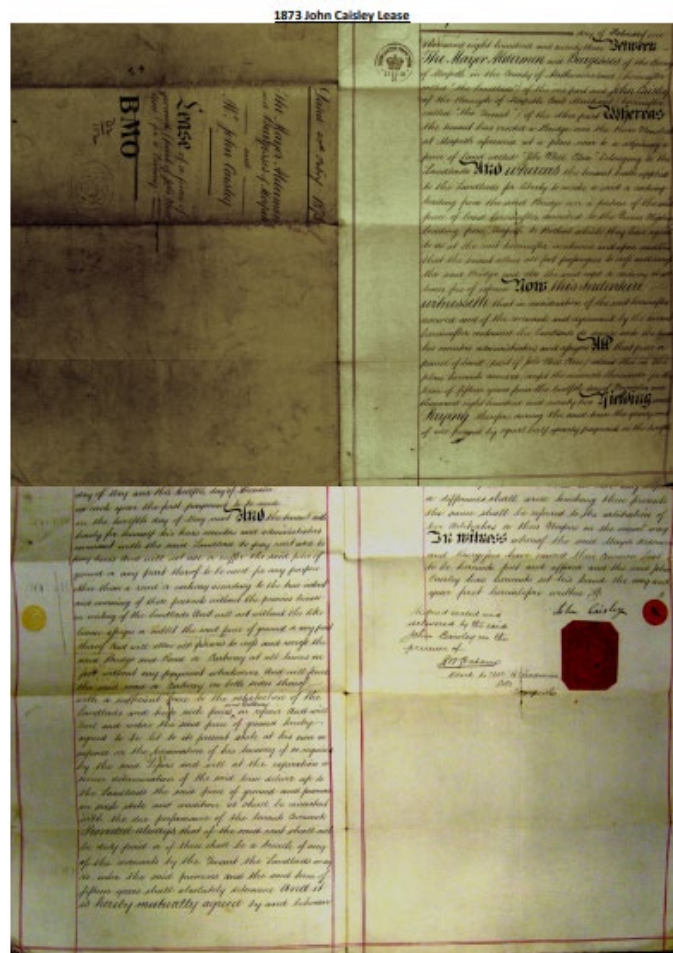
And

Mr. John Caisley

Lease of a piece of ground (part of Job's Well Close) for a cartway

**Lease 20th** day of February one thousand eight hundred and seventy three **Between** The Mayor Aldermen and Burgesses of the Borough of Morpeth in the County of Northumberland (hereinafter called "the Landlords") of the one part and John Caisley of the Borough of Morpeth Coal Merchant (hereinafter called "the Tenant") of the other part **Whereas** the tenant has erected a Bridge over the River Wansbeck at Morpeth aforesaid at a place near to or adjoining a piece of land called "Job's Well Close" belonging to the Landlords **And** whereas the tenant hath applied to the Landlords for liberty to make a road or cartway leading from the said bridge over a portion of the said land hereinafter described to the Queens Highway leading from Morpeth to Bothal which they have agreed to do at the rent hereinafter mentioned and upon condition that the tenant allows all foot passengers to cross and recross the said bridge and also the said road or cartway at all times free of expense **Now** this Indenture witnesseth that in consideration of the rent hereinafter reserved and of the covenants and agreements by the tenant hereinafter contained the Landlords do demise unto the tenant his executors administrators and assigns **All** that piece or parcel of land (part of Job's Well Close) coloured blue on the plan hereunto annexed (except the minerals thereunder) for the term of fifteen years from the twelfth day of November one thousand eight hundred and seventy two **Yielding** and **Paying** therefor during the said term the yearly rent of one pound by equal half yearly payments on the twelfth day of May and the twelfth day of November in each year the first payment to be made on the twelfth day of May next **And** the tenant doth hereby for himself his heirs executors and administrators covenant with the said Landlord to pay rent and to pay taxes and will not use or suffer the said piece of ground or any part thereof to be used for any purpose other than a road or cartway according to the true intent and meaning of these presents without the previous license in writing of the Landlords **And** will not without the like license assign or sublet the said piece of ground or any part thereof **And** will allow all persons to cross and recross the said Bridge and Road or Cartway at all times on foot without any payment whatsoever **And** will fence the said Road or Cartway on both sides thereof with a sufficient fence to the satisfaction of the Landlords and keep such fences and Cartway in repair **And** will level and restore the said piece of ground hereby agreed to be let to its present state at his own expence on the termination of his tenancy if so required by the said Lessors and will at the expiration or sooner determination of the said term deliver up to the Landlords the said piece of ground and premises in such state and condition as shall be consistent with the due performance of the tenants Covenants **Provided** always that if the said rent shall not be duly paid or if there shall be a breach of any of the covenants by the Tenant the Landlords may re-enter the said premises and the said term of fifteen years shall absolutely determine and it is hereby mutually agreed by and between.....

“A condition of this short lived lease was all foot passengers to cross his bridge ‘free of expense’. It was not described as ‘highway’ unlike ‘the Queens Highway leading from Morpeth to Bothal’ to which it connected. Morpeth Borough Council did not own land on the east side of the River Wansbeck. There was no Public Right of Way. This lease failed after 6 years when the bridge was washed away in a flood. The following leaseholders mined coal. Fencing was required for safety and security reasons . Morpeth Borough Council required the following leaseholders not to allow a Right of Way to be created.



“John Caisley’s bridge having been destroyed his lease for a road came to an early end and 4 men took a lease to sink a pit in Job’s Well Close. The lease granted by Morpeth Borough Council required no Public Right of Way be created determined in 1893. Richard Todd one of the leaseholders, lived in Earl of Carlisle’s Bore Hole cottage. He made the path between the cottage and the ford to Job’s Well mine shaft. Later maps show no path making that connection. In 1898 the disused shaft was flooded. There was no Public Right of Way across Job’s Well Close.



Dated 19th November 1879  
The Mayor Aldermen & Burgesses of the Borough of Morpeth  
to  
Messrs John Short and others  
Lease of Jobs Well Close near Morpeth with liberty to sink a pit.

**This Indenture** made the nineteenth day of November one thousand eight hundred and seventy nine in pursuance of an Act to facilitate the granting of certain Leases Between The Mayor Aldermen and Burgesses of the Borough of Morpeth in the County of Northumberland hereinafter referred to as the Lessors of the one part and John Short of Morpeth Richard Todd of the Borehole Cottage near Morpeth William Davison of the East Mill Morpeth and Joseph Walton of Morpeth aforesaid Colliery Owners hereinafter referred to as the Lessees of the other part Witnesseth that the Lessors do demise unto the said Lessees their executors administrators and assigns All that piece or parcel of land called Jobs Well Close situate in the Township of Morpeth in the Parish of Morpeth and County of Northumberland containing 1.238 acres Bounding on the public highway leading from Morpeth to Longhirst on the West on land belonging to Matthew Brumell on the South on the River Wansbeck on the East and on Howburn on or towards the North East as the same is shewn upon the plan drawn in the margin hereof and thereon coloured round with red Subject to such right of way over the occupation road leading from the said public highway to the Ford through the River Wansbeck as is now vested in any other person or persons With full and free liberty to sink a pit and to work lead sell and carry away the coals within the said land or any other lands adjoining or near thereto which the said Lessees may for the time being have the power and right to work Together with all and singular the rights members and appurtenances therewith belonging for the term of fifteen years from the twelfth day of August one thousand eight hundred and seventy nine fully to be complete and ended yielding and having therefor yearly and every year during the said twelfth day of August in each and every year of the said term and the first half yearly payment to be made on the twelfth day of February next ensuing That the said Lessees covenant with the said Lessors their successors and assigns to pay rent and to pay taxes including land tax but not property tax And that the Lessees will well and sufficiently fence in and enclose the said demised premises so as to protect the same from trespass or damage and will not do or permit to be done any act matter or thing upon the said premises whereby a nuisance injury or annoyance may be created to the Lessors or any of the adjoining proprietors or to the public And that the Lessors and their successors or their surveyors may enter and view the condition of the said premises hereby demised and that the Lessees will repair according to notice And will not assign without Leave And that they will leave the premises in good repair Proviso for re-entry by the said Lessors on non-payment or rent or non performance of covenants or in case of the Lessees becoming bankrupt or insolvent or in the event of their being released from the payment of their debts in full by liquidation arrangement or otherwise And that in any action for the recovery of possession under this proviso the County Court of Northumberland holden at Morpeth shall have power to try such action Provided always and it is hereby agreed and declared that if the Lessees shall be desirous of quitting and giving up the possession of the said demised premises and shall give to the Lessors or their successors one whole years notice of their intention to quit and deliver up such possession such notice to terminate on the twelfth day of August in some year of the said term then and in such case from and after the determination of the said Notice and upon the Lessees filling up and levelling the premises if required so to do pursuant to the covenant hereon contained the said term of fifteen years hereby granted shall cease determine and be utterly void to all intents and purposes And the said Lessees do for themselves their executors administrators and assigns jointly and severally covenant with the Lessors their Successors and assigns that they the said Lessees their executors administrators or assigns will upon or before the end or other sooner determination of the said term hereby created if requested so to do by the Lessors or their Successors but not otherwise well and sufficiently fill up the pit intended to be sunk upon the said premises and level the ground And that the said Lessees will so occupy the said premises hereby demised as to prevent the public from acquiring any other right of way over the same save and except the occupation road over the premises shown upon the said plan leading from the public highway to the ford through the River Wansbeck The said Lessors covenant with the said Lessees for quiet enjoyment In witness whereof the said Mayor Aldermen and Burgesses have hereunto set their Common Seal and the said other parties have hereunto set their hands and seals the day and year first aforesaid Signed sealed and delivered by the above named John Short Richard Todd





“As you know these matters are causing ongoing security related trespass, thefts, vandalism, dog fouling and drink and drug related problems.

“I am unable to carry out works on my land due to the presence of these footpaths and the incorrectly recorded adoption by the council of part of my entrance road. This is causing me ongoing cost.”

2.4 By email, on 7 July 2022, Mr Smith of Ford House, Morpeth, made the following follow-up inquiry:

“On 10<sup>th</sup> August 2020 I wrote to Northumberland County Council asking that the record of the adopted status of my entrance road be correctly recorded on the council’s record keeping system.

“To date I can see no progress that has been made by the council in carrying out that administrative work.

“Seemingly changing it is a straightforward task as the council changed it in 2018 without difficulty.

“You as the officer now tasked with that work wrote in your email below that a ‘consultation’ was required before such changes were made.

“I understand that the recording of claimed rights of way on foot is also being carried out by the council and that you are tasked with that work. I have provided detailed evidence to the council of there being no legal public rights of way on my land.

“Can you please let me know what progress has been made and when I should expect these matters to be carried out.

“I have previously explained that these matters cause us considerable difficulty on a daily basis, including but not limited to preventing me from developing my caravan site.”

2.5 By email on 16 October 2023, Mr Smith of Ford House made the following additional comments in relation to his application:

“You indicated in your email of 25/4/2023 that the council would carry out a review of the footpaths numbered 4 and 5 on my land and adopted status of my entrance road:-

*‘I’m sorry that consideration of your two applications to amend (i) the Definitive Map of Public Rights of Way and (ii) the List of Streets haven’t yet been determined. We’ve made some progress considering some of the applications which are older than yours; just not enough for yours to have reached the top of the list. I am, however, hopeful that both will be determined during autumn 2023.’*

As leaves begin to fall and days shorten Fenwick advertise their autumn 2023 collection.

“You will understand that discovering that Northumberland County Council officers behaved illegally in recording part of my land as

highway came as a great shock. I fully expected council officers to act within the law but certain officers did not.

“The House of Lords found the fact of perpetual dedication to the public meant that the land could not be used for any profitable purpose, and so was not capable of beneficial occupation.

“That finding describes only the affect on land described by the Northumberland County Council as highway. The practical effect, as I have found to my cost, is that adjoining land is rendered unusable for any profitable purpose when security is compromised by the presence of those ‘highways’. I have been unable to develop my land as a caravan park as I wished and was given permission by the council to do when I bought it in 1989.

“The Northumberland County Council websites continue to advertise these highways on my land, encouraging the public to trespass preventing development of my caravan park and peacefully enjoying my land.

“When does Northumberland County Council plan to carry out the reviews?”

2.6 By email on 9 November 2023, Mr Smith of Ford House made the following additional comments in relation to his application:

“Today I printed and having driven to County Hall delivered on paper the attached documents and related correspondence and received a signed receipt from the N.C.C. receptionist.

“I did so as the email which I sent over a three week period received neither acknowledgement of receipt nor any response. This is a very poor service. Please let me know what steps you are taking to improve it.

“The matter concerns the entrance road to my home and caravan site. I have been unable to develop my caravan site as necessary security has been rendered impossible to maintain as N.C.C. advertises and otherwise promotes public rights of way on foot across and encircling the perimeter of my land.

“N.C.C. officers refused to let me have a copy of the Definitive Map and Statement when I asked for it in 1989 and refused to make an appointment to permit me to view the Definitive Map and Statement.

“In 2019 behaviour of N.C.C. officers in the matter of the entrance road to my home and caravan site land caused me to make a complaint to the council and the Local Government Ombudsman which caused me to request a copy of the Definitive Map and Statement which was supplied in January 2021.

“Careful investigation of the process used by N.C.C. to claim public rights of way on my land and further research of N.C.C. and other documents showed that claim to be illegal.



“I asked N.C.C. to review both the record of the claimed public rights of way on foot and the adoption record of my entrance road which research of relevant public records shows has also been illegally created.

“N.C.C. officers carried out other illegal acts including thefts of my property some of which is retained by N.C.C. and some of which was returned following action by Northumberland Police.

“Please let me know when these matters will go to a relevant N.C.C. committee, whether that is necessary for both matters, and the arrangements for me to attend and speak as necessary at the relevant committee meeting.”

### **3. LANDOWNER EVIDENCE**

3.1 By email on 4 September 2022, Mr Smith of Ford House responded to the consultation, stating:

“You wrote on 30<sup>th</sup> August 2022 asking me to send you the plans you enclosed marked to show land which I own/occupy.

“Please find them attached.

“I have also attached Ford E covering footpaths 4 and 5 which includes the names of the two other affected landowners.

“I gave copies of my evidence to those affected landowners and explained the present position.

“Joanna Shaw lives at Park House Farm, Morpeth.

“Dungait Farms are at Hebron, Morpeth. In the course of my discussions with David Dungait, whom I have known for some years as he keeps a record of rainfall which is helpful as I am Lead Flood Warden for Morpeth, David mentioned that he remembered the sign nailed to my tree which is recorded in the Definitive Statement, and which I removed from the tree and replaced its legal effect with a sign on my gates in 2008.”

3.2 By email on 28 September 2022, Mr Richard Dungait responded to the consultation, on behalf of Dungait Farms, enclosing a plan identifying the continuations of Footpath Nos 4 and 5 (south of points K and M) as being existing public footpaths. He does not appear to be contesting the existence of these public rights of way.

3.3 By email on 14 October 2022, Mr Smith of Ford House further responded to the consultation, stating:

“Please find attached a pdf file which provides additional evidence of the condition of my entrance road and adjacent leased land which Northumberland County Council has designated U6112 and claimed to have adopted and upon which the council illegally laid tarmac.

“You will notice the restricted width of the original tarmac road which caused me to request and be granted a 99 year lease on the part of the land then owned by Castle Morpeth Borough Council.

“Maurice Cole, solicitor and former Chief Executive of Morpeth Borough Council and Castle Morpeth Borough Council informed me that Northumberland County Council had acted illegally.

“Please attach this information to the evidence I have previously submitted to Northumberland County Council in connection with the review of public rights of way and adoption of my land and entrance road.

3.4 By email on 20 April 2023, Mr Smith of Ford House made the following additional comments in relation to his application:

“I notice by reading the Claims Register document published on the council website that there is not presently a date for my request for the council to review the record of the partial adoption of my entrance road and the published public rights of way and the correction of the records to go before a council committee.

“Although I have followed the procedure you suggested, I have shown by the evidence which I have supplied to the council that a review of the Definitive Map and Statement and the record of Adopted Highways is not necessary because the required procedures to make the Definitive Map and Statement and to adopt part of my entrance road were not followed and are therefore a nullity.

“The records simply require correction. A council officer previously changed the record of adopted highway without the matter being put before a committee. The council informed my solicitor that my entrance road was not adopted and the council had no intention to adopt it. A council officer explained the detailed procedure required to create a Definitive Map and Statement under the relevant Act and I have provided adequate evidence to show that procedure was not followed.

“Can you please let me know whether and why and when the council intends to put this matter before a council committee or otherwise correct the council records.

“These matters create costly problems for me daily and prevent me from developing my caravan park.”

3.5 By email on 24 April 2023, Mr Smith of Ford House further responded to the consultation, stating:

“I was interested today to notice in McKay’s window a copy of the Morpeth Herald containing the attached advertisement.

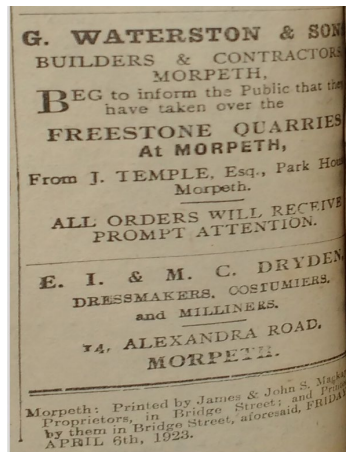
“It shows that the quarry on my land was operating until at least 1923.

“I have already supplied evidence that there was also a coal mine operating here in 1930. That coal mine entrance was visible before land slips obstructed it in recent years.

“I was told by local people that timber and stone from my land were carried across the Parish Haugh on a road made by J.R. Temple for the purpose, and then via the Low Stanners ford.

“Please add this evidence to that which I have already supplied for the purpose of any possible review of the Definitive Map and Statement.

“1923 Morpeth Herald Advert The quarry was operating at that time. Stone and timber were transported across the Parish Haugh and via the ford at Low Stanners according to local people. There was no alternative route available.”



3.6 By email on 21 September 2023, Mr Smith of Ford House further responded to the consultation, stating:

“I sent as evidence for the review of the Definitive Map and Statement for the footpaths on my land here a newspaper cutting describing the freestone quarry working being transferred from J R Temple and Son to Waterston.

“It would be against common law to permit the public to be put at risk of injury and a public right of way could not be created contrary to common law.

“Please find attached a description of the death of the Morpeth councillor J. E. Waterston which resulted from working the quarry. Clearly this serves to illustrate the dangerous nature of the work being carried out and the quarry working adjoins the purported public rights of way. The Definitive statement even describes *'PATH HAS A TENDENCY TO BE COVERED OVER WITH FALLEN ROCK'*.

“Please add this information to the evidence which is to be presented to councillors.

“G. Waterston, a Mayor of Morpeth and owner of the quarry working described in the newspaper advertisement, lost a son in 1918 due to the war so this loss of another son must have been an unusually severe blow.



Quarry" on the south. In 1930 Counc. J.E Waterston was fatally injured in his quarry here; he was a builder and extracted stone from this quarry when trade was slack. His father, an ex-Mayor, had built Osborne House in King's Avenue, now called Amberley after the village whence came Mrs A. Campbell, and he himself had built Greystoke Gardens. Tackling the work from below, he was struck by a large rock which fell on him, pinning him to the ground. This was removed by his fellow worker and passers-by, but he died later in hospital (then at the bottom of Dogger Bank) from his injuries.

3.7 By email on 28 September 2023, Mr Smith of Ford House further responded to the consultation, stating:

"I recently found the information below regarding John Caisley and his partners.

"New owners, John Caisley, Robert Wood and Thomas Slinn took over the colliery from May 12<sup>th</sup> 1882. The fixed rental was to be £50 per annum with the colmine being worked as a drift. As part of the lease the partnership had to agree to keep their workforce under control. Any poaching or trespassing had to be treated with instant dismissal."

"John Caisley built a bridge to access my land and obtained a lease from Morpeth Borough Council on land to make my entrance road.

"In order to create a public right of way by prescription it is necessary to trespass without challenge. It was a matter of concern that a public right of way should not be created and this information regarding the agreement to work the colliery further reinforces the evidence that no public right of way was in place.

"Please add it to the evidence for the review which you are conducting into the footpaths on my land.

"I have not as yet received acknowledgement of your having received the evidence regarding the death in 1930 of builder stonemason councillor J. E. Waterston which resulted from injuries he received in the freestone quarry on my land which he and his father were working. I emailed that information on 21<sup>st</sup> September 2023 and the email system reported that it was delivered. Can you acknowledge its safe receipt please."

3.8 By email on 4 December 2023, Mr Smith of Ford House further responded to the consultation, stating:

'In the 1930s, during strike, miners came to the abandoned Bessie Pit, located in the 50 acres of woodland along the Wansbeck Valley owned by the Temple family, to dig out coal. His grandfather tried to prevent them but allowed it to happen after he was threatened. There were a lot of abandoned drift mines in that area. The Bessie Pit was at the bottom of Whorral Bank.'

"The above quote is from the Northumberland Archives Oral history recording of Clive Temple, former market gardener and farmer of

Morpeth, Northumberland, recalling his experiences of his family business and its history from the late 19th century to the 1990s.

“You will understand that a public right of way cannot be created by force. The history recording is further confirmation of Thomas Temple’s intention to prevent dedication of public right of way on what is now my land here at Whorral Bank.

“Please add this evidence to that which I have sent earlier for the purpose of the review of Morpeth claimed rights of way footpaths 4 and 5.”

#### **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 16 September 2022, Morpeth Town Council responded to the consultation, stating:

“Thank you for your letter date 30<sup>th</sup> August regarding the above pre-order consultation. Informal

“I have circulated this to councillors and would wish to make the following comment.

“Morpeth Town Council wish to object to the removal of public rights of way in Morpeth in the strongest terms.

“These paths are valued by many Morpeth residents as beautiful and quiet routes for running, walking and exercising their dogs, which is important for their physical and mental health and wellbeing.

“The landowner concerned has a reputation for obstructing the public right of way with stiles etc to prevent the access of dogs, to the annoyance of many responsible dog owners who question his right to do this.

“We also strongly object to the proposed removal of the U6112 from the List of Streets, which would be to the detriment of the resident and cattery business there and their customers, as well as walkers wishing to park. This proposal is all part of the same obstructive behaviour by the landowner.

“The following link is to a post by local public rights of way activist Diane Holmes to the main town Facebook group Morpeth Matters on 11th Sept, which contains the views and experiences of many residents who use these paths, and which received 60 likes and 117 comments so far, all opposed to the deletion of these rights of way. It is a closed group but we can provide screenshots of all comments if requested. Some representative samples are attached. Furthermore, I remember similar posts in the past concerning obstruction around the U6112.”

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

“Morpeth Town Deletion of two Footpaths 4 & 5  
The BHS has no comment to make about this proposal except to say it is most irregular to try to make breaks in the existing network, especially one that is well used by the public.”

- 4.4 By email, on 28 November 2022, Cycling UK responded to the omnibus consultation, without offering any comments in relation to this particular proposal.

- 4.5 By email, on 30 November 2022, the Ramblers’ Association responded to the consultation, stating:

“Among the proposed Definitive Map modifications that you sent to me at the end of August were the proposals by Mr T Ford to delete Morpeth Fps 4 &5. I understand from Tony Derbyshire that the County Council does not support these applications.

“You will have received many objections to these applications, I am sure, from interest groups and from Morpeth residents as these paths are long established and essential links in the rights of way network round Morpeth.

“For the record, I am writing to confirm that Northumbria Ramblers strongly oppose the applications by Mr Ford. If these RoWs were removed from the Definitive Map I am certain that applications for re-instatement on the Definitive Map would be made, based on user evidence!”

## **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.

### 1844 Newcastle and Berwick Railway & Branches

There is clear evidence of an enclosed track along the route of existing Public Footpath No 5 (between Park House and Quarry Wood). The track is labelled “63” and in the accompanying Book of Reference, this corresponds with the entry “Occupation Road”. Existing Public Footpath No 4 (along the riverbank) passes through parcel number “68”, and in the accompanying Book of Reference this parcel is described as “Plantations”.

### 1844 Northumberland Railway

There is clear evidence of an enclosed track along the route of existing Public Footpath No 5 (between Park House and Quarry Wood). The track is labelled “17” and in the accompanying Book of Reference, this



corresponds with the entry "Occupation Road". Existing Public Footpath No 4 (along the riverbank) passes through parcel number "24", and in the accompanying Book of Reference this parcel is described as "Plantation and whinstone quarry".

1873 John Caisley Lease (applicant's copy)

Mr Caisley already appears to occupy land on the east side of the river. This lease (for a term of 15 years) with the Borough of Morpeth, owners of the land between Whorral Bank and the river, allows him to construct a road or cartway between the "Queens Highway" at Whorral Bank and the bridge he has erected over the River Wansbeck, on condition that "the tenant allows all foot passengers to cross and recross the said bridge and also the said road or cartway at all times free of expense."

1879 Short, Todd, Davison and Walton Lease (applicant's copy)

These 4 gentlemen leased Jobs Well Close (the land between Whorral Bank and the River Wansbeck) from the Borough of Morpeth. They were required to "occupy the said premises hereby demised as to prevent the public from acquiring any other right of way over the same save and except the occupation road over the premises shown upon the plan leading from the public highway to the ford through the River Wansbeck."

1866 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an unenclosed path / track along the route of existing Footpath No 4 and also the possible alternative route, immediately south of the current bridge. There is clear evidence of an unenclosed path / track along the route of existing Footpath No 5, too, with a ford and adjacent stepping stones where the path crosses the river. The crossing appears to slightly be north of the later bridges.

1897 Ordnance Survey Map: Scale 1:2500

There is clear evidence of an unenclosed path / track along the route of existing Footpath No 4 (labelled "FP" at a point roughly 300 metres west of Point L) and also the possible alternative route, immediately south of the bridge. The alternative route is also annotated "FP". There is clear evidence of an unenclosed path / track along the route of existing Footpath No 5, too, with a bridge where the path crosses the river. This path is labelled "FP" near its midway point.

Finance Act 1910 plan

This plan uses the 1897 1:2500 OS map as a base, so the routes, themselves, are identified, as above. The routes aren't shown as being separated from the surrounding land by coloured boundaries (where it is, this is generally a good indication of public highway status), but this is to be expected, because the routes themselves are not enclosed.

1922 Ordnance Survey Map: Scale 1:2500

There is clear evidence of an unenclosed path / track along the route of existing Footpath No 4 (labelled "FP" just west of Point L) and also the

section immediately south of the bridge. The alternative route, south of the bridge, is also annotated "FP". There is clear evidence of an unenclosed path / track along the route of existing Footpath No 5, too, with a bridge where the path crosses the river. This path is also labelled "FP" in two places.

c.1934 Schedule of Reputed Rights of Way under Rights of Way Act 1932  
(Supplied by the applicant, previously)

The routes now recorded as Public Footpaths Nos 4 and 5 both appear to be identified in this schedule:

"5 Starts from the main road at Job's Well Close crossing the river by wood bridge then proceeding alongside the river to the new borough boundary on the south side of the river."

"6 Starting from the wood bridge on No 5, the path proceeds in southerly direction, crossing the LNER Bridge terminating at Park House farm.

"No 7 From Gas House Lane across the footbridge at ford to Borehole Lane to wood bridge where it joins Nos 5 & 6."

1951 Highways Map

Although a track between Whorral Bank and Park House is depicted on the map, no part of it is coloured so as to identify it as publicly maintainable highway. This isn't surprising, however, as only the A and B class roads within the Morpeth Borough would have been the County Council's responsibility at this time. Urban District Councils, like Morpeth Borough Council, remained responsible for the minor roads until local government reorganisation in 1974.

c.1952 Definitive Map – original Survey Map

Existing Public Footpath No 4 was identified for inclusion as a public footpath (numbered "4" and "5"). Existing Public Footpath No 5 was also identified for inclusion as a public footpath (numbered mainly as "6" though it also included the west end of "4"). South of the existing bridge over the River Wansbeck, in the vicinity of Waddle Bank, Public Footpath No 4 was identified as following a riverbank route. This differs from the current Definitive Map alignment, which records the footpath on a route set back slightly further from the river. The north-west end of existing Footpath No 5 is identified as being at a right-angle bend in the track connecting Whorral Bank with the bridge over the river. The southern end of Footpath No 5 is the road / track immediately south of Park House. On the current Definitive Map, the southernmost 90 metres of this footpath is shown proceeding through the garden of Park House. On this Survey Map, the footpath is identified proceeding through a "gap" into the adjacent field, immediately north of the garden of Park House, then proceeding along the field edge to join the road, through another "gap". The Survey plans have lots of structures identified on them. This seems to have been a key part of the process.

c.1952 Definitive Map – original Survey Schedules

Footpath 4

Starts at Ashington Road A197 and ends at Parkhouse Banks

The first 100 yards is identified as being metalled.

At both sides of the footbridge "Private JR Temple & Sons Ltd" signs were present (apparently erected in 1941). 100 feet from the footbridge was a "No Camping Allowed" sign and 200 feet from the footbridge there was an "Any person found damaging trees etc will be prosecuted" sign. The grounds for believing the path to be public is "Prescriptive Right". The Map prepared for Rights of Way Survey 1932 was apparently consulted.

In the other relevant information section it is noted that "Old footbridge was washed away and present one was erected by JR Temple. The notice boards are to safeguard himself against accidents.

#### Footpath 5

Starts at Stobsford and ends at Footbridge in No 4.

The grounds for believing the path to be public is "Prescriptive Right". The Map prepared for Rights of Way Survey 1932 was apparently consulted.

#### Footpath 6

Starts at Footbridge in No 4 and ends at Dunces Houses.

Direction sign 200 feet from footbridge, where path splits into two, appears to have been erected in 1941 with the other route being marked "No Road this way".

The grounds for believing the path to be public is "Prescriptive Right". The Map prepared for Rights of Way Survey 1932 was apparently consulted.

#### Draft Map

On the Draft Map, the paths are numbered '4' and '5', in the same way that they are recorded on the Definitive Map now. The alignment of Footpath No 4 is depicted in the same way that it was on the Survey Map. The alignment of Footpath No 5 is also, broadly, the same as it was on the Survey Map (including the section at Park House) though the western end doesn't extend quite as far as the apex of the bend, as it was shown on the Survey Map. The Draft (and Provisional) Map use the same base map as the Survey, but they don't have any structures identified on them anywhere, across the whole County.

#### Provisional Map

The path numbering and general alignment is broadly the same as shown on the Draft Map. However, the section of Public Footpath No 4, south of the current bridge, has shifted further to the east, away from the riverbank, to the alignment currently depicted on the Definitive Map. The west end of Footpath No 5 has returned to the apex of the bend in the track. There is now a slight disconnect where Footpath No 5 passes from one map sheet to the next. The path alignment on the eastern sheet corresponds to that shown on the preceding Survey and Draft Maps, but on the western sheet the path alignment appears to be slightly too far to the south. The southern end of Footpath No 5 is now depicted passing through the garden of Park House (as per the current Definitive Map), not through the adjacent field (as shown on the Survey and Draft Maps).



## 1958 County Road Schedule

There is no entry for the U6112 road in this Schedule. Minor roads in urban district areas did not become Northumberland County Council's responsibility until 1974.

## 1962 Original Definitive Map and Statement

The section of Footpath No 4, south of the current bridge, is shown away from the riverbank (same as Provisional Map, but different to Survey and Draft Maps). The west end of Footpath No 5 is identified as being the apex of the bend in the track (same as Provisional and Survey, but slightly different to the Draft Map). The disconnect from one map sheet to the other (which appeared on the Provisional Map) has been corrected (in favour of the alignment shown on the earlier Survey and Draft Maps). The alignment at Park House remains the same as that shown on the Provisional Map (i.e. through the garden), rather than the one shown on the Survey and Draft Maps.

The Definitive Statement for Footpath No 4 described the route:

“From the west bank of River Wansbeck crossing the river by the footbridge, in an easterly direction along Borehole Lane, the north side of Borehole Cottage and Waddle Bank to follow the south bank of the River Wansbeck under the LNER Railway viaduct to Parkhouse Banks.”

The Definitive Statement for Footpath No 5 described the route:

“From the Morpeth – Ashington Road about 300 yards north-east of east Mill in a south-easterly direction, crossing the River Wansbeck by the footbridge and the LNE Railway, past the west side of Park House to the Borough boundary at Coopie's Lane.”

On both Statements it is noted that the route was “Scheduled as a public right of way by Morpeth Borough Council.”

## First Review Definitive Map

Except for the southern end of Footpath No 5, the status and alignment of Public Footpaths Nos 4 and 5 remained the same as that shown on the original Definitive Map. The section immediately west of Park House is now shown along the edge of the adjacent field (not through the garden of Park House), with the path transitioning into the field at some imprecisely defined point in the 40 metre stretch between the gardens of Park House Lodge and Park House.

## 1964 Highways Map

The A197 road is shown, but no U or C class roads are depicted within the Borough of Morpeth. Northumberland County Council did not become responsible for these minor roads until local government reorganisation in 1974.

1964 County Road Schedule

There is no entry for the U6112 road in this Schedule. Minor roads in urban district areas did not become Northumberland County Council's responsibility until 1974.

1969 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of paths or tracks over the sections of existing Public Footpaths Nos 4 and 5 that are the subject of this application.

1974 County Road Schedule (1 April 1974)

There is no entry for the U6112 road in this Schedule. The schedule is dated 1 April 1974. Minor roads in urban district areas did not become Northumberland County Council's responsibility until midnight on 1 April 1974. The assumption must be that this Schedule was deliberately produced, to bring the County Council's records up-to-date, immediately prior to it acquiring additional maintenance responsibilities from the disappearing urban district councils.

1984 Ordnance Survey Map: Scale 1:10,000

There is clear evidence of paths or tracks over the sections of existing Public Footpaths Nos 4 and 5 that are the subject of this application.

2006 List of Streets (as at 2 May 2006)

There is clear evidence of a short spur of road (the U6112 road) branching off what was, then, part of the A197 road (Whorral Bank). Although the U6112 is shown from the centre line of the A197 to a point opposite the northern end of the kennels building, when measured from the edge of the A197, the U6112 is only approximately 14 metres long.

## **6. SITE INVESTIGATION**

### **6.1 Public Footpath No 4**

From Point K, at the south-western corner of Mr Smith's land, a 0.5 to 1.5 wide earth / stone surfaced path proceeds in a general northerly direction for a distance of 210 metres to a junction with existing Public Footpath No 5, then continues as a 2 metre wide path in a north-westerly direction for a further 20 metres to the eastern end of a bridge over the River Wansbeck. A 4 metre wide stone surfaced track, proceeds in a northerly direction for a distance of 40 metres. The path then continues as a variable 0.5 to 2 metre wide stone / earth path, following the south bank of the River Wansbeck, in a northerly, north-easterly, south-easterly and easterly direction for 790 metres to Point L, at the railway viaduct, the eastern boundary of Mr Smith's land.

### **6.2 Public Footpath No 5**

From a Point marked M, at a pedestrian gate with adjacent overgrown and broken field gate (the southern boundary of Mr Smith's land), a 0.3 to 0.5 metre wide trodden earth / trodden grass path proceeds in a north-westerly direction for a distance of 160 metres to a stile and field gate. There is alternative path, slightly further to the north and the existing recorded line of the footpath appears to lie somewhere between the two. From the stile / field

gate, a 2 metre wide stone / earth track proceeds in a general westerly then north-westerly direction for a distance of 315 metres to the eastern end of the bridge over the River Wansbeck. Existing Footpath No 5 continues in a westerly direction for a distance of 35 metres to the western end of the bridge. The bridge is 3.3 metres wide.

## **7. COMMENTS RECEIVED ON THE DRAFT REPORT**

7.1 In January 2024, 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 email, on 25 January 2024, Mr Smith offered the following comments in relation to the draft report:

“Thank you for telephoning me yesterday afternoon and explaining that you were personally, by hand into my mail box, delivering draft copies of your Rights of Way Committee reports concerning U6112 adoption status and Deletion of public footpaths 4 and 5 Morpeth Town. I have received them.

“As these are printed on paper they are in some parts illegible due to the print size, in some parts illegible due to the plan size. The paper quality used is such that it also makes reading the reports difficult. I am concerned that committee members will be incapable of adequately understanding my evidence to the committee.

“Will the committee members receive these documents in this illegible form?

“Can you please let me have an electronic copy of each draft document.

“Will the meeting room at which these decisions are planned to be taken have a facility to present evidence to committee attendees in an electronic form?

“I have mentioned the above matters however it is clear from my brief reading of the reports that there are additional matters of concern, which I will email to you in due course.”

## **8. DISCUSSION**

8.1 Section 53 (3)(c)(iii) 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:

there is no public right of way over land shown in the map and statement as a highway of any description ...

8.2 When considering an application / proposal for a modification order, Section 32 of the Highways Act 1980 provides for “any map, plan or history of the locality or other relevant document” to be tendered in evidence and such



weight to be given to it as considered justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.

- 8.3 There appears to be two main threads to Mr Smith's case that these sections of public rights of way, across his land, should be deleted from the Definitive Map. Firstly, he is arguing that the process, by which the original Definitive Map for the Morpeth Borough area was prepared, was defective. Secondly, he is arguing that the two public footpaths, recorded across his land, were not, in fact, public rights of way at all. To support his case in relation to the former, he has highlighted a discrepancy in the alignment of Public Footpath No 4, on his land, just south of the bridge over the River Wansbeck, and a discrepancy in the alignment of Public Footpath No 5, this time not on his land, in the vicinity of Park House. To support his arguments in relation to the latter, he has highlighted some historical signage and stressed that the hazardous activities previously undertaken on the site were incompatible with public access.
- 8.4 Mr Smith has previously used arguments relating to the positive existence of public footpath rights in order to challenge the validity of the U6112 road, west of Point N. At that time, he appears to have considered that the status of Public Footpaths Nos 4 and 5 was a settled matter, so employing that tactic was understandable. More recently, he has come to believe that the legitimacy of the footpaths is also in doubt.
- 8.5 Mr Smith has correctly identified that the route of Public Footpath No 5, in the vicinity of Park House, altered between the Draft Map and Provisional Map stages, without any official amendment or correction being formally advertised. He has, similarly, identified that the route of Public Footpath No 4, south of the bridge over the River Wansbeck, altered between the Draft Map and Provisional Map stages, without any official amendment or correction apparently being advertised. Neither of these alterations should have happened. In the absence of any formal amendment, the Provisional Map should have been identical to the preceding Draft Map. This ought to be the case even if someone realised (for the sake of argument, let's assume, correctly) that the Draft Map was wrong. It wouldn't have been up to the draughtsman simply to tweak the alignment – there was a correct procedure that ought to have been followed. But this process involved preparing maps showing several thousand miles of public rights of way. It's perfectly possible that someone simply made a genuine mistake transcribing the information from the Draft Map to the Provisional Map. Possibly this mistake went unnoticed, when the Provisional Map was published, or possibly it was only noticed by people who actually preferred the 'wrong' alternative. Either way, once the challenge period for the Provisional Map had expired, the Provisional alignment should have been copied, as faithfully as possible, onto the Definitive Map with any errors being perpetuated. The fact that a transcription error may have crept into the process doesn't invalidate the Definitive Map for the whole County of Northumberland, or for the former Morpeth Borough urban district area. It wouldn't even invalidate the whole routes of Public Footpaths Nos 4 and 5. It just means that there are serious question marks in relation to the alignment of a 210 metre length of Public Footpath No 4 and a 95 to 125 metre length of Public Footpath No 5 that will require further investigation but – on the face of it – probably ought to be modified (by making an evidential event Definitive Map Modification Order under s53 of the Wildlife & Countryside Act 1981) to legally affect the change.

- 8.6 Mr Smith has highlighted that the Survey Schedule completed by Frank K Perkins of Morpeth Borough Council, in April 1952, notes the presence of two signs saying “Private JR Temple & Sons Ltd” erected in 1941 and he has remarked that these signs were still in place when he visited the land in 1986. The sign on the east side of the bridge was attached to a tree that Mr Smith says he cut down in 1991. Mr Smith states that the sign on the west side of the bridge remained until he replaced it with a new one saying Private Parking only with Permission” in 2008, renewing this sign in 2018, because the earlier one had faded.
- 8.7 Mr Smith has enclosed the Survey Schedule completed by Frank Perkins in 1952, with his evidence bundle and identified this as the Statement annexed to the Draft Map. I don’t believe this is correct. I’m not sure if distinct “Draft” Statements were prepared, then replaced by Provisional Statements then, finally, Definitive Statements or whether one set of Statements were produced and remained the same piece of paper throughout the whole Draft-Provisional-Definitive Map process, subject to formal additions, amendments and removals. I suspect the latter, in which case the “Original Definitive Statements” for Footpaths Nos 4 and 5, contained within this report’s appendices, would, in all likelihood, have been the ‘Statements’ at the Draft Map and Provisional Map stages too.
- 8.8 The Morpeth Borough Council referred to in the Definitive Statement for Footpath No 5 will be the former urban district council of that name. The scheduling, described, will most likely have taken place either as part of a list of public rights of way prepared in the 1930s under the 1932 Rights of Way Act or in the 1950s, pursuant to preparation of the original Definitive Map under the National Parks and Access to the Countryside Act 1949. The Morpeth Borough Council referred to will definitely NOT be Castle Morpeth Borough Council because, as Mr Smith rightly points out, its 35 year existence began after the path had already been recorded.
- 8.9 Armstrong’s Map of 1769 is not very detailed. Lots of less important public roads tend to be omitted. We wouldn’t expect this map to show public footpaths, public bridleways or occupation roads.
- 8.10 The 1829 Telford Bridge Act appears to say nothing about any specific actions to prevent or restrict access over any particular route (such as Footpath No 4 or Footpath No 5). The fact that fencing or a requirement to prevent access to the quarry site was mentioned, at all, suggests that people were anticipated to be in the vicinity of the quarry (perhaps legitimately using acknowledged public footpaths) and needed to be kept safe. The requirement that all existing fords within 750 yards of the east side of the Bridge (except for Low Stanners Ford) were required to be closed, so as to prevent carriages, horses and cattle using them to avoid paying tolls on the bridge, would have no bearing on public footpath rights where Footpath No 4 crosses the River Wansbeck. This crossing is more than 750 yards downstream of the bridge and pedestrian rights were not affected anyway. And, according to Mr Smith, the bridge loans had been repaid by September 1848, so tolls were no longer collected and – it would seem – any temporary restrictions on other crossings would have been lifted.
- 8.11 Mr Smith hasn’t identified who produced his 1832 map or for what purpose it was made. It is small scale, and of no real value in assessing whether or not Public Footpaths Nos 4 and 5 might have existed at this time.

- 8.12 The reports of the flood events, in 1839 and 1878, removing bridges indicates that there was probably a means of crossing the river prior to those events, but this says nothing about whether the public was using the bridge or whether a public right of way necessarily existed, at that time. Bridges aren't necessary for public rights of way. A path might cross a river by means of a ford, and fording rights wouldn't be lost simply because an adjacent footbridge was constructed and / or periodically washed away. If a landowner constructed a bridge, for their own purposes, on the site of a public ford (or bridge) then the public would also have a right to use that bridge.
- 8.13 The deposited railway plans (1844 & 1845) identify the track (Footpath No 5) proceeding northwards from Park House as an "Occupation Road". If public footpath rights had been acknowledged to exist at that time, it might have said "Occupation Road and public footpath", but it didn't. No public footpath was identified where the riverbank route (Footpath No 4) passes under the railway either. Clearly, if these two routes had been identified as "Occupation Road and public footpath" and "Public Footpath" respectively, this would have been good evidence that public footpath rights were acknowledged to exist as early as 1844 / 1845. They weren't. They may have been overlooked, because accommodating the private vehicular rights was the more significant obstacle, and the footpath rights along the riverbank would be a long way below any viaduct. Or it could be that public footpath rights had not been acknowledged to exist as early as this.
- 8.14 Mr Smith has provided some analysis of other map evidence. Regarding the 1859 OS Map, he asserts that the occupation road (Footpath No 5) north of Park House, is gated, therefore it can't be a public right of way. This line of reasoning is unsafe. Lots of footpath, bridleways and even some roads have gates on them. Gates open and close. The existence of a gate is no obstacle to there being a public right of way.
- 8.15 The Borehole Cottage paths might not be contiguous, but that doesn't mean there are no public rights of way. As it happens, based upon the unexplained change in the alignment between Draft Map and Provisional Map stages, we are already leaning towards the riverbank path being the more likely route, anyway. It isn't possible to assert (just from an 1896 OS map) that Park House Farm was "surrounded by fence". The boundary need not be a fence, nor without gaps, stiles or gates.
- 8.16 With regard to the 1873 lease between Borough of Morpeth and Mr J Caisley, nothing in this lease appears to deny the existence of public footpath rights over existing Footpaths Nos 4 and 5. If Mr Caisley had a bridge, the condition of free public passage might reflect the fact that the footpath crossed at an adjacent ford, or the bridge was built where the public ford should be, or that Mr Caisley had built a bridge (though the Council might have been responsible for providing a footbridge) so by securing use of his bridge, they didn't need to build their own. Lease conditions requiring tenants not to allow *additional* public rights of way to be created are fairly standard and would not (of themselves) prevent any additional public rights of way being created – this would depend upon the tenants actual actions.
- 8.17 The 1879 lease between Borough of Morpeth and Messrs J Short and others does not appear to be an effective rebuttal of the existing public rights of way. The penultimate sentence "And that the lessees will so occupy the said premises hereby demised as to prevent the public from acquiring any *other*



[my emphasis] right of way over the same save and except the occupation road over the premises shown on the said plan leading from the public highway to the ford through the River Wansbeck.” Given that the earlier lease to John Caisley, just 6 years sooner, required him to allow all foot passengers to cross and re-cross the bridge and also the road or cartway at all times, free of expense, this appears to suggest that the landowner (Morpeth Borough Council), who was also the highway authority, considered that the public had a right of way, on foot, over the occupation road, west of point N, then over the bridge into Quarry Wood. No continuation, thereafter, appears to be specified, but it would be reasonable to assume that at least one public footpath continued beyond the eastern end of the bridge.

- 8.18 The 1903 plan showing the extent of the Bandy Seam workings, supplied by Mr Smith, demonstrates that these workings had minimal impact on existing Public Footpath No 4, which stays fairly close to the River Wansbeck. Part of Public Footpath No 5 might cross some of the coal seams which existed below ground, but this does not mean they interfered with free passage above ground.
- 8.19 In his observations regarding the 1921 OS Map, Mr Smith asserts that timber was sourced in the woodland and that the paths existed for that reason. He further states that “These were not public rights of way”. This is a very confident statement, but there is no explanation for why it was made.
- 8.20 With regard to the 1938 OS Map, the lack of a dashed line on the base map is not good evidence that the route was not a public right of way. Same applies to the gate across the occupation road.
- 8.21 Mr Smith sets too much store by what is (or is not) marked on Ordnance Survey maps. The OS surveyors were mapping things that were physically evident to them at the time of the survey. Some re-surveys will have been more thorough and wide-reaching than others. As members will be aware, from the standard warning that appears in all our reports, “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”. Just because a path isn’t marked, this doesn’t necessarily mean it wasn’t being walked. A route does not have to be identified as a physical feature on an OS map to be a public right of way.
- 8.22 Whilst they are definitely items of historical interest, I don’t think either the 14 year lease for Job’s Well Close from 1823, or the 21 year lease from 1837, to John King, stonemason, offer much assistance in determining whether or not Public Footpaths Nos 4 and 5 exist.
- 8.23 Similarly, the 25 August 1855 press clipping describes a means of access to Borehole baths, but nothing about it indicates that Bore Hole Lane was not a public right of way.
- 8.24 With regard to the 8 August 1857 Morpeth Herald advert, saying “All persons found trespassing thereon in pursuit of Game will be prosecuted” does nothing to deny public footpath rights.
- 8.25 The fact that, according to Mr Smith’s press clipping, which he has indicated was in the Morpeth Herald on 30 May 1857, Morpeth Board of Health resolved to take charge of a new bridge over the River Wansbeck, at Low Stanners,

has no obvious bearing on the existence of public footpath rights over Footpath No 4 or Footpath No 5.

- 8.26 The 2 August 1864 press advert indicates that Morpeth Borough Council was offering Job's Well Close to potential tenants. The relevance of this is unclear.
- 8.27 Regarding the 20 August 1864 Morpeth Herald advert, saying "Trespassers will be prosecuted", this covers a non-specific area of land and doesn't exclude the possibility of public rights of way. Someone in the woods, on a public right of way, is not a trespasser. Someone in the same woods, who did stray from the public right of way would be a trespasser – and so would someone who was actually on a public right of way, if they were also poaching game.
- 8.28 The 17 July 1869 Morpeth Herald article re "perambulating the bounds" is an interesting one, but doesn't really add very much. If the existing Footpath No 4 crossing was just a ford, or stepping stones, or bridge in poor repair, at this point, someone might prefer to cross at the weir. It says very little about the status of Footpaths Nos 4 and 5. Those on this expedition might seek permission as a simple courtesy or it might have been necessary because at least some of them were horse riders (not pedestrians) and the party wouldn't necessarily be sticking just to recognised public rights of way routes.
- 8.29 The 24 June 1885 Morpeth Herald advert re gathering mushrooms or trespassing at Park House Farm doesn't preclude the existence of public rights of way.
- 8.30 The 26 December 1885 Morpeth Herald advert is just a notice to potential creditors. It is difficult to see what bearing it might have on the existence of public rights of way.
- 8.31 The 14 September 1889 Morpeth Herald extract is an extract from an obituary. Again, it is difficult to see what bearing it might have on the existence of public rights of way.
- 8.32 By email, on 28 September 2023, Mr Smith also found new information (undated and unreferenced) regarding the takeover of the colliery in 1882. The *workforce* [my emphasis] apparently had to be kept under control regarding poaching or trespassing. This doesn't, in any way, preclude the existence of Public Footpaths Nos 4 and 5.
- 8.33 Mr Smith's 19 July 1884 Morpeth Herald press clipping is difficult to read (especially the second part), but the article doesn't appear to say anything that would deny the existence of any public right of way.
- 8.34 There's no date given for Mr Smith's press clipping of the obituary of Mr Geo Temple. Assuming the obituary is correct, the Temples bought Park House lands when the Carlisle Estate was broken up in 1913.
- 8.35 In his email of 24 April 2023, Mr Smith attached a copy of a press advert seemingly taken from the Morpeth Herald in 1923 which he says shows that the quarry was still operating, on his land, until at least 1923. It may have been, but this doesn't preclude the existence of public rights of way.
- 8.36 In his email of 21 September 2023, Mr Smith attached a description of the death, in 1930, of JE Waterston, in his quarry. Quarry working has always

been a dangerous occupation, but this article (undated and unreferenced) says nothing that would preclude the existence of Public Footpaths Nos 4 and 5. The Definitive Statement does not indicate that the “Path has a tendency to be covered over with fallen rock”. Although it could be seen as splitting hairs, Mr Smith is quoting from the Survey Schedule, not the Definitive Statement.

- 8.37 Mr Smith has asserted that no landowner would have permitted public access to the land whilst mining and quarrying operations were taking place to extent that the public would have had free use of the land for 20 years or more. He has provided evidence that the landowners let out fishing rights out for money, let out hunting rights for money, let out bathing facilities for money, let out mineral rights for money and placed newspaper adverts to the effect that trespassers would be prosecuted.
- 8.38 On 19 March 1987, Mr Smith (with the consent of the landowner – JR Temple and sons) applied to Castle Morpeth Borough Council for an Order to divert and stop up Footpath No 4 and Footpath No 5. Mr Smith was unhappy with the conduct of Mr Macdonald (Northumberland County Council National Park Officer) during his subsequent site visit in relation to the diversion proposals, and the lack of any locally available copy of the Definitive Map which he could inspect. It is not proposed to explore this matter any further – even if it was accepted that the meeting proceeded entirely as Mr Smith has described, this has no bearing on the validity of the Definitive Map itself, or whether or not Public Footpaths Nos 4 and 5 are actually public rights of way. If Mr Smith had been provided with a copy of the Definitive Map, or had been able to view a copy at the Castle Morpeth Borough Council offices, all he would have seen was a facsimile of the map described as “First Review Definitive Map” in the appendices to this report. By the same token, the failed application to divert / stop-up parts of Footpath No 4 and Footpath No 5 doesn’t have any bearing on the existence, or otherwise, of these two footpaths.
- 8.39 The December 1994 temporary closure of Footpaths Nos 4 and 5, for safety reasons, isn’t relevant when determining whether or not public footpath rights exist.
- 8.40 Mr Smith refused permission for Castle Morpeth Borough Council to create a riverside footpath for their 2006 Castles, Woods and Water project.
- 8.41 Mr Smith’s complaint, following Northumberland County Council’s attempt, in October 2018, to record part of the road between Whorral Bank and the River Wansbeck as publicly maintainable highway, under s.228 of the Highways Act 1980, may or may not have some validity, but the nature of the grievance itself, isn’t considered to be relevant when determining this current application to delete parts of Footpaths Nos 4 and 5 from the Definitive Map.
- 8.42 Officers would agree that the signpost Northumberland County Council erected in the verge of the B1337 at Whorral Bank is not evidence either in favour or against public footpath rights. The fingerpost will have been erected purely on the basis that this was an existing recorded public footpath.
- 8.43 The routes of the alleged non-footpaths are readily identifiable as paths (often labelled “FP”) on Ordnance Survey maps between 1866 and 1984.
- 8.44 In the Schedule of Public Rights of Way, produced by Morpeth Borough Council, circa 1934, at the request of Northumberland County Council, in relation to the Rights of Way Act 1932, three paths (numbered 5, 6 and 7)

appear to describe the routes of the present day Public Footpaths Nos 4 and 5. Path 5 appears to start on Whorral Bank, crosses a bridge over the river and follows the riverbank downstream to the new Borough boundary. Path 6 starts at the east end of the bridge and ends at Park House Farm, probably (though, not necessarily) following the route of existing Public Footpath No 5. Path 7 starts at the footbridge and ford to Borehole Lane and ends at the east end of the bridge at Quarry Wood, again probably (though not necessarily) following the route of existing Public Footpath No 4.

- 8.45 Existing Public Footpath No 4 is coloured on the Survey maps produced in association with preparation of the first Definitive Map of Public Rights of Way, in the early 1950s. South of the bridge, it is initially identified following the riverbank (not the current recorded route, slightly further to the east). It is shown in the same way on the Draft Map; the first formal map published in the Definitive Map preparation process. At the next stage – the Provisional Map – the alignment of the 210 metre long section of footpath immediately south of the bridge has moved further to the east (by a distance of up to 25 metres). As Mr Smith has pointed out, this change was apparently unauthorised. Any proposed amendment (even one being made to correct an obvious mistake on the Draft Map) should have been advertised first, and there is no evidence that this one was. The landowner could have challenged this apparent error on the Provisional Map, and the Provisional Map could have been modified, ahead of the Definitive Map being published, but it doesn't appear that it was. The most likely explanation for the landowner seemingly not challenging this unauthorised change is, probably, that they were simply unaware of it. If they were content with the route identified on the Draft Map, and weren't aware of any challenges, they'd expect the Provisional Map to be showing the same thing. It's possible they were aware of the change and didn't challenge it because they accepted that the altered route was really the correct one or didn't challenge it because, even if it wasn't actually the correct route, it suited them better for the public footpath not to be recorded along the riverbank. Seventy years on, we're not going to be able to say which it was.
- 8.46 Existing Public Footpath No 5 is also coloured on the Survey maps produced in association with preparation of the first Definitive Map of Public Rights of Way, in the early 1950s. At its southern end, it is shown passing through a gap, out of the Park House farm yard, and proceeding along the eastern edge of the field, to the road. It is shown in the same way on the Draft Map. At the Provisional Map stage, this 100 metre long southern end of the footpath has moved slightly eastwards, out of the field and into the garden of Park House. Again, as Mr Smith has pointed out, this change was apparently unauthorised. Any proposed amendment should have been advertised first, and there is no evidence that this one was. The landowner could have challenged this apparent error on the Provisional Map, and the Provisional Map could have been modified, ahead of the Definitive Map being published, but it doesn't appear that it was. The most likely explanation for the landowner seemingly not challenging this unauthorised change is that they were simply unaware of it. Also at the Provisional Map stage, a slight misalignment in the path was created, where the footpath passed from one map sheet to the other (on the western sheet, the path has migrated perhaps 10 – 15 metres slightly too far to the south, creating a disconnect between the two map sheets. This disconnect misalignment appears to have been 'resolved' at the Definitive Map stage, but the changed alignment at the southern end of the footpath persists.
- 8.47 There would have been an opportunity to correct these two apparent errors as part of the First Review into the Definitive Map (Relevant Date: 1 November



1963). This countywide review was completed in the early 1970s and corrected the Definitive Map to take account of path creations, diversions and extinguishments that had occurred prior to 1 November 1963. There were also some additions, alignment changes and deletions, arising from 'new' evidence coming to light. For whatever reason, the alignment of Footpaths Nos 4 and 5 remained the same.

- 8.48 Whilst the discrepancies between The Draft Map and Provisional Map stages that have highlighted in paragraphs 8.45 and 8.46 (above) are certainly regrettable, they are not considered to be of a magnitude which would nullify the Definitive Map (as regards either the former Morpeth Borough as a whole, or these two paths in particular. It might be different if whole paths were being added or deleted without any attempt being made to follow due process, but that is not the case here. The most likely explanation for the present situation is human error / poor penmanship.
- 8.49 Mr Smith has asserted that, due to the mining and quarrying operations taking place, it would have been too dangerous for the public to have been using these paths. In his view, it isn't conceivable that the landowners would have willingly dedicated public footpaths or, through their inactivity, permitted the public to achieve 20 years of unchallenged use to the extent that rights of way could have been created on the basis of presumed dedication.
- 8.50 We may never know precisely how the public footpaths, now recorded as Footpaths 4 and 5 (Morpeth Town), came into being. The 1873 and 1879 Caisley and Short et al leases definitely indicate that Morpeth Borough Council was aware of, and determined to protect, free passage for pedestrians over the occupation road through Jobs Well Close and (in 1873) over the bridge Mr Caisley had constructed where the route crosses the River Wansbeck. It says nothing about where any public footpaths might have gone, on the east side of the bridge, but it's a good indication that there was considered to be at least one path. 1860s, 1890s and 1920s OS map evidence indicates that the routes of Public Footpaths Nos 4 and 5 did, apparently, exist on the ground at that time. It is not unusual to find public rights of way existing in close proximity to mines and quarries. Health and safety regulations appear to have been far more relaxed in the past. And if the public rights of way already existed before a new mine or quarry was created (or an old one was reopened) it may have been the mine or quarry operation had to fit in around the footpath, not the other way around. Public footpaths beginning and ending at the same places as the current footpaths (maybe, though not necessarily, following the same alignment) were identified in the Schedule of Public Rights of Way prepared by Morpeth Borough Council under the Rights of Way Act 1932. The routes were identified for inclusion as public footpaths on a Draft Map, published in 1952 (Relevant Date: 22 September 1952). The preceding Survey Schedules indicate that the ground for believing the path to be public was "prescriptive right" and that the map prepared for the Rights of Way Survey 1932 had been consulted. Although the June 1952 survey may have identified signs saying "Private JR Temple and Sons Ltd" at both ends of the bridge, the surveyor (Frank K Perkins) has qualified these signs by stating that the "Old footbridge was washed away and present one was erected by JR Temple. The notice boards are to safeguard himself against accidents". Earlier, he had observed that "Footbridge in an unsafe condition". Certainly, the paths then apparently passed through the chrysalis Draft and Provisional Map stages without being formally challenged by Mr Temple or anyone else.

- 8.51 The consultation responses from Morpeth Town Council and the Ramblers' Association indicate that these two bodies are very much opposed to this application to delete these two sections of path which, they stress, are popular and well used routes. The popularity of the routes wouldn't prevent them from being deleted from the Definitive Map, if it did transpire that they had been recorded in error, and that no public footpath rights existed over them.
- 8.52 In summary, whilst we don't have any documents detailing the precise moment these public footpaths were created, this is typical of the majority of public rights of way. They appear to have been identified as a public footpaths by Morpeth Borough Council around 1934, and have been recorded on the Definitive Map of Public Rights of Way ever since the first Map was prepared (Relevant Date: 22 September 1952). Mr Smith's application seeks to delete those parts of Footpaths Nos 4 and 5 that are on his land, on the basis that they were incorrectly recorded in the first place and that they are not public footpaths. Although there do appear to be alignment issues with part of Public Footpath No 4 (on Mr Smith's land) and with part of Public Footpath No 5 (not on Mr Smith's land), it is **not** considered that there is sufficient evidence to show, on a balance of probabilities, that these two routes are not public footpaths.
- 8.53 Public Footpath No 4 and Public Footpath No 5 should remain on the Definitive Map of Public Rights of Way. As a preliminary finding, Public Footpath No 4 probably ought to be modified to show it following the riverbank route identified on the Draft Map and the southern end of Public Footpath No 5 probably ought to be modified to show it following the field edge route, near Park House. It is proposed that both proposed modifications be consulted upon, later this year.

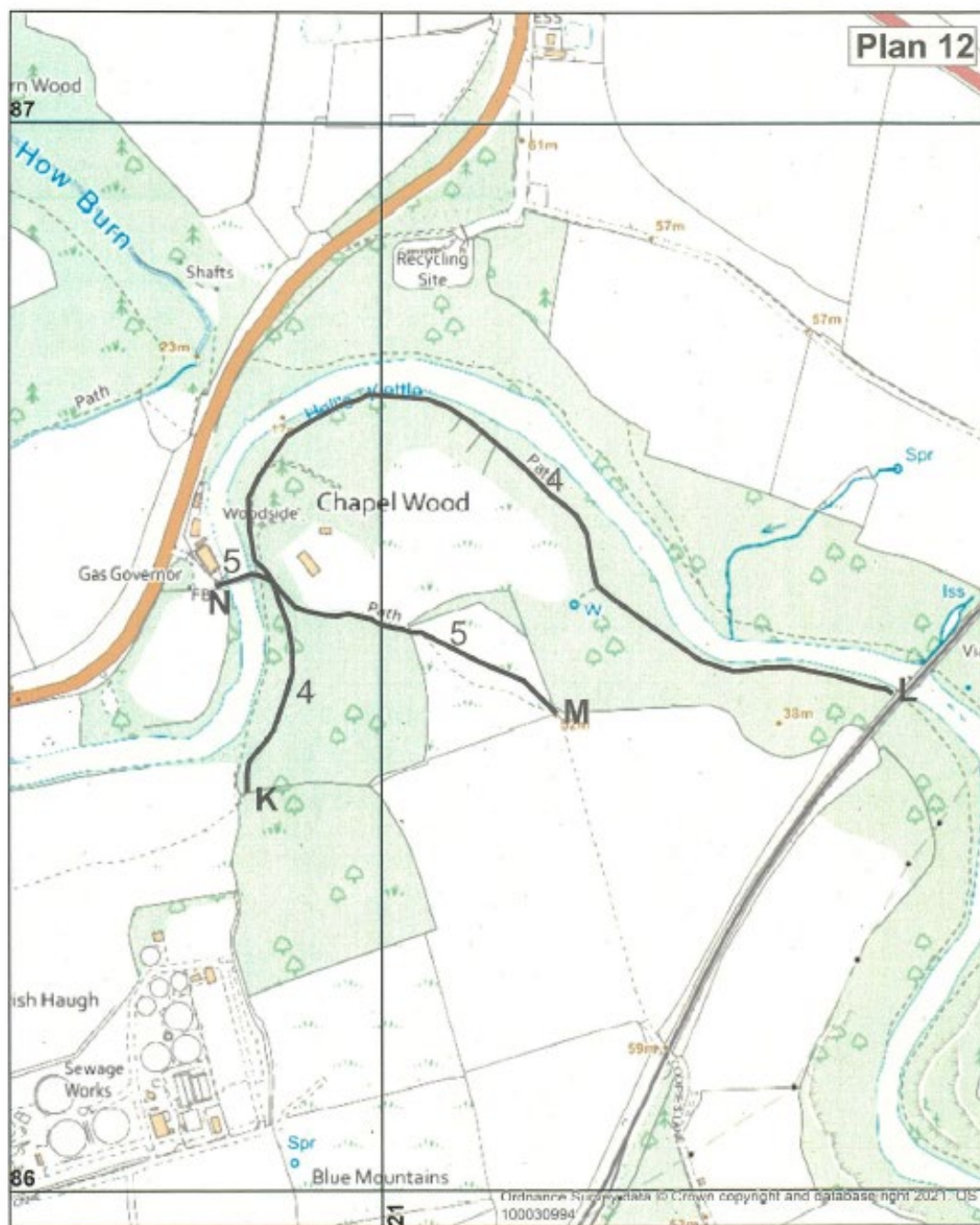
## **9. CONCLUSION**


- 9.1 Based on the documentary evidence available, it appears that public footpath rights have not been shown not to exist between Points K and L and Points N and M, respectively.
- 9.2 There is, however, an alignment issue in relation to part of Public Footpath No 4, between Point K and the footbridge, which requires further investigation.

## **BACKGROUND PAPERS**

Local Services Group File: 416/004z & 416/005z

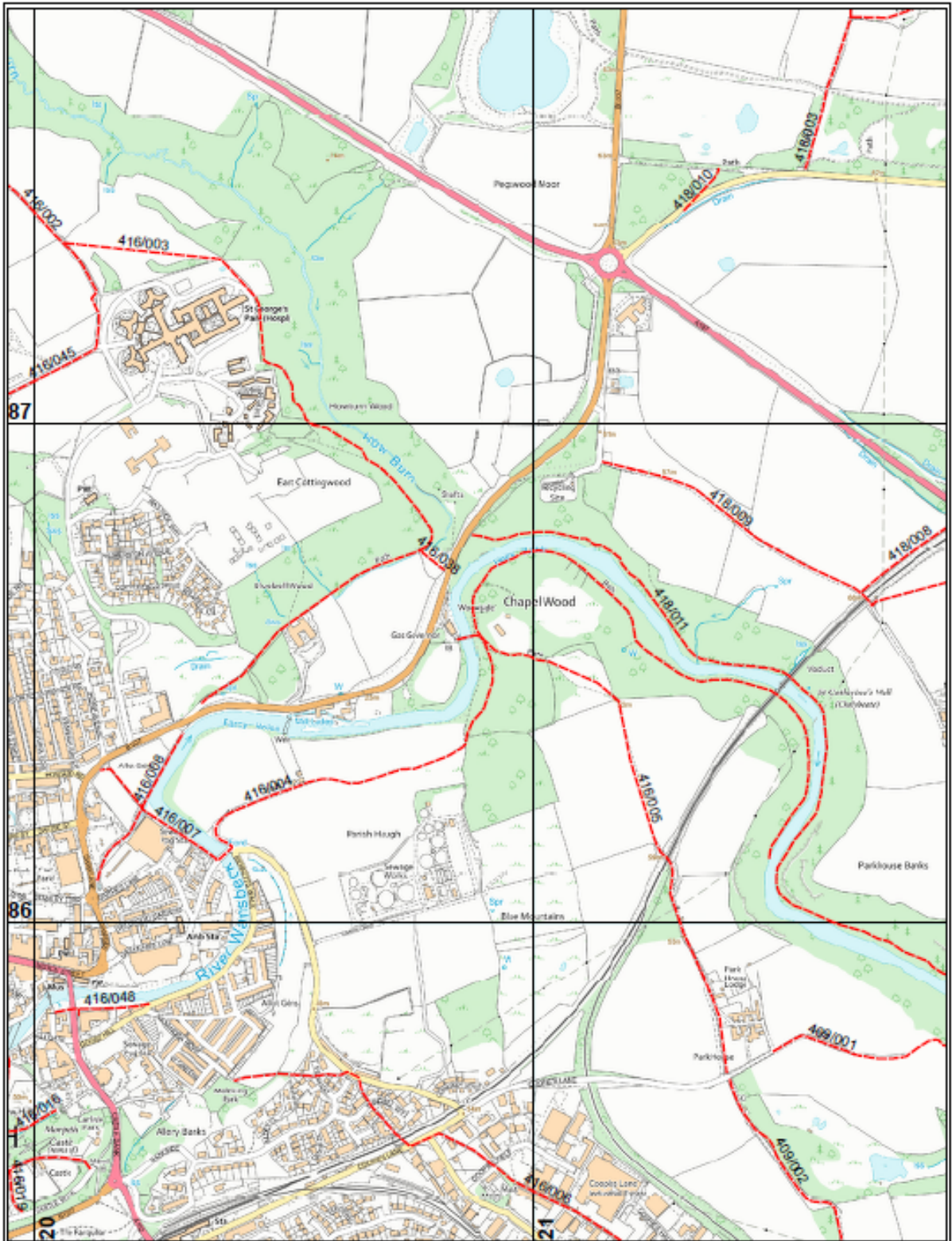
Report Author            Alex Bell – Definitive Map Officer  
   (01670) 624133  
   [Alex.Bell@Northumberland.gov.uk](mailto:Alex.Bell@Northumberland.gov.uk)



 <p><b>Northumberland</b> County Council Local Services County Hall, Morpeth, Northumberland NE61 2EP Telephone 0845 600 6400</p>	<p><b>Wildlife and Countryside Act 1981</b> <b>Public Rights of Way</b></p> <p>————— Existing Public Footpaths which are alleged not to be public rights of way</p>		
	<p>Former District(s) Castle Morpeth</p>	<p>Parish(es) Morpeth</p>	<p>Scale 1/5,000</p>
<p>Def. Map No. 142</p>	<p>O.S. Map NZ 28 NW</p>	<p>Date August 2022</p>	

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**Northumberland**  
 County Council  
 County Hall, Morpeth, NE61 2EF  
 Contact: Highway Search Team  
 Email: [Highwaysearch@northumberland.gov.uk](mailto:Highwaysearch@northumberland.gov.uk)

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

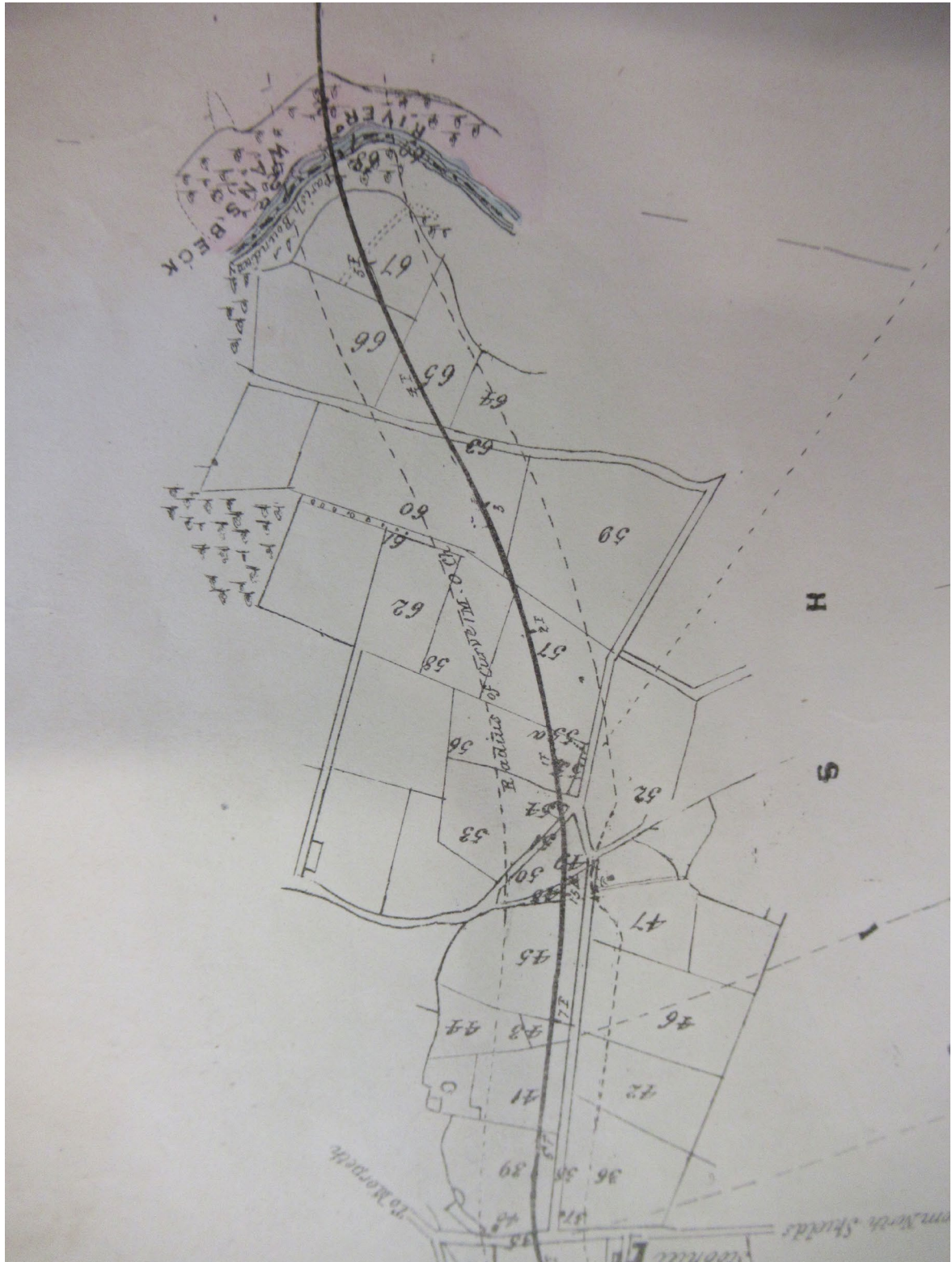
This is a computer generated extract of the Working Copy of the Definitive Map of Public Rights of Way

Scale: 1:10,000

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Newcastle and Berwick Railway & Branches  
(1844)



NUMBER ON PLAN.	DESCRIPTION OF PROPERTY.	OWNERS OR REPUTED OWNERS.	LESSEES OR REPUTED LESSEES.	OCCUPIERS.
50	Field	The Earl of Carlisle		Luke Browne
51	Occupation Road	The Earl of Carlisle		The Earl of Carlisle
52	Field	The Earl of Carlisle		George Hair
53	Field	The Earl of Carlisle		John White
54	Garden	The Earl of Carlisle		John White
55	Garden	The Earl of Carlisle		Mary Clephorn
55 <sup>a</sup>	Garden	The Earl of Carlisle		Mary Clephorn
56	Field	The Earl of Carlisle		Mary Clephorn
57	Field	The Earl of Carlisle		Mitford Bullock
58	Field	The Earl of Carlisle		Mitford Bullock
59	Field	The Earl of Carlisle		Thomas King
60	Field	The Earl of Carlisle		Thomas King
61	Plantation	The Earl of Carlisle		The Earl of Carlisle
62	Field	The Earl of Carlisle		George Cutler
63	Occupation Road	The Earl of Carlisle		Thomas King
64	Field	The Earl of Carlisle		Thomas King
65	Field	The Earl of Carlisle		Thomas King
66	Field	The Earl of Carlisle		Thomas King
67	Field	The Earl of Carlisle		Thomas King
68	Plantation	The Earl of Carlisle		Thomas King
69	River Wansbeck forming the boundary between the two parishes of Mospeth and Rothal and the boundaries of Rossburgh and Parry-Hawes	The Earl of Carlisle and the Duke of Portland		

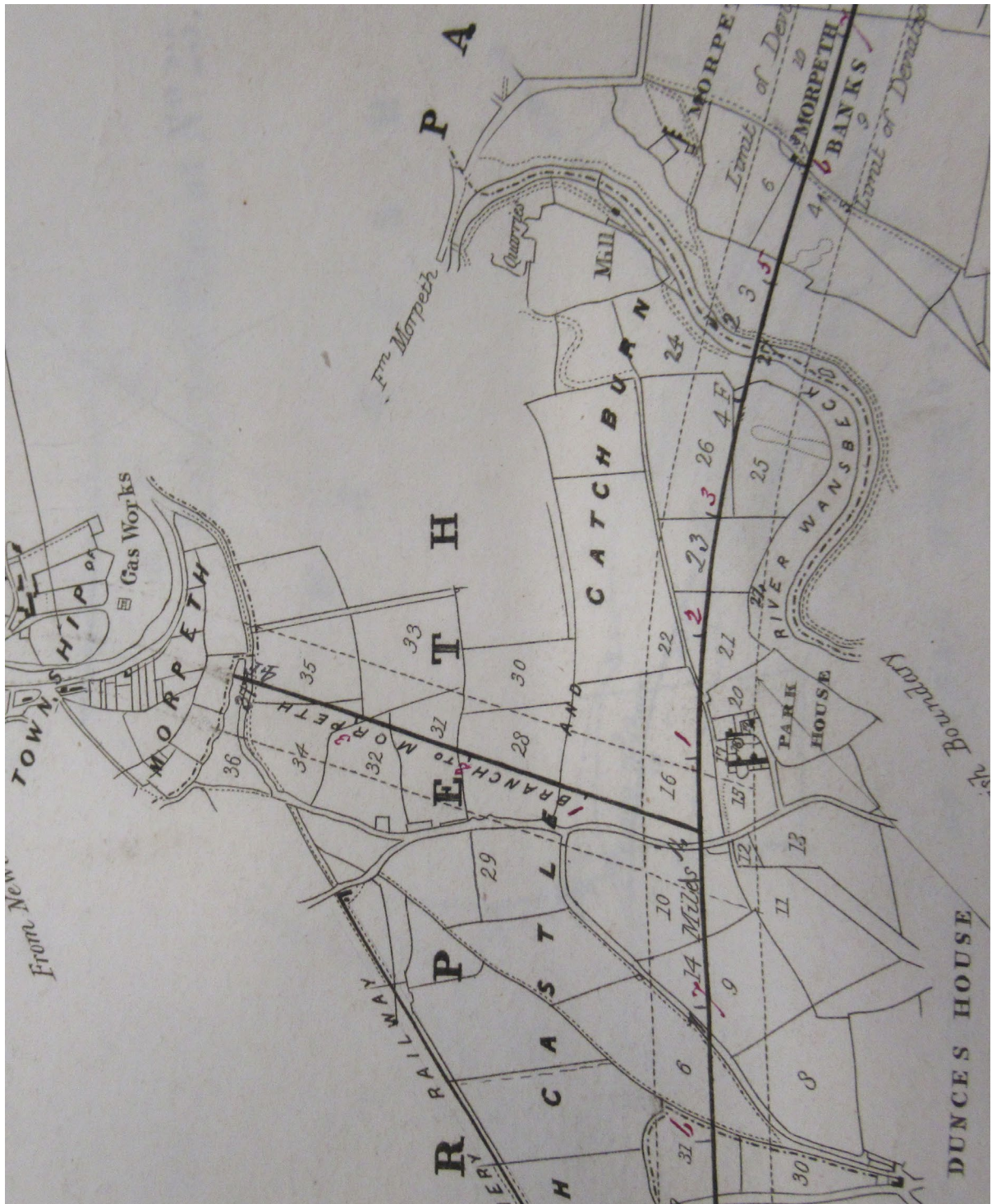
P parish of Mospeth

Mospeth Castle  
Township of Kettlewell and Mospeth in the County of Northumb

Back houses



Northumberland Railway  
(1844)





The Parish of MORPETH, in the County of NORTHUMBERLAND—*continued.*

Number on Plan.	Description of Property.	Owners or Reputed Owners.	Lessees or Reputed Lessees.	Occupiers.
TOWNSHIP OF HEPS COTT— <i>continued.</i>				
29	Turnpike Road	Trustees of the turnpike road from North Shields to Morpeth		
30	Pasture field	Earl of Carlisle	— —	Edward Stobbs
31	Pasture field and cow hovel	ditto	— —	ditto
TOWNSHIP OF MORPETH CASTLE AND CATCHBURN.				
1	Arable field	Earl of Carlisle	— —	Thomas Crawford
2	Turnpike road	Trustees of the Turnpike Road from North Shields to Morpeth		
3	Arable field	Earl of Carlisle	— —	Thomas Crawford
4	ditto	ditto	— —	ditto
5	Part of Netherton Colliery waggon way	ditto	John Cass Birkinshaw, Henry Birkinshaw, and Thomas Gibson and Robert Elliott Huntley, executors of William Shepherd	John Cass Birkinshaw, Henry Birkinshaw, and Thomas Gibson and Robert Elliott Huntley, executors of William Shepherd
6	Arable field and footpath	Trustees of Edward the Sixth's Grammar School, Morpeth; William Trotter, William Clarke, William Creighton, and Thomas Hepper	Robert Hopper	Robert Hopper
7	Arable slip and footpath	Earl of Carlisle	— —	Trustees of Edward the Sixth's Grammar School (see No. 6) and their undertenant, Robert Hopper
8	Arable field and Occupation Road	ditto	— —	Robert Hopper
9	Arable field, cow shed, and Occupation Road	ditto	William Scott	William Scott
10	Arable field and shed	ditto	— —	William Lyon, and his undertenant William Robinson
11	Pasture field	ditto	— —	John Clark and John Clark, junior
12	Garden and Occupation Road	ditto	— —	John Strachan
13	Arable field	Earl of Carlisle	— —	John Clark and John Clark, junior
14	Public Highway	Surveyor of Highways		
15	Pasture field and Occupation Road	Earl of Carlisle	— —	Thomas King
16	Arable field	ditto	— —	ditto
17	Occupation Road	ditto	— —	ditto



The Parish of MORPETH, in the County of NORTHUMBERLAND—*continued.*

Number on Plan.	Description of Property.	Owners or Reputed Owners.	Lessees or Reputed Lessees.	Occupiers.
TOWNSHIP OF MORPETH CASTLE AND CATCHBURN— <i>continued.</i>				
18	Two farm houses, hovel, two small gardens, barn, pigsty, threshing machine, stables, stack yard, farm offices, and grass plat	Earl of Carlisle	— —	Thomas King
19	Farm house, barn, stables, two small gardens, and stack yard	ditto	— —	John Clark and John Clark, junior
20	Arable field	ditto	—	Thomas Brown
21	Pasture field	ditto	—	Thomas King
22	Arable field	ditto	— —	ditto
23	Pasture field	ditto	— —	ditto
24	Plantation and whinstone quarry	ditto	— —	Earl of Carlisle
25	Arable field and whinstone quarry	ditto	— —	Thomas King
26	Arable field	ditto	— —	ditto
27	River Wansbeck, dividing the townships of Morpeth Castle and Catchburn and Pigswood	ditto	— —	Earl of Carlisle
TOWNSHIP OF ULGHAM, in the Chapelry of ULGHAM.				
1	Arable field	Earl of Carlisle	— —	Richard Barron
2	Public highway dividing the townships of Ulgham and Longhurst	Surveyor of highways, William Reed		
3	Arable field	Earl of Carlisle	— —	John Shotton
4	ditto	ditto	Robert Robson	Robert Robson
5	ditto	ditto	— —	John Shotton
6	Public highway	Surveyor of highways, William Reed		
7	Pasture field	Earl of Carlisle	Robert Robson	Robert Robson
8	Arable field	ditto	— —	Andrew Robert Fenwick
9	ditto	ditto	Robert Robson	Robert Robson
10	Pasture field and pond	ditto	ditto	ditto
11	Arable field	ditto	ditto	ditto
12	Farm house, cattle sheds, threshing machine, barn, stables stackyard, and garden	ditto	ditto	ditto







John Caisley lease  
(1873)

day of February one  
thousand eight hundred and twenty three

**Between**  
The Mayor, Aldermen and Burgesses of the Borough  
of Newcastle in the County of Northumberland (hereinafter  
called "the Landlords") of the one part and John Caisley  
of the Borough of Newcastle Coal Merchant (hereinafter  
called "the Tenant") of the other part **Whereas**  
the Tenant has erected a Bridge over the River Newcastle  
at Newcastle aforesaid at a place near to or adjoining a  
piece of Land called "Johs West Close" belonging to the  
Landlords **And whereas** the Tenant hath applied  
to the Landlords for liberty to make a road or cartway  
leading from the said Bridge over a portion of the said  
piece of Land hereinafter described to the Tyne Highway  
leading from Newcastle to Northall which they have agreed  
to do at the said hereinafter mentioned and upon condition  
that the Tenant allow all foot passengers to cross and recross  
the said Bridge and also the said road or cartway at all  
times free of expense **Now this Indenture**  
**witnesseth** that in consideration of the rent hereinafter  
reserved and of the covenants and agreement by the Tenant  
hereinafter contained the Landlords do give unto the Tenant  
his executors administrators and assigns **All** that piece or  
parcel of Land (part of Johs West Close) situate then on the  
place hereunto annexed (except the several Reservations for the  
term of fifteen years from the twelfth day of December one  
thousand eight hundred and twenty two **yielding and**  
**paying** therefore during the said term the quarterly  
rent of one pound by equal half yearly payments on the twelfth

day of May and the twelfth day of December  
in each year the first payment to be made  
on the twelfth day of May next **And** the Tenant shall  
bind for himself his heirs executors and administrators  
covenant with the said Landlords to pay rent and to  
pay taxes that will not use or suffer the said piece of  
ground or any part thereof to be used for any purpose  
other than a road or cartway according to the true intent  
and meaning of these presents without the previous license  
in writing of the Landlords that will not without the like  
license assign or sublet the said piece of ground or any part  
thereof but will allow all persons to cross and recross the  
said Bridge and Road or Cartway at all times on  
foot without any payment whatsoever and will fence  
the said road or Cartway on both sides thereof  
with a sufficient fence to the satisfaction of the  
Landlords and keep such fence in repair and will  
not and restore the said piece of ground hereby  
agreed to be let to its present state at his own  
expense on the termination of his tenancy if so required  
by the said Terms and will at the expiration or  
sooner determination of the said term deliver up to  
the Landlords the said piece of ground and premises  
in such state and condition as shall be consistent  
with the due performance of the Tenant's covenants  
**Provided** always that if the said rent shall not  
be duly paid or if there shall be a breach of any  
of the covenants by the Tenant the Landlords may  
re-enter the said premises and the said term of  
fifteen years shall absolutely determine and it  
is hereby mutually agreed by and between

as differences shall arise touching these presents  
the same shall be referred to the arbitration of  
two Arbitrators or their Worships in the usual way  
**In witness** whereof the said Mayor Aldermen  
and Burgesses have caused their Common Seal  
to be hereunto put and affixed and the said John  
Caisley has hereunto set his hand the day and  
year first herebefore written

John Caisley

Signed sealed and  
delivered by the said  
John Caisley in the  
presence of

R. H. Proham  
Clerk to W. B. Hodgson  
55 St. George's  
Clerk



made the nineteenth day of August 1879

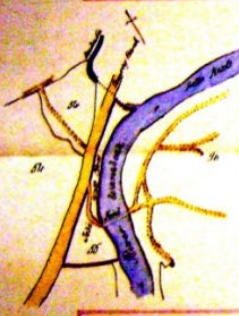
**This Indenture**

in pursuance of an Act to facilitate the purchase of land in the County of Northumberland and to amend the law relating thereto, the Mayor Aldermen and Burgesses of the Borough of Morpeth in the County of Northumberland hereinafter referred to as the lessors of the one part and John Short Richard Todd of the Crook Cottage near Morpeth William Dimson of the East Mill Morpeth and Joseph Walton of Morpeth afterwards calling themselves hereinafter referred to as the lessees of the other part have agreed and agreed that the said lessors their executors administrators and assigns All that part or parcel of land called Job's Well close situate in the Township of Morpeth in the County of Morpeth and County of Northumberland containing 1.258 acres bounded on the public highway leading from Morpeth to Longbent on the West on land belonging to Matthew Bramell on the South on the River Wansbeck on the East and on Downham on or towards the North East as the same is shown upon the plan drawn in the margin hereof and thereon coloured round with red subject to such right of way over the occupation road leading from the said public highway to the said Job's Well as is now used in any other person or persons with full and free liberty to sink a pit and to work lead ore and every way the said occupation road within the said land and to do all necessary acts for the leading leading and conveying away of lead within the said land or any other lands adjoining or near thereto which thing the said lessors may for the time being have the power and right to do and to do the same and upon the lessees giving up and leaving the premises if required so to do pursuant to the covenants herein contained the said term of fifteen years hereby granted shall stand unimpaired and be utterly void to all intents and purposes And the said lessors do for themselves their executors administrators and assigns jointly and severally covenant with the lessees their executors and assigns that they the said lessors their executors administrators and assigns will upon or before the end or other lawful determination of the said term hereby granted if required so to do by the lessees or their executors but not otherwise well and sufficiently fill up the pit intended to be sunk upon the said premises and level the ground And that the said lessors will to occupy the said premises hereby demised so to prevent the public from requiring any other right of way over the same land except the occupation road over the premises shown upon the said plan leading from the public highway to the said Job's Well The said lessors covenant with the said lessees for quiet enjoyment

**The witnesses whereof** the said Mayor Aldermen and Burgesses have hereunto set their Common Seal and the said other parties have hereunto set their hands and seals the day and year first aforesaid

Signed sealed and delivered by the above named John Short Richard Todd and William Dimson and Joseph Walton in the presence of  
 F. Mansel Lonsdale  
 John Short  
 Richard Todd  
 William Dimson  
 Joseph Walton

to the eighth day of August in each and every year of the said term and the said lessors hereby covenant that the said lessors covenant with the said lessees their executors and assigns to pay rent and to pay taxes including land tax and the property tax and that the lessees will well and lawfully use and enjoy the said demised premises so as to pay the same from the eighth day of August and will not do or permit to be done any act matter or thing upon the said premises whereby a nuisance injury or annoyance may be done to the lessees or any of the adjoining parishes or to the public and that the lessees and their executors or their assignees may enter and view the condition of the said premises hereby demised and that the lessees will repair according to notice and will not assign without consent but that they will have the premises in good repair Provided for hereby by the said lessees or assignees of rent or non-performance of covenants or in case of the lessees becoming bankrupt or insolvent or in the event of their becoming bankrupt from the payment of their debts or just by liquidation arrangements or otherwise And that in any action for the recovery of possession under this proviso the County Court of Northumberland sitting at Morpeth shall have power to try such action Provided always and it is hereby agreed and declared that if the lessees shall be desirous of quitting and giving up the possession of the said demised premises and shall give to the lessees or their executors or assigns notice of their intention to quit and deliver up such possession such notice to terminate on the twelfth day of August in some year of the said term



to the eighth day of August in each and every year of the said term and the said lessors hereby covenant that the said lessors covenant with the said lessees their executors and assigns to pay rent and to pay taxes including land tax and the property tax and that the lessees will well and lawfully use and enjoy the said demised premises so as to pay the same from the eighth day of August and will not do or permit to be done any act matter or thing upon the said premises whereby a nuisance injury or annoyance may be done to the lessees or any of the adjoining parishes or to the public and that the lessees and their executors or their assignees may enter and view the condition of the said premises hereby demised and that the lessees will repair according to notice and will not assign without consent but that they will have the premises in good repair Provided for hereby by the said lessees or assignees of rent or non-performance of covenants or in case of the lessees becoming bankrupt or insolvent or in the event of their becoming bankrupt from the payment of their debts or just by liquidation arrangements or otherwise And that in any action for the recovery of possession under this proviso the County Court of Northumberland sitting at Morpeth shall have power to try such action Provided always and it is hereby agreed and declared that if the lessees shall be desirous of quitting and giving up the possession of the said demised premises and shall give to the lessees or their executors or assigns notice of their intention to quit and deliver up such possession such notice to terminate on the twelfth day of August in some year of the said term

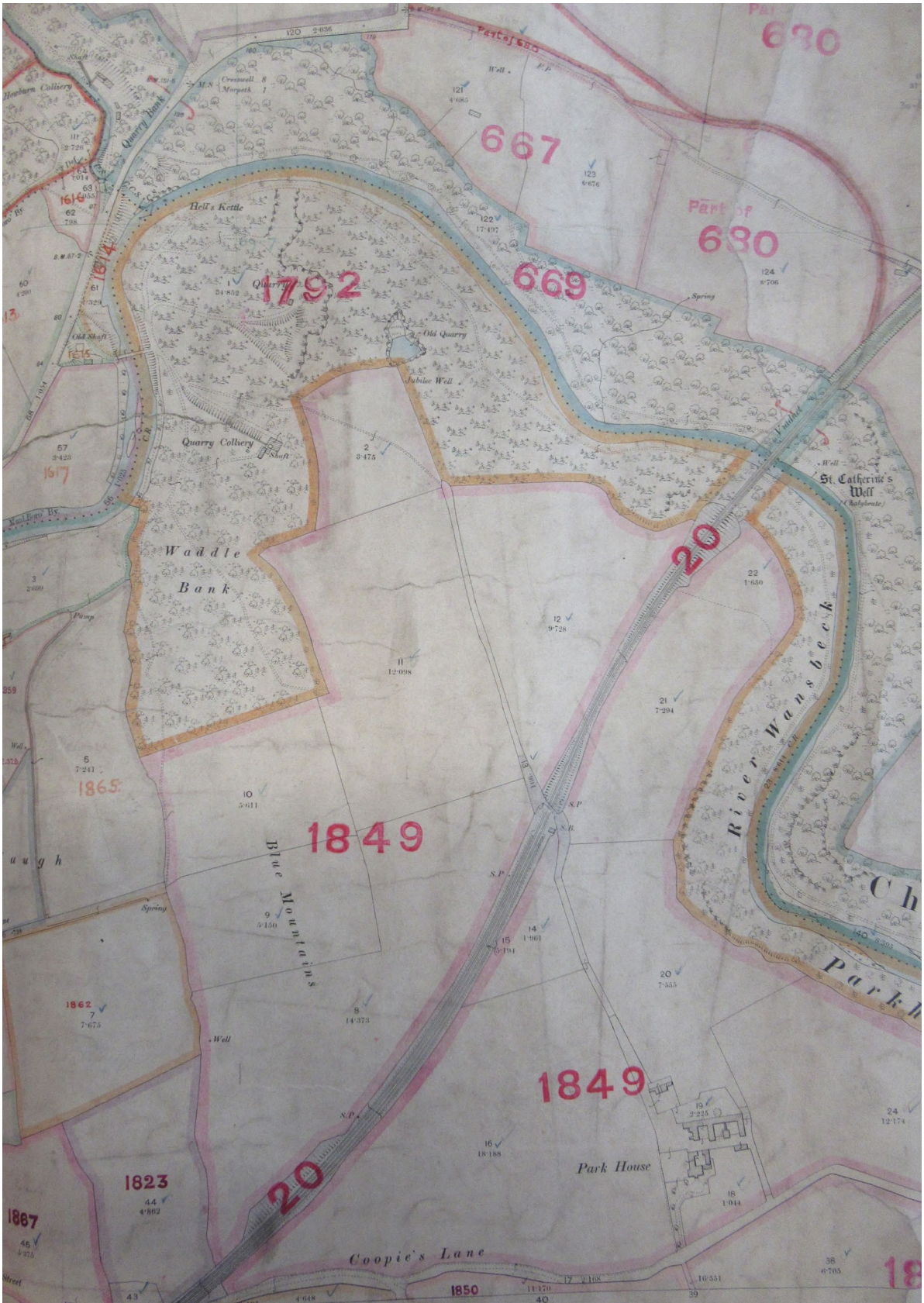
Signed sealed and delivered by the above named John Short Richard Todd and William Dimson and Joseph Walton in the presence of  
 F. Mansel Lonsdale  
 John Short  
 Richard Todd  
 William Dimson  
 Joseph Walton



2<sup>nd</sup> Edition Ordnance Survey 25"  
(1897)











**Borough of Morpeth.**

TELEPHONE N° 6



E. C. JACKSON.  
Solicitor  
TOWN CLERK

TOWN CLERK'S OFFICE.

*Morpeth.*

10th January 1934.

Dear Sir,

RIGHTS OF WAY ACT, 1932.  
- - - - -

I submitted your letter of the 15th November last to the Town Council at its meeting yesterday, when it was resolved that the Council undertake the preparation of maps and Schedules setting out the reputed rights of way in the Borough. The Borough Surveyor who will prepare the maps and Schedules will also confer with the Surveyor of the Morpeth Rural District Council to ensure that rights of way leading from the Borough into the Rural area will be duly noted by both Authorities.

Yours faithfully,

Town Clerk.

Borough of Maresfield  
Rights of Way Act 1932

No. on Plan

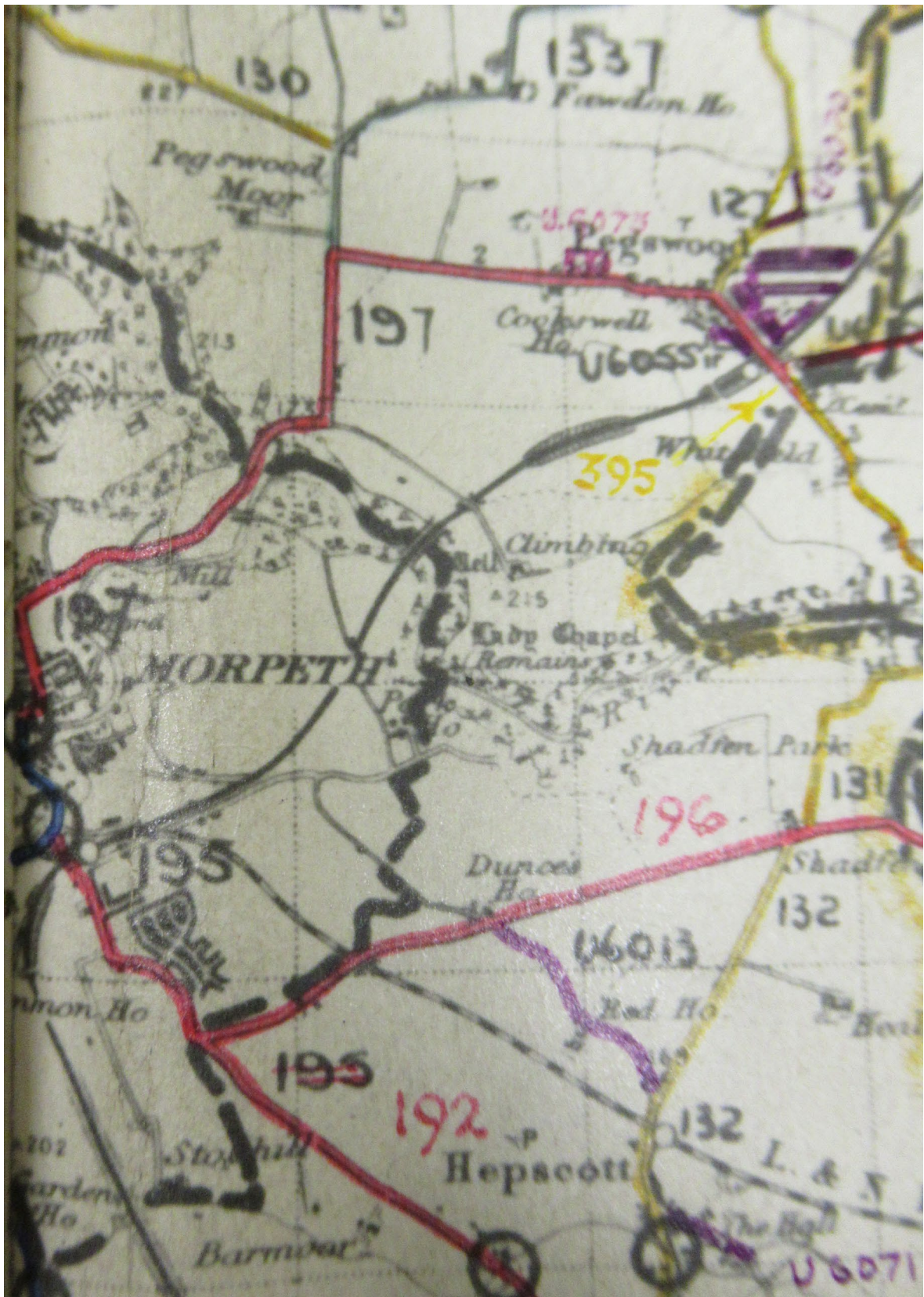
- Public paths and Rights of Way
- 1 Starts from Cottingwood Lane, proceeds across Cottingwood Common to stile where it turns northward and continues in an almost straight line to Helton Lane.
  - 2 Starts from the same point as No 1 and follows the racecourse on the common, back to the starting point.
  - 3 Starts from stone steps known as Round Hags on main road to Newbiggin proceeding eastward through Blue Bell wood then northward through Houdum wood then westward through the grounds of the County Mental Hospital where it joins the road northward to Cottingwood Common where it joins No 2 path, a branch path through a small field to the main road at Quarry Bank. The field is known as Hardy's Holes.
  - 4 Path No 4 starts at an entrance wicket on Quarry Bank on the main road to Newbiggin and proceeds alongside the river Mansuck to Bother on the north side of the river.
  - 5 Starts from the railway end at the Wall Close crossing the river by Woodbridge then proceeding alongside the river to the new borough boundary on the south side of the river.
  - 6 Starting from the wood bridge in No 5, the path proceeds in southerly direction, crossing the LNER bridge terminating at Park House farm.



LXXV.  
Number.

- No 7 From Gas House Lane across the footbridge at ford to Barchole Lane to the wood bridge where it joins No. 5 & 6.
- No 8 Proceeds by the riverside from the Mayer's Bridge steps to the footbridge at Low Stammers where it joins No 7 path.
- No 9 Starts from the end of Alexandra Road, up Allery Banks to the road in front of Salisbury Street to the footbridge over the railway then proceeding along Corpice Lane to the east for about 100 yards to a wicket, thence through the meadows to Dunci's House.
- No 10 Starts from Hillgate St. by the riverside and through Castle Wood to High Stammers.
- No 11. Commences at the same point as No 10 and proceeds southwards to a wicket in the fence between the Postern and Carlisle Park, then by the side of the postern to the west end where it joins No 12 path on the south side, of the postern.
- No 12 Starts from the highway known as Spiked Lane proceeding by the Castle entrance along the south side of the postern in a westerly direction until it joins the Church path No 13.
- No 13 This is known as the Church Walk and starts to Castle Wood at High Stammers

Highways Map  
1951





Survey Map





NORTHUMBERLAND COUNTY COUNCIL.

Book No. 194  
Page No. 4

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

Parish of \_\_\_\_\_ in the Rural District of \_\_\_\_\_

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

1. Number of highway on Map 4
2. Kind of Path (i.e. F.P., B.R.) FP.
3. Starts at ASHINGTON RD A197 or PARKHOUSE BANKS.
4. Name of Path (if any) \_\_\_\_\_
5. Is the Path well defined? NO.
6. Is the Path metalled? If so, define length YES. FIRST 100 YDS.
7. If its width can be stated, insert here VARIES FROM 3 FT TO 2 FT.
8. What is the present condition of the path, stiles, etc.? PATH HAS A TENDENCY TO BE COVERED OVER WITH FALLEN ROCK. FOOTBRIDGE IS IN UNSURE CONDITION
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  
1944. AT BOTH SIDES OF FOOTBRIDGE, PRIVATE J.R. TEMPLE & SON'S  
AT 100 YD FROM FOOTBRIDGE "NO CAMPING ALLOWED" AND AT 200 YD.  
ANY PERSON FOUND DAMAGING TREES ETC., WILL BE PROSECUTED.
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  
PRESCRIPTIVE RIGHT.

12. Have persons been prevented using the highway? NO.
13. Give particulars of any obstructions \_\_\_\_\_
14. Names of owners of freehold and previous owners, if known, for past 30 years  
J. R. TEMPLE & SON

15. What maps have been consulted, and where are they deposited?  
MAP PREPARED FOR RIGHTS OF WAY SURVEY 1932.  
IN TOWN CLERK'S OFFICE  
29 BRIDGE ST.

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

17. Any other relevant information OLD FOOTBRIDGE WAS REMOVED AWAY AND PRESENT ONE WAS ERRECTED BY J.R. TEMPLE THE NOTICE BOARDS ARE TO SAFEGUARD HIMSELF AGAINST ACCIDENTS.

Surveyed by	Address	Date of Survey
FRANK K. PARRIS	BOROUGH SURVEYORS' OFFICE, 36 BRIDGE ST., MORPETH.	18th APRIL 1952.

Important :- Sheet No. of Map on which Highway is shown  
55 169 NW 11  
and 55 69 NE 2

NORTHUMBERLAND COUNTY COUNCIL.

Book No. 194  
Page No. 5

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

Parish of \_\_\_\_\_ in the Rural District of \_\_\_\_\_

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

1. Number of highway on Map. 54
2. Kind of Path (i.e., P.P., B.R.) FP
3. Starts at STOBSFORD to FOOTBRIDGE IN HOA
4. Name of Path (if any) \_\_\_\_\_
5. Is the Path well defined? YES
6. Is the Path metalled? If so, define length. \_\_\_\_\_
7. If its width can be stated, insert here VARIES FROM 10 FT. TO 3 FT.
8. What is the present condition of the path, stiles, etc.? PATH HAS BEEN ASHED AT BEGINNING AND IS IN GOOD CONDITION.
9. Is it subject to being ploughed out? NO
10. Details of any notice boards, direction signs or warning signs against trespassers, stating their location, wording on them, their condition and date of erection, if known

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

12. Have persons been prevented using the highway? No.

13. Give particulars of any obstructions \_\_\_\_\_

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

CHARLTON BROS.  
J.R. TEMPLE & SON.

15. What maps have been consulted, and where are they deposited?  
MAP PREPARED FOR 1932 SURVEY OF RIGHTS OF WAY IN TOWN CLERK'S OFFICE 29 BRIDGE ST.

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

17. Any other relevant information

Surveyed by	Address	Date of Survey
<u>FRANK K. PERKINS</u>	<u>BOROUGH SURVEYOR'S OFFICE, 36. BRIDGE ST., MOORETH.</u>	<u>19TH APRIL. 1952.</u>

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

551 69NW 1.



NORTHUMBERLAND COUNTY COUNCIL.

Book No. 194  
Page No. 6

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

Parish of \_\_\_\_\_ in the Rural District of \_\_\_\_\_

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

1. Number of highway on Map. 65
2. Kind of Path (i.e., F.P., B.R.), F.P.
3. Starts at FOOTBRIDGE IN No. 4 to DUNCES HOUSES.
4. Name of Path (if any) \_\_\_\_\_
5. Is the Path well defined? YES
6. Is the Path metalled? If so, define length \_\_\_\_\_
7. If its width can be stated, insert here 2ft TO 10ft
8. What is the present condition of the path, stiles, etc.? PATH IS ASHED AND IN GOOD CONDITION
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  
DIRECTION SIGN 200 ft FROM FOOTBRIDGE WHERE PATH SPLITS INTO TWO WAS ERECTED 1941 AND MARKS OTHER PATH "NO ROAD THIS WAY"
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  
PRESCRIPTIVE RIGHT.
12. Have persons been prevented using the highway? NO
13. Give particulars of any obstructions \_\_\_\_\_
14. Names of owners of freehold and previous owners, if known, for past 50 years  
J.R. TEMPLE & SON.
15. What maps have been consulted, and where are they deposited?  
MAP PREPARED FOR RIGHTS OF WAY SURVEY 1932. HELD IN TOWN CLERKS OFFICE 29 BRIDGE ST.
16. What records have been consulted, and where are they deposited? \_\_\_\_\_
17. Any other relevant information \_\_\_\_\_

Surveyed by	Address	Date of Survey
<u>Frank L. Perkins</u>	<u>BOROUGH SURVEYORS OFFICE, 38 BRIDGE ST. MORPETH.</u>	<u>18 JUNE 1952</u>

Important:—Sheet No. of Map on which Highway is shown  
SS. 69 N. 1.  
SS. 1 69 N. 2.













NORTHUMBERLAND COUNTY COUNCIL.

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

PUBLIC RIGHTS OF WAY - STATEMENT.

1. Borough ..... **MORPETH.**  
~~Urban District~~ .....  
~~Rural District~~ .....
2. Parish .....
3. Number of Footpath on Map ..... **4** .....
4. Name of Path .....
5. Kind of Path (i.e. FP/BR) ..... **F.P., (width varies from 10'0" to 2'0"),**.....  
**Part ashed and metalled for 100 yards.**
6. General Description of Path ..... **From the west bank of the River Wansbeck.....**  
**crossing the river by the footbridge, in an easterly direction along Borehole**  
.....  
**Lane, the north side of Borehole Cottage and Waddle Bank to follow the south**  
.....  
**bank of the River Wansbeck under the L.N.E. Railway viaduct to Parkhouse Banks,**  
.....  
.....  
.....
7. Other relevant information ..... **Scheduled as a Public Right of Way by Morpeth**  
**Borough Council.**.....  
.....  
.....  
.....

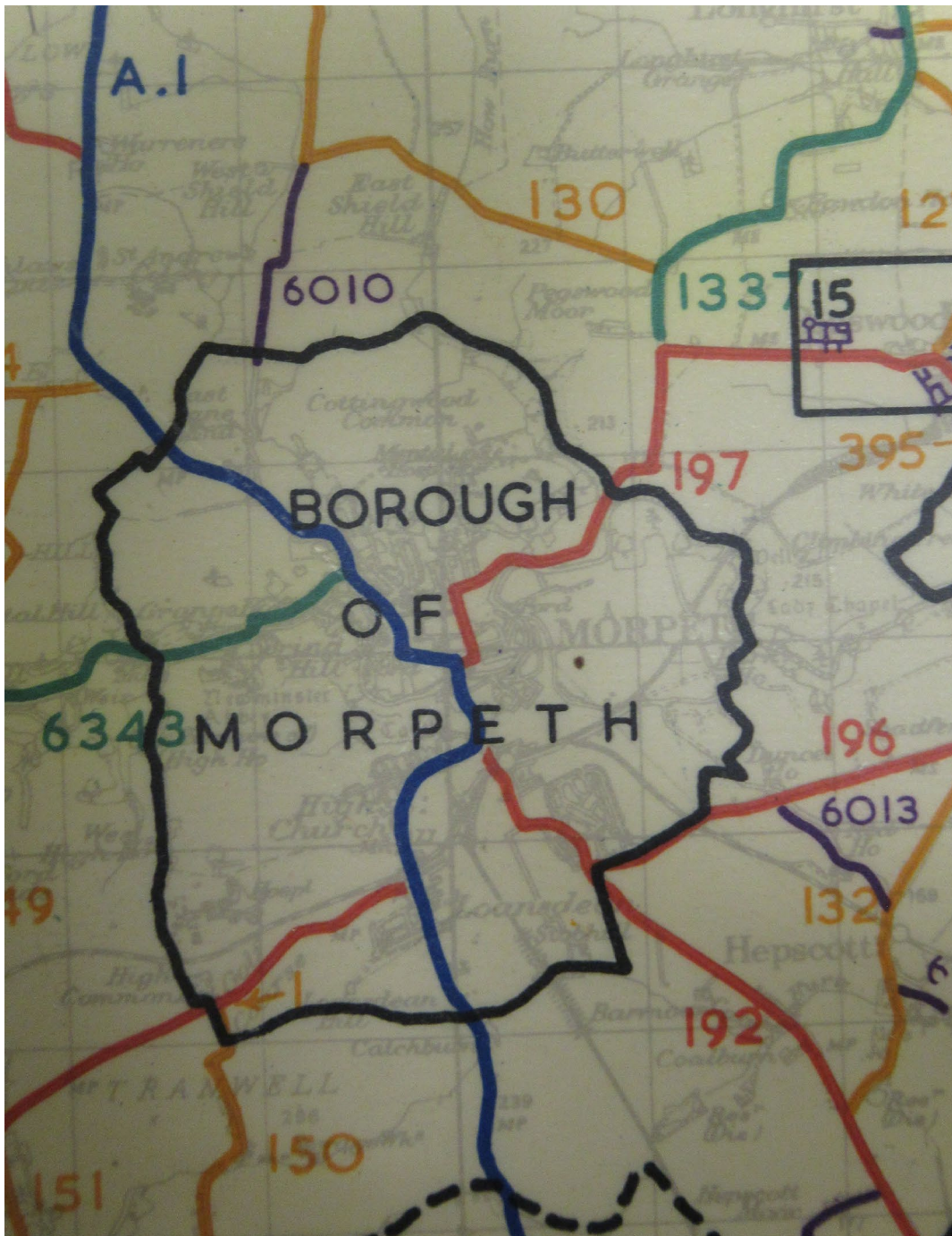






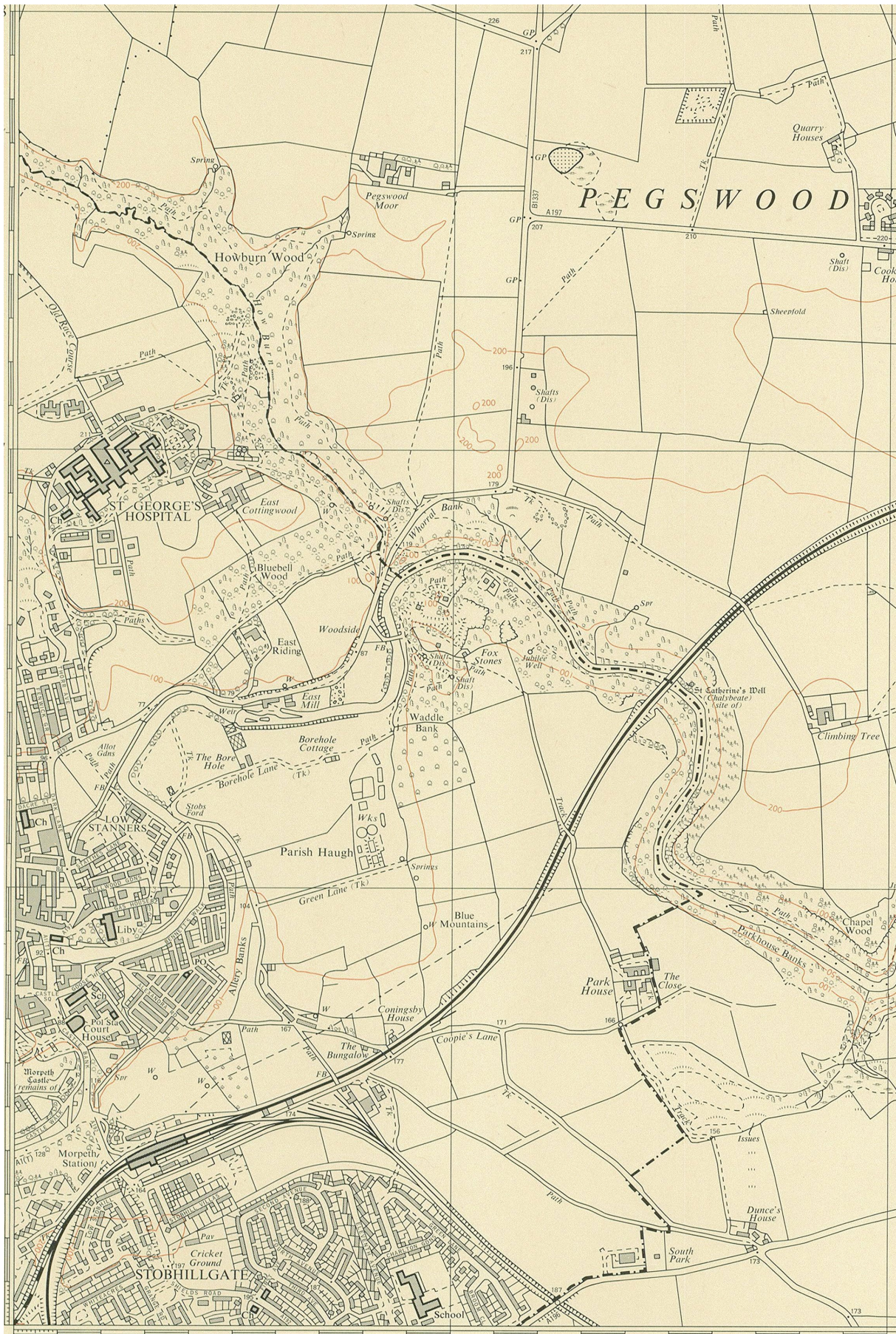








Ordnance Survey Map (1:10,560 scale)  
1969





Ordnance Survey Map  
1984

