

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL RIGHTS OF WAY SUB-COMMITTEE 8 July 2021

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

ALLEGED BYWAY OPEN TO ALL TRAFFIC No 31 PARISH OF EDLINGHAM

Report of the Executive Director of Local Services Cabinet Member: Councillor Jeff Watson, Healthy Lives

Purpose of report

In this report, the North Northumberland Local Area Council Rights of Way Sub-Committee is asked to consider all the relevant evidence gathered in support and in rebuttal of the existence of public vehicular rights over the U3058 road, from the A697 road, south-west of High Learchild, in a general north-easterly and northerly direction, to the C90 road, east of Jockysdike Bridge.

Recommendation

It is recommended that the sub-committee agrees that:

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

1.0 BACKGROUND

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

requires the County Council (as Surveying Authority) to modify the Definitive Map and Statement following:

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

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

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

2.0 PUBLIC EVIDENCE

- 2.1 In the late 1980s the County Council carried out consultations regarding proposals to add a number of unsealed tracks in the north of the County to the Definitive Map as byways open to all traffic on the basis that the routes were included in the County Council's "List of Streets" as unclassified County roads (UCR). The rationale for doing so was that it would not be obvious to members of the public (particularly horse riders, walkers and cyclists) that they were legally entitled to use routes such as these (which were considered to have vehicular status), because their physical appearance might suggest otherwise.
- 2.2 The view, held by those officers of the Council responsible for maintaining the 'List of Streets' for the County of Northumberland was (and still is) that only public roads (not public bridleways or public footpaths) were shown on this List. The only exceptions to this are the surfaced paths and alleyways providing pedestrian links between roads, in urban areas. Thus, tracks in rural settings, which have their own unique reference numbers (e.g. the 'U3058' road), were considered to be all-purpose public highways maintainable at public expense.
- 2.3 Shortly afterwards, the processing of applications from third parties seeking to record public footpath or public bridleway rights was afforded a higher priority. Later on, the process of recording UCRs as byways open to all traffic was effectively suspended because the Ordnance Survey indicated that they would be showing such routes on their published maps as being an "Other route with public access". Although, on that basis, members of the public would still be unclear as to precisely what rights they had over routes identified in this fashion.
- 2.4 The most recent advice from DEFRA (paragraph 4.42, Rights of Way Circular 1/09) is that inclusion on the List of Streets may provide evidence of vehicular rights but that this should be examined on a case by case basis. In view of this advice, it is considered prudent to evaluate the status of the U3058 unclassified County road based upon more than simply its inclusion in the List of Streets.

3. LANDOWNER EVIDENCE

3.1 By note, received 21 February 2018, N Hargreave of High Learchild Farm responded to the consultation stating:

"I can confirm Point J to the gate just west of Point K is on the property of High Learchild Farm belonging to N & K Hargreave.

"This route is suitable for vehicles from J to Learchild Cottage, thereafter it is a rough track suitable for agricultural vehicles only.

"If I had the authority to say who had access I would make this route and beyond to Point M only for walkers and horses. It is often used by off road enthusiasts who abuse the track and fields and make a huge mess."

4. CONSULTATION

- 4.1 In February 2018, the Council carried out a consultation with the Parish Council, known owners and occupiers of the land, the local County Councillor and the local representatives of the "prescribed and local organisations" listed in the Council's "Code of Practice on Consultation for Public Path Orders". Three replies were received and are included below.
- 4.2 By email, on 26th February 2018, Ms H Evans responded to the consultation on behalf of Cycling UK, stating:

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

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

4.3 By email, on 4th May 2018, Ms S Rogers responded to the consultation on behalf of the British Horse Society, stating:

"Alleged byway open to all traffic 31 (High Learchild)

"From L this is a stone track with a grass centre leading to a couple of houses close to where it crosses the disused railway track. This will be used by vehicles for domestic purposes. Beyond that point to K, it is a grass track across fields, which crosses a small ford. There are signs of this sections being used by horse riders

From K to J, the route becomes a clear track again, this time being

riom K to J, the route becomes a clear track again, this time being used mainly for agricultural purposes. It will also be used by horse riders as horses are kept at High Learchild.

"Occasionally recreational vehicles are seen emerging from this track at L. This route forms an important part of the local recreational network as it joins another alleged BOAT at K, which is then joined by a public bridleway which leads to the minor road near Edlingham. For this reason the BHS supports its addition to the definitive map."

4.4 By email, on 24th February 2020, Edlingham Parish Council responded to the consultation, stating:

"Edlingham Parish Council have been made aware of proposals to downgrade the U3111 road within Edlingham Parish and would strongly object to this decision.

"Further to consultation February 2018 regarding this road and also the U3115, U3509, U3508, U3507 and U3054, the Parish Council would also strongly object to any downgrading of these roads."

5. DOCUMENTARY EVIDENCE

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

1769 Armstrong's County Map

Although there is clear evidence of an east-west road or track running through Low Learchild, this route does not really resemble the route of alleged Byway No 31.

1820 Fryer's County Map

Although Low Learchild is identified on the map, there is no evidence of a road or track resembling the route of alleged Byway No 31.

1827 Cary's Map

Although Low Learchild is identified on the map, there is no evidence of a road or track resembling the route of alleged Byway No 31.

1828 Greenwood's County Map

There is clear evidence of an east-west road or track between Thrunton and Hill Head, with two spurs off it to connect with Low Learchild to the north and High Learchild to the south. The alignment of the road / track depicted between Low Learchild and High Learchild matches the corresponding section of alleged Byway No 31.

c.1860 Ordnance Survey Map: Scale 1:2500

There is clear evidence of a mainly unenclosed road / track over the route of alleged Byway No 31. The track is identified as parcel number "13" in Learchild township. In the accompanying Book of Reference, this parcel is identified as "Public road". The enclosed highway corridor, north-east of High Learchild, appears to correspond with the circa 25 to 30 foot width that exists at the present day.

c.1865 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a predominantly unenclosed road / track over the route of alleged Byway No 31. Only the short section immediately north-east of High Learchild appears to be enclosed.

1881 North East Railway deposited plan

There is clear evidence of a track over the route of alleged Byway No 31, north of Low Learchild. The track is identified as being within the land parcel numbers "1" and "2". In the accompanying Book of Reference both of these parcels are identified as being "Field and Occupation road".

1899 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a predominantly unenclosed road / track over the route of alleged Byway No 31. Only the short section immediately north-east of High Learchild appears to be enclosed.

Finance Act 1910 plan

There is clear evidence of a mainly unenclosed road or track over the route of alleged Byway No 31 (only the short section between High Learchild and the route's junction with alleged Byway No 32 is enclosed). Unsurprisingly, given that it is predominantly unenclosed, the route is not shown as being separated from the surrounding land by coloured boundaries. If it had been, this would have been good evidence in support of vehicular highway rights. The route is, however, labelled as a "Public Bye Road" in three places (once on each of the three section plans attached to this report).

1923 Ordnance Survey Map: Scale 1:2500

There is clear evidence of a mainly unenclosed road or track over the route of alleged Byway No 31 (only the short section between High Learchild and the route's junction with alleged Byway No 32 is enclosed).

1926 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a predominantly unenclosed road / track over the route of alleged Byway No 31. Again, only the short section immediately north-east of High Learchild appears to be enclosed.

1932 Alnwick RDC Handover Map

The route of alleged Byway Open to All Traffic No 31 is coloured so as to identify it as a publicly maintainable road.

c.1930s Schedule of Public Rights of Way (under Rights of Way Act 1932)

In the Schedule of reputed Public Rights of Way prepared by Alnwick Rural District Council, under the Rights of Way Act 1932, the following routes appear to be identified as terminating on the route of alleged Byway No 31 (as opposed to proceeding along the route itself):

- 1. F. From main road running in an E direction through field No 6 to High Learchild, thence through field Nos 5, 4 to footbridge over Coe Burn at the Edlingham Parish Boundary, and joining footpath No 2 in that Parish.
- 2. BR. From the High Learchild Hillhead Road, running in a S direction to Edlingham Hut through field Nos 20, 19 to the Edlingham Parish Boundary, joining bridle road No 1 in that Parish.
- 3. F. From the Learchild road, running in a W direction to the main Road near Thrunton, through field No 15 to the Whittingham Parish Boundary in Rothbury Rural District."

c.1938 Restriction of Ribbon Development Act 1935 Map

The route of alleged Byway Open to All Traffic No 31 is identified on the base map, and it is coloured so as to identify it as a publicly maintainable road to be protected from ribbon development. The route is numbered as "108".

c.1938 Restriction of Ribbon Development Act 1935 Schedule

The route of the alleged byway is identified in the Schedule of unclassified roads identified under the provisions contained within the Restriction of Ribbon Development Act 1935:

"108. Road from the Alnwick – Whittingham Road at the foot of Garmintedge Bank via Low Learchild and High Learchild to a point on the Morpeth – Wooler road A697 400 yds north of Learchild Moor House."

1951 Highways Map

The route of alleged Byway Open to All Traffic No 31 is coloured purple so as to identify it as a publicly maintainable road. It is labelled as the "U3058".

c.1952 Definitive Map - original Survey Schedules & Map

The route of alleged Byway Open to All Traffic No 31 exists on the base map, and is coloured brown. Known public roads were generally coloured brown to indicate what the extent of the road network was considered to be. The purple marking for Learchild FP 1 appears to have been continued over the top of a short length of the brown coloured road. i.e. instead of the footpath having a slightly staggered junction with the road, it was shown as proceeding along a short length of it. It seems this was just a slightly lazy depiction of the footpath, rather than a serious suggestion that the short length south of High Learchild was just a public footpath (despite the rest of it being public carriageway). In the Schedule for existing Edlingham Footpath No 10 (at that time identified for inclusion as Learchild Bridleway No 3) the right of way is identified as starting on "Learchild Rd".

Draft Map

The route of alleged Byway Open to All Traffic No 31 exists on the base map. It is not identified for inclusion on the Definitive Map as either a public footpath, public bridleway or Road Used as a Public Path (RUPP), though three public footpaths (numbered "1", "1" and "3") are identified connecting with the alleged byway. Although the footpath proceeding westwards from High Leachild and the footpath proceeding south-eastwards from High Learchild are both numbered as Footpath No "1", there is a clear – uncoloured – gap of 65 metres, along the road, separating the two sections of path.

Provisional Map

As with the Draft Map, the route of alleged Byway Open to All Traffic No 31 exists on the base map. It is not identified for inclusion on the Definitive Map as either a public footpath, public bridleway or Road Used as a Public Path (RUPP), though three public footpaths (numbered "1", "1" and "3") are identified connecting with the alleged byway. Although the footpath proceeding westwards from High Leachild and the footpath proceeding south-eastwards from High Learchild are both numbered as Footpath No "1", there is a clear – uncoloured – gap of 65 metres, along the road, separating the two sections of path.

1957 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a mainly unenclosed road / track over the route of alleged Byway No 31.

1958 County Road Schedule

In this Schedule, the entry for the U3058 road states:

"U3058 Garmintedge Bank – Learchild Moor Road From C90 near Garmintedge Road via Low Learchild to A697 near Learchild Moor House."

The length of the U3058 road is identified as 1.36 miles.

1962 Original Definitive Map

The route of alleged Byway No 31 exists on the base map, but it is not identified as a public footpath, public bridleway or Road Used as a Public Path (RUPP).

1962 Original Definitive Statements

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

Public Footpath No 10

"From the public road north-east of High Learchild in a westerly direction to the Rothbury Rural District boundary east of Thrunton."

Public Footpath No 11

"From the Morpeth – Wooler road south-east of Thrunton in a south-easterly direction crossing the public road at High Learchild and the Coe Burn by the footbridge to join the Edlingham – Bolton road north-west of Edlingham."

1964 Highways Map

The route of alleged Byway Open to All Traffic No 31 is coloured purple so as to identify it as a publicly maintainable road. It is labelled as the "U3058".

1964 County Road Schedule

In this Schedule, the entry for the U3058 road states:

"U3058 Garmintedge Bank - Learchild From C90 near Garmintedge Bank southwards via Low Learchild to A697 near Learchild Moor House."

The length of the U3058 road is identified as 1.36 miles.

1974 County Road Schedule

In this Schedule, the entry for the U3058 road states:

"U3058 Garmintedge Bank - Learchild From C90 near Garmintedge Bank (NU 103120) southwards via Low Learchild to A697 near Learchild Moor House (NU 094103)."

The length of the U3058 road is identified as 1.36 miles.

1977 / 82 Ordnance Survey Map: Scale 1:10,000

There is clear evidence of a mainly unenclosed road / track over the route of alleged Byway No 31, north of the Coe Burn. There is no evidence of a track through the field just south of the burn but, thereafter, there is clear evidence of an enclosed road or track over the remainder of the route.

1997 Landowner Deposits under section 31(6) Highways Act 1980

In June 1997, the owners of the Lemmington Estate deposited a Statement and Plan setting out the public rights of way which they acknowledged to exist over their land. In August 1997 they followed this up with a Statutory Declaration (and accompanying plan) reaffirming the same. The northernmost two-thirds of the route of alleged Byway Open to All Traffic No 31 (i.e. the full extent of the route proceeding across Lemmington Estate land) was identified as a vehicular highway.

2005 Ordnance Survey Explorer 332 Map: Scale 1:25,000

There is clear evidence of a road / track over almost all of the route of alleged Byway No 31. The whole route is marked with green dots, signifying that it is an "Other route with public access" (i.e. an ORPA).

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

The route of the alleged byway (the U3058) is clearly identified as publicly maintainable highway.

6. SITE INVESTIGATION

- 6.1 From Point L, on the C90 road (Garmintedge Bank), 390 metres east of Jockysdike Bridge, a 2.5 metre wide, mostly stone surfaced track, within a 4 to 4.1 metre wide corridor proceeds in a south-westerly direction (through a field gate set back from the main road) for a distance of 160 metres. Thereafter, a 2.5 to 2.7 metre wide, mainly tarmac track, with a wide grass strip up the middle, within a 4.1 to 4.7 metre wide corridor proceeds in a southerly direction for a distance of 685 metres to the dismantled railway at Learchild Crossing Cottage. Over the last 50 metres of this section, the corridor progressively widens to be 5.6 metres. There is no clearly defined width over the next 20 metres as the road proceeds in a southerly direction across the former railway track bed to a field gate. From this point the alleged byway continues as a 2.7 metre wide concrete road, in a 6.4 metre wide corridor for a distance of 90 metres. The concrete road continues in a southerly direction to Teal House, but the alleged byway proceeds through a field gate and along an unenclosed 2 to 2.5 metre wide, stone / earth / grass surfaced track in a southwesterly direction for a distance of 30 metres, then southerly direction for a distance of 125 metres to a ford through the Coe Burn. From the ford, the route continues as an unenclosed 2.5 metre wide stone / earth / grass surfaced track in a southerly then south-westerly direction for a distance of 65 metres, then as a 3 metre wide grass track, on a slightly raised terrace, in a south-westerly direction for a distance of 150 metres to a junction with alleged Byway No 32, at Point K.
- 6.2 From Point K, a 2.5 metre wide grass track proceeds in a westerly direction for a distance of 30 metres, through a field gate, then westerly for a further 15 metres, to another field gate. Thereafter, a 2.5 metre wide stone / earth / grass surfaced track in an 8 to 9.14 metre wide corridor proceeds in a northwesterly direction for a distance of 115 metres to another field gate. A 2.5 to 2.7 metre wide stone / earth surfaced track within a 7.6 to 9.14 metre wide corridor then proceeds in a general westerly direction for a distance of 60 metres, then within a 7.9 to 8.5 metre wide corridor in a south-westerly direction for a distance of 225 metres to another field gate, then for a further 75 metres, then westerly for 15 metres to a junction with existing Footpath No. 24 at Learchild Farm Cottage. Thereafter, as a 2.7 metre wide tarmac road within a 3.9 to 4.5 metre wide corridor, in a general south-westerly direction for a distance of 60 metres. Then as a 2.7 metre wide tarmac road in a 4.3 metre wide corridor in a general southerly direction for a distance of 120 metres, then westerly direction for a distance of 55 metres. Finally, as a 3 metre wide tarmac road in a 4.5 to 5.5 metre wide corridor, in a westerly direction for a distance of 60 metres to a point marked J, on the A697 road, 260 metres south-west of High Learchild Farm.

7. COMMENTS RECEIVED ON THE DRAFT REPORT

7.1 In November 2020, a draft copy of the report was circulated to those landowners / occupiers who responded to the initial consultation for their comments. No additional comments have been received.

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.

- When considering an application / proposal for a modification order, Section 32 of the Highways Act 1980 provides for "any map, plan or history of the locality or other relevant document" to be tendered in evidence and such weight to be given to it as considered justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced.
- 8.3 The representation of a path or track on an Ordnance Survey Map is not evidence that it is a public right of way. It is only indicative of its physical existence at the time of the survey.
- 8.4 The route of alleged Byway Open to All Traffic No 31 is identified on the County Council's current List of Streets as being the U3058 road. The route was identified on the Council's 1951 and 1964 Highways Maps and on the 1958, 1964 and 1974 County Road Schedules. The route was identified as a publicly maintainable road on the 1932 Handover Map and on the Map and Schedule produced under the Restriction of Ribbon Development Act 1935.
- 8.5 The route has been consistently identified as a mainly unenclosed road / track on Ordnance Survey maps since c.1860. The route would not appear to be shown on Armstrong's County Map of 1769, Fryer's County Map of 1820, or on Cary's Map of 1827, but the section between High Learchild and Low Learchild is shown on Greenwood's County Map of 1828. The route was only identified as an "occupation road" on the 1881 North East Railway deposited plan, but it was clearly labelled as a "Public Bye Road" on the plans produced in association with the Finance Act 1910.
- 8.6 In the Schedule of Reputed Public Rights of Way, prepared by Alnwick Rural District Council (under the Rights of Way Act 1932), the public footpath crossing the road at High Learchild doesn't actually mention the road. The bridleway (at that time, identified as a footpath) proceeding north-westwards from the road, north of High Learchild is described as "From the Learchild"

road" and the bridleway heading southwards from alleged BOAT No 32 describes the starting point as being "the High Learchild – Hillhead road". If the route of the U3058 road / alleged BOAT No 31 had been considered to be no more than a public footpath or bridleway, we would have expected it to have its own entry (as a footpath or bridleway) in this Schedule. Since it does not, this indicates that the route was considered to be either a public vehicular right of way or an entirely private road. Given that one public right of way was described as beginning on the road itself (and would be an entirely pointless cul-de-sac if the route had no public status) and another was describe as beginning on a continuation of that same road, by far the most likely scenario is that the route of the U3058 was considered to be a public road.

- 8.7 Section 31(6) of the Highways Act 1980 allows landowners to deposit, with the County Council, a Map and Statement (and to follow this up with a Declaration) identifying the public rights of way which they acknowledge to exist over their land and denying the existence of any other public rights of way. When made correctly, such deposits will usually prevent the public from acquiring additional public rights of way, based on otherwise unchallenged user, that occurs after the deposits were made. The landowners' 1997 deposits clearly acknowledged the existence of public vehicular rights over the K-L section of the route.
- 8.8 The County Council accepts that, given the way the regulations were written with regard to the way highway authorities could include publicly maintainable highways in the List of Streets, there was no impediment to public bridleways and public footpaths also being included. That is not to say that any bridleways or footpaths were so shown just that they could be. It must, therefore, be entirely proper to consider each UCR on a case by case basis, but that does not mean that we should begin with the assumption that each UCR is no more than a public footpath unless higher rights can be proven by other means. In Northumberland there is no evidence to suggest that public footpaths and public bridleways were deliberately shown on the 1958, 1964 or 1974 County Road Schedules (forerunners of the modern day List of Streets). The fact that a route is shown on these schedules must, therefore, be evidence of some weight that public vehicular rights exist.
- 8.9 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 The Natural Environment and Rural Communities Act 2006 (NERC Act 2006) had a major impact upon the recording of byways open to all traffic based upon historical documentary evidence. Under section 67 of the Act, any existing, but unrecorded, public rights of way for mechanically propelled vehicles were extinguished unless one of the 'saving' provisions applied. In brief, these saving provisions were: (a) if the main lawful public use between 2001 and 2006 was with motor vehicles; (b) if the route was on the List of Streets (on 2 May 2006) and not also on the Definitive Map as something less than a byway open to all traffic; (c) the route was legally created expressly for

- motor vehicular use; (d) the route was a road deliberately constructed for public motor vehicular use; or (e) the vehicular highway came about as a result of unchallenged motor vehicular use before December 1930.
- 8.11 Of the saving provisions above, the main one (b), will apply to the U3058 road. Where a route is <u>not</u> shown on the Definitive Map as a footpath, bridleway or restricted byway, then the fact that it is shown on the List of Streets will be sufficient to prevent the public's motor vehicular rights from being extinguished.
- For a route to be a byway open to all traffic, it has to be (i) a public motor vehicular right of way and (ii) a route which is nevertheless used (or is likely to be used) by the public mainly for the reasons which footpaths and bridleways are used. The southern part of this route, as far as High Learchild, has a drivable tarmac surface, and is clearly in regular use by the owners of the farm, the occupiers of the farm cottage, and their visitors. The section between High Learchild and a point just south of the dismantled railway is grass / earth / stone surfaced and we would not anticipate this section to be driven by 'normal' motor vehicles. The section from the dismantled railway, northwards, is partly tarmac surfaced, with a large grass strip growing up the middle, and partly stone surfaced. It would be driveable in a 'normal' car, with care, but does not have the appearance of being a part of the ordinary road network. From the consultation responses, it seems clear that the route is used by pedestrians, horse riders and by 4x4 vehicles. The relative proportion of these types of public use isn't known but, setting aside the landowner user of the route, use by the general public is considered likely to be predominantly non-motor vehicular.
- 8.13 Mr Hargreave's remark that, ideally, use of the route should be limited to walkers and horse riders is understandable, given his experience of public 4x4 use of the route, but this impact isn't considered to be relevant when determining what public rights actually exist over the route. Edlingham Parish Council has indicated that it is strongly opposed to any downgrading of this or other various other routes within the parish though, through this process, the Council is only proposing to determine and record those public rights that already exist. The British Horse Society sees this route as forming an important part of the local recreational network, and is therefore keen for the public's rights to be accurately recorded.
- 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 short section of Byway Open to All Traffic No 31 north of High Learchild has physical boundaries on both sides, which appear to have been present since at least the 1860s. It is proposed to record this part of the route with a width varying from 7.6 to 9.14 metres, as identified in paragraph 6.2, above. For the c.500 metre long unenclosed, majority of the route of Byway No 31, it is proposed to adopt the Council's standard default width of 5 metres (i.e. wide enough for two vehicles travelling in opposite directions to pass each other). The section of road immediately south of High Learchild, to the A697, is now also enclosed, though the sequence of Ordnance Survey maps suggests that this probably only occurred sometime between 1957 and 1982. Similarly, the section of road from just south of Learchild Crossing Cottage, northwards to the C90 road is also, now, enclosed, though this isn't shown to be the case on

any of the Ordnance Survey maps contained in this report (the most recent being published in 2005), and the same is true of the short section of road south of Learchild Crossing Cottage.

8.15 The enclosed section of alleged byway between High Learchild and the A697 road currently appears to vary between 3.9 and 5.5 metres in width (most of it being 4.5 metres wide or slightly less). The enclosed section of road north of Learchild Crossing Cottage currently varies in width between 4 and 5.6 metres, with the vast majority being between 4 and 4.7 metres wide. This long section of road would only appear to have been fenced off only very recently (probably just in the last 2 or 3 years). The short, enclosed, section of road south of Railway Crossing Cottage lies within a slightly wider (6.4 metre wide) corridor. It is proposed that these lengths of previously unenclosed road also be recorded with the Council's default width of 5 metres.

9. CONCLUSION

- 9.1 In light of the documentary evidence available, it appears that public vehicular rights have been reasonably alleged to exist over the route of alleged Byway Open to All Traffic No 31.
- 9.2 The Natural Environment and Rural Communities Act 2006 would not appear to have extinguished the public's motor vehicular rights over the route.
- 9.3 The route would appear to satisfy the balance of user / character test for being recorded on the Definitive Map as a byway open to all traffic and it would, therefore, be appropriate to recognize the public's rights over the route by recording it on the Definitive Map as a byway open to all traffic.

BACKGROUND PAPERS

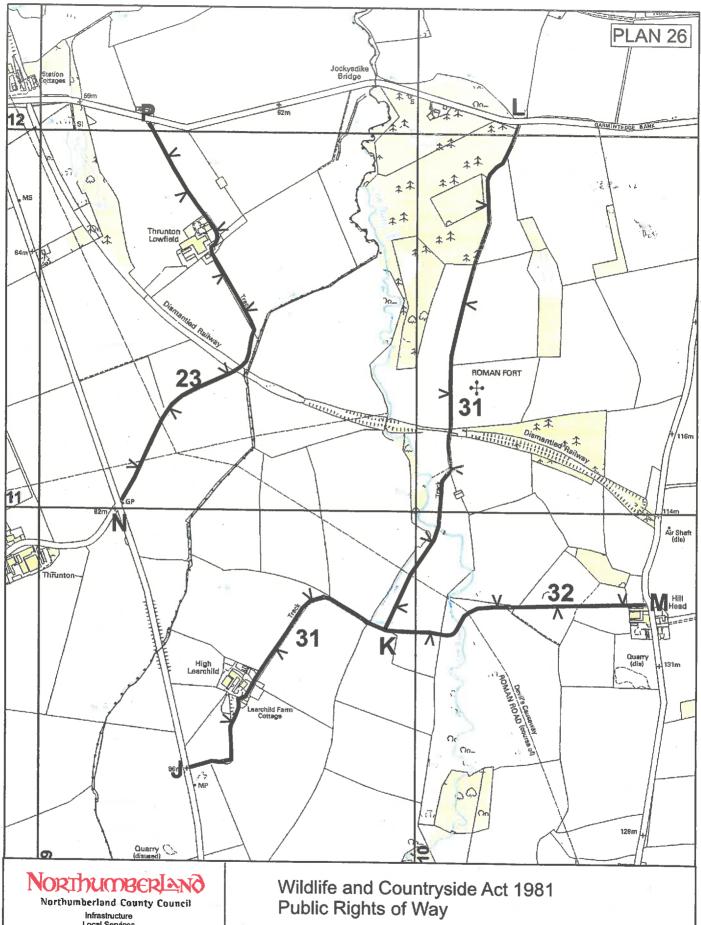
Local Services Group File: A/11/31z

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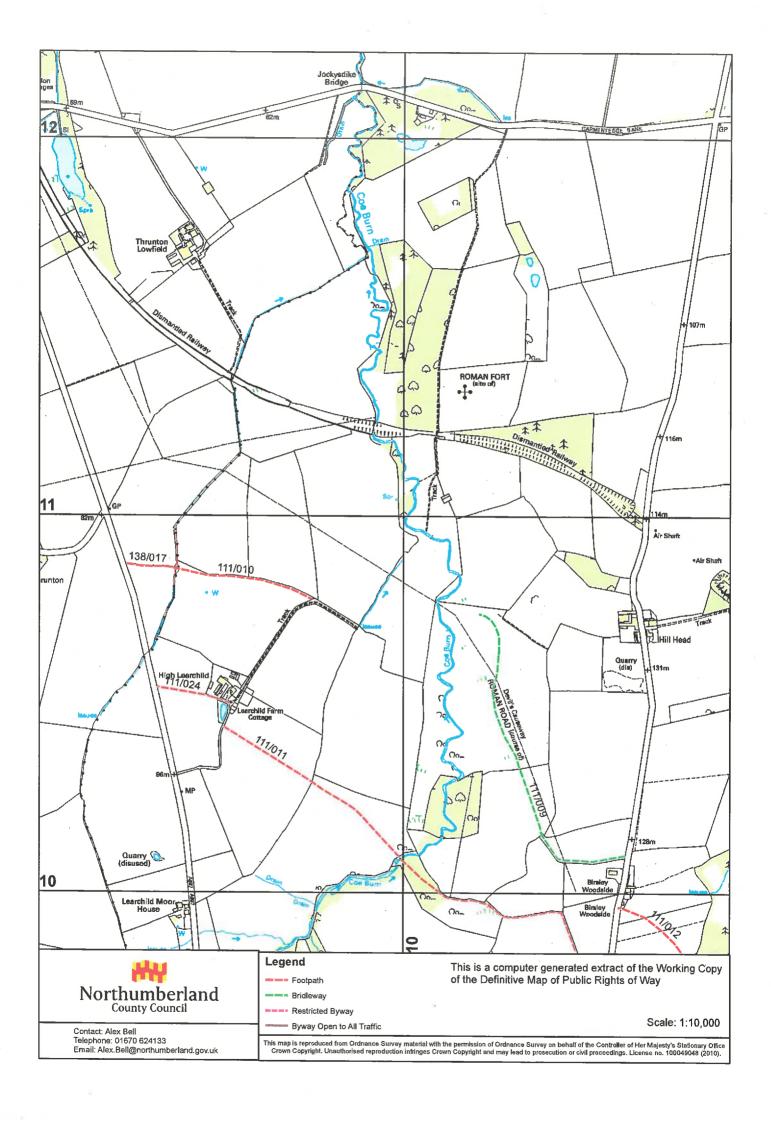
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Local Services
County Hall Morpeth Northumberland
NE61 2EF
Telephone 0845 600 6400

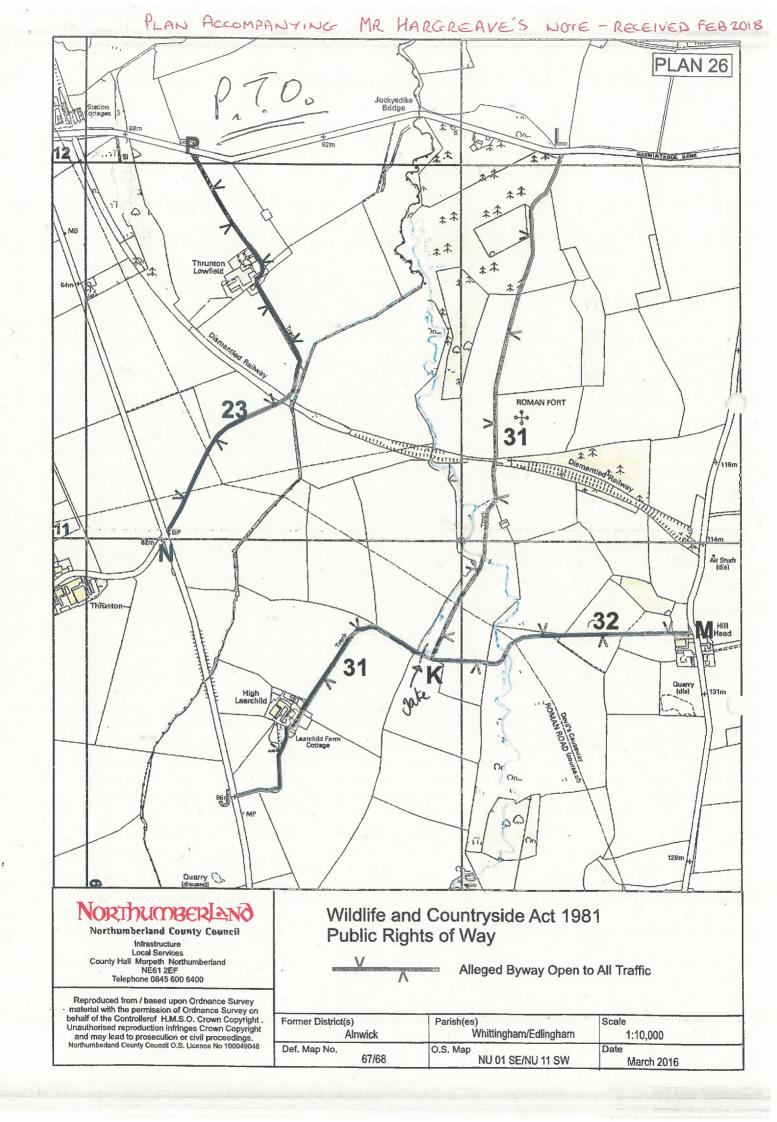
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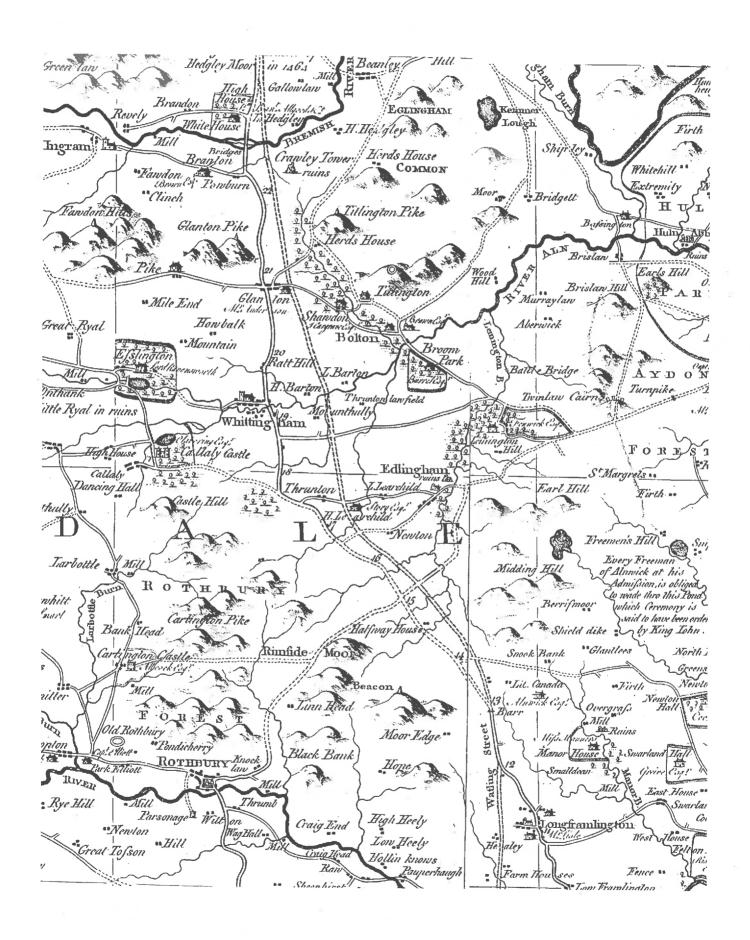


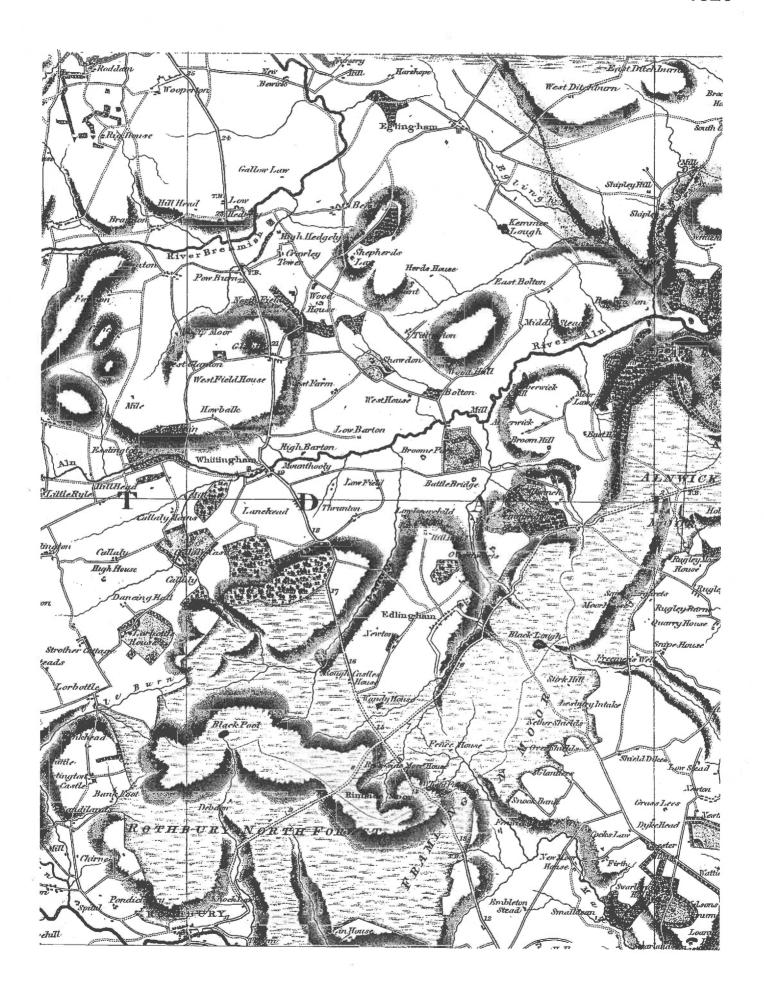
Alleged Byway Open to All Traffic

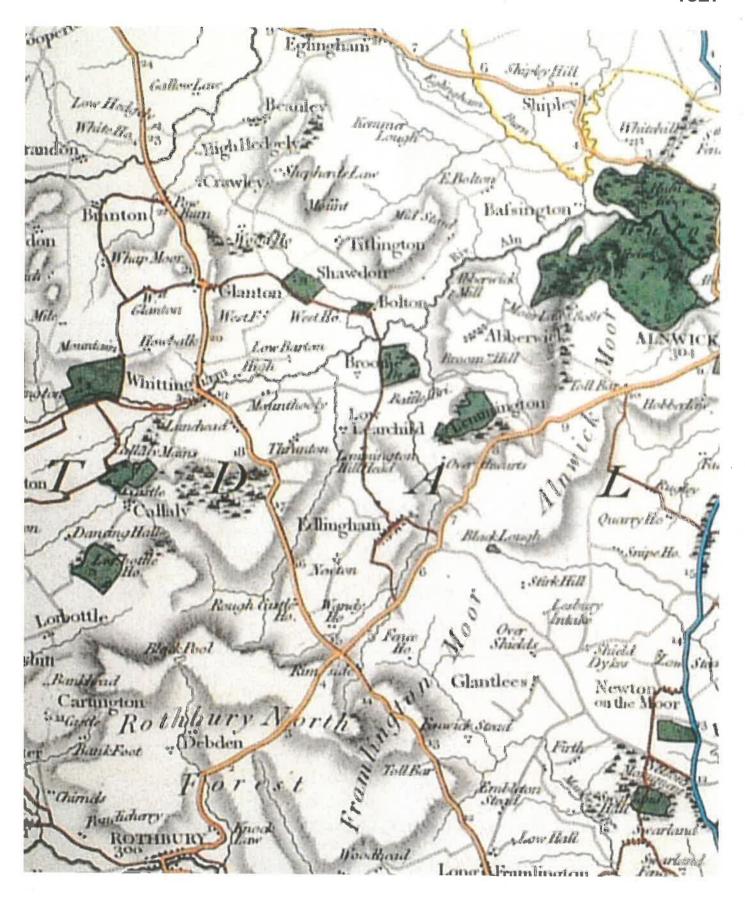
Former District/s)	- 111 h	
Former District(s)	Parish(es)	Scale
Alnwick	Whittingham/Edlingham	1:10,000
Def. Map No.	O.S. Map	Date
67/68	NU 01 SE/NU 11 SW	March 2016







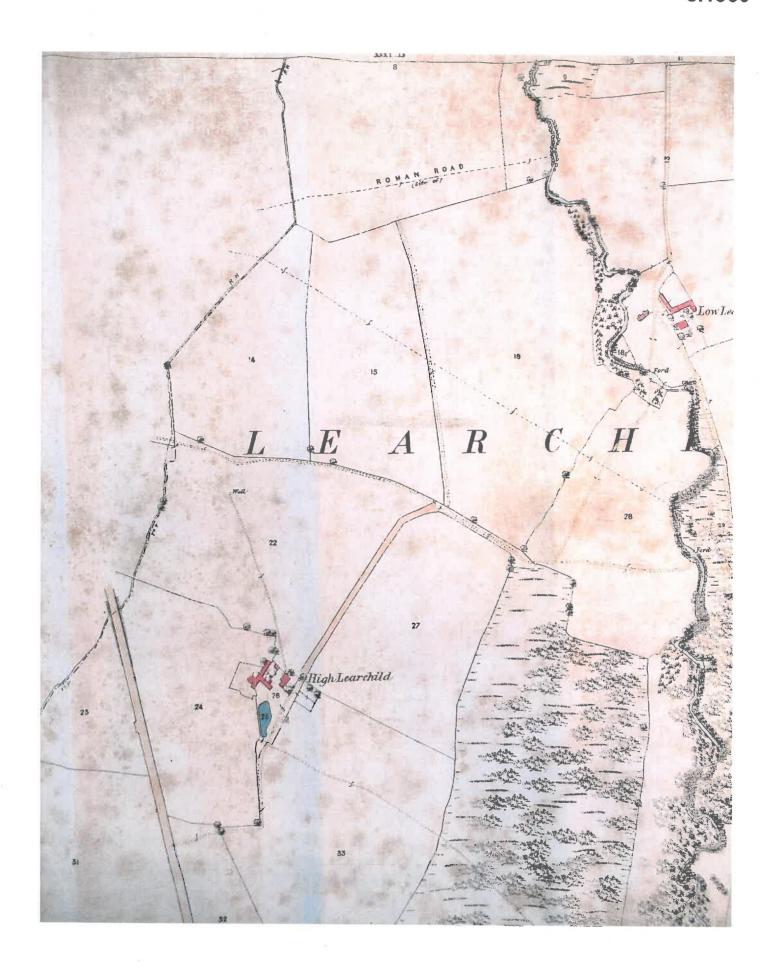






Key to Greenwood's County Map 1820

	CONCE			A
		114 114		
		11111411		
Boundaries of Co	nunlies	Castles &	Priories	
Boundaries of W		Houses		
	Acco		Commons Brooks	
Villages and other	Places as Non		He Canals	
Places that send &		Railway	<i>ys.</i>	
to Parliament2	Toll Bars	Woods	TOI G	
	S Jours Dens	= Jarks &=	Lieasure Groun Risima Ground	ds les
Churches & Chape	ela	. Wind &	Rising Ground Water Mills	

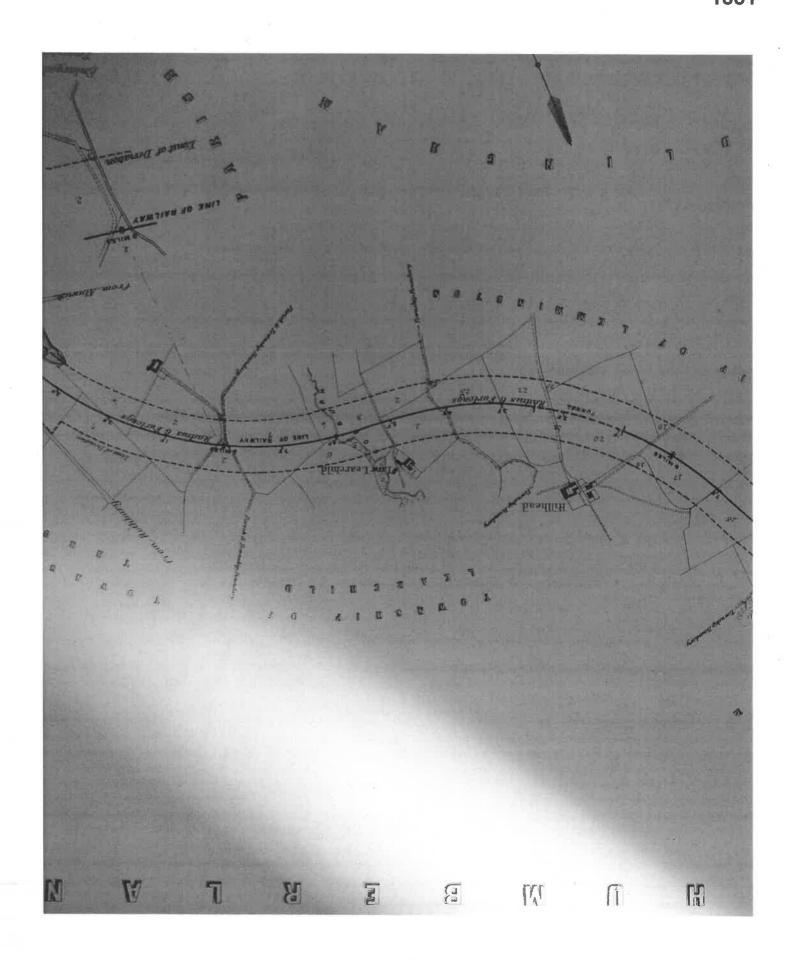


PARISH OF EDLINGHAM.

No. on Plan.	Area in Acres.	Remarks.	No. on Plan.	Area in Acres.	Remarks.
	5651 · 122	Brought forward.			v
189	2.591	Wood, &c.		RECAP	ITULATION.
190	3.000	Wood, &c.			
191	•993	Wood, &c.	ľ	5762 832	Land.
192	-306	Wood, &c.	į	45.595	Public roads.
193	1.557	Wood, &c.		9.319	Water.
194	-379	Wood, &c.			17 acc.
195	•750	Wood.		5817-746	Total area of the
196	1 - 359	Wood, &c.	;	3011 110	Township of Ed
197	7-266	Public road.		:	lingham.
198	2.288	Wood, &c.			1 mgnaar
199	94.816	Rough pasture, &c.			
200	3.574	Pasture.			
201	1.744	Wood.	TO	WNSHIP	OF LEARCHILD.
202	-205	Houses and yards		-	
		(Swinburne Arms	1	3.771	Wood, &c.
		P.H.)	2	1.172	Public road.
203	3.856	Wood.	3	7.740	Pasture, &c.
204	289	Gardens.	4 -	2.512	Houses, gardens, &c
203	4.275	Wood, &c.		2	(Tile Works).
206	3 - 525	Arable.	5	8 · 464	Pasture.
207	029	Houses, &c. (Flam-	- 6	9.035	Pasture.
	Cast	borough).	7	7.712	Pasture, &c.
208	-009	Gardens,	-8	28 · 836	Arable, &c.
209	• 453		9	34.801	Rough pasture, &c.
203	- 400	House, garden, &c.	10	6.504	Pasture.
210	-025	(Welihope). Garden.	11	14.535	Pasture.
211	-038	Garden.	12	8-898	Arable,
212	202	Garden.	13	1.387	Public road.
213	1.566	Wood, &c.	14	10.726	Pasture, &c.
214	-671	Wood, &c.	15	13.309	Pasture, &c.
215	-896	Wood, &c.	16	25.677	Arable, &c.
216	1.284	Wood.	17	•030	House.
217	1.300	Wood, &c.	18	• 183	Gardens.
218	136	Garden.	19	•913	Houses, yards, and
219	6 · 587 ·	Wood, &c.			garden (Low Lear-
220	3.088	Pasture, &c.			child).
221	425		20	10-589	Arable.
221	1470	Houses, gardens, &c. (Moorhouse).	21	14.566	Arable.
222	3.831	Pasture, &c.	22	17.037	Pasture, &c.
223	103		23	4.958	Pasture.
0	103	House and gardens (Wheatfolds).	24	11.389	Pasture.
224	4.780	Public road.	25	-155	Pond.
225	4.616	Wood, &c.	26	2.256	Houses, yards, gar-
226	3.812	Public road.		E 11.	dens, &c. (High
	0-012	I none road.	1		Learchild).
	3817 - 746		27	13.546	Arable.
	2011.140		28	14.570	Arable, &c.
1			29	1.615	Public road.
			30	7.029	Pasture, &c.
			31	14.562	Pasture.
			i		
				298 - 477	Carried forward.

1st Edition 6" O.S. Map c.1865





DISSUENTION OF THE CONTRESS OF HELEANY SANCERS TESSEES OF SERVIND LABBERS. The led and Caupation Hilliams Low Parcton Shiphenson and Henrich Stockers and Shiphenson and Henrich Stockers and Shows		parish of Collenghamir	Township of Leanshild		in the County of Northumberland.
Tickl soul Caupation Hilliam Schw Pawson Shokonson, George Shoke and Heaver Shoke Shoke Shokonson, George Shoke and Heaver Shoke Shok	NO WH	DESCRIPTION OF PROPERTY.	OWNERS OR REPUTED OWNERS.	LESGERS OR REPUTED LESSERS.	OCCUPIEBR
Tidd med Gecupation Hilliam Gelon Pereson Gene Hopkenson Gene Hopkenson Gene Hopkenson Genes Hopkenson Genes Hilliam Schrift fames Hopkenson Genes Hopkenson Genes Hilliam Schrift fames Hopkenson Genes Hopkenson Genes Hilliam She Carl of Revensoreth Scans Hopkenson Genes		Field and Caupation ?	William John Burton	Jane Hephenson; John Hopenson, John Hophenson and Homas	Jame Hephenbon, Jahn Hephenbon Goorge Hephenbon and Thomas Lephenbon
William John Bawson Same Hophonson, John Same Hophonson, John James Hophonson and Thomas Shophonson and Thomas	65	Hald wool Goupetion	Melliam John Jacobers	Hephonson, John John John Hephonson, Genge John Maphonson, Genge Homes	Land Hophenson John Hopkonson George Hophenson and Thomas Hophonson.
The land of Rawnsworth Hopeans of Rawnsworth in the Earl of Rawnsworth in the Earl of Rawnsworth the Carl of Rawnsworth Ind of the Mando of the Mando of Les In the Carl of Mando of the Mando of Les In the Carl of Mando o		Field and Thomas	William John Bowson	Hophenson. Seme Hephonson, John Hophonson, Jeorge Hephonson and Chomas	
The Earl of Navonoverth. Lad of the Marror of 21.)	01	and Greams land a Hambahan Fream	The Earl of Revendencethe The Earl of Revendencethe		James Your Show
The Carl of Rewendershi. Lord of the Mance of Genduld.		Geld Gold	The Call of Ravonovorth		James Heir
		The	Early Mavenoush	and of the Manar of 2	eurkeld.
			(11)		

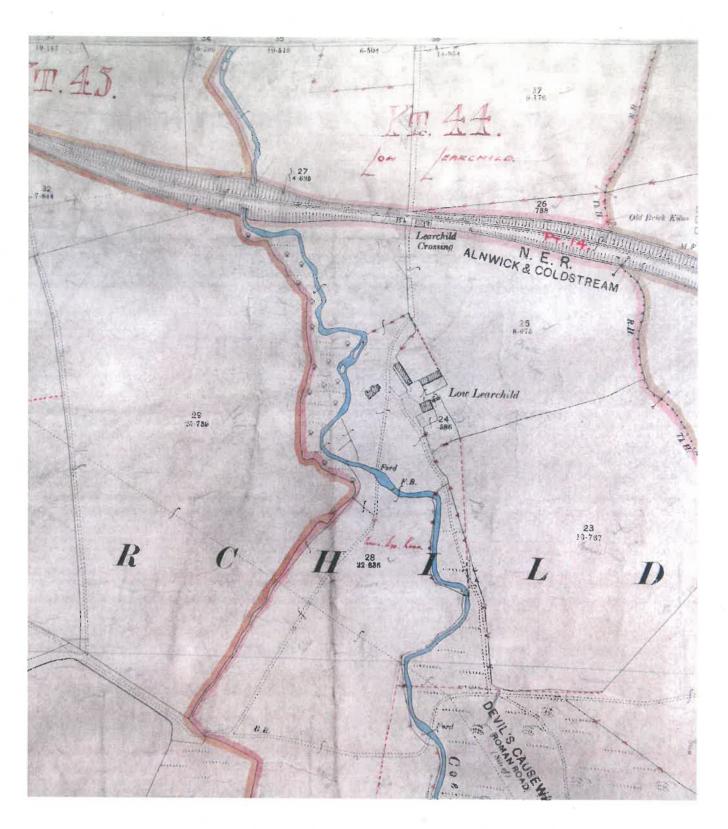


Finance Act 1910 Plan



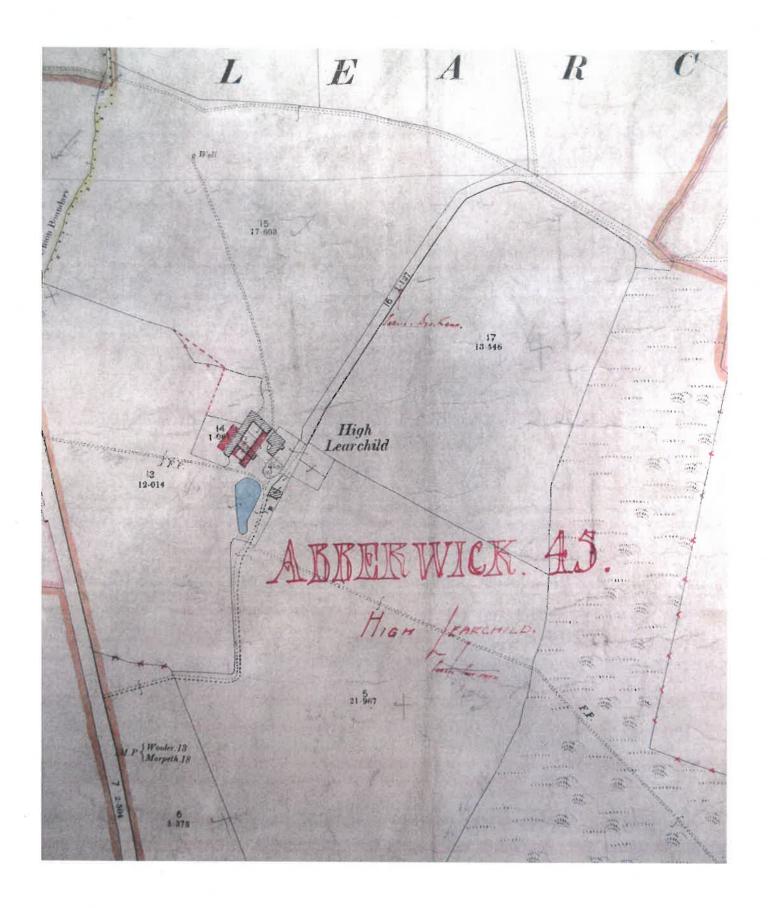
Northern section

Finance Act 1910 Plan

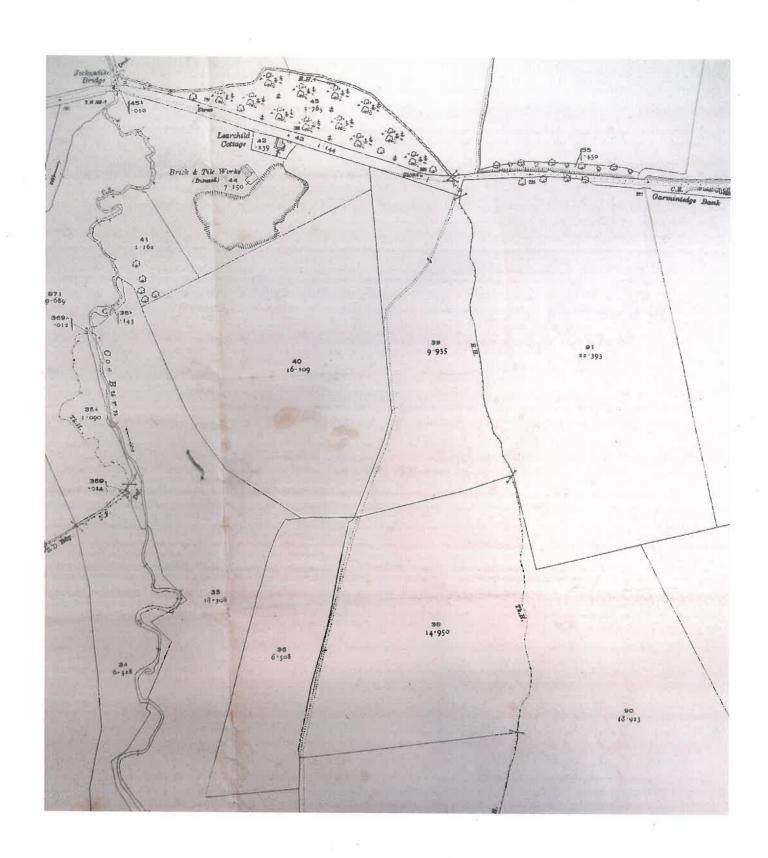


Middle section

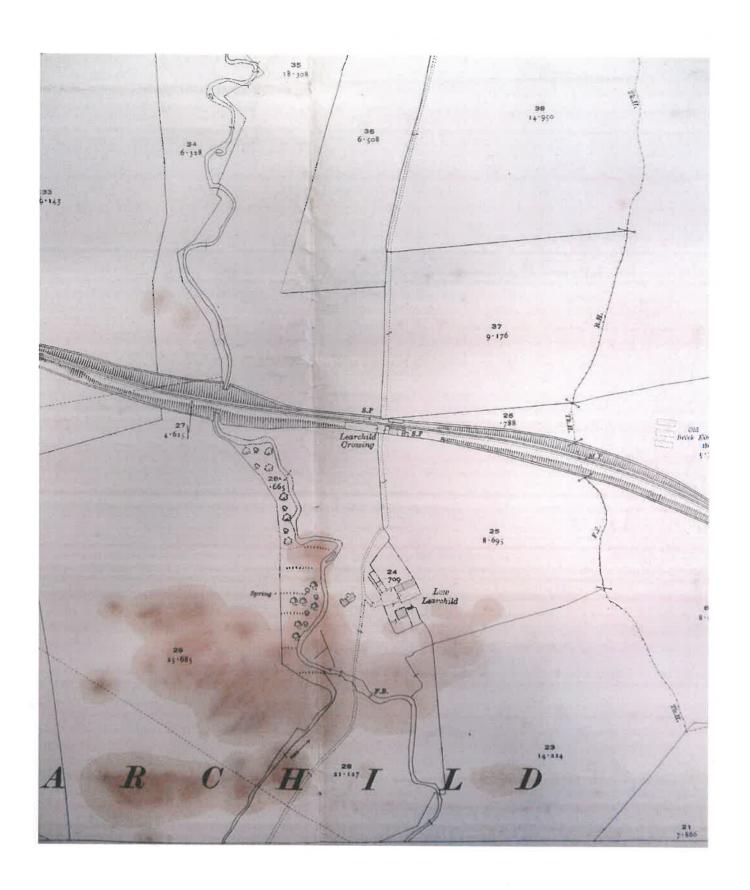
Finance Act 1910 Plan



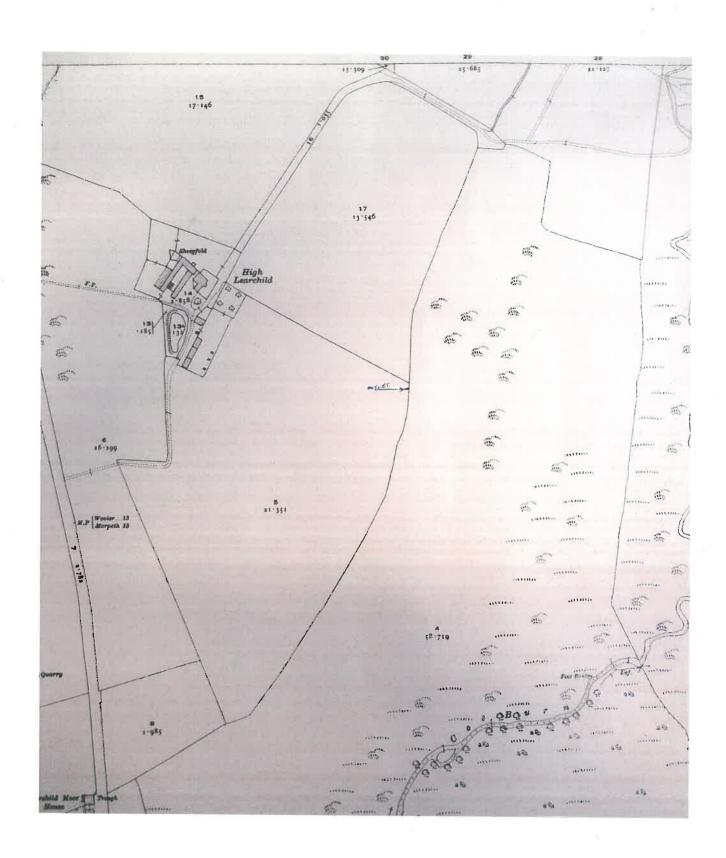
Southern section



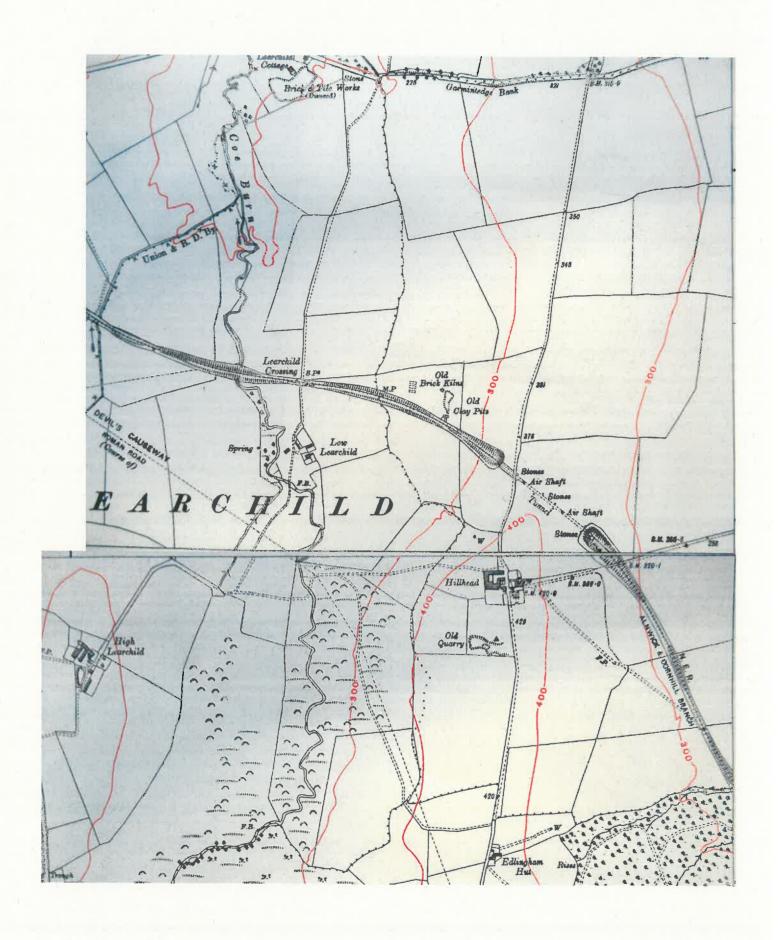
Northern section

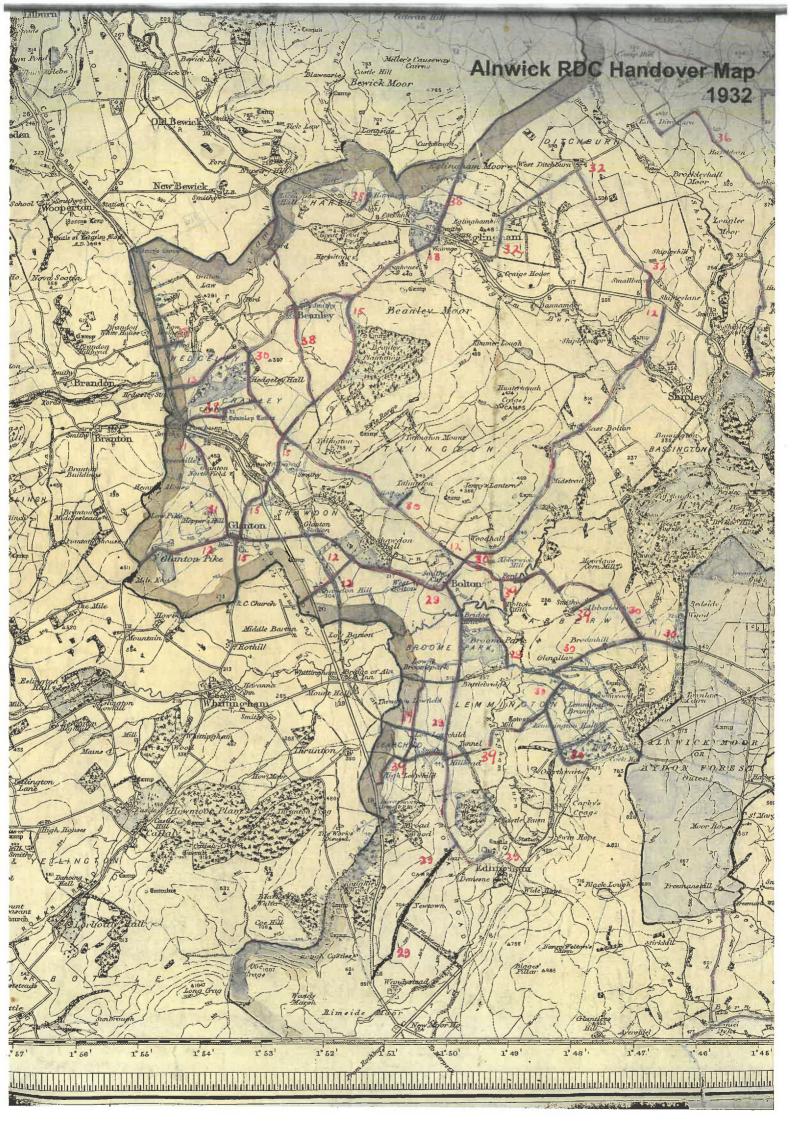


Middle section



Southern section





Aloppel

ALNWICK RURAL DISTRICT
COUNCIL

SCHEDULE

OF

REPUTED
PUBLIC RIGHTS
OF WAY

DALETTE PRINTING WORKS ALWWICE

Right of

No.

Description.

PARISH OF HAUXLEY.

Bondicar Farm along the Links to Low Hauxley and on to the Parish running E. road No. 11 in the Parish of Togston and Continuing cart

C.R.

From Bondicar Farm following western boundary of field No. 77, then over into field No. 75, through field Nos. 65, 54, to join Highway at Hauxley. From Hauxley Cottage continuing N. along the edge of field No. 5 then along the eastern boundary of field No. 8 to join cart road No. 1. 产

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3

From Hauxley through field No. 7 then along the northern boundary of and through field No. 11 then continuing N.W. crossing the wagonway to join Ē

Continuing footpath No. 10 in Togston Parish at stream, following stream in field Nos. 50, 55, along W. boundary of field No. 34 to join the Moorhouse to Hauxley main road. the highway from Amble to Moorhouse. بع

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36. PARISH OF HAZON AND HARTLAW.

to the Hampeth Burn at the Newton-on-the-Moor Parish Boundary, joining From Hazon High Houses to Newton-on-the-Moor running in a W. direction 23, 24, 26, 27, from public road at Hazon High Houses through field Nos. bridle road No. 5 in that Parish. B.R.

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From bridle road No. 1 to Whittle, running in a N. direction through field No. 26 to the Whittle Parish Boundary, joining bridle road No. 1 in that B.R.

From Hartlaw to Shilbottle, from public road N. of Hartlaw, running in a N. direction through field No. 2 to the Shilbottle Parish Boundary, joining bridle road No. 20 in that Parish. Parish B.R. Ň

From Hartlaw to South Side, from public road E. of Hartlaw, running in an E. direction through field No. 5 to the Sturton Grange Parish Boundary, joining feedpath No. 7 in that Parish.

From Hazon to Bank House, from the Brainshaugh public road running in an E. direction through field No. 54 then N.E. through field Nos. 51, 50, 49, Ē 4

to the Bank House public road. B.R. ı,

From Brainshaugh public road to Guyzance running in an E. direction through field No. 93 to the Guyzance Parish Boundary, joining footpath No. 2 in that Parish. Ė

From Hazon to Newton-on-the-Moor, from the public road at Hazon running in a S.W. direction to Hazon Mill, then W. over cart road to public road, then by N. side of Hazon Burn crossing burn by footbridge, then by S. side of burn to the Newton-on-the-Moor Parish Boundary, joining footpath 드

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6

E 88 From Hazon Lee to Hazon, from public road at Hazon Lee gate running a N.E. direction along fence of field No. 112, then N.W. across field No. crossing Hazon Burn by footbridge, joining footpath No. 7. No. 6 in that Parish. Ä

ö

37. PARISH OF HEDGELEY.

Low Hedgeley to Beanley, from public road at Low Hedgeley, running in an E. direction, crossing River Breamish and through field Nos. 65, 27, to the Beanley Parish Boundary, joining bridle road No. 2 in that Parish. From bridle road No. 1 running in a S.E. direction crossing River Breamish by footbridge, and through field Nos. 65, 27, to the Beanley public road. From public road at Powburn opposite the Branton road end, running in a N.E. direction passing under L.N.E.R. and along by side of Long Wood to B.R. ı

Fi Ė 'n oi

the Beanley public road.

B.R., Bridle Road; C.R., Cart Road; F., Footpath. ot

No

of

PARISH OF HOWICK.

Howick East Lodge to Craster West Farm beginning at the main road at Howick East Lodge and running N. through field Nos. 58, 60, 28d, to the North Moor Wood (field No. 28) through which it continues before crossing field No. 20 to the main road at Craster West Farm. B.R. ij

From Howick Grange to Longhoughton, through field Nos. 158, 159, 151, 144, to the main road at Howick Grange.

E

ci

PARISH OF LEARCHILD.

Learchild, thence through field Nos. 5, 4, to footbridge over Coe Burn at the Edlingham Parish Boundary, and joining footpath No. 2 in that Parish. From the High Learchild-Hillhead Road, running in a S. direction to Edling-From main road running in an E. direction through field No. 6 to High B.R. Ē ₽; જાં

bridle road No. I in that Parish,

From the Learchild road, running in a W. direction to the main road near
Thrunton, through field No. 15 to the Whittingham Parish Boundary in ham Hut through field Nos. 20, 19, to the Edlingham Parish Boundary, joinŗ. ĸ,

40. PARISH OF LEMMINGTON.

the Rothbury Rural District.

Lemmington Hall to Battle Bridge, running in a N.W. direction through field Nos. 66, 100, 99, 116, passing through Battle Bridge Farm then through field No. 128 to the public road.

From Railway Bridge to Overthwarts and Hill Head running in a S.W. direction over cart road to Overthwarts, then N.W. through field Nos. 32, 41, B.R.

40, 47, 46, joining public road to Hill Head.
Overthwarts to Edlingham from bridle road No. 2 S. of Overthwarts, running in a S.W. direction through field No. 32 to the Edlingham Parish Boundary, joining footpath No. 5 in that Parish. F

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Lemmington to Edingham, from the public road leading to Lemmington Mill, in field No. 51, S.W. of Lemmington Hall, running in a S. direction through field Nos. 52, 39, 41, 32, joining footpath No. 3.

From Railway Paridge to Broome Wood, running in a N.E. direction through plantation on north side of railway then N. through field Nos. 13a, 13, passing kennels to the public road opposite Broome Wood. Ē

41, PARISH OF LESBURY.

From public road opposite Rabbit Lyaning road end, running in a S. direction to Old Hawkhill through field Noz. 378, 389, 365, then E. to public road. From public road N. of Longhoughton Mill Cottages running in a W. direction through Plantation and field No. 334 then under railway viaduct, and Ë Œ , i oi

along north side of River Aln, through field Nos. 373, 372, 371, 354, to the Greenrigg public road.

B.R. 3

Lesbury to Dunsheugh, from public road at Longhoughton Mill, running in a N. direction over cart road leading to Look Out as far as L.N.E.R., then N.W. through field Nos. 331, 406, to the Longhoughton Parish Boundary, joining bridle road No. 3 in that Parish.

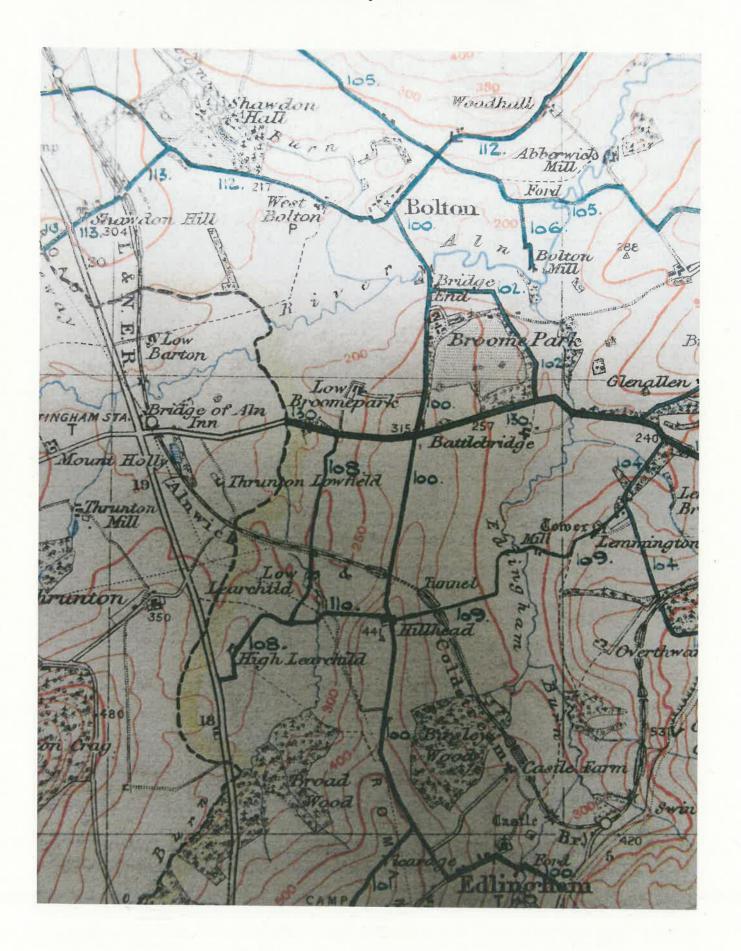
Fast Band of Lesbury to Longhoughton Road, from the Boulmer Road running in a N.E direction through field Nos. 275, 514, then N. through field Nos. 325, 419, to the Longhoughton Parish Boundary, joining bridle road No. 14 in that Parish. B.R. 4

From opposite Church to Footbridge over River Aln.

Town Foot Farm to Cemetery at Alnmouth, running in an E. direction through field Nos. 227, 267, then S.B. along north side of River Aln through field Nos. 225, 224, 192, to the Alnmouth Parish Boundary, joining footpath 西压 က် ထု

field Nos. 225, 224, 19 No. 5 in that Parish.

Extract from Northumberland County Council One Inch Maps showing restrictions under Sections 1 and 2 of the Restriction of Ribbon Development Act 1935



Alaund RD

COUNTY OF NORTHUMBERLAND

Restriction of Ribbon Development Act, 1935

List of Unclassified Roads in the Rural.

District of Alnwick in respect of which ,
the provisions of Section 2 of the Restriction of Ribbon Development Aut.

1935 were adopted on 28th June 1937 by resolution of the Bridges and Roads.

Committee acting under delegated powers.

- 87. Road from the Amble-Togston Barns road at Togston East Farm southwards to a point 100 yds, north of the road leading to High Coldrife.
- 88. Road from a point on the Togston East Farm-South Broomhill road 200 yds, south of Togston East Farm to the coast at Togston Links.
- 89. Road from a point on the Felton-Longframlington road B.6345 ½-mile south west of Swarlandfence via Elyhaugh to the ford at the River Coquet.
- 90. Road from the Felton-Longframlington road B.6345 at Felton to St. Michael's Church, Felton.
- 91. Road from a point on the Morpeth-Alnwick road A.1 100 yds. north of Rushycap via Leamington Lane, Chesterhill, Black House and Shiel Dyke to its crossing of the Hampeth Burn near Freemanshill.
- 92. Road from the Morpeth-Alnwick road A.1 at Newton-on-the-Moor to the Rushycap-Shiel Dyke road at Black House.
- 93. Road from the Memorial Fountain south eastwards to the Newcastle-Berwick road A.1 at Newton-on-the-Moor.
- 94. Road from a point on the Rushycap-Shiel Dyke road 100 yds. south east of Black House via Overgrass to its crossing of the Swarland Burn near Newmoor Hall.
- 95. Road from a point on the Morpeth-Alnwick road A.1 ½-mile north of Hampeth Bridge to the Rushycap-Freemanshill road at Shiel Dyke.
- 96. Road from a point on the Newton-on-the-Moor to Black House road 400 yds. west of Newton-on-the-Moor Schools via the West Lodge of Newton Hall and Swarland Hall to the Felton-Longframlington road B.6345 at Swarland.
- 97. Road from a point on the Rushycap-Shiel Dyke road 600 yds. north west of Black House via Ahwick Fords to its crossing of the Swarland Burn on the road to Longframlington.
 - 98. Road from a point on the Morpeth-Alnwick road A.1 200 yds., south of Deanmoor Cottages via Rugley Cottages to a point thereon 400 yds, north west of Rugley Cottages.
 - 99. Road from a point on the Deanmoor-Lemmington Bank road 200 yds. north west of Rugley Cottages via Rugley House to the entrance to Hobberlaw.
- to Hobberlaw.

 100. Road from a point on the Alnwick-Rothbury road B.6341 350 yds.

 north of Widehope Bridge via Edlingham, Hillhead, Broome Park
 and Bridge End to the Glanton-Bolton road at Bolton.
- 101. Road from a point on the Morpeth-Wooler road A.697 \(\frac{2}{3}\)-mile north of Wandy Bridge via Newtown to a point on the Edlingham-Bolton road \(\frac{1}{2}\)-mile south of Edlingham Hut.
 - / 102. Road from the Bolton-Edlingham road at Bridge End via the east side of Broome Park to a point on the Alnwick-Whittingham road 350 yds. west of Battle Bridge.
- 103. Road from a point on the Alnwick-Whittingham road 500 yds. east of Battle Bridge via Glenallan and Broomhill to the eastern boundary of Redside Wood.

 104. Road from a point on the Alnwick-Rothbury road B 6341 4-mile south

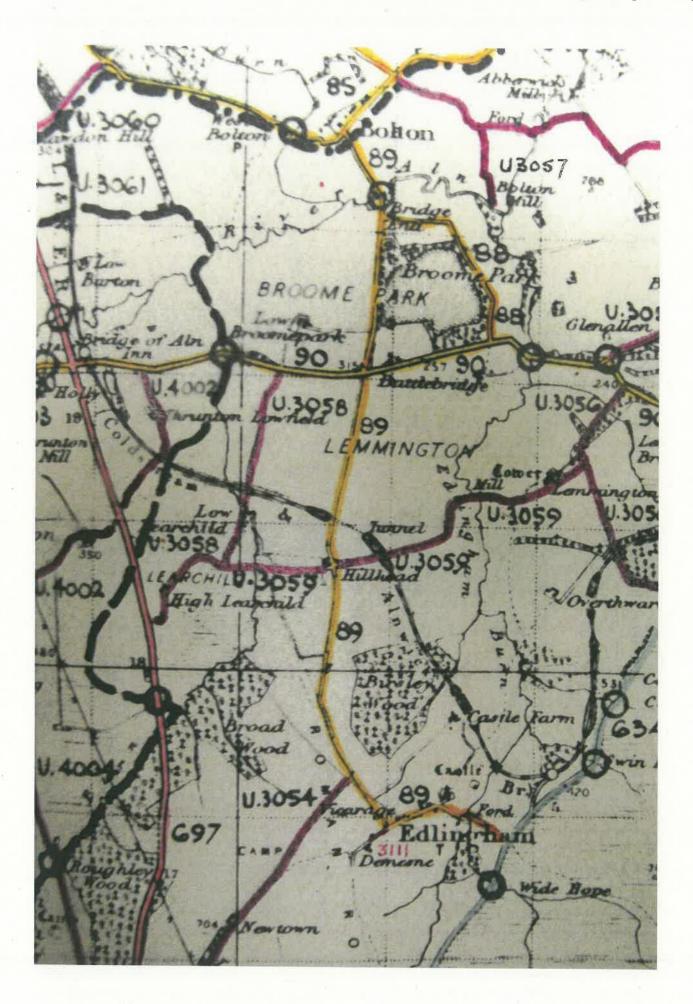
Road from a point on the Alnwick-Rothbury road B.6341 ½-mile south west of Banktop via Lemmington Hall to the Alnwick-Whitting.

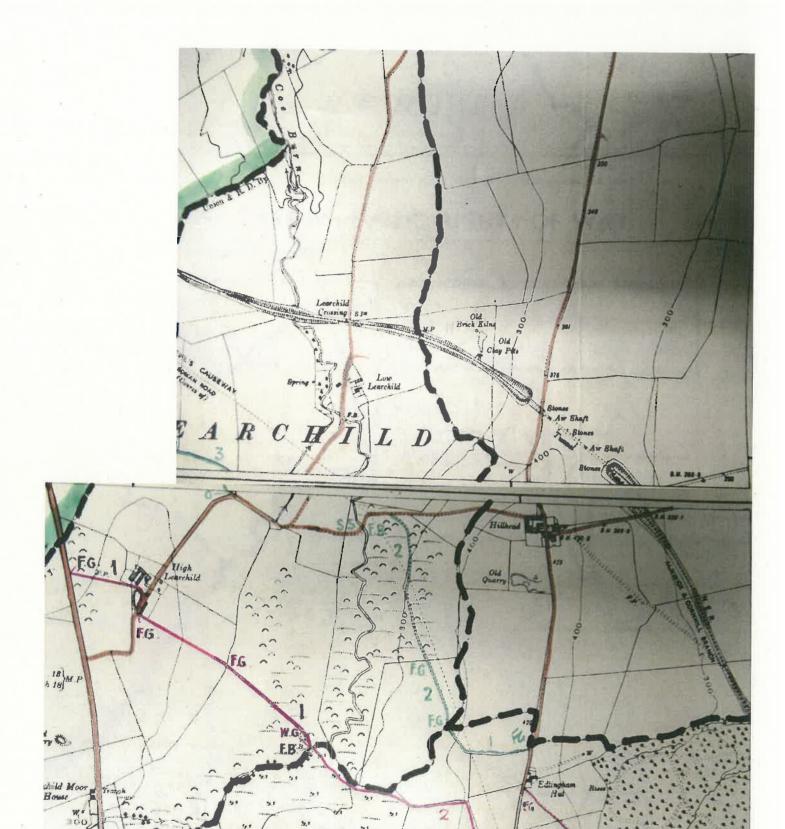
ham road at the foot of Lemmington Bank.

105. Road from a point on the Alnwick-Glenallan road 750 yds. east of Broomhill via Abberwick Ford, Titlington and Hedgeley Hall to a point on the Eglingham-Hedgeley station road 3-mile south west of Beanley.

- 406. Road from a point on the Alnwick-Hedgeley Hall road 300 yds. west of Abberwick Ford to Bolton Mill.
 - 107. Road from Abberwick to a point on the Ahwick-Hedgeley Hall road a-mile north of its junction with the Ahwick-Glenallan road.
- #-mile north of its judgiton with the Alliwich Carlesian Form.

 108. Road from the Alliwick-Whittingham Road at the foot of Garmintedge Bank wia Low Learchild and High Learchild to a point on the Morpeth-Wooler road A.697 400 yds. north of Learchild Moor in House.
 - 109, Road from the Edlingham-Bolton road at Hillhead via Lemmington Mill to the Banktop-Lemmington Bank road at Lemmington Hall.
- / 110. Road from the Edlingham-Bolton road at Hillhead to a point on the Garmintedge Bank-High Learchild road 4-mile north east of High Learchild.
 - / 111. Road from the Alnwick-Rothbury road B.6341 at Banktop eastwards for a distance of 200 yds. along Red Road.
- 112. Road from a point on the Glanton-Great Ryle road 200 yds, west of Mile End via Glanton, Glanton station, Bolton and East Bolton to a point on the Ahwick-Wooperton road B.6346 ½-mile north west of Shipley Bridge.
- 113. Road from the Glauton-Bolton road at Shawdon Hall Lodge via Shawdon Hill to a point 300 yds. south west of its intersection with the Morpeth-Wooler road A.697.
 - / 114, Road from the Morpeth*Wooler road A.697 at Powburn via Glanton to the Glanton-Whittingham road at St. Mary's R.C. Church, Glanton.
- / 115. Road from the Glanton-Bolton road at Glanton via Dean House and Banley Wood House to a point on the Eglingham-Hedgeley Station road ½-mile east of Beanley.
- 116. Road from the Morpeth-Wooler road A.697 at Powburn via Crawley Tower to a point on the Hedgeley-Titlington road 500 yds. south of Hedgeley Hall.
 - / 117. Road from the Alnwick-Wooperton road B.6346 at Eglingham via Beanley to the Morpeth-Wooler road A.697 at Hedgeley Station.
 - / 118. Road from a point on the Morpeth-Wooler road A.697 150 yds. north of Hedgeley West Cottages to Low Hedgeley.
- / 119. Road from a point on the Glanton-Eglingham road 14 miles north west of Dean House via Beanley to Waterside Plantation.
- 120. Road from the Alnwick-Wooperton road B.6346 at Eglingham via Tarry to a point thereon 500 yds. north east of the entrance to Tarry.
 - 121. Road from Harehope to the Aluwick-Wooperton road B.6346 at Hare-
 - 122. Road from Titlington Farm to the Hedgeley-Alnwick road.
- 123. Road from a point on the Alnwick-Wooperton road B.6346 J-mile east of Eglingham Church via Eglinghamhill and West Ditchburn to a point on the Alnwick-Wooperton road B.6346 J-mile north west of Shipley Bridge.
- 124. Road from a point on the Shipley-Charlton Mires road B.6347 700 yds. south west of Charlton House via Whitehouse Folly to a point on the Ahwick-Eglingham road B.6346 3-mile south east of Shipley Bridge.
 - 125. Road from East Ditchburn to the Shipley-Charlton Mires road B.6347 at South Charlton.





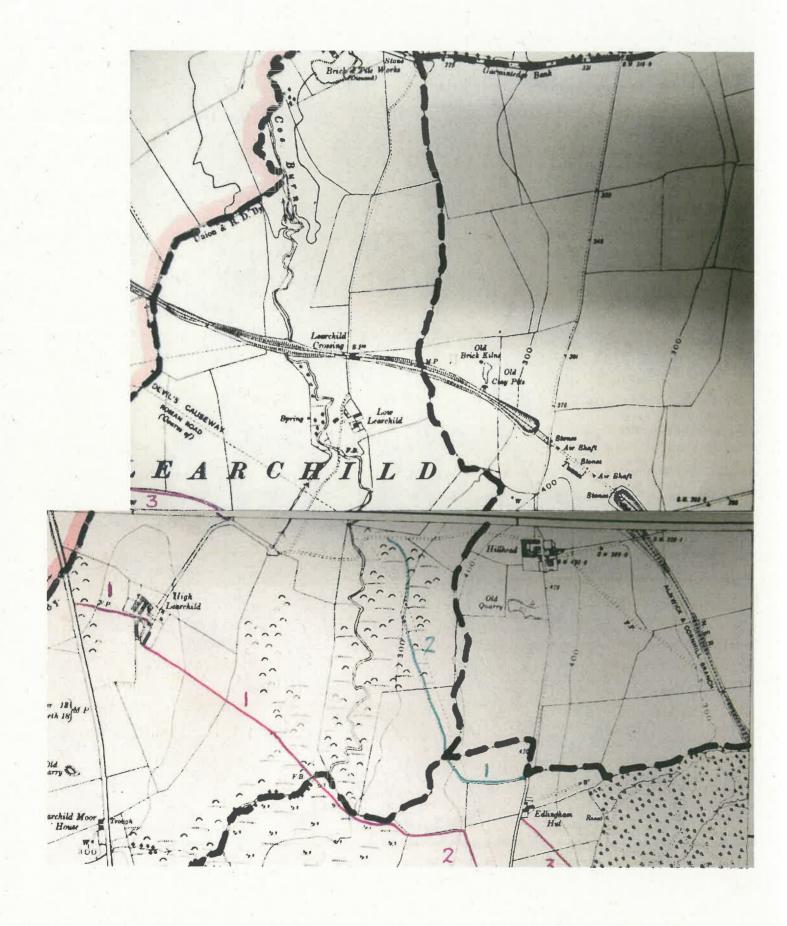
NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949. SCHEDULE ACCOMPANYING SURVEY MAPS.

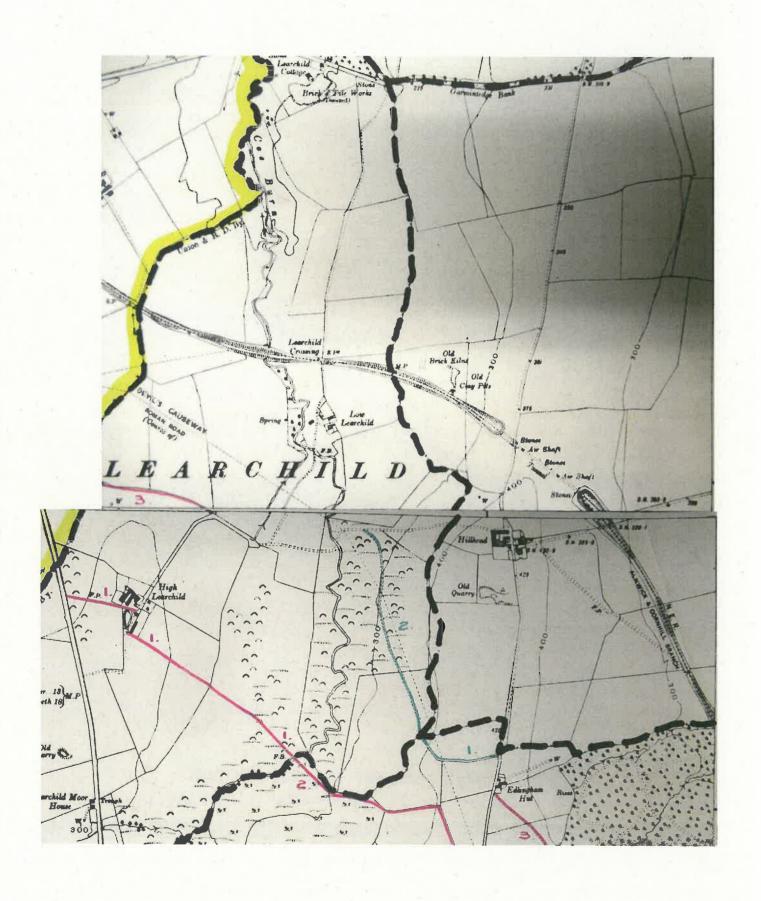
Parish of	REHILD.	in the Rural District of							
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Urban District of	Delete whichever is inapplicable	and control of the co							
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1 Number of highway on 1	Map / 2. Kind of Pa	this EDDD FA							
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	If so, define length NO								
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	dition of the path, stiles, etc.								
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And the state of t	vest EVDANCE	The state of the s							
		A a C							
12. Have persons been prev	ented using the highway?	TOWA .							
14. Names of owners of fre	shold and previous owners, if kn	own, for past 30 years							
MRS CURRY	- LONGSTAPF (azent, Turnivel							
15. What maps have been	consulted, and where are they	deposited ?							
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17. Any other relevant info	rmation	And the standard and the standard stand							
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Surveyed by	Address	Dates of Survey							
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NORTHUMBERLAND COUNTY COUNCIL.

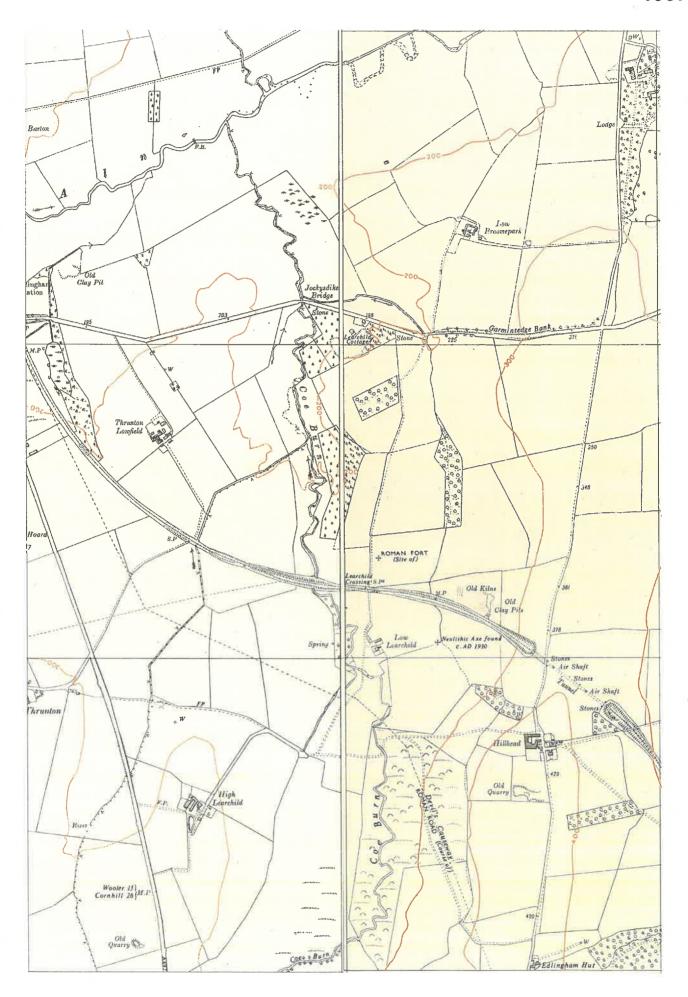
NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949. SCHEDULE ACCOMPANYING SURVEY MAPS.

Pai	rish of	garcails.	in the Rural District of						
Name (page	a kan dala dilikin sa samata - upakitah sa pangan pangan sapaga pangan gap	ALNWICK							
Bor	ough								
Urb	oan District of.	(Delete whichever is inapp	olicable).						
		,							
1.	Number of highwa	y on Map 2. Kin	d of Path (i.e., F.P.,B.R.)						
3.			to THRUNYON.						
4.	Name of Path (if	any)	The figure is a second of the figure of the figure in the figure of the figure is the figure of the figure in the figure in the figure is the figure in the figure in the figure in the figure is the figure in the figure in the figure in the figure is the figure in the						
5.	i. Is the Path well defined ?								
6.	5. Is the Path metalled? If so, define length								
7.		e stated, insert here							
8.	What is the presen	it condition of the path, stiles,	etc. 9						
		5 e 10							
		ing ploughed out?							
10.	Details of any noti their location, w	ce boards, direction signs or wa ording on them, their condition	rning signs against trespassers, stating n and date of erection, if known						
to resident	nger yenn am en eggentalist jastet ep ja yen allen e - allen ar sistemarjanjen en en e	None							
11.	Grounds for believ Public Expense other evidence s		mown), e.g. "Awarded," "Repaired at in Minutes of Parish Council" or any ant						
-	hara halling for parties that I saw I saw I has a recommend to be consistent in the book	P.A. I C. C.	ette julius and see the territories and and the territories and th						
-	- months and executives of the second of the	TUCKE ANTORHE	The state of the s						
10	Have parama have	prevented using the highway	a ALA						
			TNO FD						
			s, if known, for past 30 years						
	MRS.	every- home	57AFF.						
15-	What maps have	been consulted, and where are	they deposited?						
(management)			- New process of the complete series and construction of the const						
	and particular to the second s		thing any chains on printing the best of control or property in the best of th						
Sandah		pagangay - mar m. m 1980 a saf filiring I haristand ballacender B yan B + 16 + 16 + 16 + 16 + 16 + 16 + 16 +	Make to the course and the property of the course of the c						
16.	What records have	been consulted, and where ar	e they deposited ?						
			Name of the state						
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17.	Any other relevant	t information	ender the first and the support of the state						
-64 \$600 miles	*10 - milain - vanisino san irroviga, representati va jag typostitus er etti inriin								
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	Surveyed by	Address	Dates of Survey						
t.	W. Brown	6. Percy Jerrous alnurch	15/4/54						
		PARTIE AND THE							





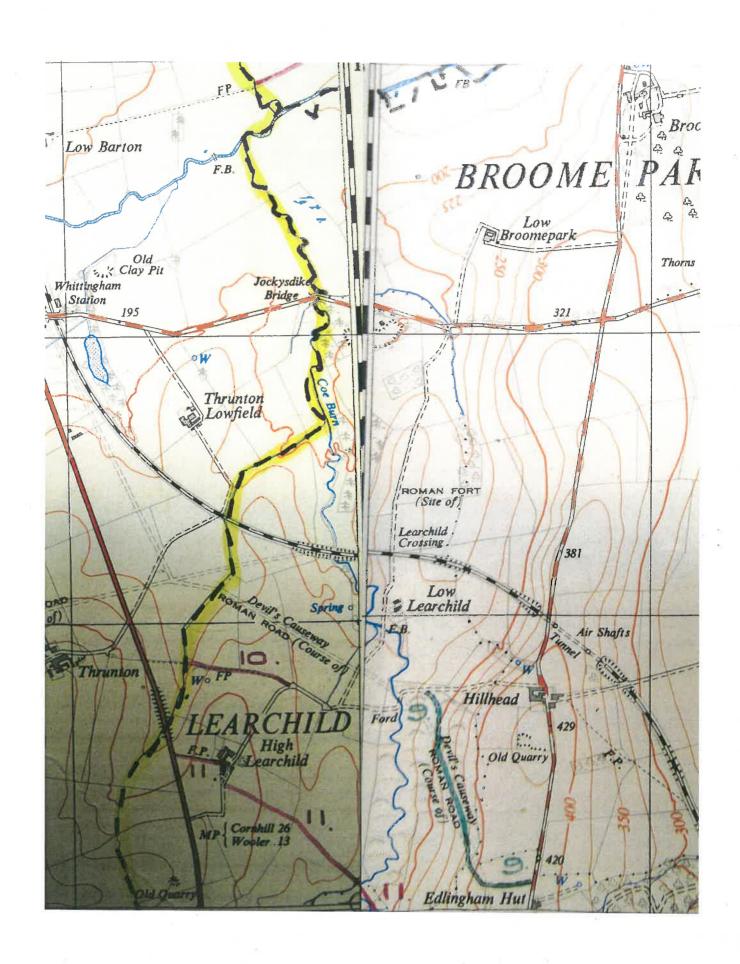
1:10,560 O.S. Map 1957



1958 County Road Schedule

ALAWICK DIVISION

	1.72	2.78	1.23	30 %	8	82) <u>1</u>	} ;	1.76	ģ.	3 5	0,0	901.0
Unclassified Roads in Almwick Rurel District	From A.697 near Wandy Bridge via Newtown to C.89 near Edlingham.	From C.90 near Bettle Bridge via Glenellan Broomhill and Redside Wood to B.6341 near Hawden Grange. (Urban 0.98 - Rural 1.50)	Rrom C.90 at Lemmington Benk vis Lemmington Hall to B.6341 near Banktop.	From C.85 near Bolton via Abberwick Ford to U.3055 east of Broomhill including Bolton Mill Road and Abberwick Road.	From C.90 near Garmintedge Road via Low Learchild to A.697 near Learchild Moor House.	From U. 3058 near High Learchild crossing Class C.89 at Hillhead via Lemmington Mill to U. 3056 near Lemmington Hall.	From A.697 near Shawdon Hill south-west to R.D. boundary.	From B.6347 near Cheriton House via White House Folly to B.6346	From B.6347 South Charton via Humblehengh to A.1. at Heiferlaw Bank.				From B.6345 st Acklington to 6.10%, east of Acklington.
	Wendy Bridge Edlingham.	Glenallan - Broomhill	Lemmington Hall Road	Bolton - Abberwick Road	Garmintedge Bank - Learchild Moor Road	Learchild - Lemmington Hall Road	Shawdon Hill - Rothill Road	Inite House Folly Road	South Charlton - Heiferlew Bank Wood.	Hipsburn Grescent Legbury	Davison Avenue, Felton.	Falloden Avenue and cul-de-sac Shilbottle.	Acklington Broombill Old Road
	U.3054	U.3055	U.3056	U-3057	U.3058	U.3059	U_3061	п.3069	U.3071	U-3074	U.3075	U.3076	U.3077



NORTHUMBERLAND COUNTY COUNCIL.

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

PUBLIC RIGHTS OF WAY - STATEMENT.

1.	Borough	
	Urban District	************
	Rural District	AINWICK
2.	Parish	EDLINCHAM
3.	Number of Footpath on Map	10.
4.	Name of Path	*************
5-	Kind of Path (i.e. FP/BR)	F.P.
6.	General Description of Path	From the public road north-east of High Learchild
	in a westerly direction to the	Rothbury Rural District boundary east of Thrunton.
,	4 * * * * * * * * * * * * * * * * * * *	
	. * * * * * * * * * * * * * * * * * * *	

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

	• * • • • • • • • • • • • • • • • • • •	

NORTHUMBERLAND COUNTY COUNCIL.

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

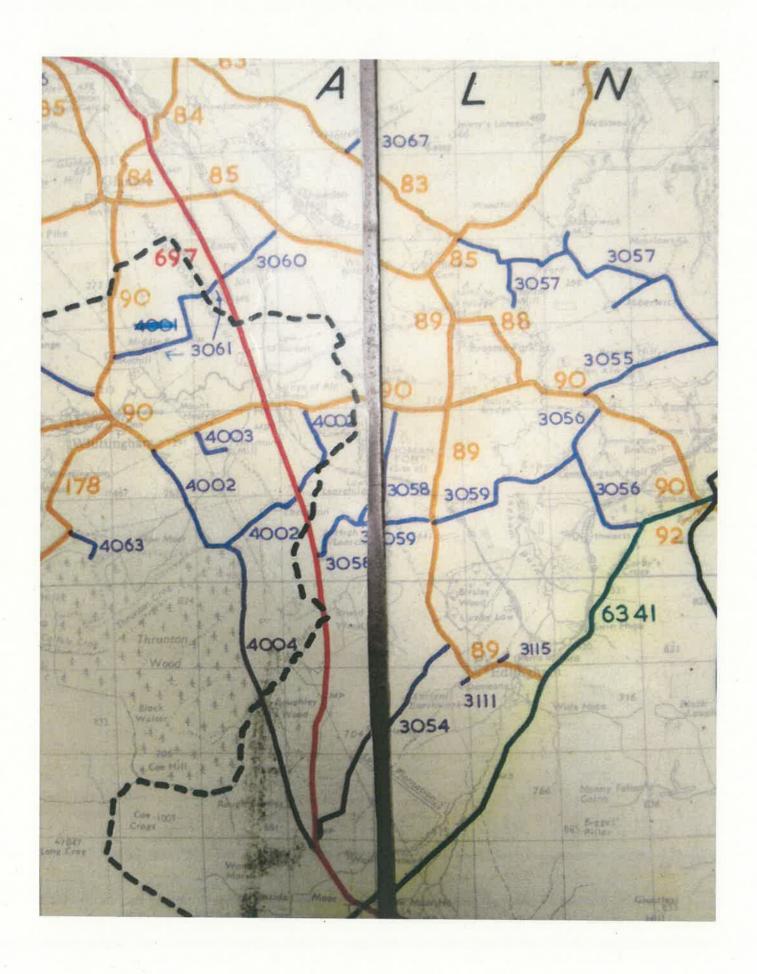
PUBLIC RIGHTS OF WAY - STATEMENT.

1.	Borough	
	Urban District	+1++++++++++++++++++++++++++++++++++++
	Rural District	ALNWICK
2.	Parish	EDLINGHAM
3.	Number of Footpath on Map	17.
4.	Name of Path	*******************************
5.	Kind of Path (i.e. FP/BR)	F.P.
6.		From the Morpeth - Wooler road south-east of rection crossing the public road at High Learchild dge to join the Edlingham - Bolton road north-west
7.		Footbridge at Learchild High recorded on County

1964 County Road Schedule

= 81 =

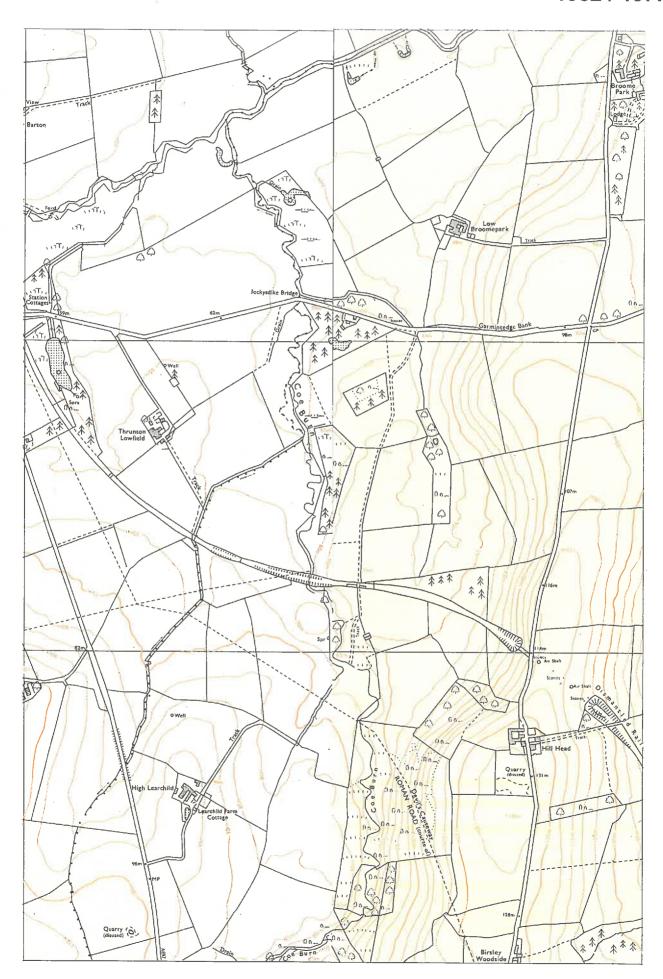
Total Mileage.	2,35	4.78	1.97	0,10	2,08	1,72	2,48	1,23	3.09	1.36	1.78
Mileage.											
Responsible Division or Authority.	Alnwick.	Alnwick.	Alnwick,	Alnwi.ck.	Alnwick.	Alnwick.	Alnwick.	Alnwick.	Alnwick.	Almick.	Alnwick.
Description.	From Rural District boundary at Newmoor Hall via Overgrass, crossing G.390 near Chester Hill to A.1 at Rushycap. (Continues in Rothbury Rural District as U.4043).	From B.6341 near Hawden Grange southwards via St. Margaret's and Shiel Dyke to G.106 near Black House. (Urban 2.42 - Rural 2.36).	From U.3050 at Shiel Dyke north-eastwards to A.1 near Hampeth Bridge. (Reduced for diversion).	From C.106 at Memorial Fountain to rejoin C.106 at Newton-on-the-Moor.	From G.92 near Rugley Cottage, north-eastwards via Rugley to B.6341 at Clayport Bank Top, Alnwick. (Urban 0.94 - Rural 1.14).	From A.697 near Wandy Bridge north-eastwards via Newtown to C.89 near Edlingham.	From C.90 near Battle Bridge eastwards via Glen Aln, Broom Hill and Redside Wood to B.6341 near Hawden Grange. (Urban 0.98 - Rural 1.50).	From 6.90 east of Battle Bridge southwards via Lemmington Hall to B.6341 near Lemmington Banktop.	From C.85 near Bolton via Abberwick Ford to U.3055 east of Broom Hill, including Bolton Mill Road, (580 yards), Abberwick Road, (460 yards) and Abberwick Mill Road, (170 yards).	From C.90 near Garmintedge Bank southwards via Low Learchild to A.697 near Learchild Moor House.	From U.3058 near High Learchild crossing C.89 at Hillhead via Lemmington Hill to U.3056 near Lemmington Hall.
Name of Road.	Newmoor Hall-Overgrass- Rushycap Road.	Hawdon Grange-Black House Roads	Shiel Dyke-Hampeth Road.	Newton-on-the-Moor Road.	Rugley Road.	Wandy Bridge-Edlingham.	Glen Aln-Broom Hill and Hawden Grange Road.	Lemmington Hall Road.	Bolton-Abberwick Road.	Garmintedge Bank-Learchild	Learchild-Lemmington Hall
Route No.	u.3049	u*3050	U.3051	U.3052	U.3053	U.3054	U+3055	U+3056	U.3057	U.3058	U+3059



1974 County Road Schedule

Total Mîleag	1.97	0.10	2.08	1.72	2.48	1.23	3,09	1.36	1.78
Mileage									
Responsible Division or Authority	Alnwick Division.	Alnwick Division.	Alnwick Division.	Alnwick Division.	Alnwick . Division.	Alnwick Division.	Alnwick Division.	Alnwick Division.	Alnwick Division.
Description	From U.3050 at Shiel (NV. 150062) north-eastwards to join A.1 near Hampeth bridge (NV. 174074).	From C.106 at Memorial Fountain (NU. 172053) southwards and eastwards to rejoin C.106 at Newton-on-the-Moor (NU. 173052).	From C.92 near Rugley Cottage, (NU. 165099) north-eastwards via Rugley to B.6341 at Clayport Bank Top, Alnwick (NU. 180127).	From A.697 near Wandy Bridge (NU. 093071) north-eastwards via Newtown to C.89 near Edlingham (NU. 107093).	From C.90 near Battle Bridge (NU. 124122) eastwards via Glen Aln, Broom Hill and Kedside Wood to B.6341 near Hawden Grange (NU. 160119).	From C. 90 east of Battle Bridge (NU. 126120) southwards via Lemmington Hall to B.6341 near Lemmington Banktop (NU. 131106).	From C.85 near Bolton (NU. 11014D) eastwards via Abberwick Ford to U.3055 east of Broom Hill (NU. 139127) including Bolton Mill Road, (580 yards), Abberwick Road, (460 yards) and Abberwick Mill Road, (170 yards).	From C.90 near Garmintedge Bank (NV. 103120) southwards via Low Learchild to A.697 near Learchild Moor House (NV. 094103).	From U.3058 near High Learchild (NU. 099106) eastwards crossing C.89 at Hillhead via Lemmington Hill to U.3056
Name of Road	Shiel Dyke-Hampeth Koad.	Newton-on-the-Moor Road.	Rugley hoad.	Wandy Bridge-Edlingham.	Glen Aln-Broom Hill and Hawden Grange Road,	Lemnington Hall Road.	Bolton-Abberwick Road.	Garmintedge Bank-Learchild.	Learchild-Lemmington Hall.
oute No.	j. 3051	J. 3052	J. 3053	0.3054	U.3055	1,3056	U.3057	U.3058	U.3059

1:10,000 O.S. Map 1982 / 1977



DEPOSIT OF STATEMENT and PLAN

SECTION 31 (6) OF THE HIGHWAYS ACT 1980

To Northumberland County Council

- 1. We are and have been since 1 January 1996 the owners within the meaning of the above section of the land known as The Lemmington Estate more particularly delineated on the plan accompanying this statement and thereon edged red.
- 2. The aforementioned land lies in the Parishes of Edlingham.
- * 3. The ways coloured blue on the said plan have been dedicated as highways with vehicular status.
- * 4. The ways coloured green on the said plan have been dedicated as bridleways.
- * 5. The ways coloured yellow on the said plan have been dedicated as footpaths.
- * 6. No ways over the land have been dedicated as highways.
 - 7. The deposit shall comprise this statement and accompanying plan.

* Delete as applicable.

TRUSTEES:		<u>WITNESSES</u> : X
Signed:	Daywax X	Signed: Victory
Name:	Mrs D Cussins	Name: MICHAEL RED
Address:	Seven Westfield Gosforth Newcastle upon Tyne NE3 4YE	Address: THE SAJE HOUSE MISULETON MORPETH NEG 4R3
Date:	28/6/97	Occupation: hatved inex

TRUSTEES:

WITNESSES:

Signed:

Signed:

Name:

P I Cussins Esq

Name:

Address:

Cussins Property Group

Address:

THE PARE HOUSE

Great North Road Gosforth

MIDDLETON

Newcastle upon Tyne

NE3 2DA

Date: X 3016197. X Occupation: Include

Signed:

Name:

M R Macfadyen Esq

Name:

Address:

c/o Charles Russell

8-10 New Fetter Lane

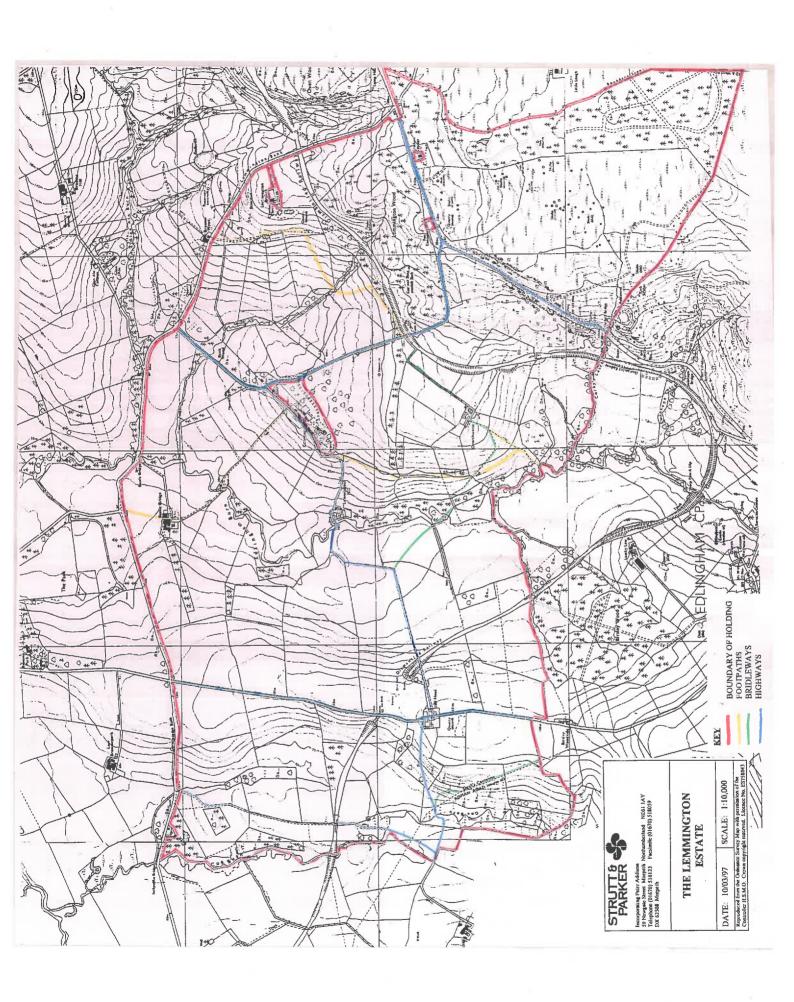
London EC4A 1RS

Address: 8-10 New FETTER CAR

Date:

27/6/97

Occupation: THENEE SOLICITOR



STATUTORY DECLARATION

SECTION 31 (6) OF THE HIGHWAYS ACT 1980

WE DOREEN CUSSINS, PETER IAN CUSSINS and MICHAEL ROBERT MACFADYEN as TRUSTEES of THE LEMMINGTON ESTATE TRUST DO SOLEMNLY AND SINCERELY DECLARE as follows:

- 1. We are and have been since 31st December 1995 the owners of the land known as The Lemmington Estate more particularly delineated on the plan accompanying this declaration and thereon edged red.
- On the 18th day of July 1997 we deposited with Northumberland County Council, being the appropriate Council, a statement accompanied by a plan delineating our property by red edging which stated that the ways coloured blue on the said plan and on the plan accompanying this declaration had been dedicated as highways with vehicular status, the ways coloured green on the said plan and on the plan accompanying this declaration had been dedicated as bridleways, and the ways coloured yellow on the said plan and on the plan accompanying this declaration had been dedicated as footpaths.

* 3. On the day of I [or my predecessor in title deposited with Council, being the appropriate Council, a statutory declaration dated , stating that no additional ways [other than those coloured brown on the plan accompanying this declaration] had been dedicated as [highways with vehicular status] [bridleways] [footpaths] since the deposit of the Statement referred to in 2. above.

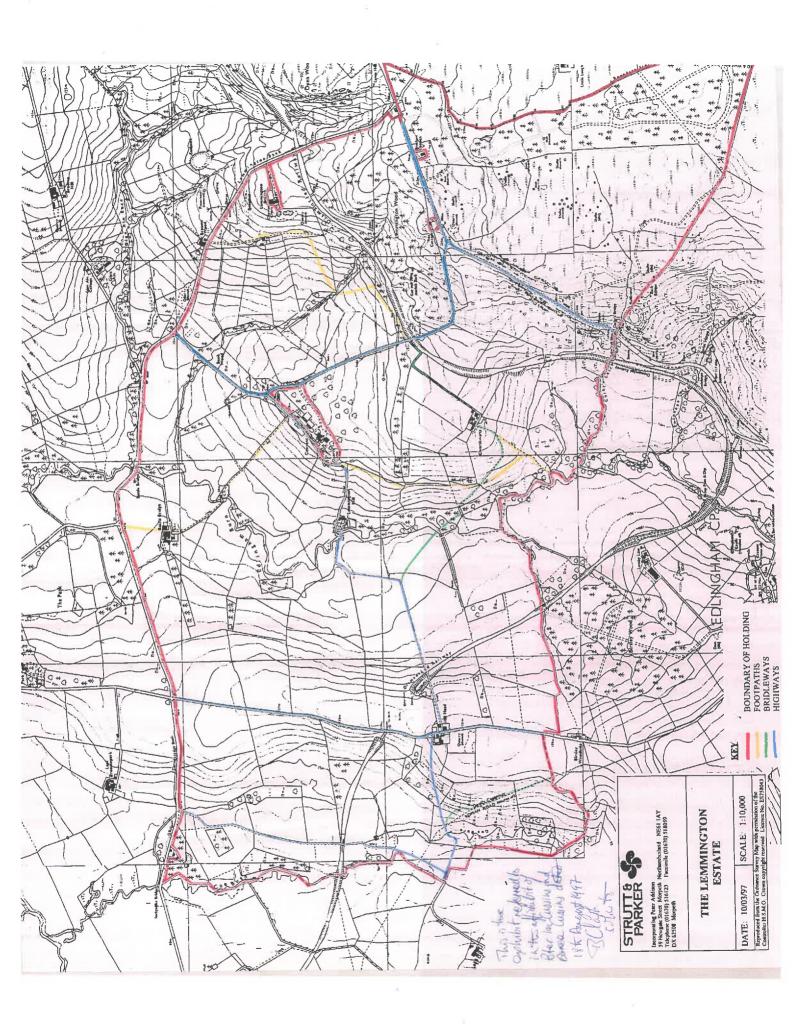
- 4. No additional ways have been dedicated over the land edged red on the plan accompanying this declaration since the statement dated 18th July 1997 referred to in 2. Above.
 - * Delete if not applicable.

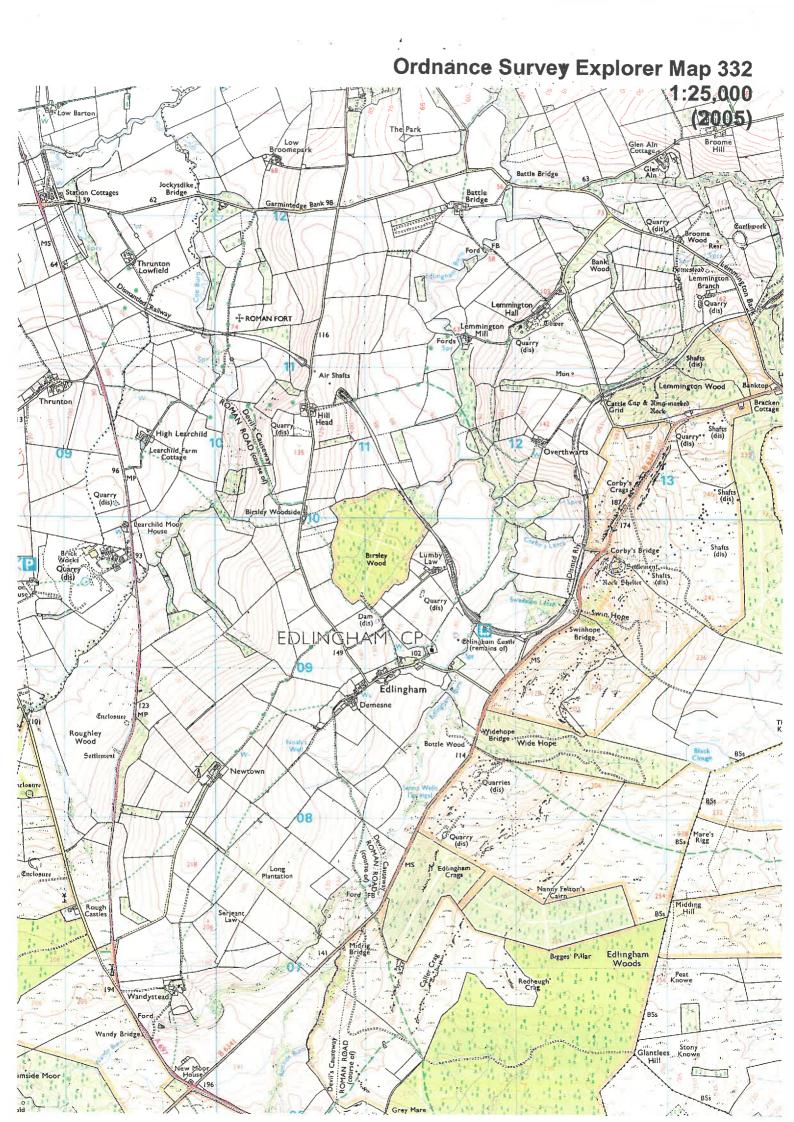
AND WE MAKE this solemn declaration on the day of day of conscientiously believing it to be true and by virtue of the Statutory Declarations Act 1835.

Declared at Descentions Declared of the Peace or Solicitor]

Declared at Descention of the Peace or Solicitor]

Declared at Declar of the Peace or Solicitor]





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

Road Number	Description	Length - Metres
U3057		
	BOLTON MILL ROAD TO ABBERWICK MILL	774
	ABBERWICK MILL ROAD TO ABBERWICK R	1,192
	ABBERWICK ROAD TO U3055 JCT	1,169
	U3057 TO ABBERWICK MILL	213
	U3057 TO ABBERWICK	422
	U3057 TO BOLTON MILL	527
	C85 JCT TO BOLTON MILL ROAD	773
	Total length for U3057	5,070
U3058		
	A697 JCT TO U3059 JCT	855
	U3059 JCT TO C90 JCT	1,425
	Total length for U3058	2,279
U3059		
	U3058 JCT TO C89 JCT	739
	C89 JCT TO U3056 JCT	2,217
	Total length for U3059	2,956
U3060		
	A697 JCT TO C85 JCT	908
	Total length for U3060	908
U3061		
	C90 JCT TO A697 JCT	2,013
	Total length for U3061	2,013
U3062		
	A697 JCT TO C83 JCT	1,456
	Total length for U3062	1,456
U3063		
± 2	A697 JCT TO LOW HEDGLEY	489
02-May-2006		Page 223 of 730

