



Northumberland County Council

RIGHTS OF WAY COMMITTEE

28 February 2024

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

DELETION OF PART OF THE U6112 ROAD FROM LIST OF STREETS MORPETH TOWN

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

Purpose of report

In this report, the Rights of Way Committee is asked to consider all the relevant evidence gathered in support and in rebuttal of the non-existence of public highway rights over a route (which includes part of the U6112 road) between the B1337 (Whorral Bank) and the western end of existing Public Footpath No 5, at a bridge over the River Wansbeck, at Morpeth.

Recommendation

It is recommended that the committee agrees that:

- (i) On a balance of probability, part of the U6112 (Q-P) was added to the List of Streets in error – it should be removed from the List of Streets;**
- (ii) Public footpath rights have been reasonably alleged to exist over the route N-Y-P-X;**
- (iii) Public footpath rights have been reasonably alleged to exist over the route Q-P;**
- (iv) Routes N-Y-P-X and Q-P be included in a future Definitive Map Modification Order as public footpaths.**

1.0 BACKGROUND

- 1.1 By virtue of section 36(6) of the Highways Act 1980, the County Council is required to keep corrected, up to date, a list of the streets within their area which are highways maintainable at the public expense.

- 1.2 Unlike the Definitive Map of Public Rights of Way, which can only be altered by the making (and, in most cases, also confirming) of Definitive Map Modification Orders, the List of Streets can be amended and corrected by the County Council, as the need arises. That is not to say that routes should be added, amended or deleted without any sound basis, but the hoops that need to be jumped through are not as evidential or legalistic as those required in relation to the Definitive Map.
- 1.3 For a route to be newly added as a length of publicly maintainable highway, it should, generally (i) have been formally adopted by procedures set out under the relevant Highways Act; or (ii) have been physically created as a public highway by the highway authority (whichever council held that function at the time), where they were also the landowner; or (iii) there is compelling evidence that the route was a longstanding publicly maintainable highway that ought to have been recorded as such, when the original lists and schedules were first prepared.
- 1.4 Ordinarily, matters relating to changes to the Council's List of Streets are not considered by the Rights of Way Committee. However, given Mr Smith's insistence that the record in relation to part of the U6112 on the list of Streets is wrong and his recent complaints against the Council (including one in 2019 to the Local Government Ombudsman), it was felt that the appropriate course of action, here, would be for all the available evidence to be weighed up and considered in the same formal way that it would be, if it was an amendment to the Definitive Map that was being considered. In addition, the Definitive Statement for existing Public Footpath No 5 describes that path as beginning on "... the Morpeth – Ashington Road about 300 yards north-east of East Mill". Whilst acknowledging that Mr Smith has also made a formal application to have this section of Footpath deleted from the Definitive Map, if that application is unsuccessful then, notwithstanding what it says in the Definitive Statement, a short gap would remain, on the Definitive Map, between the western end of the footpath and the Morpeth – Ashington road. If Public Footpath No 5 remains on the Definitive Map, the historical evidence available suggests that the existing gap, between the road and the footpath, needs to be filled.
- 1.5 As members will be aware, from recent reports relating to unclassified roads in the Rothbury area, just because a route is identified as a U road on the List of Streets, this does not prove that it is necessarily a motor vehicular public right of way. Letters from DEFRA, dated 2003 and November 2006, and Rights of Way Circular 1/09 set out the approach Inspectors and order making authorities should take in determining the status of routes included on the List of Streets. In summary, the guidance states that the inclusion of a route on the List of Streets is a statement about maintenance liability, not a record of what legal rights exist over that highway, but may provide evidence of vehicular rights. However, this must be considered with all other relevant evidence in order to determine the nature and extent of those rights. Highway Authorities are recommended to examine the history of such routes and the rights that may exist over them on a case by case basis in order to determine their status.
- 1.6 This part of the U6112 could be a publicly maintainable road, but it might just be a publicly maintainable footpath. If the U6112 road (Q – P) is considered to be just a publicly maintainable footpath, then the correct course of action would appear to be to include the whole route Q-P-N in a future Definitive Map Modification Order as a public footpath (effectively, a short westerly extension

to the existing Footpath No 5), at the same time establishing a legal width for this section. If the U6112 is considered to be a public road, then the correct course of action would be to determine how long that road is. If Q-P is the extent of the road, then it would be appropriate to record Q-P in a future Definitive Map Modification Order as a Byway Open to All Traffic, and the P-N section as a public footpath. If Q-P-N is all public road, then it would be appropriate to record the Q-P section as Byway Open to All Traffic and the P-N section as restricted byway s.67 of the Natural Environment and Rural Communities Act 2006, having almost certainly removed any public motor vehicular rights that might have existed over this section).

- 1.7 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.
- 1.8 The relevant statutory provision which applies to adding a public right of way to the Definitive Map and Statement, based on historical documentary evidence, is Section 53(3)(c)(i) of the Wildlife and Countryside Act, 1981. This requires the County Council (as Surveying Authority) to modify the Definitive Map and Statement following:

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

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

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

2.0 PUBLIC EVIDENCE

- 2.1 On 3 December 2021, Tom Smith of Morpeth made a formal application seeking to have part of the U6112 road removed from the List of Streets. He stated:

“My entrance road, U6112, from Whorral Bank to my home is recorded as having been adopted in part. It has been described as a Private Street whereas it is an occupation road and not a highway.

“It has not been legally adopted and in addition the record has been informally altered.

“Please find attached a pdf file, ‘*Correction required to road adoption record U6112.pdf*’ with documented evidence of the error. Please correct the Northumberland County Council record by correctly describing my entrance road as a ‘Private Street’ for its full length.

“For some reason, which is not clear to me, my entrance road is described on the National Street and Northumberland County Council Gazetteers as ‘Private Street’ from part of the way across Job’s Well Close and across my bridge over the River Wansbeck but not up to my house, and other similar metalled and un-metalled occupation roads on my land are not so classified. Can you please explain the reason for this.

“We have considerable additional documentation relating to my land here which I have not included in order to limit the time required by council officers to make the correction. Will you please carry out this work as soon as maybe as the present incorrect record is causing us considerable difficulty.”

2.2 Mr Smith supplied the following analysis of the evidence to accompany his application:

“Documentation supporting a correction required of the U6112 adoption record and split into USRN 6220418 and USRN 6251219. The entrance road for Ford House, Quarry Woods, Whorral Bank Morpeth, is recorded as the U6112 from the B1337 Whorral Bank to the east end of the Acrow bridge over the River Wansbeck. It is recorded as having been adopted in part with USRN 6220418.

“It is recorded as a Private Street with USRN 6251219. It is an occupation road and not a highway. No evidence has been found of it having been legally adopted and the record has been informally altered without agreement of frontagers.

“John Ferguson was the local highways inspector for this area when he worked for Northumberland County Council until retirement. He was well known to me, Tom Smith, for over twenty years. He was born and raised in Middle Greens in Morpeth and knew the area very well. The tarmac surface was the same from the A197 to approximately 5 metres from my bridge before Northumberland County Council made the cycle path from Morpeth to Ashington and without my knowledge laid tarmac on my road and adjoining car park. John Ferguson years later came to my land and asked me how much of my road was adopted. I was not aware that any part of my road was adopted. He asked me whether I would mind if the council adopted it and I did not agree to its being adopted.

“17th March 1988 searches conducted by my solicitor when I bought my land at Northumberland County Council and Castle Morpeth Borough Council replied ‘NO’ with regard to Job’s Well Close being adopted highway and ‘NO’ resolution to adopt.

“On 10th June 2018 the extent of the ‘adopted’ section was as shown on the attached 10th June 2018 plan. A speed limit is recorded as 60 mph.

“A screenshot from Elgin in 2018 incorrectly showing a 30 mph speed limit on the part of my road adjoining the A197 ‘Whorral Bank to Woodside’ recorded on 17th June 1999. There are in fact no street lights and no signs and no 30 mph speed limit. The part of my road

'Woodside to Ford House' recorded on 11th January 2006 is not shown as 'adopted' and has no speed limit shown on it.

"On 19th August 2018 the record was changed to increase the length of 'adopted' highway as shown on the attached Northumberland County Council website map of adopted highways. The length of the 'adopted' part of my road is shown as 22 metres. Road length is to be recorded as being from the centreline of the adjoining highway.

"On 25th September 2018 Northumberland County Council replied to a Freedom of Information request by explaining that the road was added to the list of adopted highways circa 1970 when the road was re-aligned. In 1970 the road was used by Morpeth Borough Council to access what is now my land and use it as a waste tip for Morpeth. The owner of my land at that time was J.R.Temple and Sons Ltd. A January 1970 sketch plan of proposed A197 improvement work attached to the September 2018 F.O.I. reply showed only the proposed realignment of the A197 and accommodation work required to my access road due to the A197 being raised by 3 ft.

"In March 1992 Northumberland County Council provided an estimated cost of £230,000 to improve the access to Swinneys Field. Castle Morpeth Council did not proceed. I, Tom Smith, permitted Morpeth Town football club to continue to use my road for grass cutting as they had, commencing in 1975, when J.R.Temple became the road owner following legal action.

"1959 Morpeth Borough Council Minutes describe a new waste tip being created for the town. Councillor John Temple was present. The Town Clerk asked John Temple to permit the council to tip waste from the town in the former quarry and mining holes in the land J.R.Temple and Sons owned which I, Tom Smith, now own. An improved bridge was needed to carry additional weight as were improvements to the existing occupation road. The existing road was privately made in connection with coal mining. At the time of the road being made Morpeth Borough Council leased the land for use connected to coal mining. A bridge was privately built for the same purpose.

"Morpeth Borough Council Minutes from 1970 to 1971 show all the council's decisions taken in connection with the A197 road improvement.

"6th May 1971 Dedication Agreement was made for Morpeth Borough Council's land Pestilence Close, land so called following use as a burial site during an early pandemic, which is on the west side of the A197, made between Morpeth Borough Council and Northumberland County Council. Signed by John Temple as Mayor of Morpeth Borough Council. Mayor Temple was completely familiar with the area. He and his brother Tom Temple lived at Parkhouse farm. Town Clerk was solicitor Maurice Cole.

"13th August 1971 an Easement to permit Northumberland county Council to put a 9 inch drain in Woodside was signed by Isobel Smail, then Morpeth Borough Council Mayor. Town Clerk was solicitor Maurice Cole. Maurice Cole became Chief Executive of Castle Morpeth Borough Council in 1974.

“1769 Highways and land ownership map by Armstrong shows there is no highway from the road now known as Whorral Bank whereas the fords at Bothal and Stobsford and the Morpeth town centre bridge are correctly shown. 1859 Ordnance Survey plan also shows no highway but a ford and stepping stones to access the quarry and corn mill are shown north of the position of the present road. The King family owned the quarries, leased Job’s Well Close and built much of Morpeth.

“1923 Ordnance Survey Map shows the road from the A197 highway leads only to the footbridge serving the holiday homes and residential homes on land rented from Parkhouse farm accessed from the private footbridge, and no other connections. The Maples, The Firs, The Palms are some of those homes. Coal mining had temporarily ceased at this time.

“Leases were granted by Morpeth Borough Council in 1726 for the whole of Job’s Well Close which then included Swinney’s Field and had a northern boundary of the How Burn, an eastern and southern boundary of the River Wansbeck and a western boundary of land adjoining East Mill and the A197 highway.

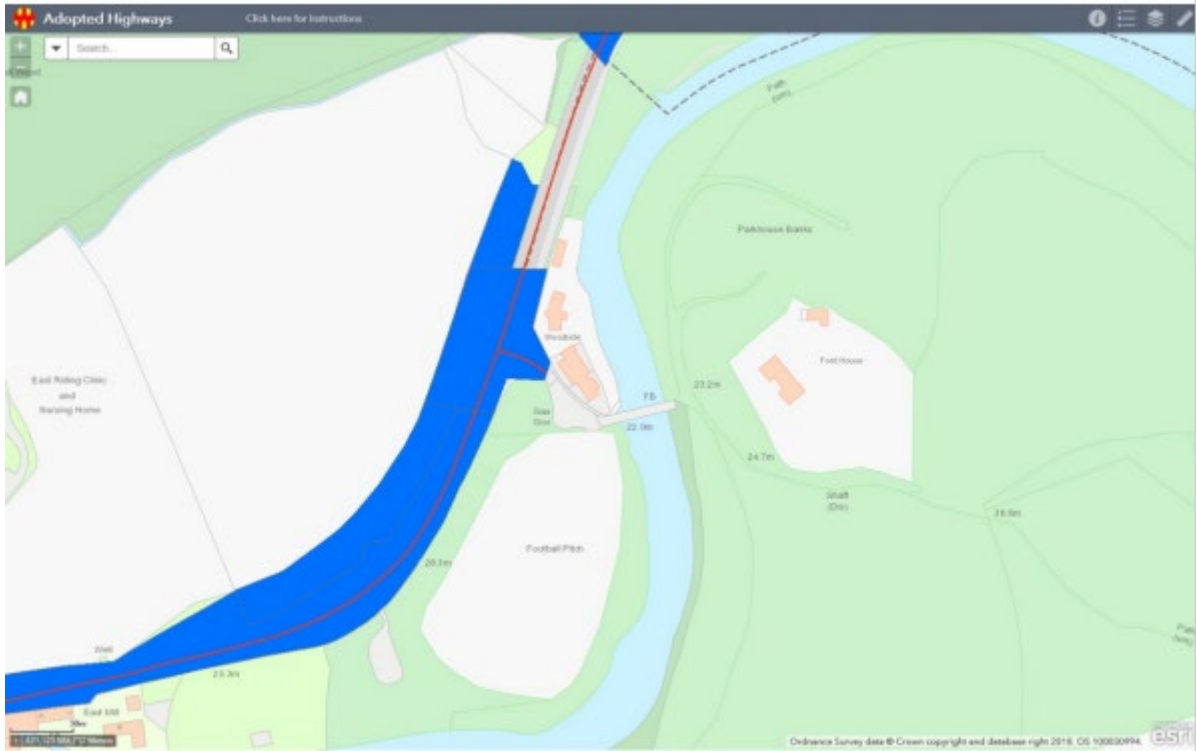
“20th February 1873 a lease was granted to John Caisley described as a coal merchant, to make a road or cartway across Job’s Well Close. He had built a bridge and was required to permit all persons to cross his bridge and road or cartway on foot without charge. The Caisley lease did not survive to its full 15 year term.

“19th November 1879 a lease was granted to sink a pit in Job’s Well Close. Richard Todd lived in Borehole Cottage, Morpeth which was situated to the east of the present Borehole cottages. A condition of that 1879 lease was to ensure that no right of way should be created other than the right over the occupation road leading from the A197 highway to the ford in the River Wansbeck. 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.

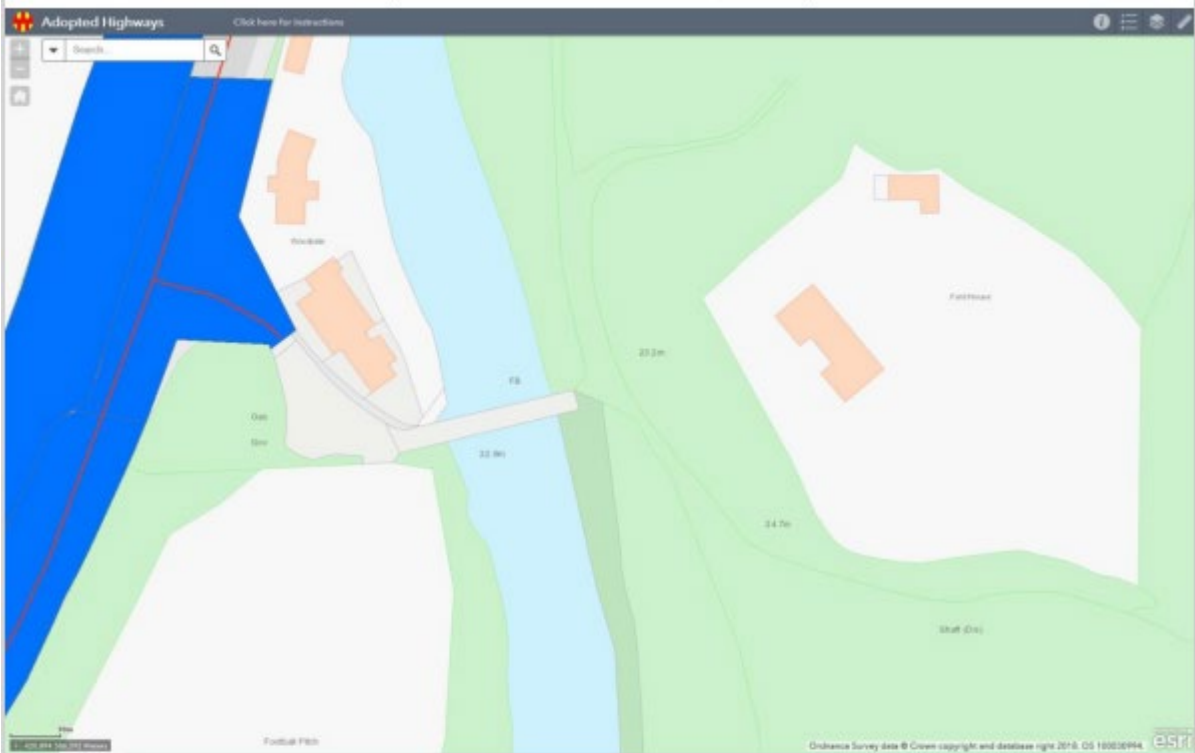
“And that the Lessees will well and sufficiently fence in and enclose the said demised premises so as to protect the same from trespass

“No bridge is shown on the plan from the 1879 lease. Floods occurred more frequently before 1908 when the Font reservoir was commissioned.”

10th June 2018 plan



Screenshot and description 19th August 2018



Adopted Highway:

SECTION CODE: 1130U6112100002

NAME: A197 WHORRAL BANK TO WOODSIDE

LENGTH: 22

TYPE: Unclassified

ENVIRONMENT: RURAL

RESPONSIBILITY: New Northern Area

TYPE: SINGLE 2-LANE CARRIAGEWAY

HIERARCHY: 7r - Local Access Road

SPEED LIMIT: 60

Ford House

From: fol@northumberland.gov.uk
Sent: 25 September 2018 11:40
To: foordhouse@myphone.coop
Subject: EIR Full Response

Our Ref: 4736

Dear Enquirer,

Request for Information

I refer to your request for information in relation to Whorral Bank to Woodside.

The Council have considered your request for information under the terms of the Environmental Information Regulations 2004. In our view the request falls within the scope of the broad definition of environmental information contained within Regulation 2(1) of the Regulations.

Right of Access

The Environmental Information Regulations 2004 provide that a public authority that holds environmental information shall make it available on request. The Regulations create a general right of access to environmental information held by public authorities subject to various exceptions. A public authority may refuse to disclose environmental information if an exception to disclosure applies and the public authority decides that in all the circumstances the public interest in maintaining the exception outweighs the public interest in disclosing the information.

The Council has carefully considered whether the information requested can be disclosed under the Regulations.

Please let me know whether the road in Morpeth from Whorral Bank to Woodside is adopted highway.

Yes it is.

Please let me know when the road was adopted, if it was adopted, and let me have copies of the description of the road and all other information which was used to adopt the road, including the necessary advertising notices.

The road was added to the Council's list of highways maintainable at public expense circa 1970 when the road was re-aligned. See attached plan. The description of the road is U6112, Whorral Bank to Woodside, single 2-lane carriageway. The Council has no other information.

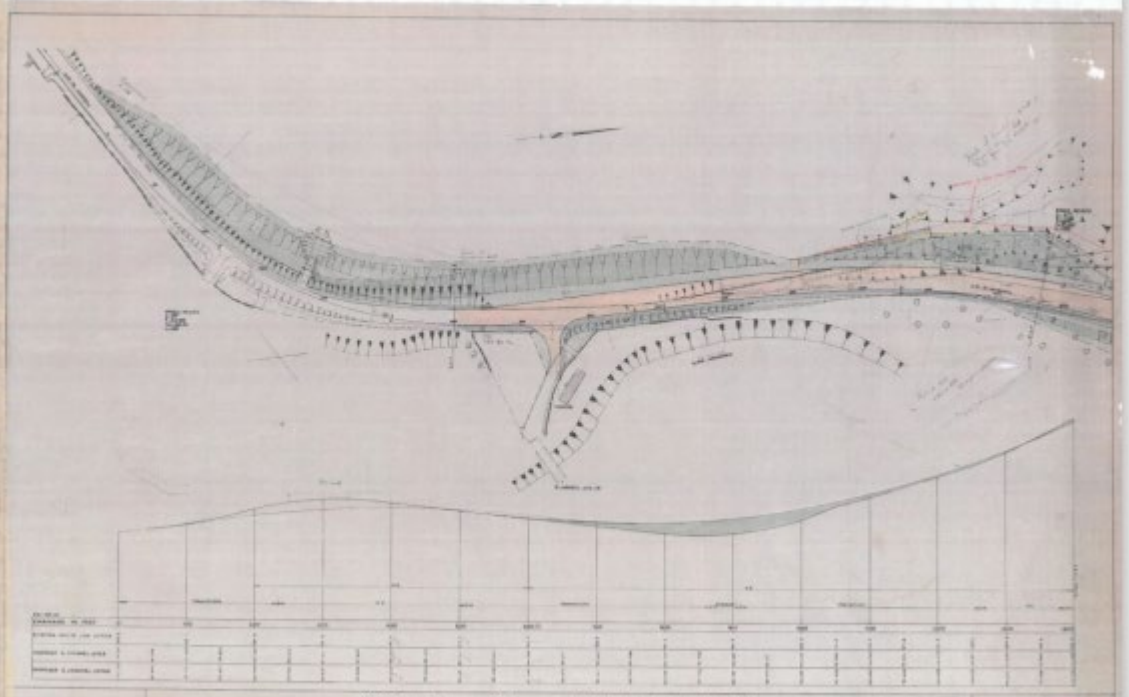
Advice and Assistance

The Council recognises its statutory duty to provide advice and assistance under Regulation 9 of the Regulations. Subject to the provision of the Regulations, the Council is seeking to be transparent and open in its response.

Representations and Reconsideration

2. A197/009-01/4

KEEP 1 of 3
MORPETH



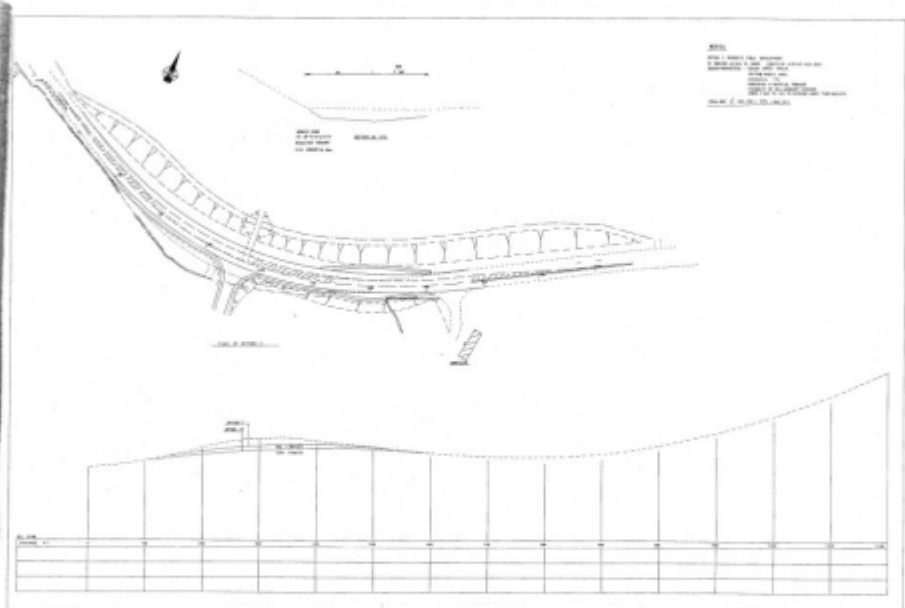
SCALE PLAN 1:500
VERTICAL 1" TO 10 FT

RN0800

COUNTY OF NORTHUMBERLAND
MORPETH - NEWBIGGIN ROAD A197
IMPROVEMENT AT WHORRAL BANK

DRG. NO. 2497 009/008
SHEET No. 1 OF 3
DATE JANUARY 1970

1/007 01/2/73



SCALE PLAN 1:500
VERTICAL 1" TO 10 FT

NORTHUMBERLAND COUNTY COUNCIL

IMPROVEMENTS AT WHORRAL BANK
MORPETH TO NEWBIGGIN ROAD A 197
PHASE 1 - HARDING GREEN - 200 YDS. - £ 250,000

NO.	DATE	REVISIONS



153 LAND AT WHORRAL BANK

RESOLVED: That part of an area of land, known as Pestilence Close, be dedicated for highway purposes to the Northumberland County Council, subject to the County Council paying compensation at the District Valuer's figure, and erecting a fence.

347 BOROUGH SURVEYOR'S REPORT - DECEMBER 1970

RESOLVED - That this report be received.

348 ROAD IMPROVEMENT - WHORRAL BANK

The Town Clerk reported that the District Valuer's assessment of compensation was £45 plus legal costs in respect of 0.22 acres of land at Pestilence Close to be dedicated to the Northumberland County Council for road improvement works, and that the County Council was to be responsible for erecting a post and rail fence along the new road boundary, together with a gate into the Close.

RESOLVED - That the report be received and the Town Clerk be instructed to complete the Dedication Agreement.

492 WHORRAL BANK

The Town Clerk reported that the Northumberland County Council required the use of land at Whorral Bank on a yearly basis for storage of materials during the proposed roadworks, and that the District Valuer had suggested an annual payment of £10., as from the 1st May 1971. He also reported that the District Valuer had submitted a report on the construction of a 9" surface water drain from the roadworks across Corporation land.

RESOLVED:-

- (i) That the figure of £10. per annum be accepted.
- (ii) That the Town Clerk be authorised to draw up the necessary Licence.
- (iii) That an easement be granted to the Northumberland County Council in respect of the drain, provided that the County Council agree to reinstate the land to its present condition.

Morpeth Borough Council Minutes

10th February 1959 and following meeting

Tip planning requirements

BOROUGH OF MORPETH

At a QUARTERLY MEETING of the Town Council of the Borough held in the Council Chamber on TUESDAY 10th FEBRUARY, 1959 at Seven o'clock in the evening, viz:-

Present - His Worship the Mayor (Councillor B. Johnson, J.P.)
Aldermen Sanderson, Grey and Appleby.
Councillors Elliott, Mitchell, Bruce, Moore, Carry, Matheson, Basy, Waddle, Temple, Dodds and Woolley.

MINUTES.

1001. The Minutes of the last Monthly Meeting held on 13th January, 1959 were confirmed.

COUNCIL IN COMMITTEE.

1001. The Borough Surveyor submitted a letter from the County Planning Officer stating (a) that he was of the opinion that the Control of Development Sub Committee would wish to be assured that the tipping on land at Quarry Woods would be restricted to the Old Quarry workings and be confined to the filling in of the man-made holes in the whole area, and that there would be the minimum interference with the existing trees which form such an attractive feature of the landscape in this locality and (b) that the County Surveyor was of the opinion that an improved access to the site giving satisfactory visibility and vertical alignment was essential. It was agreed to inform the County Planning Officer that the Council's proposals for the area would conform with the requirements stated.

TIP PLANNING.

1045. The Borough Surveyor reported that under the terms of the Delegation Agreement the County Planning Committee desire the Council to GRANT PERMISSION to the following applications, when it was agreed that he be authorised to issue the necessary forms of permission in each case, viz:-

059/11. Erection of detached dwellinghouse at Cottingwood Estate, Morpeth for Mr. N. Froudlock.

059/17. Alterations to dwellinghouse at 29 King's Avenue, Morpeth for Mr. W. Ball.

050/51. Refuse Tip at Quarry Woods, Morpeth for Morpeth Borough Council, subject to the following conditions:-

Detailed plans of an improvement scheme for the existing access so as to provide satisfactory visibility and vertical alignment shall be submitted to and approved by the Local Planning Authority.

The filled areas shall be covered with a layer of soil and seeded with grass when the level coincides with the existing ground level in the area.

The reasons for the imposition of the conditions specified above are:-

In the interests of road traffic safety.

In order that this area of high amenity value shall not be adversely affected by the proposed development.

THIS

DEED is made the *thirteenth* day of *August* One thousand nine hundred and seventy one BETWEEN THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF MORPETH (hereinafter referred to as "the Grantor") of the one part and THE COUNTY COUNCIL OF THE ADMINISTRATIVE COUNTY OF NORTHUMBERLAND (hereinafter referred to as "the Council") of the other part

W H E R E A S

- (i) The Council as highway authority is seized in fee simple of the highway known as A.197 at Whorral Bank Morpeth and coloured blue on the plan annexed hereto
- (ii) The Grantor is seized in fee simple in possession of the adjacent land known as Woodside Whorral Bank Morpeth and coloured green on the plan annexed hereto
- (iii) The Council is desirous of constructing and maintaining on the said land of the Grantor a surface water drain more particularly hereinafter specified
- (iv) The Grantor has agreed with the Council in consideration of the covenants on the part of the Council hereinafter contained to grant to it the easements rights and liberties hereinafter mentioned in connection ~~with the maintenance use and protection of the said surface water drain~~

NOW THIS DEED WITNESSETH as follows:-

1. IN this deed where the context so admits the expression "the Grantor" shall include its successors in title the person or persons for the time being entitled to the legal estate in fee simple of the green land and the expression "the Council" shall include its successors in title of the highway coloured blue

2. IN pursuance of the said agreement and in consideration of the covenants on the part of the Council hereinafter contained the Grantor hereby grants unto the Council the following rights and liberties that is to say :-

- (1) Full right and liberty for the Council to construct and place in and under the green land in the position shown by the red line on the plan attached hereto a Nine inch drain for the discharge of surface water from the said highway A.197
- (2) Full right and liberty for the Council its agents servants and workmen to enter upon such part of the green land as may be necessary for the purpose of inspecting maintaining repairing and managing the said drain so far as the Council is able so to do by such entry and to dig open such part of or parts of the green land as may be necessary for that purpose
- (3) The right to continuous vertical and lateral support for the drain from the green land

(i) The right to the uninterrupted flow or passage of water from the said highway in and through the drain

TO HOLD the same unto the Council its successors and assigns as easements in fee simple or perpetual rights as the case may be TO THE INTENT that the same shall be annexed and appurtenant to the said highway A.197 and every part thereof

3. THE Council for itself and its successors in title being the highway authority for the time being hereby covenants with the Grantor that :-

(i) Following the exercise of the rights and liberties hereinbefore granted and following any subsequent re-entry by the Council for purposes of maintenance the Council shall restore and reinstate to the satisfaction of the Grantor the green land to its former condition and keep the Grantor indemnified against any claims for damage or disturbance made by the occupier of the green land arising out of the exercise of the easements and rights hereinbefore granted and

(ii) During any exercise of the easements and rights hereinbefore granted the Council will at all times be responsible for the provision erection and maintenance of security fencing or other fencing upon the green land for the purpose of keeping the green land secure and safe

4. THE Grantor for itself and its successors in title hereby covenants that it shall not use any of the green land for any purpose whatsoever (including the making of roads thereover and the erection of buildings thereon) so as to interfere with the free passage and running of water through the said drain

5. IT IS HEREBY CERTIFIED that the transaction hereby effected does not form part of a larger transaction or of a series of transactions in respect of which the amount or value or the aggregate amount or value of the consideration exceeds Five thousand five hundred pounds

IN WITNESS whereof the parties hereto have caused their common seals to be hereunto affixed the day and year first before written

THE COMMON SEAL of the MAYOR ALDERMEN AND BURGESSES of the BOROUGH OF NORWICH was hereunto affixed in the presence of :-

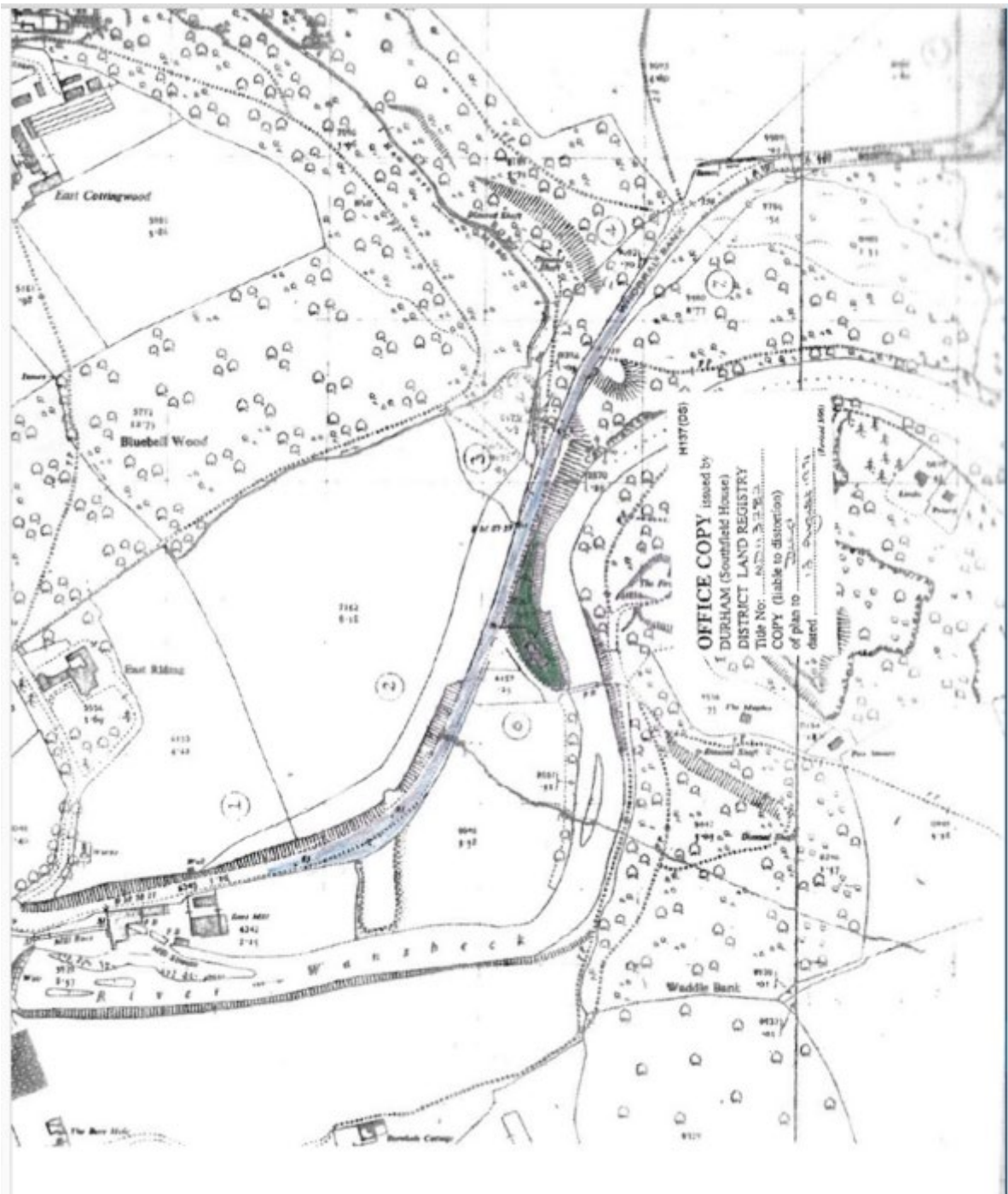


Isabel Smith

MAYOR

Marjorie Lake

TOWN CLERK



OFFICE COPY issued by
DURHAM (Southfield House)
DISTRICT LAND REGISTRY
Title No. 4672/1, 2, 3, 4
COPY (liable to distortion)
of plan to 1:2500
dated 1/11/1954
(Personal Copy)

East Cottingwood

Bluebell Wood

East Riding

Wansbeck

Waddle Bank

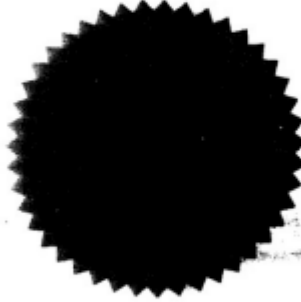
The New Mill

Southfield Centre

THE COMMON SEAL of the COUNTY COUNCIL
OF THE ADMINISTRATIVE COUNTY OF
NORTHUMBERLAND was herunto affixed
in the presence of :-

Ridley
Chairman of the County Council

X *W. W. Wilson*
Clerk of the County Council





THE MAYOR ALDERMEN AND BURGESSES
OF THE BOROUGH OF MORPETH

- to -

NORTHUMBERLAND COUNTY COUNCIL

GRANT OF EASEMENT

in respect of land situate at
Whorral Bank, Morpeth in the
County of Northumberland.

C. W. Harley, Esq.,
County Hall,
Newcastle upon Tyne,
NE1 1SA



DEDICATION AGREEMENT

Date Sixth day of May One thousand nine hundred and
Seventy One seventy one
Estate Owner NORPETH BOROUGH COUNCIL
Consideration moneys Forty five pounds
Area of land to be dedicated One thousand and sixty four square yards
Road Norpeth-Ashington Road A.197 at Whorral Bank
SCHEDULE
Accommodation Works

The County Council to provide and erect a pressure creosoted timber post and four rail fence incorporating a pressure creosoted timber gate complete with creosoted posts and necessary ironmongery on the land adjoining the new boundary

THIS AGREEMENT made the day of the date hereinbefore written BETWEEN the party hereinbefore described and the County Council of Northumberland

WITNESSETH as follows:-

1. IN this Agreement

"County Council" means the said Council and where the context so admits includes the successors of the said Council

"Estate Owner" means the party hereinbefore so described and where the context so admits includes the successors in title of the said party

2. IN consideration of the payment by the County Council to the Estate Owner of the consideration moneys hereinbefore specified (the receipt whereof the Estate Owner hereby acknowledges) the Estate Owner shall forthwith give up and DEDICATE to the public ALL THAT piece of land which as to its position and boundaries is shown on the plan hereto annexed and thereon coloured pink TO THE INTENT that the said piece of land shall be added to and form part of the public highway

3. THE County Council shall execute and do the several accommodation works specified in the Schedule hereto

4. THE Estate Owner hereby covenants with the County Council that if and when called upon by the County Council so to do before the expiration of the period beginning with the day of the date hereinbefore written and enduring for twenty one years the Estate Owner shall prove its title to the said piece of land and shall convey the same to the County Council in fee simple on payment by the County Council to it of the sum of Five pence together with its solicitor's proper costs of such proof and conveyance

5. IT is hereby certified that this Agreement is an agreement made and entered into pursuant to the Highways Act 1959 for or relating to the making maintaining or repairing of highways

IN WITNESS whereof the parties hereto have hereunto caused their respective seals to be affixed the day of the date hereinbefore written



{ THE COMMON SEAL of the MAYOR ALDERMEN
{ AND BURGESSSES OF THE BOROUGH OF MORPETH
{ was hereunto affixed in the presence of:-
{

J. Temple
Mayor

Maurice Cole
Town Clerk



{ THE COMMON SEAL of THE COUNTY COUNCIL
{ OF THE ADMINISTRATIVE COUNTY OF
{ NORTHUMBERLAND was hereunto affixed in
{ the presence of:-
{

Ridley
Chairman of the County Council

W. W. W. W.
Clerk of the County Council



Delegated Authority

1493

DATE 6th May 1974

NORTHEN BOROUGH COUNCIL

-and-

NORTHUMBRIA COUNTY COUNCIL

DEDICATION AGREEMENT

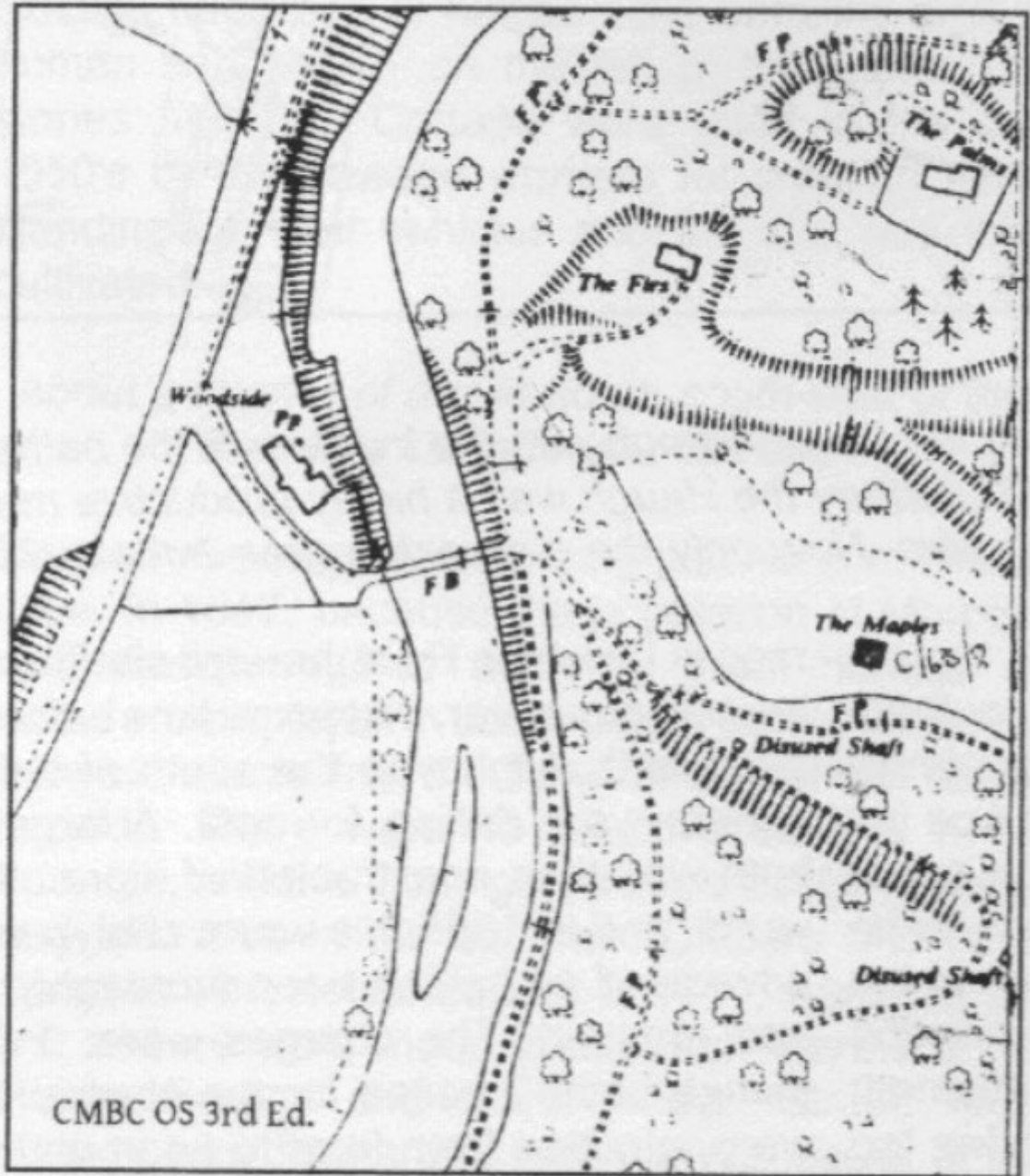
C. W. Hurley, Esq.,
County Hall,
Newcastle upon Tyne, 1.

1769 Armstrong Map



1859 Ordnance Survey Map





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.....

Dated 19th November 1879

The Mayor Aldermen & Burgesses of the Borough of Morpeth

to

Messers 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 Brummel 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 William Davison and Joseph Walton in the presence of F. Brummel Town Clerk

Ordnance Survey plan showing bridge and road made by John Caisley



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												
Olivers Mill												
Beechfield Ho.	3				1		1			1		
Low Stanners	3	1	1	1	1	1	1	1	1	1	1	1
Staites 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.

2.3 By email, on 3 March 2022, Mr Smith supplied the following additional information:

“In the course of researching the history of my land I retrieved the Journal newspaper pages below.

“Immediately following the court case at which J.R.Temple and Son were given my entrance road Addison Hudson a respected Land Agent advertised my land for sale as a tip ‘with excellent access from the highway’. The council has repeatedly questioned my ownership of the road from the Whorral Bank highway to my bridge which I bought as one item with my other land in 1989 from J.R.Temple and Sons. I trust this will no longer provide any cause for delay in processing this matter.

“How much longer will it take Northumberland County Council to correct those records?”



J. M. CLARK & PARTNERS
 CHARTERED SURVEYORS
 ESTATE AGENTS & VALUERS
 Established 1947

SWARLAND, near Felton, Northumberland
GLEN COTTAGE
 A Detached Traditional Stone-built Bungalow, unoccupied for many years and requiring some rebuilding and total renovation and modernisation, occupying a superbly elevated site of one acre affording uninterrupted south-facing views over the surrounding countryside. Additional land is also available. (Excellent accommodation comprises: 2 Reception Rooms, Scullery and attached Byre with Outlines Planning Permission for alteration and extension. Mains Electricity and Water are available.
 Price: Offers over £2,000.
 Further particulars including plan available from the Sole Agents.

DENTON BURN, Morpeth—First time advertised. Excellent purpose-built 4-bedroomed Semi-detached House on mature part of estate with pleasant open views. Entrance Hall, 22ft. Lounge, large Kitchen/Breakfast Room, Bathroom (coloured suite), separate W.C., Full Central Heating; Garage (space for additional car). Gardens. Offers around £11,250.

1, BROADWOOD ROAD, DENTON BURN. Tel. 679287
26, FRONT STREET, WHICKHAM Tel. 881784
121, ST. GEORGE'S TERRACE, JESMOND. Tel. 818744

FOR SALE FREEHOLD
ELLENSIDE HOUSE, IREBY,
NEAR COCKERMOUTH, CUMBRIA
 This charming Regency Country House on the edge of the Lake District National Park has 7 Bedrooms, excellent Reception Rooms and 7 Acres of grounds and Paddock for stabling. A unique property which must be seen to be appreciated and is in the most delightful countryside.
 Further particulars from
Estate Office, Market Place, Maltwhistle.
Tel. 363 and 246

WANTED—URGENTLY
SEMI-DETACHED HOUSES
 for approved clients waiting to buy in the following areas:—

KENTON — COSFORTH — HEATON
JESMOND — FENHAM — WHICKHAM
NEWSHAM FARM AND SOUTH BEACH
WASHINGTON NEW TOWN

We give personal and immediate attention to all enquiries and welcome the opportunity of discussing your Property Sale.

Our charges on completion only 11% of Sale Price.

JAMES CRAWFORD & PARTNERS
 29 MOSLEY STREET, NEWCASTLE. Tel. 23331 or
 5 DUDLEY COURT, CRAMLINGTON. Tel. 4444

CHESTER-LE-STREET
NORTH LODGE, LAMBTON PARK

A MOST ATTRACTIVE ARCHITECTURAL DESIGNED (BUILDER J. BERKMAN)
DETACHED BUNGALOW
 STANDING IN ABOUT 0.4 ACRES WELL LAID OUT GARDEN WITH MATURE TREES.

The House is exceptionally well planned, has full double glazing, underfloor electric heating, contains Entrance hall with cloak wardrobe, 2nd lounge with dining area, very well fitted kitchen with 14' 6" x 11' utility room and toilet, main bedroom with vanity unit and extensive range of fitted wardrobes, second bedroom with fitted wardrobe and private bathroom with vanity basin and w.c., fully paneled bathroom with coloured suite and shower unit, double garage, car port and timber garden shed.

The Property is freehold and will be sold with the benefit of the Durham carpeting fitted throughout the main rooms, all curtains and quality light fittings, plus all kitchenware fittings.

For full printed particulars and appointments to view, apply to:

JOHN ROSS & SON
 CHARTERED SURVEYORS
 40, MOSLEY STREET, NEWCASTLE 1.
 TEL. 25906

HARRATON VILLAGE
The General's Wood, Washington New Town

An Executive 3 1/2-Level Detached Property finished to a most exacting standard for a local Company Director. Undulating facing site with all main rooms facing south over mature woodland. Accommodation comprises—Upper Level: Entrance Porch, spacious Hallway, all tiled Cloakroom with coloured suite, 22ft. Lounge with elegant stone fireplace and tiled Dining Room featuring projecting bay window overlooking garden and woodland, cream Kitchen, Laundry/Freezer Room, 17ft. Children's Playground. Lower Level: Sun Room with aluminium-framed sliding doors to south-facing Patio, 2 Bedrooms with fitted wardrobes, Principal Bedroom having direct access to all-tiled luxury Bathroom including shower with aluminium sea-through door, pink decor, second Bathroom all tiled yellow suite with shower fitting. Au Pair Suite (two

LARGE AND VALUABLE TIP FOR SALE
 Situate at MORPETH

FREEHOLD TIP WITH VACANT POSSESSION AND WITH THE BENEFIT OF PLANNING PERMISSION

FOR SALE BY PRIVATE TREATY
 An area of approximately 20 Acres with an estimated capacity of TWO MILLION CUBIC YARDS with excellent access from the highway and well screened with trees. FULL DETAILS AND PERMISSION TO VIEW FROM

S. ADDISON & SON
 NEWGATE HOUSE, NEWGATE STREET,
 MORPETH. Tel. 2016/7.

ESTATE OFFICES: **THORNTON, CO. DURHAM, 291, Church Street, 0994/2.**
5, Market Street, JEDDOFIELD. Tel. 21820.

GOSFORTH
 A spacious House of character situated in Linden Road, near shops, schools, etc. Large living room and diningroom of good proportions, breakfast room, kitchen, four bedrooms on first floor, bathroom and separate toilet. Two excellent attic bedrooms on the second floor. Small garden at front; yard at rear with garage door. The price includes state carpeting, carpets to lounge, diningroom, and other areas; £9,750.

Telephone for appointment to view, Gosforth 82662.

WHICKHAM
 A rare opportunity to acquire SUPERIOR DETACHED BUNGALOW occupying a choice site almost quarter acre in a well established development, convenient for the local shopping centre. Spacious entrance hall, lounge, diningroom, kitchen, 3 bedrooms, bathroom, separate w.c., all central heating; garage plus additional hardstands. Freehold. Offers around £25,950. Ref 647.

WHITLEY BAY
 Much sought after area, quiet cul-de-sac, most attractive 3 BEDROOMED SEM backing south; spacious 40' pillared lounge with Cumbrian feature stone fireplace, 2 exceptionally well appointed kitchen; fully automatic

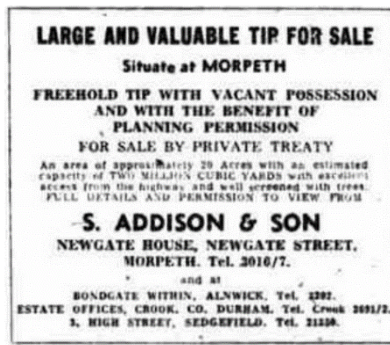
"The picture below looking west to the A197 highway was taken on 11th February 2019 before my neighbour at the kennels stole my gates.



"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.



2.4 By email, on 4 April 2022, Mr Smith of Ford House, Morpeth, made the following inquiry:

“I have now sent you information related to the footpaths and adoption status of my entrance road and land.

“You explained that you have a queue of similar data related to land elsewhere in Northumberland and that you are working through these.

“Can you please let me know where my requests for the correction of those records now stands. I have explained that these matters are preventing the successful development of my caravan site and you will understand that I am anxious that progress is made as soon as maybe.

“I sent my request initially on 10th August 2020 regarding the adoption status of my entrance road, and on 18th February 2022 regarding the purported Public Rights of Way. To date I have received no information regarding the progress of either matter other than an assurance that these matters could be handled in conjunction.”

2.5 By email, on 12 April 2022, Mr Smith of Ford House, Morpeth, made the following inquiry:

“Please let me know what progress has been made regarding the correction to the adoption status of my entrance road and the correction of the footpaths record which presently incorrectly shows two Public Rights of Way on foot across my land.

“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.”

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

“On 10th 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.”

2.7 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?”

2.8 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 30th August 2022 asking me to send you the plans you enclosed marked to show land which I own/occupy.

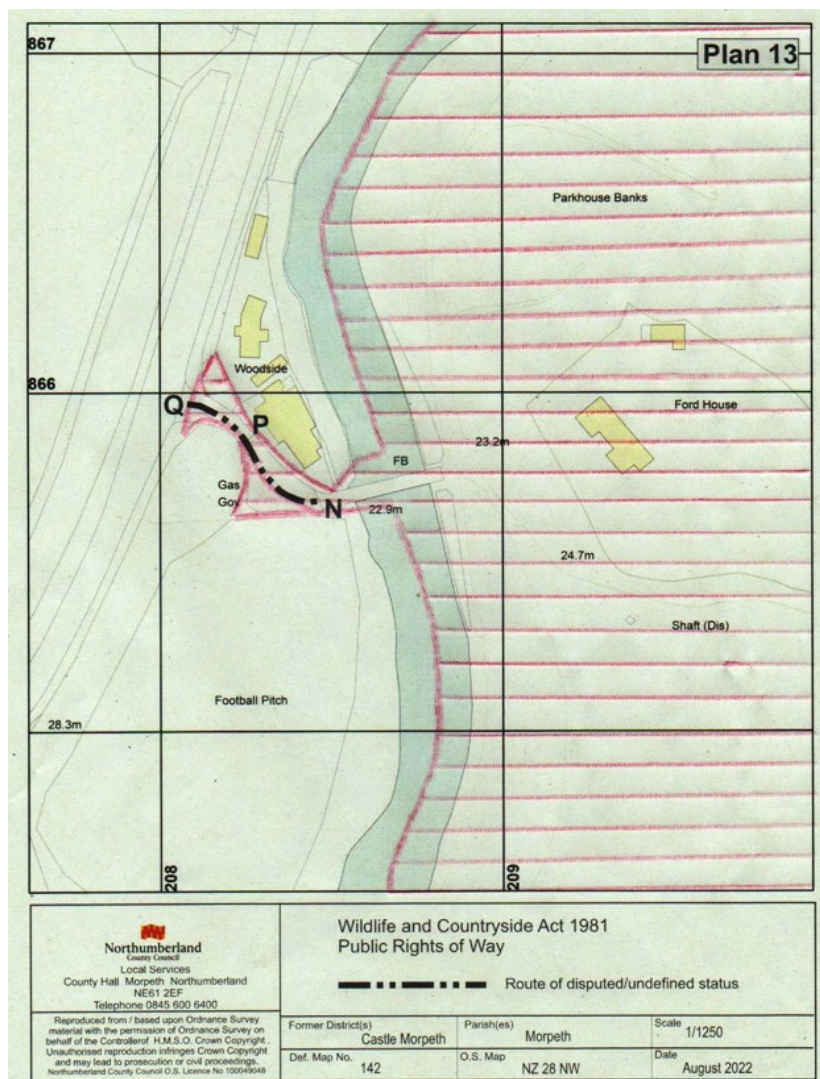
“Please find them attached.

“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 an additional email on 4 September 2022, Mr Smith of Ford House further responded to the consultation, stating:

“Please find below a copy of the email I sent to David Laux in January together with attached planning application and plans. The email explains why I leased additional land next to my road from Castle Morpeth Borough Council as it would be difficult to bring a large static caravan down my road from the public highway.

“This information is relevant regarding the partially ‘adopted’ status of my entrance road which you are presently reviewing.

“John Ferguson the local Highways Inspector asked me whether I would mind if the council adopted my entrance road and I did not agree to it.

“The width of my entrance road is shown partially in a planning application prepared for Anne Margaret McKay and her then husband, John Thomas. I sent a copy of that planning application to David Laux. It was prepared by an independent architect working for the kennels owner prior to their purchasing the bungalow and land from the young couple who owned it and previously lived there, Mr and Mrs McDougal. The Northumberland County Council holds that planning application record.

“Please include this evidence in the relevant review evidence.”

In the January email to David Laux, Mr Smith stated:

“On 9th August 2000 Mr and Mrs McDougall, a young couple, owned Woodside at Whorral Bank, Morpeth. When they had advertised it for sale Mr John and Mrs Anne Margaret Thomas applied for planning permission to demolish the house and develop a kennels business.

“The planning application number and description:-
CM/00/D/475 | Demolition of bungalow, erection of detached dwelling house and boarding kennels (as amended plans received 30/10/00 & 2/2/2001 & 13/6/01) | Woodside, Whorral Bank, Morpeth

“Please find attached the application form submitted to Castle Morpeth Borough Council and plans of their proposed development.

“Plan # 11840334 produced by Northdale shows ‘TARMAC’ referring to the surface finish of my road and and ‘GRAVEL’ referring to the surface finish of my adjacent leased land. The road width is restricted and there was a 1.2 metre high timber paling fence alongside it which was why I found it appropriate to lease the adjacent land so that access to my caravan site business would be improved and I could more readily bring static caravans onto my bridge and caravan park.

“The width and layout of the entrance from the highway to my access road are shown prior to the construction of the Morpeth to Ashington cycle path. It is now restricted due to the design of that cycle path and associated signage and that restriction makes access with vehicles difficult. Articulated lorries are able to enter only with some difficulty and

by stopping traffic on Whorral Bank. Cars from time to time inadvertently drive from Whorral Bank over the kerb and cycle path.

“Plan # 11840275 by Marshall Design better and accurately shows that there is a 1.5 metre tarmac footway part of my entrance road. Ms Mckay blocked that footway in 2010 and removed the tarmac surface of that footway near the cycle path and replaced it with turf in 2018 so that pedestrians must walk on the road adjacent to the entrance.

“Mr and Mrs Thomas traded using the name Crufts in 2000 from premises in Wansbeck Street in Morpeth. Crufts is a name well known in the dog world and they traded using that organisation’s reputation.

“In subsequent planning applications Mr and Mrs Thomas confirmed that they owned no other land, however in 2008, John Thomas then having left her, the former Mrs Thomas, then called Ms Anne Margaret McKay, applied for planning permission to erect gates across my entrance road and stated that she owned the part of it between where she proposed to place gates and my gate at the west end of my bridge. When the planning officer explained to me that permitted development meant that I could erect gates at that location I did so as Ms McKay, together with her staff and customers, constantly trespassed on my land, and Ms McKay cited security concerns as being her reason for wishing to erect gates. Castle Morpeth Borough Council later granted planning permission for the erection of gates despite the illegal nature of the planning application and objections from me, Wansbeck Angling Association and others. I let my fishing rights to Wansbeck Angling Association on an annual licence basis for £1 as it results in there being well behaved people who enjoy their pastime, take care of my land, and their presence dissuades some other who are troublesome and unwelcome.

“In the course of our recent telephone calls you asked what I was seeking from Northumberland County Council however one matter in particular I failed to mention is that I have repeatedly asked that the council sell the freehold of my leased land to me. The response to date has not been helpful and in 2018 / 2019 the council actually threatened to bring my lease to an end. You will understand that notwithstanding the illegality of that threat it continues to cause me concern.”

Form P/2
Please read the accompanying notes before completing any part of this form.
APPLICATION FOR PERMISSION TO DEVELOP LAND ETC.
For office use only
Castle Morpeth Borough Council
Town and Country Planning Act 1990
Two completed copies of this form, 5 plans and 5 Ordnance Survey 1:2500 size plans must be submitted to Castle Morpeth Borough Council
Date received 22.8.2020

PART 1 - to be completed by or on behalf of all applicants not an available to the planning department.
1. Applicant (in block capitals) Name: MICHAEL THOMAS
Address: 22, SANDSTONE ST, MORPETH, NORTHUMBRIA, NE26 3JG
Tel. No. 01670 412345
Agent (if any) to whom correspondence should be sent (in block capitals) Name: MICHAEL THOMAS
Address: 22, SANDSTONE ST, MORPETH, NORTHUMBRIA, NE26 3JG
Tel. No. 01670 412345

2. Particulars of proposal for which permission or approval is sought
(a) Full address or location of the land to which the application relates.
Area of site the subject of this application (in case outlined in red) 1.76 Hectares
176,000 Sq. Metres

(b) Brief particulars of proposed development including the purpose(s) to which the land and/or buildings are to be used.
ERECTOR OF NEW TARMAC FOOTWAY OF 1.5 METRE WIDTH BETWEEN EXISTING GATES AND BRIDGE

(c) State whether applicant owns or controls any adjoining land and, if so, give its location.
LP

(d) State whether the proposal involves:
1. New buildings Yes or No
2. Alteration or extension Yes or No
3. Change of use Yes or No
4. Construction of a vehicular new access to a highway Yes or No
5. Alteration of an existing access to a highway Yes or No

3. Particulars of Application
(a) State whether the application is for:
(i) Outline planning permission Yes or No
(ii) Full planning permission Yes or No
(iii) Approval of reserved matters following the grant of outline permission Yes or No
(iv) Renewal of a temporary permission for retention of building or contravention of use without complying with a condition subject to which planning permission has been granted Yes or No

4. Particulars of Present and Previous Use of Buildings or Land
(a) Present use of buildings/land Yes or No
(b) If vacant, the last previous use Yes or No

5. Additional Information
(a) Is the application for industrial, office, warehousing, storage or shopping purposes? State Yes or No
(b) Does the proposed development involve the taking of any trees? State Yes or No
(c) How will surface water be disposed of? State
(d) How will foul sewage be dealt with? State

6. Plans
(a) Name and description of materials proposed on external walls and roof
(b) Proposed means of enclosure
(c) Details of proposed means of enclosure, the materials and colour of the walls and roof, landscaping details etc. should also be clearly shown on the submitted plans unless the application is in outline only.

7. Status of applicant
(a) Owner or in respect of the fee simple
(b) Entitled to a tenancy
(c) Prospective purchaser
(d) Complete Certificate A
(e) If you are not an owner or tenant you should fill in Certificate B, C or D, and return the appropriate section.

Who hereby apply for:
(a) Planning permission to carry out the development described in this application and the accompanying plans, and in accordance therewith.
(b) Planning permission to retain buildings or works already constructed or carried out, or a use of land already notified as described on the application and the accompanying plans.
(c) Approval of details of such matters as were reserved in a previous application, which have not been and are described in this application and the accompanying plans.

Date: 21/8/2020
On behalf of MICHAEL THOMAS
(Insert applicant's name if signed by an agent)

Note: An appropriate certificate must accompany this application unless you are seeking approval to reserved matters - see Note 10. The following certificate will be appropriate if you are the owner or have a tenancy of all the land. Only one copy need be completed.
Certificate under Section 65 of the Town and Country Planning Act 1990
Certificate A
I hereby certify that:
1. I am the estate owner in respect of the fee simple of every part of the land to which the accompanying application relates.
2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or
3. I have given the requisite notice to every person other than myself who, 20 days before the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:-
Name of Tenant: Address: Date of service of notice:
Signed: Date:
'On behalf of'

PART 2
PLEASE COMPLETE PART 2 FOR ALL NON-RESIDENTIAL DEVELOPMENT
(These questions relevant to the proposed development to be assessed)
1. In the case of industrial development, give a description of the premises to be sited on and of the end products, and the type of plant or machinery to be installed.
2. The proposal forms a stage of a larger scheme for which planning permission is not at present sought, please give what information you can about the ultimate development.
3. Is the proposal related to an existing use on or near the site?
If so, please explain the relationship.
4. Is this a proposal to replace existing premises in the use or elements which have become obsolete, inadequate or otherwise unsatisfactory?
If so, please give details including gross floor area of each premises and state your intentions in respect of those premises.

Existing (if any)		Proposed new floor space	
(a) 1350m ²	(b) 111 m ²	(a) 1350m ²	(b) 111 m ²
(c) m ² /sq. ft.	(d) m ² /sq. ft.	(c) m ² /sq. ft.	(d) m ² /sq. ft.
(e) m ² /sq. ft.	(f) m ² /sq. ft.	(e) m ² /sq. ft.	(f) m ² /sq. ft.
(g) m ² /sq. ft.	(h) m ² /sq. ft.	(g) m ² /sq. ft.	(h) m ² /sq. ft.
(i) m ² /sq. ft.	(j) m ² /sq. ft.	(i) m ² /sq. ft.	(j) m ² /sq. ft.

5. How many (a) office (b) industrial and (c) other staff will be employed on the site as a result of the development proposed?

6. If you have existing premises on the site, how many of the employees will be new staff?

7. What provisions have been made for the parking, loading and unloading of vehicles within the curtilage of the site? (Please show the location or such provision on the plans and distinguish between parking for operational needs and other provision)

8. What is the estimated vehicular traffic flow to the site during a normal working day? (Please include all vehicles except those used by individual employees driving to work)

9. What is the nature, volume and proposed means of disposal of any trade effluents or trade refuse?

10. Will the proposed use involve the use or storage of any of the materials of type and quantities mentioned in note 12?

COMPLETE + SUBMIT TO CMBC WITH P. APP

Town and Country Planning (General Development Procedure) Order 1995

CERTIFICATE UNDER ARTICLE 7

Certificate B (a)

I certify that:

1. I have/We the applicant has/We the applicant has given the requisite notice to everyone else who, on the day 21 days before the date of the accompanying application/applies, was the owner (b) of any part to which the application/applies relates, as listed below:

Owner's (b) name: Northdale

Address of which notice was served: 17 Conchards Driffield Northbourne York YO1 1JY

Date on which notice was served: 11/8/2000

2. I have/We the applicant has/We the applicant has given the requisite notice to everyone else who, on the day 21 days before the date of the accompanying application/applies, was the owner (b) of any part to which the application/applies relates, as listed below:

Owner's (b) name: Northdale

Address of which notice was served: 17 Conchards Driffield Northbourne York YO1 1JY

Date on which notice was served: 11/8/2000

3. I have/We the applicant has/We the applicant has given the requisite notice to everyone else who, on the day 21 days before the date of the accompanying application/applies, was the owner (b) of any part to which the application/applies relates, as listed below:

Owner's (b) name: Northdale

Address of which notice was served: 17 Conchards Driffield Northbourne York YO1 1JY

Date on which notice was served: 11/8/2000

0010475

Castle Morpeth

NOTICE 1

Town and Country Planning (General Development Procedure) Order 1995

NOTICE UNDER ARTICLE 6 OF APPLICATION FOR PLANNING PERMISSION

(To be published in a newspaper or to be served on an owner or tenant)

Proposed development at (a) Widdowson Memorial Park Morpeth

I give notice that (b) MRS THORNTON

is applying to Castle Morpeth Borough Council for planning permission to (c) INSTALL SIGNAGE, CONCRETED DRIVEWAY AND DRIVE

Any owner of the land or tenant who wishes to make representations about this application should write to the Environmental and Planning Department, The Kylins, Morpeth, Northumberland NE61 2SQ by (d) 11/8/00

* "owner" means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than seven years, or, in the case of development consisting of the winning or working of minerals, a person entitled to an interest in the land (other than oil, gas, coal, gold or silver).

** "tenant" means a tenant of an agricultural holding any part of which is situated in the land.

Statement of owners' rights

The grant of planning permission does not affect owners' rights to obtain or dispose of their property, unless there is some provision to the contrary in an agreement or a lease.

Statement of agricultural tenants' rights

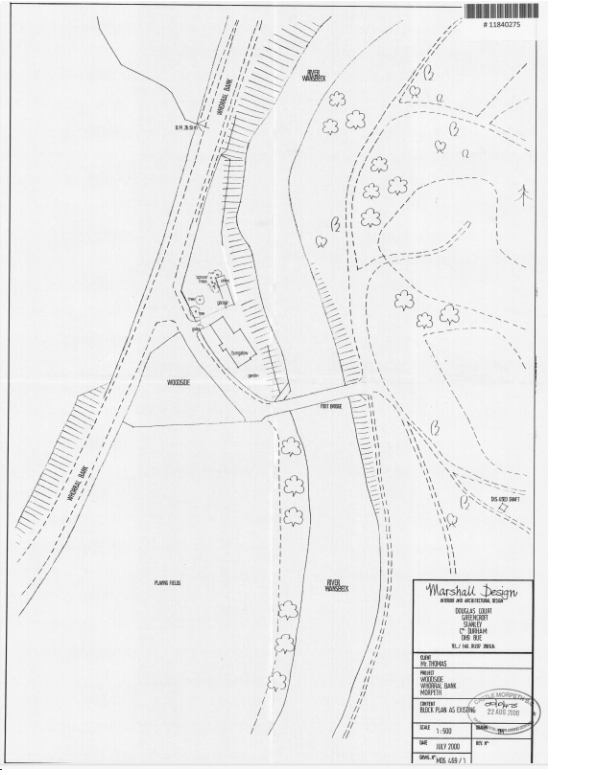
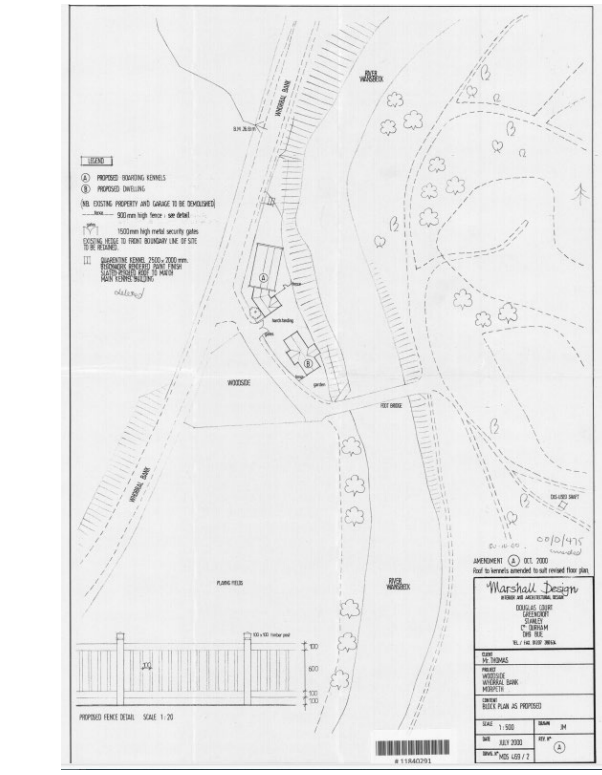
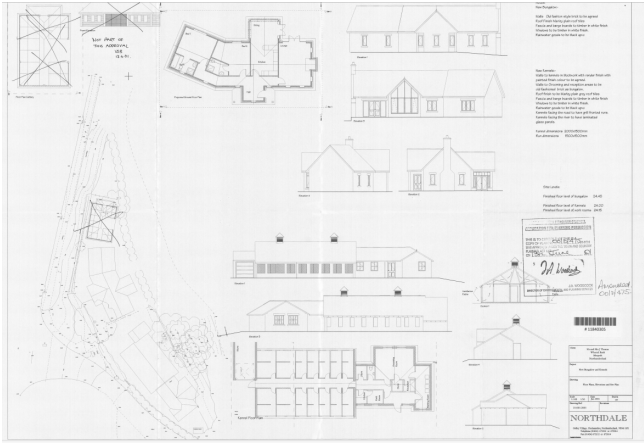
The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

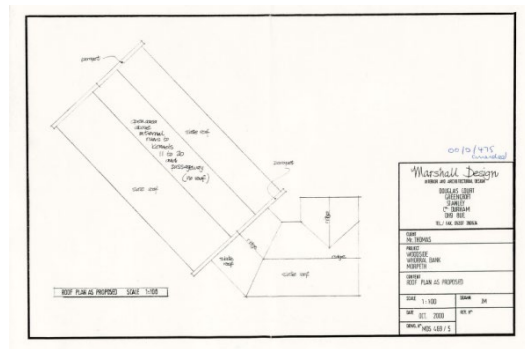
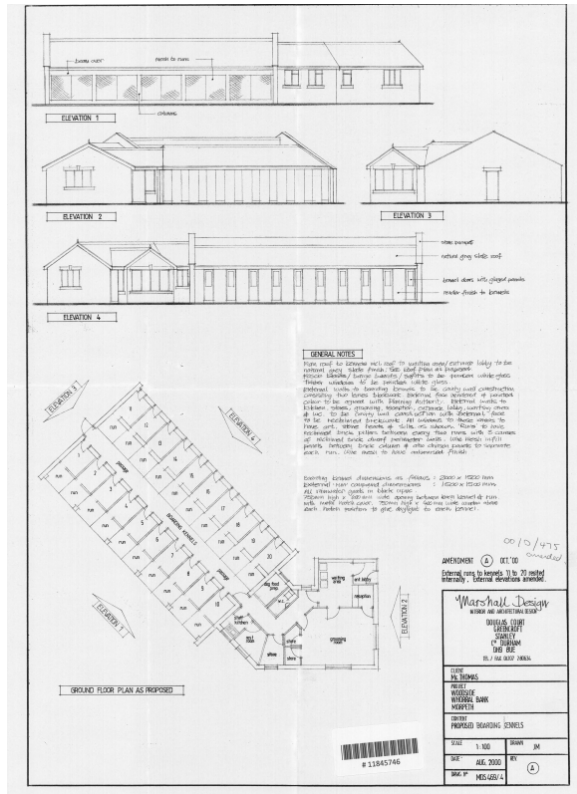
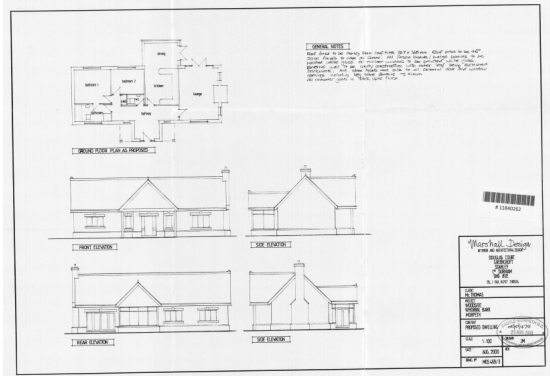
Notes

1. The date on which the proposed development is to be completed, together with the Agricultural Holdings Act 1986.

2. The date on which the proposed development is to be completed, together with the Agricultural Holdings Act 1986.

3. The date on which the proposed development is to be completed, together with the Agricultural Holdings Act 1986.





“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.

3.3 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.”

3.4 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 12th 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 21st September 2023 and the email system reported that it was delivered. Can you acknowledge its safe receipt please.”

- 3.5 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 30th 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.”

<https://m.facebook.com/groups/Morpeth.Matters/permalink/5730873526964947/>

- 4.3 By email, on 5 November 2022, the British Horse Society responded to the consultation, opposed to the application to delete parts of Public Footpaths Nos 4 and 5, but without making any comments regarding the U6112 road.
- 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, opposed to the application to delete parts of Public Footpaths Nos 4 and 5, but without making any comments regarding the U6112 road.

5. DOCUMENTARY EVIDENCE

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

1769 Armstrong's County Map

There is no evidence of a “Country Road” over a route approximating to the relevant section of the U6112 road.

1820 Fryer's County Map

There is no evidence of an “Other Road” over a route approximating to the relevant section of the U6112 road.

1827 Cary's Map

There is no evidence of a “Parochial Road” over a route approximating to the relevant section of the U6112 road.

1828 Greenwood's County Map

There is clear evidence of a "Cross Road" over a route approximating to the relevant section of the U6112 road, extending as far as the east bank of the River Wansbeck. Given the scale of the mapping, this could just as easily be one of the two routes identified on the first edition OS map of 1866.

1866 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of two unenclosed tracks leading across Jobs Well Close to the site of a ford with adjacent stepping stones. The location of the ford appears to be some 35 – 40 metres north of the later bridges. Neither of the two westerly approaches to it match either the 'historical' N-Y-P-X route or the present day Q-P route.

1897 Ordnance Survey Map: Scale 1:2500

There is clear evidence of an unenclosed road / track along the route N-Y-P-X, but not the Q-P route of the U6112 road. The track appears to cross the River Wansbeck by means of a bridge.

Finance Act 1910 plan

This plan uses the 1897 OS map as a base, so there is clear evidence of an unenclosed road / track along the route N-Y-P-X, but not the route of the Q-P section of U6112 road. The route is not 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 route itself is not enclosed. That said, the eastern boundary of the track is used as a land parcel boundary.

1922 Ordnance Survey Map: Scale 1:2500

There is clear evidence of a, now, enclosed road / track along the route N-Y-P-X, but not the Q-P section of the U6112 road. The track appears to cross the River Wansbeck by means of a bridge.

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

The route now recorded as Public Footpath No 5 appears 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."

1951 Highways Map

The route of the relevant section of the U6112 is not coloured so as to identify it as a publicly maintainable road. That said, until 1974, Morpeth Borough Council was the highway authority for C and U class roads, so its non-inclusion is to be expected.

c.1952 Definitive Map – original Survey Schedules & Map

The N-Y-P-X route is shown on the base map, but it isn't coloured brown. Known public roads were generally coloured brown to indicate what the extent of the road network was considered to be. The Y-N section is coloured purple (to denote public footpath) and is identified as part of Path #4 across the bridge, then northwards along the river bank. The Q-P section is not shown on the base map and is not coloured as a public highway of any description.

c.1952 Definitive Map – original Survey Schedule

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.

Draft Map

The N-Y-P-X route is shown on the base map, but isn't coloured to identify it as a public right of way. Footpath No 5 begins at the western end of the footbridge (Point N). Existing U6112 (Q-P) isn't shown on the base map, or coloured as a public right of way.

Provisional Map

The N-Y-P-X route is shown on the base map, but only the Y-N section is coloured to identify it as a public right of way (the western end of Footpath No 5). Existing U6112 (Q-P) isn't shown on the base map, or coloured as a public right of way.

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 N-Y-P-X route is shown on the base map, but only the Y-N section is coloured to identify it as a public right of way (the western end of Footpath No 5). Existing U6112 (Q-P) isn't shown on the base map, or coloured as a public right of way.

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 bRiver Wansbeck by the footbridge and the LNE Railway, past the west side of Park House to the Borough boundary at Coopie’s Lane.”

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

First Review Definitive Map

The situation with regard to what is and isn’t shown as a public right of way remained the same as that shown on the original Definitive Map.

1964 Highways Map

As with the 1951 Highways Map, the route of the U6112 is not coloured so as to identify it as a publicly maintainable road. Until 1974, Morpeth Borough Council was the highway authority for C and U class roads, so its non-inclusion is to be expected.

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 an enclosed track over the N-Y-P-X route, but not the Q-P one.

1970 Highway Widening / Carriageway realignment at Whorral Bank

Additional highway land was acquired, slightly further to the north, on the western side of the then A197, and additional drainage rights secured in relation to this project. The point where the N-Y-P-X track joined the A197 road was raised by several feet. This would have made what was already an awkward junction, even more difficult. The plan shows that a new junction (Q-P) was to be created to remedy this.

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 an enclosed track over the N-Y-P-X route. Now, the western end of this route appears to have widened, to also include the Q-P route. There is now a building in the vicinity of Point P.

The relevant section of the U6112 road (Q-P) is clearly shown on the Council's List of Streets as at 2 May 2006.

6. SITE INVESTIGATION

- 6.1 From Point Q, on the B1337 road (Whorral Bank), 15 metres south-west of Woodside, an 8 metre wide, reducing to 6.7 metre wide, tarmac road proceeds in a south-easterly direction for a distance of 15 metres to a point marked P, just north of a set of field gates. There is some evidence of a footway along the eastern side of this road, though one section appears to have been grassed over, another is hidden by the stone driveway of Woodside, and another part is blocked by a section of wooden fencing. This section is currently recorded on the Council's List of Streets as part of the U6112 road.
- 6.2 From Point P, at the southern end of the relevant section of U6112 road, a 6.7 metre wide tarmac road with an adjacent footway (that is encroached upon by a row of hedge), continues through the gate and in a south-easterly direction for a distance of 30 metres to a Point marked N at the western end of existing Public Footpath No 5, at a bridge over the River Wansbeck). This section is currently NOT recorded on either the Council's List of Streets or the Definitive Map of Public Rights of Way (though it is, arguably, covered in the Definitive Statement, which accompanies the Definitive Map).

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

that a right of way, which is not shown in the Map and Statement, subsists or is reasonably alleged to subsist over land in the area to which the Map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or; subject to section 54A, a byway open to all traffic [53(3)(c)(i)];

8.2 When considering an application / proposal for a modification order, Section 32 of the Highways Act 1980 provides for “any map, plan or history of the locality or other relevant document” to be tendered in evidence and such weight to be given to it as considered justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.

8.3 The representation of a path or track on an Ordnance Survey Map is not evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey.

8.4 The route of the relevant section of the U6112 is not identifiable on Armstrong’s or Fryer’s County Maps of 1769 and 1820, or Cary’s Map of 1827. It, or something closely resembling it, is however shown as a “Cross Road” on Greenwood’s County Map of 1828. It is common for Armstrong’s, Fryer’s Cary’s and Greenwood’s maps to be presented as evidence in support of additional public rights. Where a route is shown on one or two of these maps, this is generally viewed as decent evidence in support of public highway rights (usually vehicular but, potentially, just bridleway). Where a route is consistently depicted on all four maps the cumulative effect of this is considered to be particularly persuasive.

8.5 On the plans produced in association with the Finance Act of 1910, neither the route of the U6112 road, nor that of the alleged public footpath extension (N-Y-P-X) are shown as being separated from the surrounding land by coloured boundaries. This is to be expected, because the route of the U6112 isn’t depicted, at all, and the N-Y-P-X route is unenclosed. If either of them had been separated, that would have been a good indication that the route was considered to be a public vehicular highway, at that time.

8.6 The route of the alleged public footpath extension (N-Y-P-X) was consistently identified as a track on Ordnance Survey maps between 1897 and 1969.

- 8.7 On the Survey map produced in association with preparation of the first Definitive Map of Public Rights of Way, in the early 1950s, Public Footpath No 5 was shown, extending west as far as Point Y, though in the accompanying schedule, it was identified as beginning on the “Ashington Rd A197”.
- 8.8 This section of U6112 is currently recorded on the Council’s List of Streets, and was also (for the purposes of s.67 of the Natural Environment and Rural Communities Act 2006) identified on that list at 2 May 2006. County Council accepts that, given the way the regulations were written with regard to the way highway authorities could include publicly maintainable highways in the List of Streets, there was no impediment to public bridleways and public footpaths also being included. That is not to say that any bridleways or footpaths were so shown – just that they could be. It must, therefore, be entirely proper to consider each UCR on a case by case basis, but that does not mean that we should begin with the assumption that each UCR is no more than a public footpath unless higher rights can be proven by other means. In Northumberland, until 2023, there is no evidence to suggest that public footpaths and public bridleways were deliberately shown on the List of Streets.
- 8.9 Letters from DEFRA, dated 2003 and November 2006, and Rights of Way Circular 1/09 set out the approach Inspectors and order making authorities should take in determining the status of routes included on the List of Streets. In summary, the guidance states that the inclusion of a route on the List of Streets is not a record of what legal rights exist over that highway but may provide evidence of vehicular rights. However, this must be considered with all other relevant evidence in order to determine the nature and extent of those rights. Highway Authorities are recommended to examine the history of such routes and the rights that may exist over them on a case by case basis in order to determine their status.
- 8.10 Mr Smith detected that the extent of the U6112 road appeared to have advanced a few extra metres between 10 June 2018 and 19 August 2018, based upon a change in the publicly available online Council adopted highway maps. The Council is entitled to amend and refine the List of Streets to correct errors, omissions, changes in map bases etc, but it isn’t clear, in this particular instance, why this change was made. It doesn’t appear to be supported by the 1970 road realignment plan.
- 8.11 Mr Smith has referred to a lease in 1726, but doesn’t appear to have supplied a copy of it. From the description Mr Smith has given, it appears to be silent on the existence, or otherwise, of any public highway rights.
- 8.12 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.
- 8.13 The 1859 OS map shows a ford and stepping stones at, or slightly north of, the location of the current bridge.
- 8.14 The 1873 John Caisley lease gave permission for the tenant to “make a road or cartway leading from the said bridge over a portion of the said land To the Queen’s Highway”. This road was described as an occupation road, but the landowner (Morpeth Borough Council) stipulated 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.” It’s not clear whether the road made by John Caisley was an entirely new one, or whether it followed the course of a pre-existing informal track or footpath.

- 8.15 The 1879 John Short et al lease for Jobs Well Close required the tenant 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.”
- 8.16 These two leases indicate that the landowner, Morpeth Borough Council’s, position was that, at that time, there was an occupation road (not a public road) that the public must be free to use, on foot, at all times, free of charge. The most likely explanation for this condition was that Morpeth Borough Council acknowledged this route to be a public footpath, though it is also possible that they were simply a very benevolent landowner, determined to facilitate ongoing pedestrian access on an entirely permissive basis.
- 8.17 Mr Smith’s 28 September 2023 email contains information, from 1882, relating to employees being instantly dismissed if they trespassed. This isn’t considered to be relevant when determining what if any rights exist over the route N-P-Q.
- 8.18 The 1896 6” OS map supplied by Mr Smith and 1897 25” OS map both show a road leading up to the bridge at, or very close to, the location of the current bridge.
- 8.19 Mr Smith says the 1923 OS map shows the road from the A197 only as far as the private footbridge over the river, which provides access to a handful of holiday / residential homes within Quarry Wood.
- 8.20 Mr Smith’s 4 December 2022 email regarding the 1930s miners’ strike isn’t considered to be relevant. It is likely that public footpath rights already existed at this time. The Council is not suggesting that public rights were acquired on the basis of presumed dedication, at this late stage, or that unchallenged use by marauding gangs of out-of-work miners, constituted part of the relevant user.
- 8.21 Mr Smith appears to have researched Morpeth Borough Council minutes during the period 1959 through to the 1970s. He found minutes, in 1959, describing the creation of a new waste tip for Morpeth Town on JR Temple land. It seem an improved bridge was needed with improvements also to the existing occupation road.
- 8.22 In 1970 / 71 Northumberland County Council realigned, slightly, the (then) A197 road at Whorral Bank. It seems that part of this process involved raising the height of the land, at the point where the occupation road (and public footpath) joined Whorral bank, by several feet. Since this would have made the junction significantly harder to navigate, and presumably in order to improve sight lines generally, the junction was reconfigured, slightly further to the south. It would appear that Northumberland County Council carried out these works, presumably with Morpeth Borough Council’s consent. As far as

we are aware, there was no formal landowner dedication of public highway rights associated with the new layout of the junction.

- 8.23 Mr Smith has supplied a copy of the May 1971 highway dedication, made between Morpeth Borough Council, as landowner, and Northumberland County Council, as highway authority. This agreement seems to be linked to the A197 road realignment and relates to land on the opposite side of the A197 road and slightly further to the north, not the U6112 itself.
- 8.24 Mr Smith has supplied a copy of the August 1971 easement for a drain, made between Morpeth Borough Council, as landowner, and Northumberland County Council, as highway authority. This agreement seems to be linked to the A197 road realignment and relates to land immediately to the north of the occupation road / U6112, but not the U6112 itself.
- 8.25 These two documents demonstrate that the two Councils were, very properly, making extra provision for additional public highway land and drainage, associated with the 1970 road realignment scheme. If the two Councils had intended the realigned junction of the accommodation road to become a public road, too, we would probably have expected to find a similar dedication, to that effect.
- 8.26 I suspect anyone relying on the previous route as a private means of access would probably acquire new rights over the alternative route, of necessity. The old route of the public footpath would still be a public footpath (on the basis, once a highway, always a highway), but the provision of an alternative route by a highway authority (Northumberland County Council), in conjunction with the landowner (Morpeth Borough Council) who was also a highway authority, that was then used by the public, means that public footpath rights were arguably dedicated, at common law, almost straight away.
- 8.27 In the late 1800s, the land at Jobs Well Close, over which the route N-P-Q passes, appears to have been owned by Morpeth Borough Council. The press report of the 1975 High Court case suggests that Morpeth Borough Council had continued to own the land up until the moment it was dissolved in 1974, when its land holdings transferred to the newly formed Castle Morpeth Borough Council.
- 8.28 Mr Smith's email of 3 March 2022 supplied a Journal newspaper clipping from 22 March 1975 regarding Castle Morpeth Borough Council and Northumberland County Council dumping rubbish illegally on what is, now, Mr Smith's land. The access road isn't mentioned in the article, though it does say that negotiations were taking place regarding compensation. Mr Smith also supplied a press cutting from 26 April 1975, where a large valuable tip "with excellent access" was being advertised for sale. Mr Smith believes that this demonstrates that JR Temple now owned the access road between the A197 and the river. Whilst that might be the case, the advert would still be true if JR Temple had secured (or already had) a permanent private right of access over the land.
- 8.29 Mr Smith has asserted that JR Temple became the owner of the occupation road following legal action in 1975. It's not entirely clear precisely what the

nature of this legal action was or its ultimate outcome. No records have been supplied to clarify this matter. Based upon the 1873 and 1879 leases supplied by Mr Smith, it is fairly clear that Morpeth Borough Council owned the land at that time. Mr Smith doesn't appear to have discovered any evidence which would suggest this situation had changed before 1975. Accepting that JR Temple did win a court case against the local council in 1975, the nature of that victory could be significant. From The Journal 22 March 1975 press cutting, it seems the High Court found that Castle Morpeth Borough Council had no right to continue tipping on the land, and that Northumberland County Council was required to pay compensation to the landowner. Mr Smith has suggested that the compensation (at least in part) came in the form of ownership of the road. If the road could form part of the deal then, presumably Morpeth Borough Council had still been the landowner up until 1974, with the land then transferring to Castle Morpeth Borough Council upon local government reorganisation. But the victory might not have involved any change in land ownership. It's possible that the dispute (or the compensation) may have involved the granting of a permanent right of access, rather than a transfer of land ownership. The press report indicated that it was Northumberland County Council who would be liable to pay compensation, which makes it seem less likely that Castle Morpeth Borough Council would give up land, in lieu of damages.

- 8.30 In August 2018, responding to a Freedom of Information request, Northumberland County Council indicated that the road was added to the List of Streets circa 1970, when the A197 road at Whorral Bank was slightly realigned. At that time, Morpeth Brough Council used what is now Mr Smith's land as a waste tip, and the short length of road between the A197 and that land was, apparently, their means of access. Morpeth Borough Council appears to have owned the land between the A197 road and the river, over which the occupation road ran. The occupation road's junction with the A197 was seemingly realigned by Northumberland County Council, presumably with Morpeth Borough Council's agreement, because the land where the existing junction was being raised to accommodate the realignment works.
- 8.31 In September 2018, responding to a follow up Freedom of Information request, Northumberland County Council indicated that the reason the road was added to the List of Streets was section 36(2)(a) of the Highways Act 1980, namely that the route was "a highway constructed by a highway authority, otherwise than on behalf of some other person who is not a highway authority."
- 8.32 The March 1988 local authority search responses don't affect whether this route is publicly maintainable highway or not.
- 8.33 On 9th November 2023 Mr Smith hand delivered a copy of a letter signed by Mike Jeffrey (then an Area Management Officer, within Northumberland County Council's Countryside Service) composed by Steve Allen, dated 17 November 1999, in relation to works which had been agreed in relation to Footpath No 5. Mr Smith believes that Mr Allen's approach to them was probably connected to the electronic adoption record for the U6112, apparently being created on 17th June of that same year. In my opinion, having the benefit of working within the Countryside Service at that time, and knowing the relationship between the List of Streets and how this might impact

on works on public rights of way being carried out by the Countryside team, I am confident that this was entirely coincidental. The Countryside team would not, then, have access to the digital List of Streets, and changes to those maps and schedules would not have influenced maintenance decisions in Countryside. Their efforts would have been determined, exclusively, by what was shown on the Definitive Map. The eastern section of the occupation road (between the U6112 and existing Footpath No 5) appears to have been identified as a "Private Street" in the Elgin database, on 11 June 2006. This entry will almost certainly relate to the National Street Gazetteer (as will the earlier 1999 entry, found by Mr Smith, in relation to the U6112) – not the Council's List of Streets.

- 8.34 I don't believe Ann Mckay's 2005 planning application adds anything to assist in the determination of what public rights exist. The County Council's Rights of Way consultation response confirmed the Council's belief that a public footpath existed at that location, and that there would be no grounds upon which gates across the track could be authorised at the location proposed.
- 8.35 In 2018, Northumberland County Council initiated proceedings to identify the section of road, between the eastern end of existing U6112 and the western end of existing Footpath No 5, as publicly maintainable highway, under s.228 of the Highways Act 1980. Under s.228, "when any street works have been executed in a private street, the Street Works Authority may, by notice displayed in a prominent position in the street, declare the street to be a highway which for the purposes of this Act is a highway maintainable at public expense." Mr Smith objected to the s.228 notice, and the process was discontinued.
- 8.36 A certain amount of argument has been devoted to the gates which have been erected across the access road, just beyond the eastern end of the current U6112 road. This section of occupation road is also a public footpath. Planning permission may, or may not, be required to erect gates but, whether given or not this permission would not trump highway law. The only valid grounds for erecting new gates across a public footpath are stock control or public safety. Generally, the former requires authorisation by the County Council, and the latter would be carried out by the County Council.
- 8.37 In his consultation response, dated 4 September 2022, Mr Smith indicated that he owned or occupied the entirety of the route N-P-Q.
- 8.38 In their consultation response, Morpeth Town Council objected to the removal of this part of the U6112 road from the List of Streets because it would be to the detriment of the residents, the cattery business, customers of that business and of walkers wishing to park, before going for a walk. The problems for the cattery business may be very real, as might those for walkers, wishing to park, but neither is considered to be relevant when determining what public rights actually exist over the route.
- 8.39 It is not clear precisely why this part of the U6112 was added to the List of Streets. As the committee will be aware, from previous reports, the identification of a route as a U road, on the List of Streets, does not prove it is a vehicular public right of way. This needs to be determined on a case by

case basis, based on all the evidence available. The U6112 could have been added just because it was a publicly maintainable bridleway or (perhaps, more likely) a publicly maintainable footpath. Northumberland County Council's Freedom of Information (FOI) answers in 2018 suggest that the U6112 road was believed to have been added (i) as a result of the 1970 A197 road realignment and (ii) because it was a highway constructed by a highway authority. The original extent matches that shown on the A197 highway realignment plan. There are no other obvious reasons for it being added. The route doesn't appear to have been through any formal adoption process, and there hasn't been some discovery of historical documentary evidence relating just to this specific section.

8.40 If, as seems likely, this part of the U6112 was added because of the 1970 road realignment, on the basis that it was a highway constructed by the highway authority then, on the face of it, this seems to have been a mistake. The road may have been physically constructed by Northumberland County Council, and Northumberland County Council was a highway authority, but that isn't sufficient. It ignores the important aspect that the road being constructed by the highway authority must be a highway. Unless there had been a formal dedication by the landowner (in this case, Morpeth Borough Council) or Northumberland County Council was the landowner, and there was a clear paper trail demonstrating an intention to create a public highway, mere physical construction of a road doesn't make it a highway. Northumberland County Council wasn't the landowner at the time, and therefore had no capacity to dedicate. There's no evidence that Morpeth Borough Council dedicated this route as a highway. The reality seems to be that Northumberland County Council constructed a new occupation road, as a replacement for the short section that its A197 improvement works rendered inconvenient. That doesn't confer highway rights on the new route; certainly not vehicular ones, anyway. It is, just about possible that, in agreeing to the occupation road junction being realigned, Morpeth Borough Council (which had done so much to protect public pedestrian access over the original route in the past) explicitly or impliedly dedicated public footpath rights over the alternative route and that Northumberland County Council, in constructing the 'new' footpath route, did accept maintenance responsibility for that route. Morpeth Borough Council was also a highway authority, so all three elements of section 36(2)(a) of the Highways Act 1980 would be satisfied. Although this may theoretically be the case, I don't believe this was the basis for it being added to the List of Streets. In my experience, U roads like this were only added to the List of Streets in circumstances where vehicular rights were believed to exist. If this was considered to be just a public footpath, it is far more likely that it would have been identified for inclusion on the Definitive Map of Public Rights of Way, as an extra part of existing Public Footpath No 5, instead.

8.41 The original Definitive Map identified Public Footpath No 5 as extending slightly further west than the current Point N. The land on the west side of the bridge has been remodelled, over the years, but allowing for these changes, it appears that Public Footpath No 5 was depicted extending to the former bend in the track, around Point Y. The extra distance N-Y is only about 10 metres long. The historical OS maps (1897 – 1969) show the road following the route N-Y-P-X. The original Definitive Statement, to accompany the original

Definitive Map, identified the footpath as starting on the Morpeth – Ashington road, and the schedule prepared by Morpeth Borough Council, under the Rights of Way Act 1932 identified the public footpath as starting on the “Main road at Job’s Well Close”. It is clear that the public footpath wasn’t some unusual cul-de-sac, terminating at an abstract point in Jobs Well Close. It connected with the main road and, on a balance of probabilities, it followed the route of the pre 1970 occupation road. This would make the true alignment of the public footpath N-Y-P-X.

- 8.42 Advice from the Planning Inspectorate in their ‘consistency guidelines’ states that it is important to have the correct width, where known, recorded in the definitive statement. Where no width can be determined by documentary means (such as an Inclosure Award, Highway Order or dedication document), there is usually a boundary to boundary presumption for public highways. The OS map evidence suggests that the occupation road / public footpath N-Y-P-Q was enclosed sometime between 1897 and 1922, with a width of between 5 and 10 metres. On that basis, it is proposed that this section of public footpath be identified with a width of 5 to 10 to reflect this. The Q-P section of road (with a not always visible footway along its northern edge) has a width of 9.5 to 8.2 metres, and it is proposed that this section of public footpath be recorded with this width.
- 8.43 So, in summary, it would appear that:
- (i) this part of the U6112 was added to the List of Streets in error. No public vehicular rights (or public bridleway rights) have been reasonably alleged to exist over the Q-P route;
 - (ii) public footpath rights have been reasonably alleged to exist over the historical N-Y-P-X route;
 - (iii) public footpath rights have been reasonably alleged to exist over the Q-P route, on the basis that the X-P route was not readily available, the landowner (1970 – 1974) was very keen to preserve public access, and path users from (or returning to) Morpeth must have used this route to get between the former A197 road and the existing public footpath at Point P.
- 8.44 Not all public highways are publicly maintainable. In broad terms, public footpaths and bridleways which existed prior to the National Parks and Access to the Countryside Act 1949 are automatically publicly maintainable. Section 23 of the Highways Act 1835 provided that no roads coming into existence after that Act would be publicly maintainable unless prescribed procedures (for adoption) were followed. The List of Streets is the Council’s record of which public highways are considered to be publicly maintainable. Existing Public Footpath No 5 (east of Point N) is already recorded on the List of Streets (and should remain there). The proposed N-Y-P-X extension of this path is also, clearly, pre-1949 and therefore also publicly maintainable. The Q-P section of the occupation road may also be a public footpath, but it came into being after 1959, without any prescribed adoption procedures being followed and, apparently, without any of the alternative mechanisms found in s36(2)(a) of the Highways Act 1980 being triggered. On that basis, the Q-P section should not be recognised as publicly maintainable on the Council’s List of Streets.

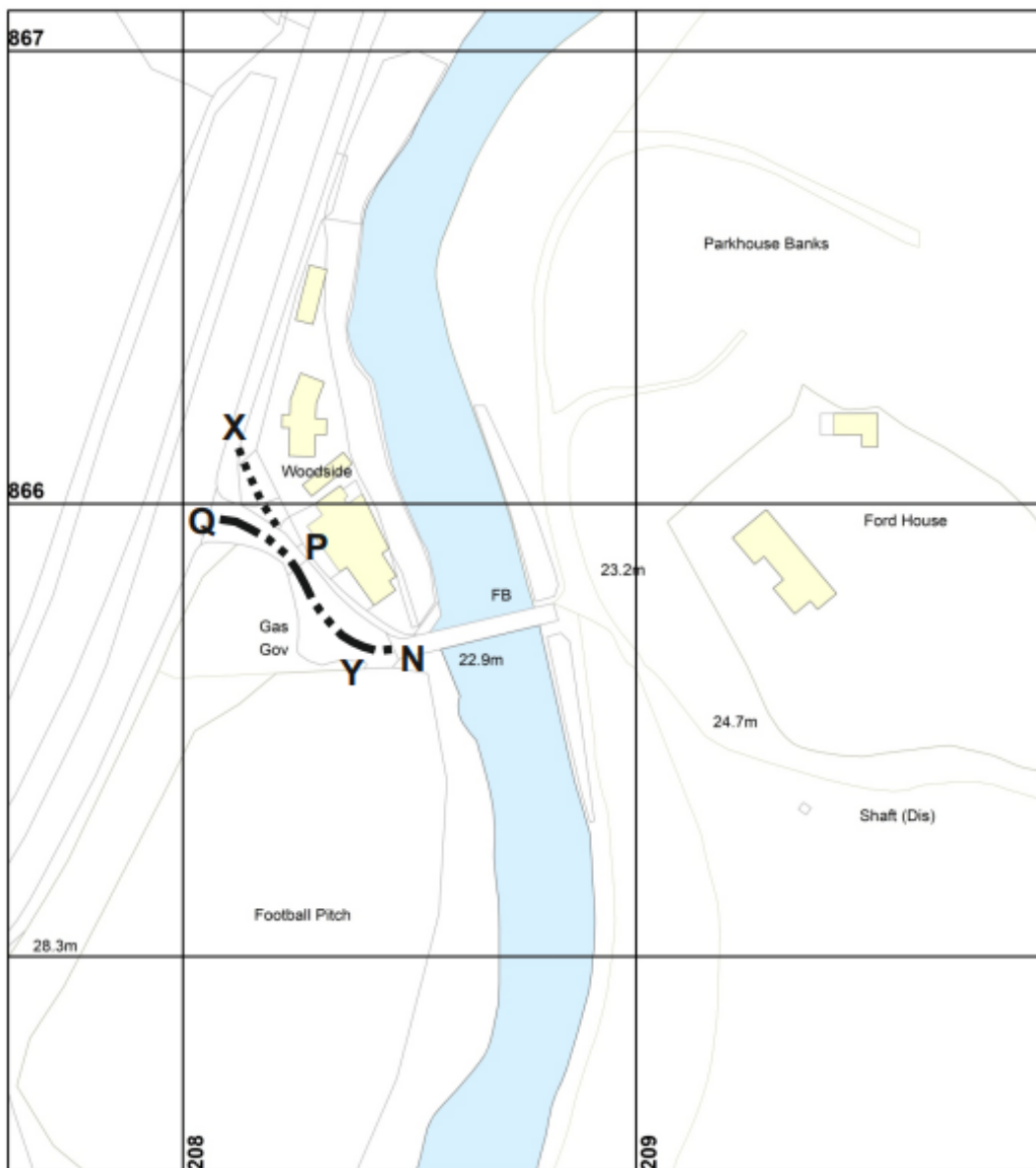
9. CONCLUSION


- 9.1 On a balance of probabilities, based on the documentary evidence available, it doesn't appear that this part of the U6112 road (Q-P) was correctly added to the Council's List of Streets. As a consequence, it should be removed from that List.
- 9.2 Based on the evidence available, neither public vehicular nor public bridleway rights have been reasonably alleged to exist over the route Q-P, though public footpath rights have been reasonably alleged to exist over this route.
- 9.3 Based on the evidence available, public footpath rights have been reasonably alleged to exist over the route N-Y-P-X.

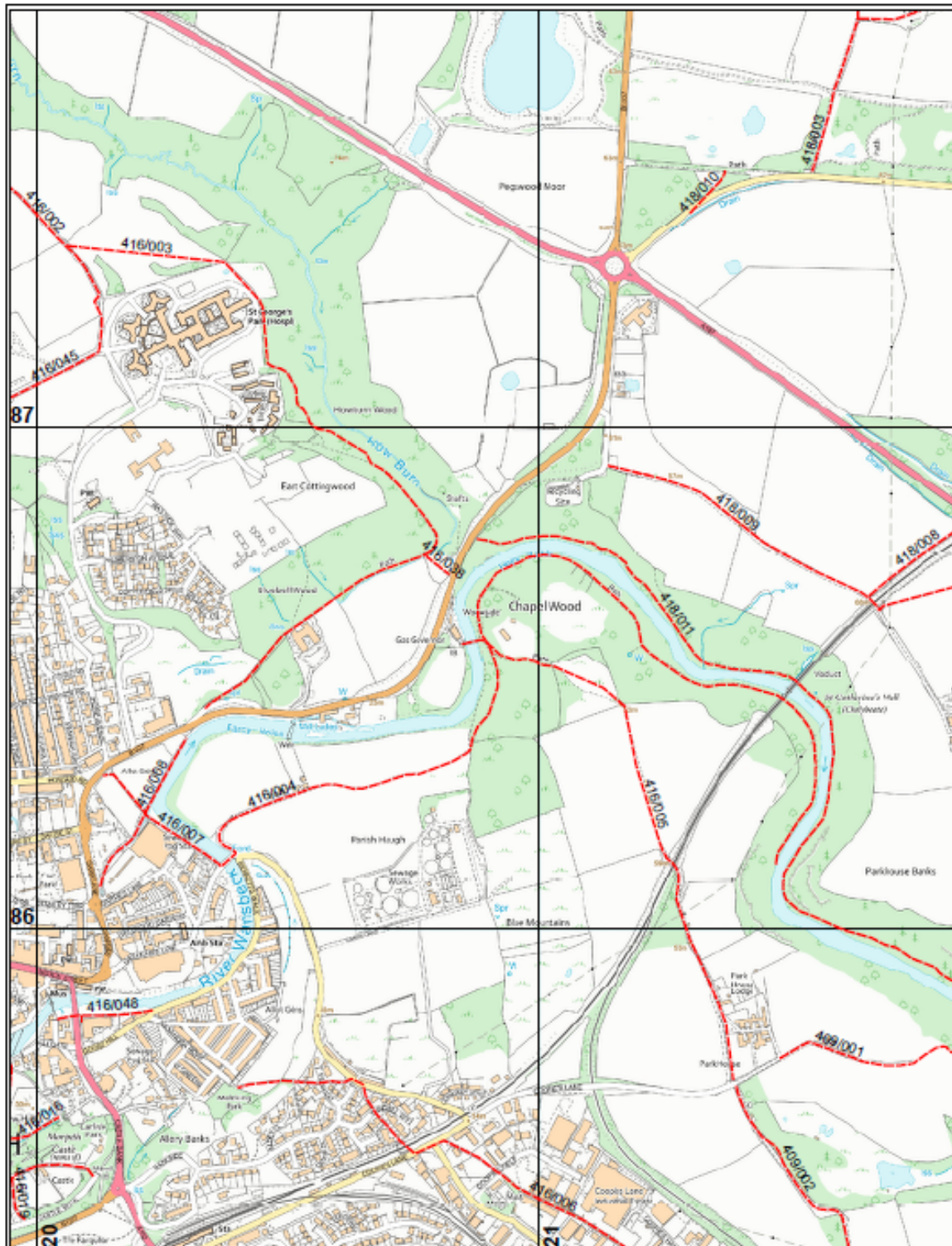
BACKGROUND PAPERS

Local Services Group Files: U6112, 416/005z

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



 Northumberland County Council Infrastructure Local Services County Hall Morpeth Northumberland NE61 2EF Telephone 0845 600 6400	Wildlife and Countryside Act 1981 Public Rights of Way ———— Route of disputed/undefined status Alleged public footpath		
	Former District(s) Castle Morpeth	Parish(es) Morpeth	Scale 1/1250
Reproduced from / based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of H.M.S.O. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Northumberland County Council O.S. Licence No 100049548	Def. Map No. 142	O.S. Map NZ 28 NW	Date January 2024




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

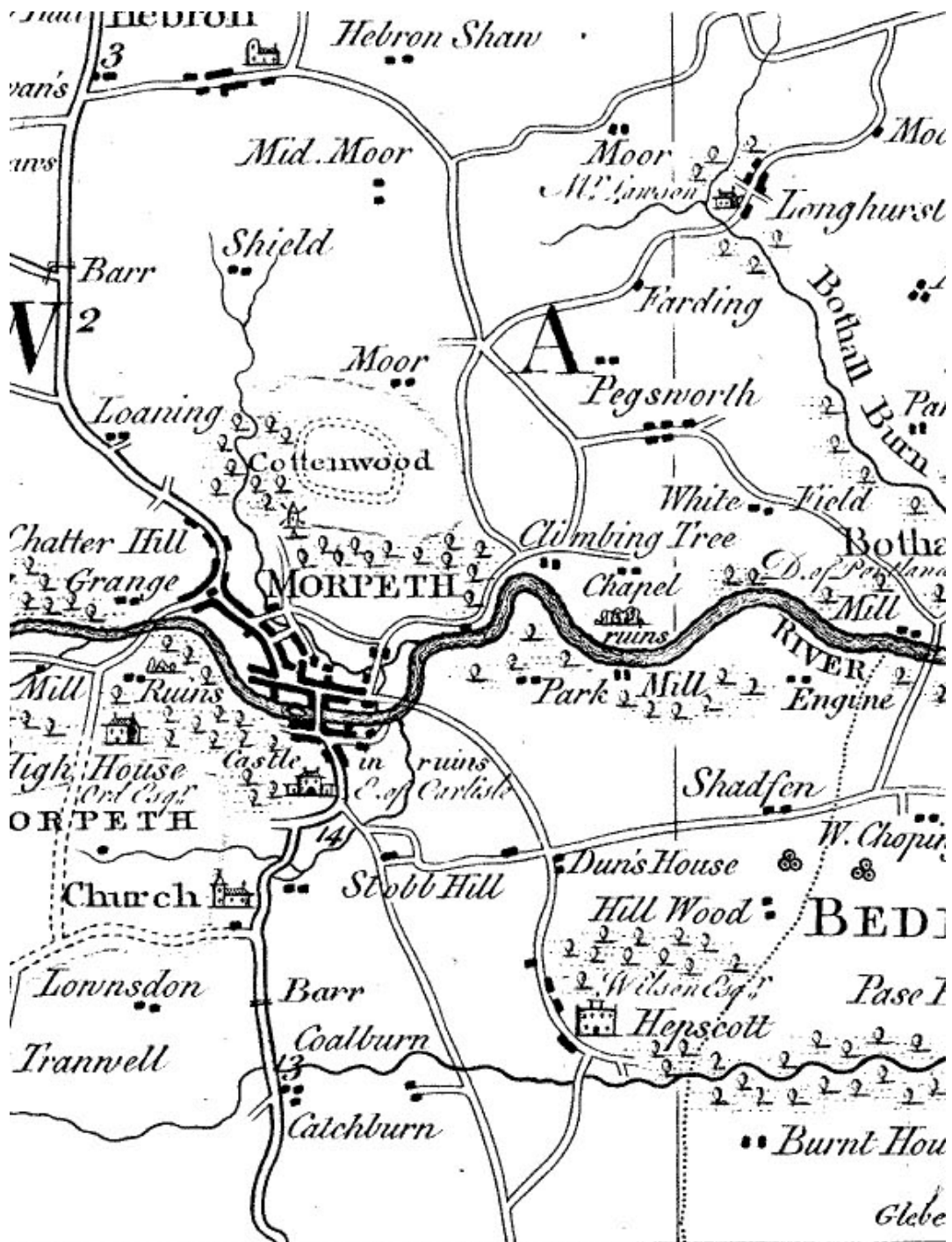
Legend

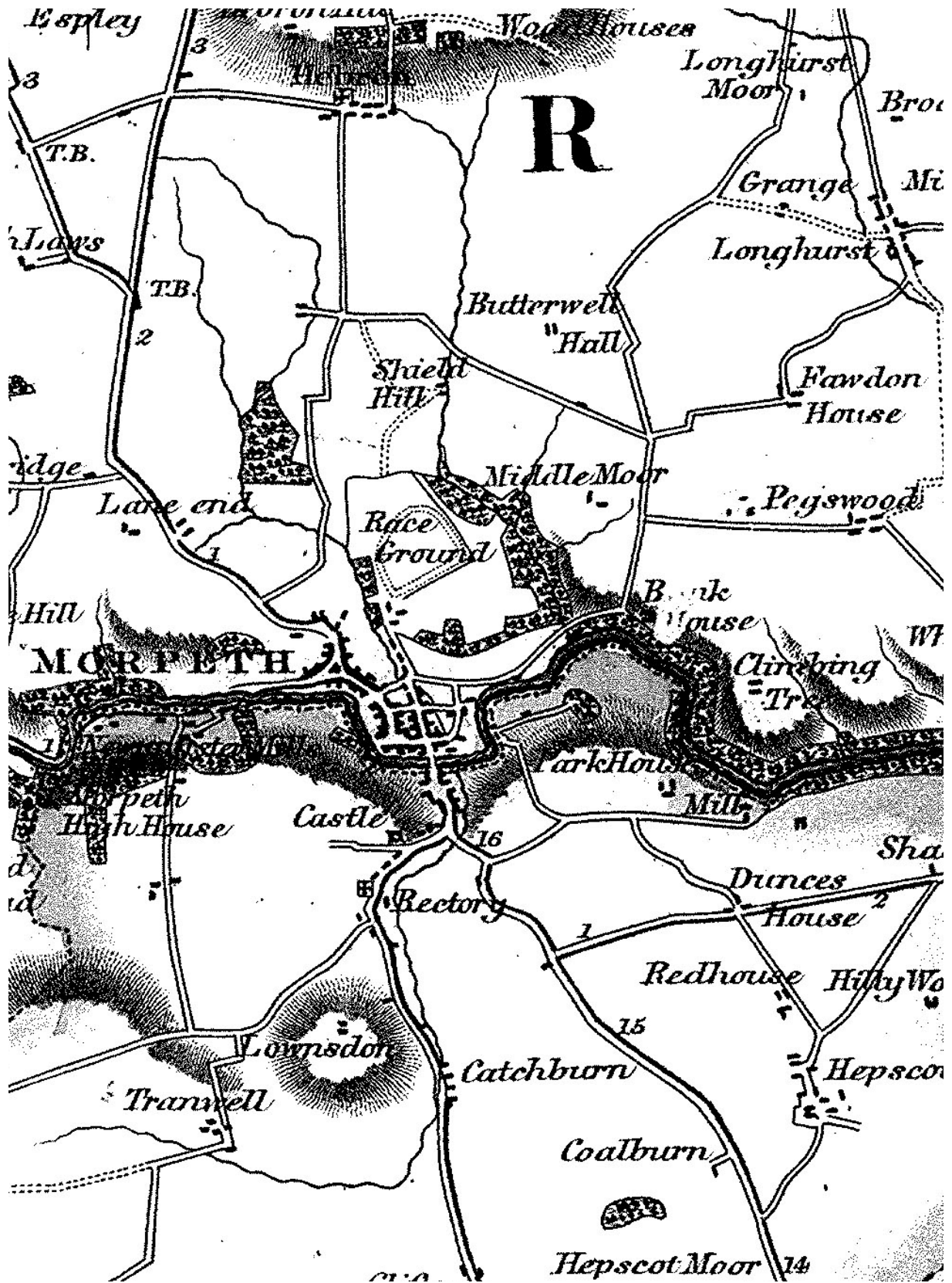
- Footpath
- Bridleway
- Restricted Byway
- Byway Open to All Traffic

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

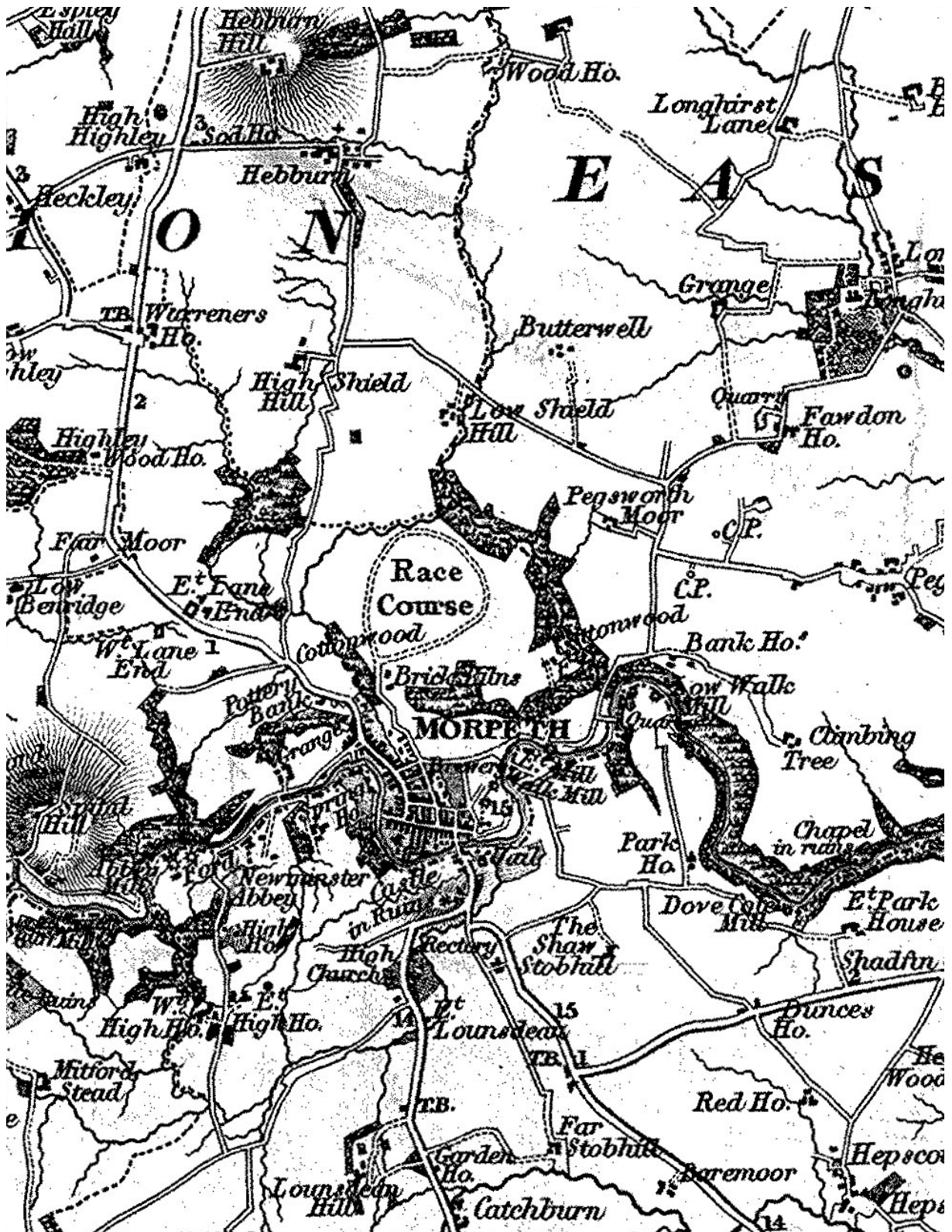
Scale: 1:10,000

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of His Majesty's Stationary Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. License no. 100049046 (2012)











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 and adjoining a
piece of Land called "John 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 use
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 John 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 receive the
said Bridge and Road or Cartway at all times or
part thereof 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. Robinson
Clerk to W. B. Hodgson
55 St. George's
Place


This Indenture made the nineteenth day of August 1879 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 Richard Todd of the Crook Cottage near Morpeth William Davison of the East Mill Morpeth and Joseph Walton of Morpeth afterwards calling themselves hereinafter referred to as the lessees of the other part Witnesseth that the lessors do hereby lease unto the said lessees their certain administrative and apurao All that piece or parcel of land called John Wall Close situate in the Borough of Morpeth in the County of Northumberland containing 1.238 acres bounded on the public highway leading from Morpeth to Longhought on the West on land belonging to Matthew Bramall 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 Close through the Close Wansbeck as is not recited in any other proviso or proviso with full and free liberty to sink a pit and to work lead till and carry away the same limestone or within the said land and to do all necessary acts for the leading leading and carrying away of said within the said land or any other lands adjoining or near thereto which thing the said lessees may do for the time being have the power and right to work the same and on such lease for and after the determination of the said lease and upon the lease being up and having 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 lessees do for themselves their executors administrators and assigns jointly and severally covenant with the lessors their heirs and assigns that they the said lessees their executors administrators or assigns will erect or before the end or other lawful determination of the said term hereby granted if required so to do by the lessors 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 lessees 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 Close through the Close Wansbeck The said lessees covenant with the said lessors for quiet enjoyment

In witness whereof the said Mayor Aldermen and Burgesses have hereunto set their hands and seals the day and year first aforesaid

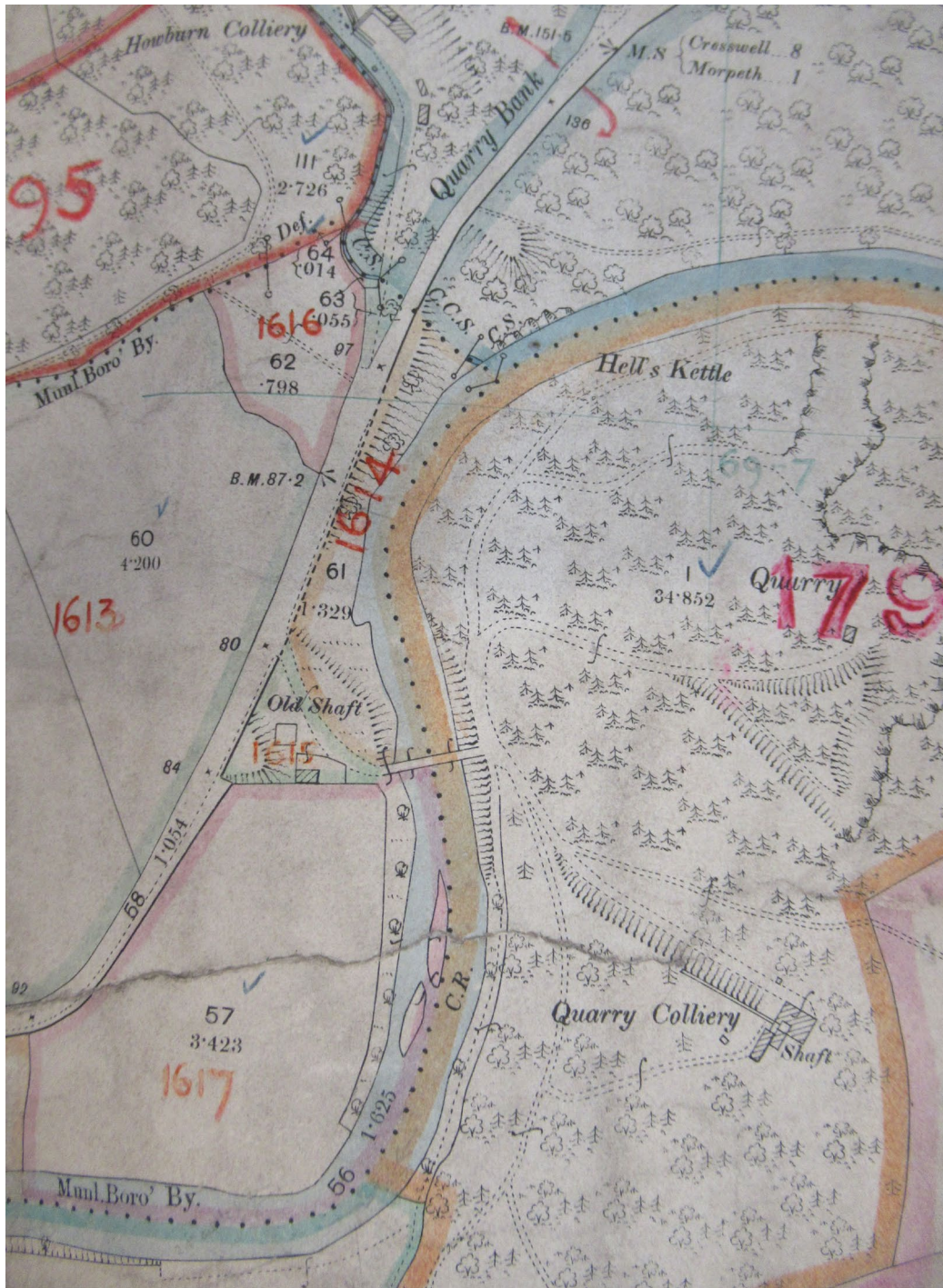
Signed sealed and delivered by the above named John Short Richard Todd and William Davison and Joseph Walton in the presence of
F. Mansel Lennell

John Short
Richard Todd
William Davison
Joseph Walton

to eighth day of August in each and every year of the said term and the said lessors hereby covenant that the said lessees covenant with the said lessors their executors and assigns to pay rent and to pay taxes including land tax and the property tax and that the lessors will well and sufficiently fence in and enclose the said demised premises so as to prevent the same from being or being upon the said premises whereby a nuisance injury or annoyance may be caused to the lessors or to the public and that the lessors and their executors or their assignees may enter and view the condition of the said premises hereby demised and that the lessors will repair according to notice and will not assign without consent but that they will have the premises in good repair Provided for recovery 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 lessors shall be desirous of quitting and giving up the possession of the said demised premises and shall give to the lessees or their successors in 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









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.

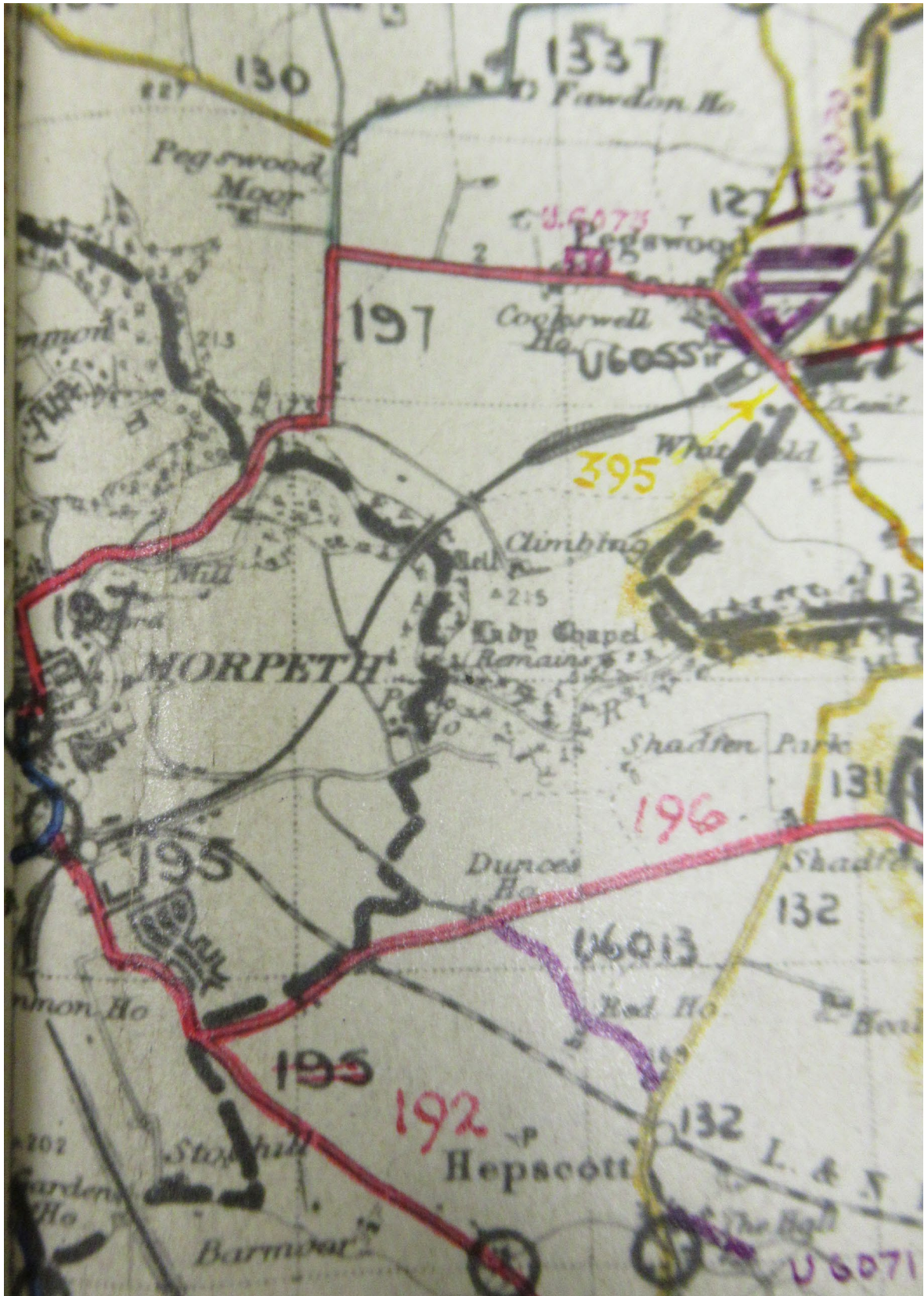
Borough of Maresfield
Rights of Way Act 1932

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 Hole.
 - 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



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 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 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 UNFAIR 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
AT 100 FT FROM FOOTBRIDGE "NO CAMPING ALLOWED" AND AT 200 FT.
"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 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
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 WASHED 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. PARKINS	BOROUGH SURVEYORS OFFICE, 36. BRIDGE ST., MORPETH.	18th APRIL 1952.

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

55.169 NW 1
and 55.169 NE 2







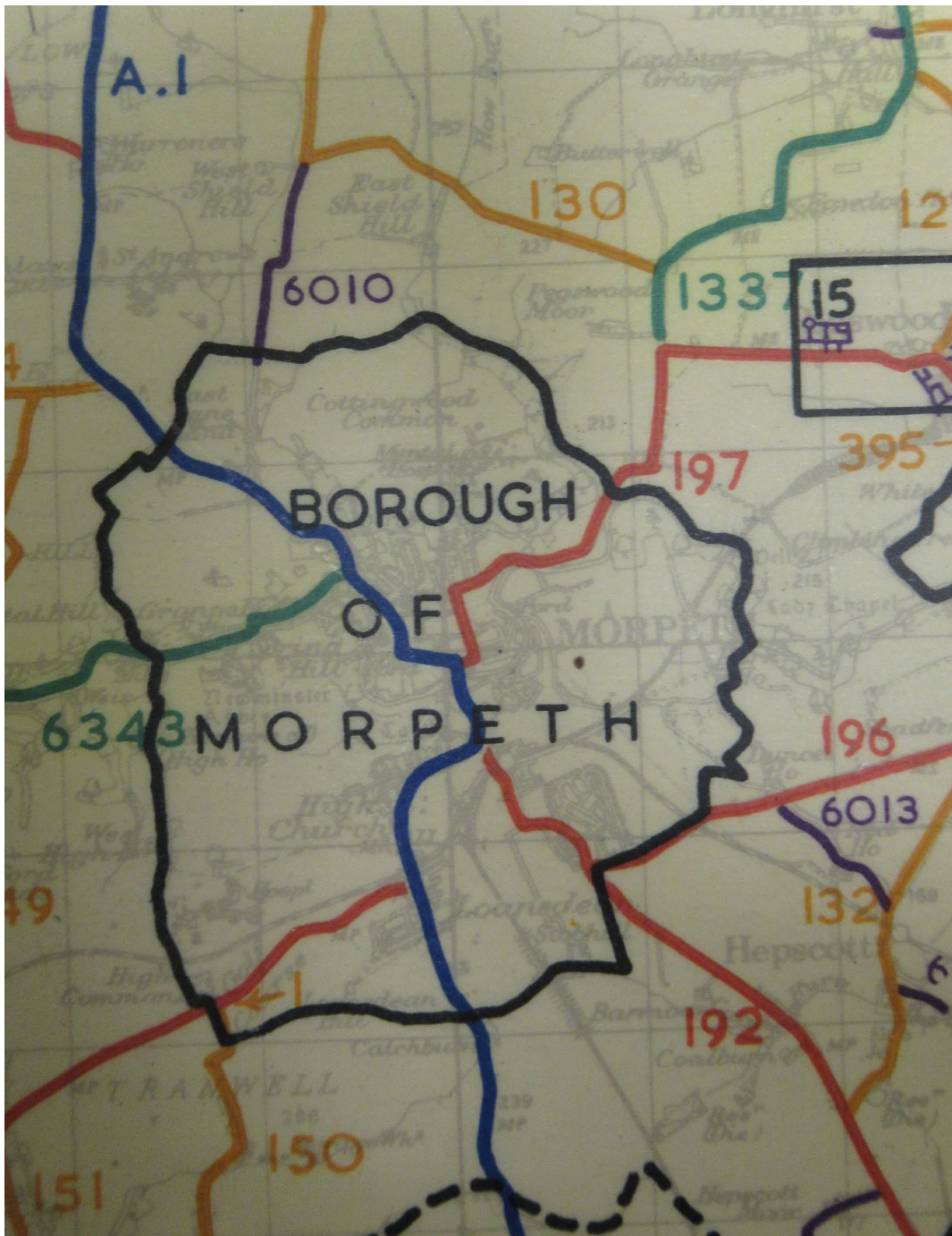
NORTHUMBERLAND COUNTY COUNCIL.

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

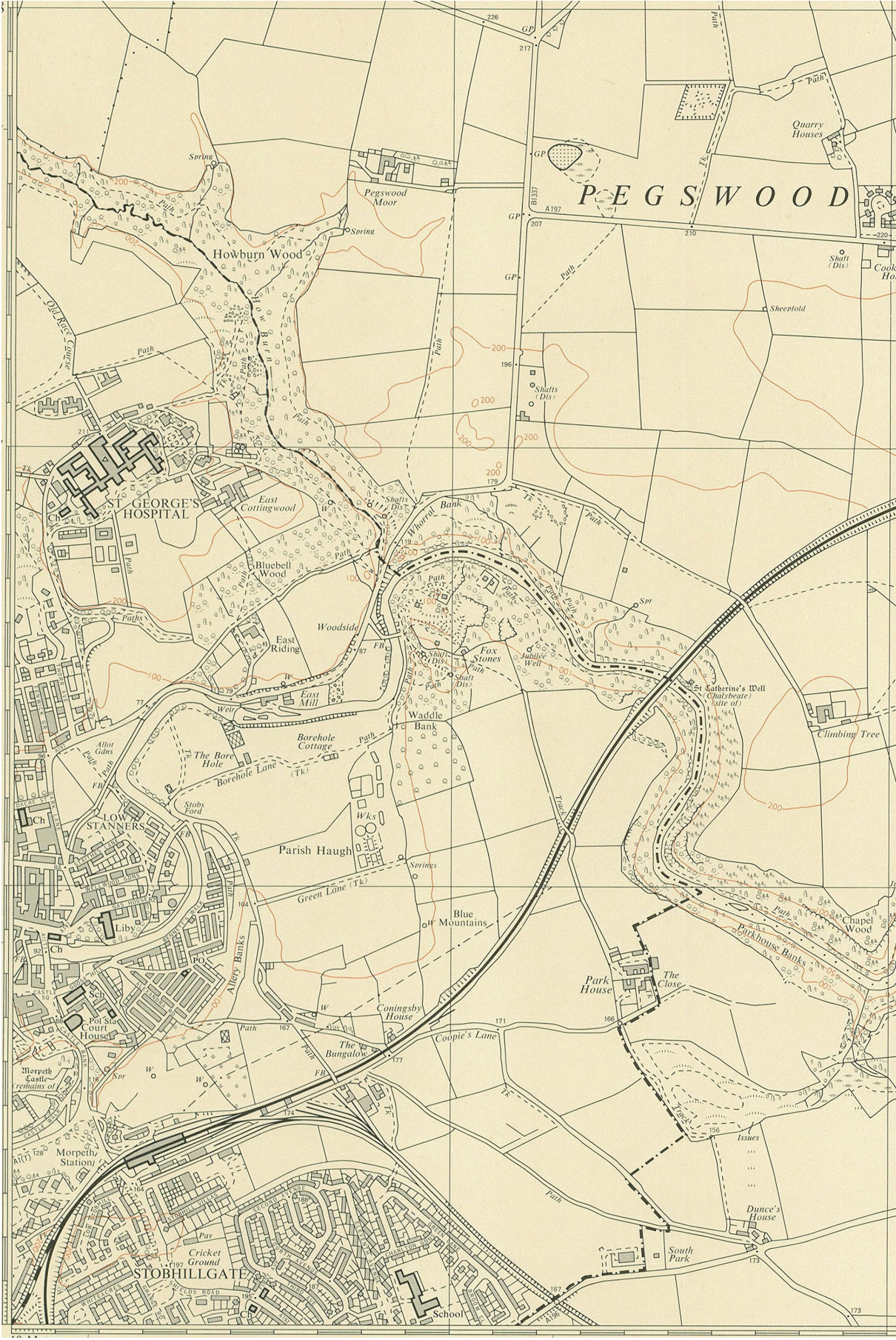
PUBLIC RIGHTS OF WAY - STATEMENT.

- 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......
.....
.....
.....

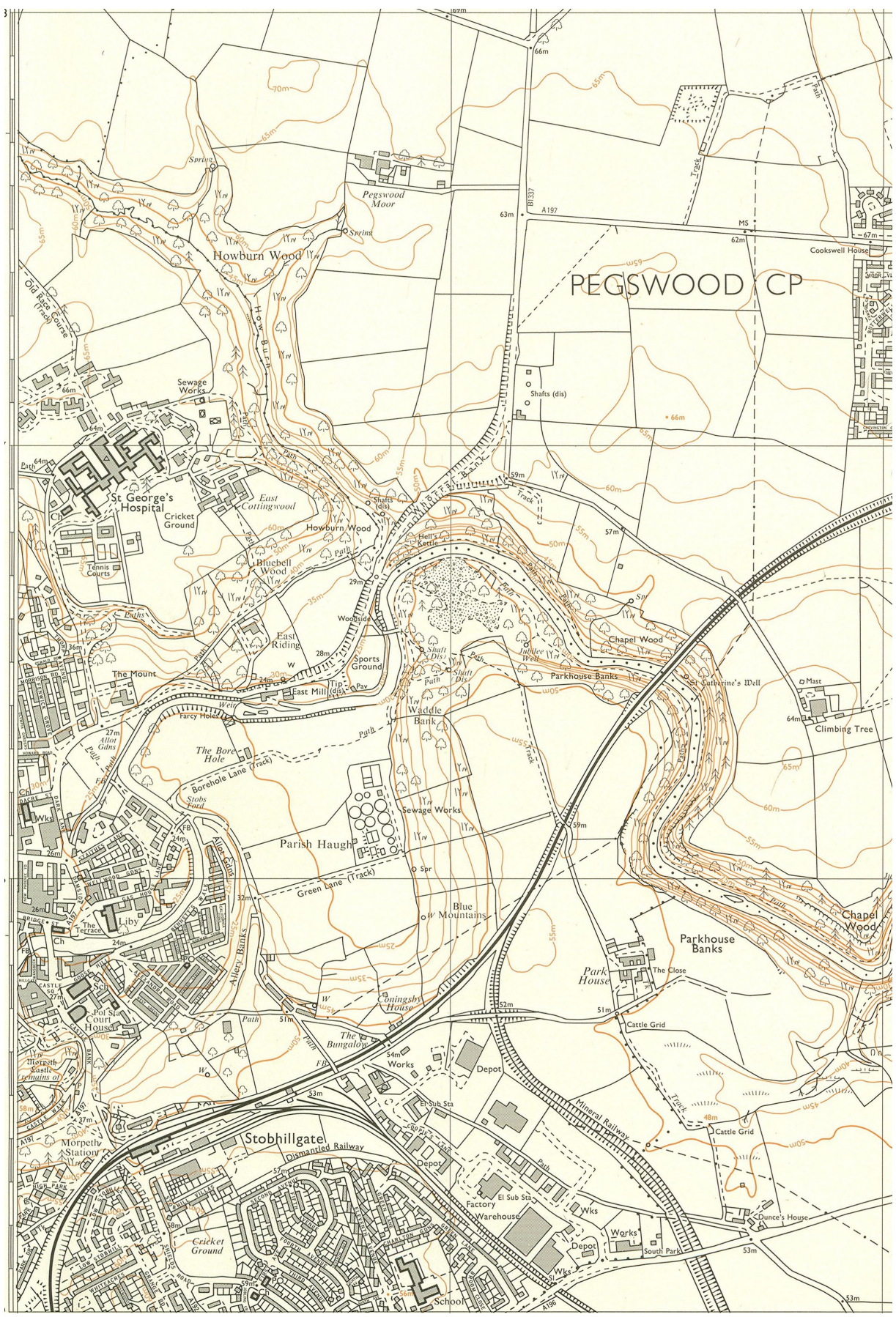




Ordnance Survey Map
1969



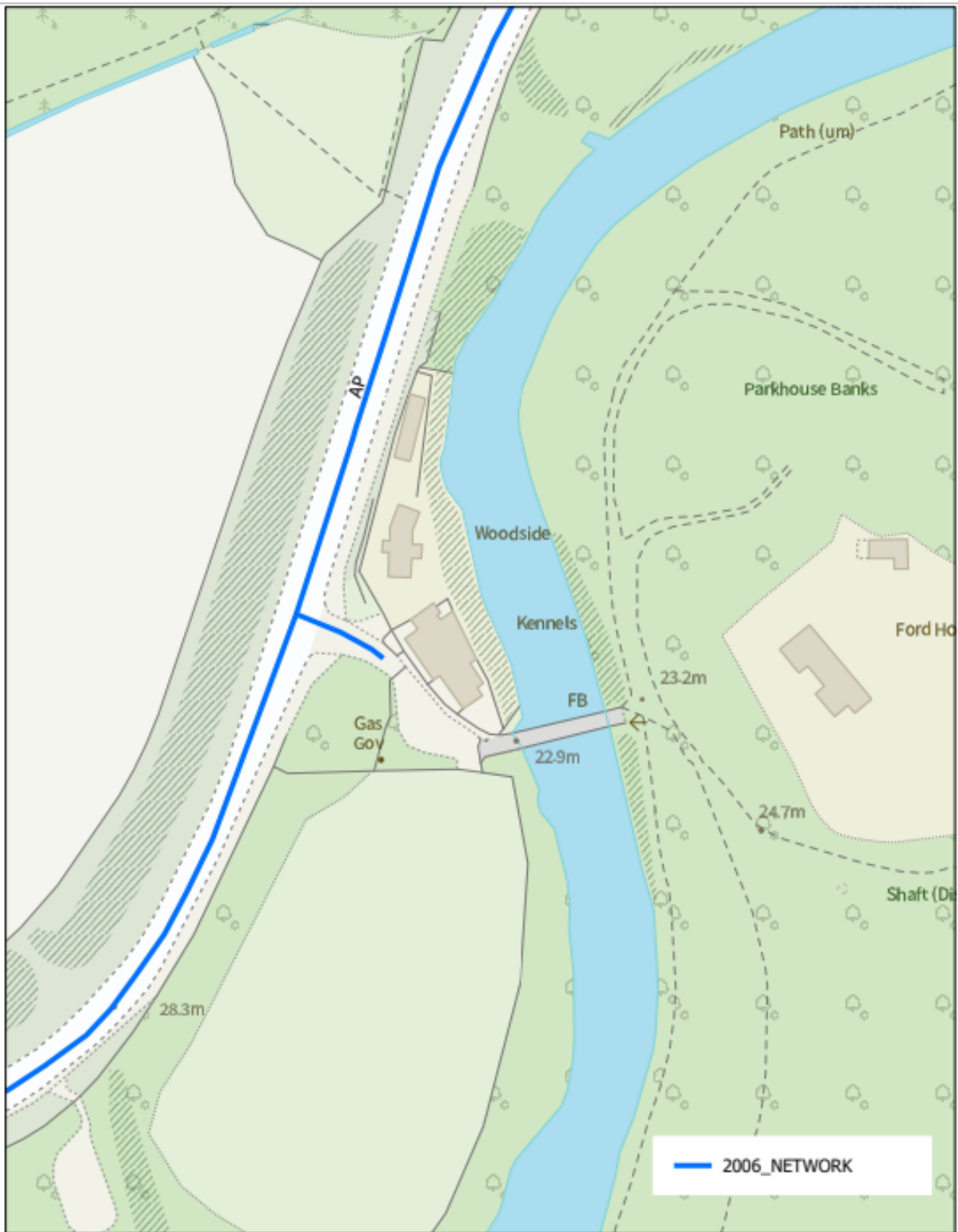
Ordnance Survey Map
1984



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

<i>Road Number</i>	<i>Description</i>	<i>Length - Metres</i>
U6111		
	BRUMELL DRIVE	37
	BRUMELL DRIVE	51
	DE MOWBRAY WAY	156
	WANSDYKE CUL-DE-SAC	76
	GHYLL EDGE	68
	GHYLL EDGE	98
	<i>Total length for U6111</i>	<i>9,422</i>
U6112		
	A197 WHORRAL BANK TO WOODSIDE	25
	GAS HOUSE LANE / STAITHES LANE	482
	WELLWOOD GARDENS	171
	WELLWOOD GARDENS REAR	156
	GAS HOUSE LANE	147
	<i>Total length for U6112</i>	<i>980</i>
U6113		
	A197 WEST TO A197 EAST LAY-BY	162
	<i>Total length for U6113</i>	<i>162</i>
U6114		
	FERNWAY OFFSHOOT - ALLERY BANKS M	31
	ALDER CLOSE FOOTPATH - ALLERY BANK	108
	BANKSIDE/ALDER CLOSE FOOTPATH - ALL	85
	FERNWAY OFFSHOOT HAMMERHEAD - AL	20
	ORCHARD CLOSE TO ORAM CLOSE FOOT	22
	WINDMILL WAY FOOTWAY - BENNETS WA	81
	WINDMILL WAY CUL-DE-SAC - ALLERY BA	25
	FERNWAY - ALLERY BANKS MORPETH	58
	ORAM CLOSE - ALLERY BANKS	81

List of Streets (as at 2 May 2006)



Network Management Information System

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of His Majesty's Stationary Office Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. License no. 100049048 (2009).

Highways Act 1980 Section 36(6) County of Northumberland List of Streets which are highways maintainable at the public expense as at 02-May-2006		
Drn: AB	Date: 24/01/2024	Scale: 1/1250