



# Northumberland

## County Council

NORTH NORTHUMBERLAND LOCAL AREA COUNCIL  
RIGHTS OF WAY SUB-COMMITTEE  
26 October 2021

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

#### ALLEGED BRIDLEWAY / BYWAY OPEN TO ALL TRAFFIC No 28 PARISH OF WHITTINGHAM

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

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#### **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 bridleway / vehicular rights over part of the U4010 road, from its crossroads with the U4009 road, at West Lodge, in a general southerly direction, to the C172 road, at Eslington Highhill.

#### **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 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 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 August 2020, Diane Holmes of Ulgham made a formal application seeking to modify the Definitive Map of Public Rights of Way by adding a public bridleway over a route (part of the U4010) between the U4009 road at West Lodge and the C172 road at Eslington Highhill.

- 2.2 Ms Holmes supplied the following analysis of the evidence to accompany her application:

### "The route

1. The application route is in the parish of Whittingham and is not recorded on the definitive map. However it is recorded as U4010 on the NCC plan of adopted highways (List of Streets).
2. It links two rural roads, the U4009 at the north end (A) GR NU 038 116 and the C172 at the south end (B) GR NU 039 114.
3. It follows the edge of a rough pasture with a field gate at either end.
4. It can be seen on OS Explorer 332 Alnwick & Amble.  
See photographs showing its character.

### Documentary evidence

1. 1769 Armstrong's map of Northumberland  
The line of the application route can be identified on this early county map.  
See extract
2. 1820 Fryer's map of Northumberland  
It can also be seen on this early county map.  
See extract
3. Greenwood's map of Northumberland  
This county map shows the pattern of the local roads in a manner more similar to the present day, with the application route joining the road past Eslington Hall to High Hill.  
See extract

4. 1841 Tithe plan for Whittingham parish extract from the Genealogist's website

The tithe plan clearly shows the application route as an unfenced track joining the cross roads at West Lodge to Eslington Highhill in the same manner as the adjacent county roads.

See extract

5. 1866 OS 1<sup>st</sup> ed scale 1:2500 (25") extract from [www.old-maps.co.uk](http://www.old-maps.co.uk)

On the 1<sup>st</sup> edition OS it is shown as a feature separate from the pasture it crosses by the broken brace. It also shows a minor path joining it and a well on it beside the edge of the wood.

It is shown to be in the parish of Whittingham and the township of Eslington. The plot number is not clear, but it could be plot number 34 which is the number to be seen on its continuation northwards.

In the OS Book of Reference for that parish and township on page 5, it can be seen the plot 34 is described as public road. This is also the case for plot 101, the road going east past Eslington Hall and for plot 105, the road going west from West Lodge.

See extract

6. 1895 OS 2<sup>nd</sup> ed scale 1:10,560 (6") extract from [www.old-maps.co.uk](http://www.old-maps.co.uk)

The application route is clearly shown joining West Lodge to Eslington Highhill. It follows the same line as on the earlier edition with the well still being labelled.

See extract

7. 1903 Bartholomew's Half inch England & Wales extract from the NLS website

This map was produced for sale to the general public at a time when the OS was only concerned with producing maps for government use. Cyclists were beginning to use maps to explore the wider countryside. The application route is shown, though not with the notation indicating that it had a good surface for cycling. That is the same as for the east / west road from Ryle Mill which passes West Lodge and Eslington Hall.

See extract

8. 1923 Ministry of Transport Half inch map extract from <https://maps.nls.uk/geo/explore/#zoom=13&lat=55.40423&lon=-1.94481&layers=191&b=1>

The original documents are held at TNA. They were digitised in 2010. They show all the public roads of the country with the new classification system for main roads, which started to be developed in the 1920s, inserted as a layer on the OS base map.

See extract

9. 1954 OS scale 1:25,000 (2½") extract from NLS website

This post-war edition of the OS clearly shows the route along the same line as on earlier editions. It is not labelled FP, suggesting that it is of higher status.

See extract

Conclusion



Although only a short link between two existing rural roads, the evidence suggests that the application route has been in existence for a very long time. Please could you consider adding it to the definitive map as a public bridleway as it would provide a useful link in a number of local circular routes."

- 2.3 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.
- 2.4 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 'U4010' road), were considered to be all-purpose public highways maintainable at public expense.
- 2.5 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.
- 2.6 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 U4010 unclassified County road based upon more than simply its inclusion in the List of Streets.

### **3. LANDOWNER EVIDENCE**

- 3.1 By letter, dated 25 August 2020, the Ravensworth Estate made the following comments upon receiving notice (from the applicant) that an application had been seeking to record public bridleway rights:

"Ref: Notice of Application for Modification Order

"Lord Ravensworth has received the above Notice dated 18 August 2020, lodged by a Diane Holmes of 3 Manor Farm, Ulgham, Morpeth, NE61 3BH along with a map of a supposed bridleway across his land from West Lodge to Eslington High Hill. Both properties are owned by Lord Ravensworth. Copies enclosed.



"Lord Ravensworth strongly objects to interference of any kind across his private land. Please have this application set aside as soon as possible and write to reassure Lod [sic] Ravensworth that the matter has been closed."

- 3.2 By letter, dated 4 February 2021, Lord Ravensworth responded to the consultation stating:

"Wildlife and Countryside Act 1981  
Parish of Whittingham Alleged Bridleway No 28

"In reply to your letter and map dated 28 January 2021, I most strongly object to the route outlined.

"Firstly the letter was sent to my Farm Tenant and not me.

"Secondly this route has never been used in my lifetime. I regularly go past this field and have never seen anyone use this for a vehicle or horse and never seen anyone walk the route.

"This route is extremely boggy and is not accessible by any vehicle. I will resist this application."

#### **4. CONSULTATION**

- 4.1 In January 2021, 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". One reply was received and is included below.
- 4.2 By email, in March 2021, the British Horse Society responded to the consultation, stating:

"Parish of Whittingham

Alleged public bridleway/byway no 28

The addition of this short link between two county roads to the definitive map is supported by the British Horse Society. It is not clear on the ground that this way carries public rights even though the documentary evidence clearly shows that it was an old road with public rights in the past."

#### **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

The route of what is now the C172 road, running past High hill, does not appear to be shown on the map; nor is there any continuation of what is now the U4010 road, south of West Lodge.

1820 Fryer's County Map

There is clear evidence of a road or track approximating to the route of alleged Byway No 28.

1827 Cary's Map

There is clear evidence of a road or track approximating to the route of alleged Byway No 28.

1828 Greenwood's County Map

There is clear evidence of a road or track approximating to the route of alleged Byway No 28.

c.1866 Ordnance Survey Map: Scale 1:2500

There is clear evidence of an unenclosed road / track over the route of alleged Byway No 28. It, along with its northerly continuation is, labelled as part of plot number 34. In the accompanying Book of Reference, Plot number 34 in the Township of Eslington is identified as "Public road".

1899 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an unenclosed road / track over the route of alleged Byway No 28.

Finance Act 1910 plan

There is clear evidence of an unenclosed road or track over the route of alleged Byway No 28. Unsurprisingly, given that it is unenclosed, the route of the byway is not shown as being separated from the surrounding land by coloured boundaries.

c.1923 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of an unenclosed road / track over the route of alleged Byway No 28.

1932 Rothbury RDC Handover Map

No handover map appears to have survived for the former Rothbury RDC area.

c.1938 Restriction of Ribbon Development Act 1935 Map & Schedule

No map or schedule for the Rothbury RDC area appears to have survived.

1951 Highways Map

The route of alleged Byway Open to All Traffic No 28 is coloured purple so as to identify it as a publicly maintainable road. It is labelled as part of the "U4010".

c.1952 Definitive Map – original Survey Map

The route of alleged Byway Open to All Traffic No 28 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.

Draft Map

The route of alleged Byway Open to All Traffic No 28 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).

Provisional Map

As with the Draft Map, the route of alleged Byway Open to All Traffic No 28 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).

1957 Ordnance Survey Map: Scale 1:10,560

There is clear evidence of a field edge track over the route of alleged Byway No 28.

1958 County Road Schedule

In this Schedule, the entry for the U4010 road states:

"U4010 Eslington Hall West Lodge – Mere Burn Road  
From C172 at Eslington High Hill via Eslington Hall West Lodge  
to C169 at it crossing at the Mere Burn."

The length of the U4010 road is identified as 0.88 miles.

1962 Original Definitive Map

The route of alleged Byway No 28 exists on the base map, but it is not identified as a public footpath, public bridleway or Road Used as a Public Path (RUPP).

1964 Highways Map

The route of alleged Byway Open to All Traffic No 28 is coloured purple so as to identify it as a publicly maintainable road. It is labelled as part of the "U4010".

1964 County Road Schedule

In this Schedule, the entry for the U4010 road states:



"U4010 Eslington Hall West Lodge – Mere Burn Road  
From C172 at Eslington High Hill via Eslington Hall West Lodge  
to C169 at its crossing of the Mere Burn."

The length of the U4010 road is identified as 0.88 miles.

#### First Review Definitive Map

As with the original Definitive Map, the route of alleged Byway No 28 exists on the base map, but it is not identified as a public footpath, public bridleway or Road Used as a Public Path (RUPP).

#### 1974 County Road Schedule

In this Schedule, the entry for the U4010 road states:

"U4010 Eslington Hall West Lodge – Mere Burn Road  
From C172 at Eslington High Hill (NU 039114) northwards via  
Eslington Hall West Lodge to C169 at its crossing of the Mere  
Burn (NU 033124)."

The length of the U4010 road is identified as 0.88 miles.

#### 1979 Ordnance Survey Map: Scale 1:10,000

There is no evidence of a road / track over the route of alleged Byway No 28.

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

There is clear evidence of a path / track over the route of alleged Byway No 28. Unlike many other unclassified roads in this area, this route is not marked with green dots to signify 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 U4010) is clearly identified as publicly maintainable highway.

## **6. SITE INVESTIGATION**

- 6.1 From Point K, at a crossroads of the U4009 and U4010 roads, immediately north-west of West Lodge, Eslington, an ill-defined track proceeds over an area of grass verge for a distance of 10 metres, to a field gate. Beyond the gate, a 6 to 7.5 metre wide grass surfaced corridor, between a raised grass bund to the west and a stone wall to the east, proceeds in a south-easterly direction for a distance of 150 metres, then southerly direction for a distance of 60 metres. By this point the grass bund has petered out. As the boundary wall bends to the east, the alleged byway continues in a southerly direction across the corner of the field for a further 85 metres, to a junction with the C172 road a field gate, 25 metres north-west of Eslington Highhill (Point L).

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

- 7.1 In September 2021, 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.

- 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 Although Ms Holmes' application only sought to record this route as a public bridleway, when determining this application the Council must consider all the available evidence. It is sometimes the case that the evidence which is gathered may point to the existence of higher (or lower) public rights than those that were originally applied for.
- 8.4 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.
- 8.5 The route of alleged Byway Open to All Traffic No 28 is identified on the County Council's current List of Streets as being part of the U4010 road. The route was identified on the Council's 1951 and 1964 Highways Maps and on the 1958, 1964 and 1974 County Road Schedules. No 1932 Handover Maps or Maps and Schedules produced under the Restriction of Ribbon Development Act 1935 appear to have survived for the Rothbury Rural District area.
- 8.6 Although not depicted on the 1979 1:10,000 OS map, the route has otherwise been consistently identified on Ordnance Survey maps since c.1866. The route has always been shown as an unenclosed field edge track. The Book of Reference, published to accompany the 1:2500 scale First Edition map, identified this route as a "Public Road". The route does not seem to be shown on Armstrong's County Map of 1769, but would appear to be depicted on Fryer's and Greenwood's County Maps of 1820 and 1828 and on Cary's Map of 1827. On the plans produced in association with the Finance Act on 1910, the route was not shown as being separated from the surrounding land by coloured boundaries - if it had been, this would have been a good indicator that the route was considered to be a public vehicular highway - but the lack of coloured boundaries is not surprising, given that the route is not enclosed.

- 8.7 Ms Holmes' application was supported by some additional pieces of documentary evidence. The 1841 Tithe Award Map for Whittingham Township also identifies the application route as an unfenced track. The route is clearly identifiable on an extract from Bartholomew's half Inch Map of 1903 and on a Ministry of Transport Half Inch Map of 1923.
- 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 U4010 road. Where a route is not 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.
- 8.12 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. This route is simply a grassy headland. Lord Ravensworth has remarked that this route "is extremely boggy and is not accessible by any vehicle." He has never seen anyone use it with a vehicle, on a horse or on foot, and there is no evidence from anyone else to suggest what the existing



balance between motorised and non-motorised public user might be. It seems likely that this route is very little (if ever) used by the public at present. On balance, however, this route appears to be one where use by the general public is most likely to be predominantly non-motor vehicular.

- 8.13 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. Since this route is not enclosed now, nor does it appear to have been enclosed previously, it is proposed that it be recorded with the Council's standard default width of 5 metres (i.e. wide enough for two vehicles, travelling in opposite directions, to pass each other.

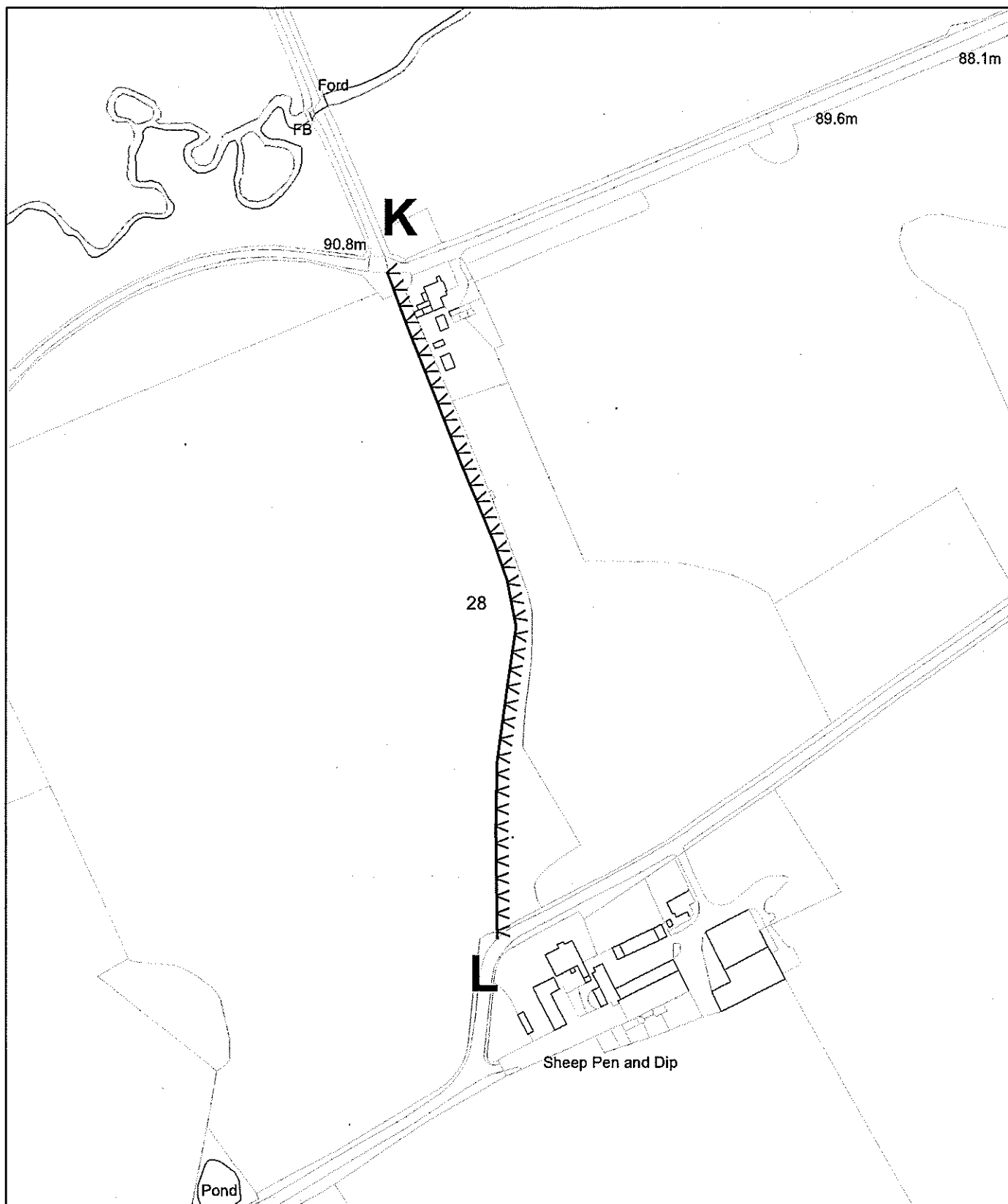
## **9. CONCLUSION**

- 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 28.
- 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/38/28z

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



**Northumberland**  
County Council

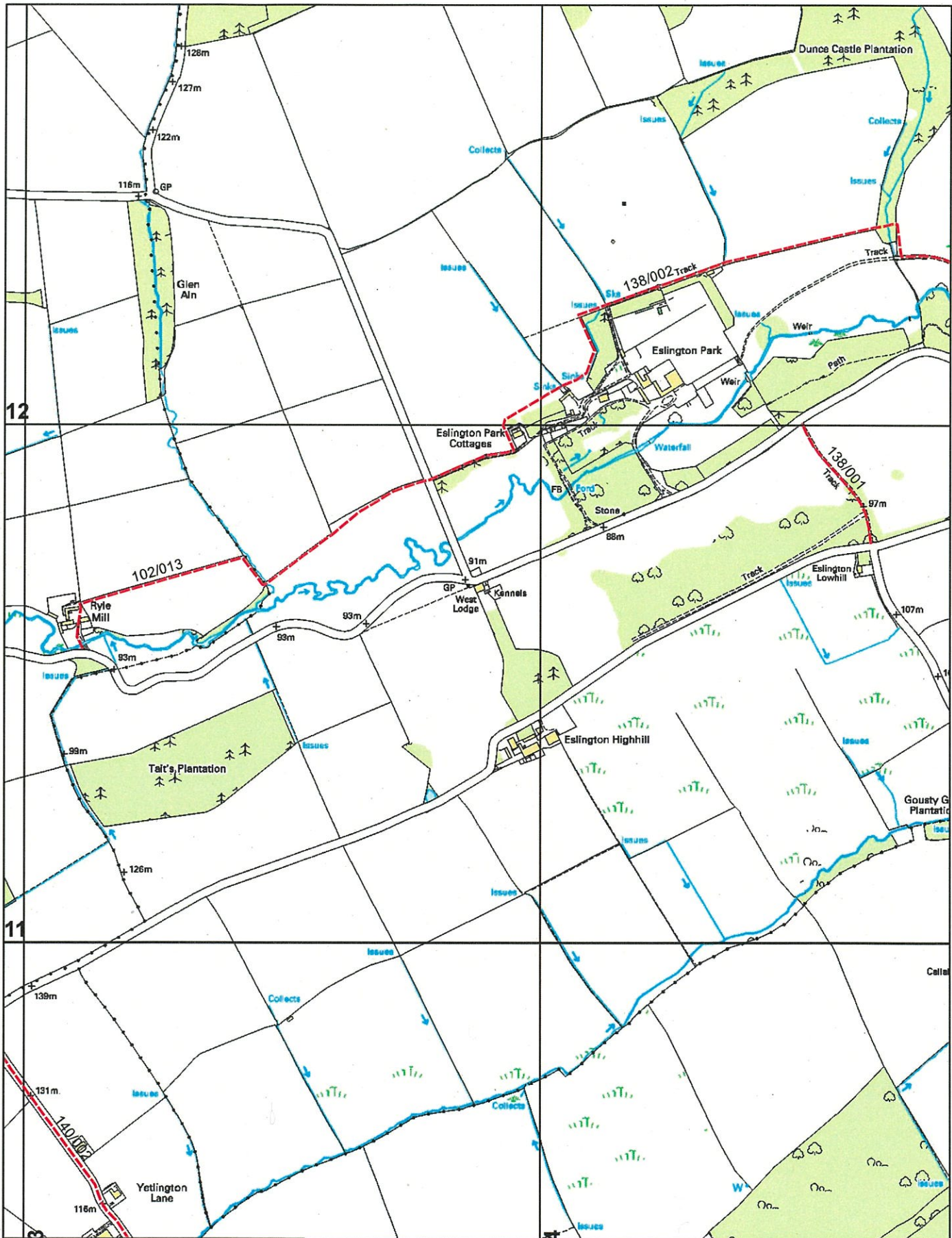
Infrastructure Records, Local Services  
County Hall Morpeth Northumberland  
NE61 2EF Telephone 0345 600 6400

## Wildlife & Countryside Act, 1981

vvvvvvvv Alleged Byway

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Former District	Alnwick	Parish	Whittingham	Scale	NTS
Def. Map. No.	66	O.S. Map	NU01SW	Date	December 2020



  
**Northumberland**  
 County Council

Contact: Alex Bell  
 Telephone: 01670 624133  
 Email: Alex.Bell@northumberland.gov.uk

#### Legend

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

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

Scale: 1:10,000

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## PUBLIC RIGHTS OF WAY

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

## APPLICATION FOR MODIFICATION ORDER

Former Borough/District ALNWICKParish WHITTINGHAM Rights of Way No. \_\_\_\_\_  
(on Definitive Map)To: Asset & Infrastructure Manager  
Northumberland County Council  
County Hall  
Morpeth  
Northumberland  
NE61 2EFI/We DIANE HOLMES (Name)of 3 MANOR FARM, ULSHAM, MORPETH (Address)  
NE61 3BH

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

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

from West Lodge GR NU 038 116to Eusington Highhill GR NU 039 114

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

from \_\_\_\_\_

to \_\_\_\_\_

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

from \_\_\_\_\_

to \_\_\_\_\_

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

from \_\_\_\_\_

to \_\_\_\_\_

by providing that \_\_\_\_\_  
as shown on the plan attached.

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

Dated 18<sup>th</sup> August 2020 Signed Diane Holmes

NOTE: This application must be accompanied by a map showing the right(s) of way applied for. Legally such a map must be at a scale of not less than 2½" to 1 mile, but 6" to 1 mile (being the scale at which the Definitive Map is to be prepared and maintained) will normally be preferable.

## **Eslington Highhill**

### The route

1. The application route is in the parish of Whittingham and is not recorded on the definitive map. However it is recorded as U4010 on the NCC plan of adopted highways (List of Streets).
2. It links two rural roads, the U4009 at the north end (A) GR NU 038 116 and the C172 at the south end (B) GR NU 039 114.
3. It follows the edge of a rough pasture with a field gate at either end.
4. It can be seen on OS Explorer 332 Alnwick & Amble.

*See photographs showing its character*

### Documentary evidence

**1. 1769 Armstrong's map of Northumberland**

The line of the application route can be identified on this early county map.

*See extract*

**2. 1820 Fryer's map of Northumberland**

It can also be seen on this early county map.

*See extract*

**3. 1828 Greenwood's map of Northumberland**

This county map shows the pattern of the local roads in a manner more similar to the present day, with the application route joining the road past Eslington Hall to High Hill.

*See extract*

**4. 1841 Tithe plan for Whittingham parish      extract from the Genealogist's website**

The tithe plan clearly shows the application route as an unfenced track joining the cross roads at West Lodge to Eslington Highhill in the same manner as the adjacent county roads.

*See extract*

**5. 1866 OS 1<sup>st</sup> ed scale 1:2,500 (25")      extract from [www.old-maps.co.uk](http://www.old-maps.co.uk)**

On the 1<sup>st</sup> edition OS it is shown as a feature separate from the pasture it crosses by the broken brace. It also shows a minor path joining it and a well on it beside the edge of the wood.

It is shown to be in the parish of Whittingham and the township of Eslington.

The plot number is not clear, but it could be plot 34 which is the number to be seen on its continuation northwards.

In the **OS Book of Reference for that parish and township** on page 5, it can be seen the plot 34 is described as **public road**. This is also the case for plot 101, the road going east past Eslington Hall and for plot 105, the road going west from West Lodge.

*See extract*

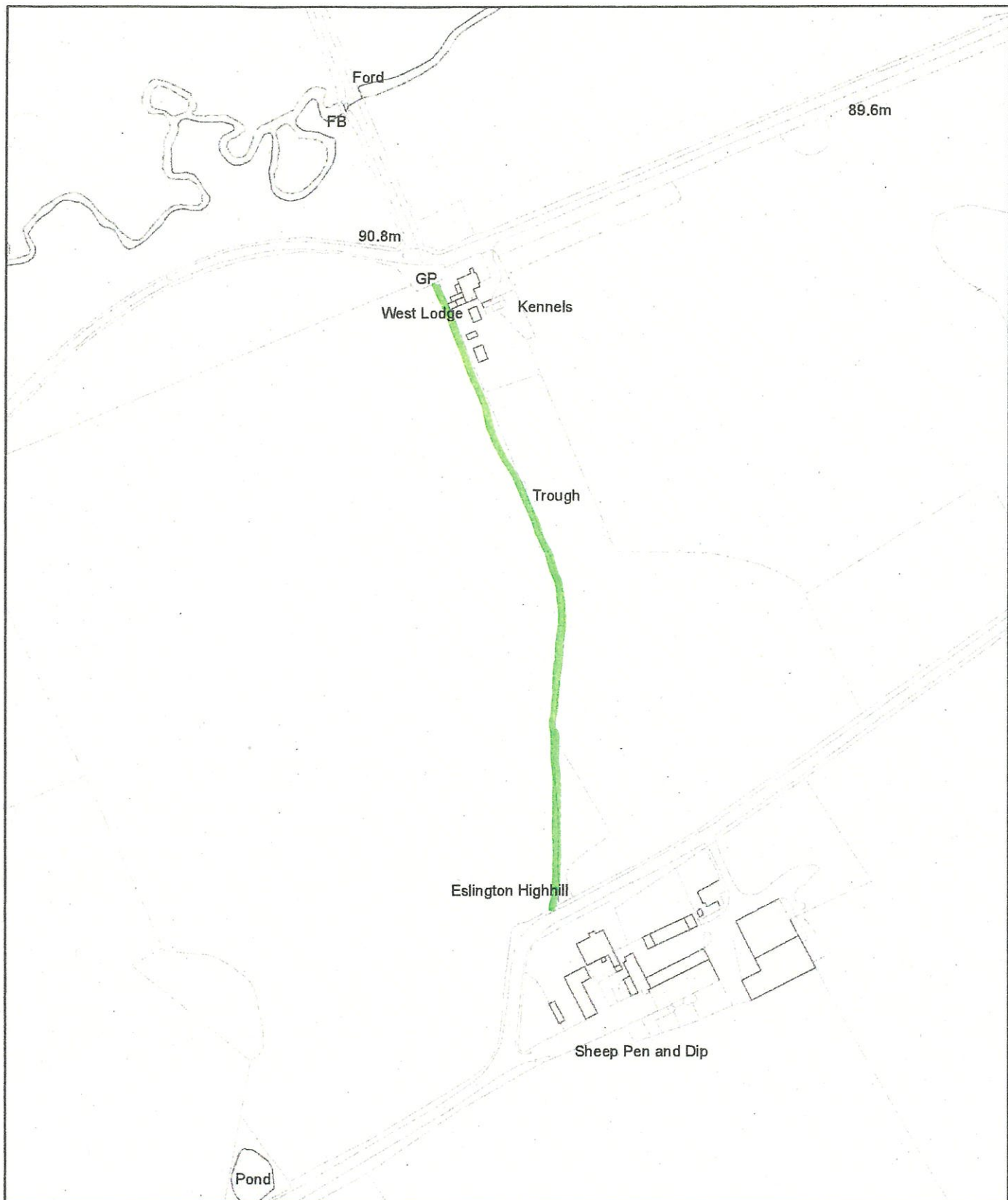
6. **1895 OS 2<sup>nd</sup> ed scale 1:10,560 (6")** extract from [www.old-maps.co.uk](http://www.old-maps.co.uk)  
The application route is clearly shown joining West Lodge to Eslington Highhill. It follows the same line as on the earlier edition with the well still being labelled.  
*See extract*
7. **1903 Bartholomew's Half inch England & Wales** extract from the **NLS website**  
This map was produced for sale to the general public at a time when the OS was only concerned with producing maps for government use. Cyclists were beginning to use maps to explore the wider countryside. The application route is shown, though not with the notation indicating that it had a good surface for cycling. That is the same as for the east/west road from Ryle Mill which passes West Lodge and Eslington Hall.  
*See extract*
8. **1923 Ministry of Transport Half inch map**  
extract from <https://maps.nls.uk/geo/explore/#zoom=13&lat=55.40423&lon=-1.94481&layers=191&b=1>  
The original documents are held at TNA. They were digitised in 2010. They show all the public roads of the country with the new classification system for main roads, which started to be developed in the 1920s, inserted as a layer on the OS base map.  
*See extract*
9. **1954 OS scale 1:25,000 (2 ½ ")** extract from **NLS website**  
This post-war edition of the OS clearly shows the route along the same line as on earlier editions. It is not labelled FP, suggesting that it is of higher status.  
*See extract*

#### Conclusion

Although only a short link between two existing rural roads, the evidence suggests that the application route has been in existence for a very long time. Please could you consider adding it to the definitive map as a public bridleway as it would provide a useful link in a number of local circular routes.

Sent to NCC August 2020





**Northumberland**  
County Council

Infrastructure Records, Local Services  
County Hall Morpeth Northumberland  
NE61 2EF Telephone 0345 600 6400

## Wildlife & Countryside Act, 1981



**Alleged Byway**

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Former District **Alnwick**

Parish **Whittingham**

Scale **NTS**

Def. Map. No. **66**

O.S. Map **NU01SW**

Date **July 2020**

**View from West Lodge (A)**



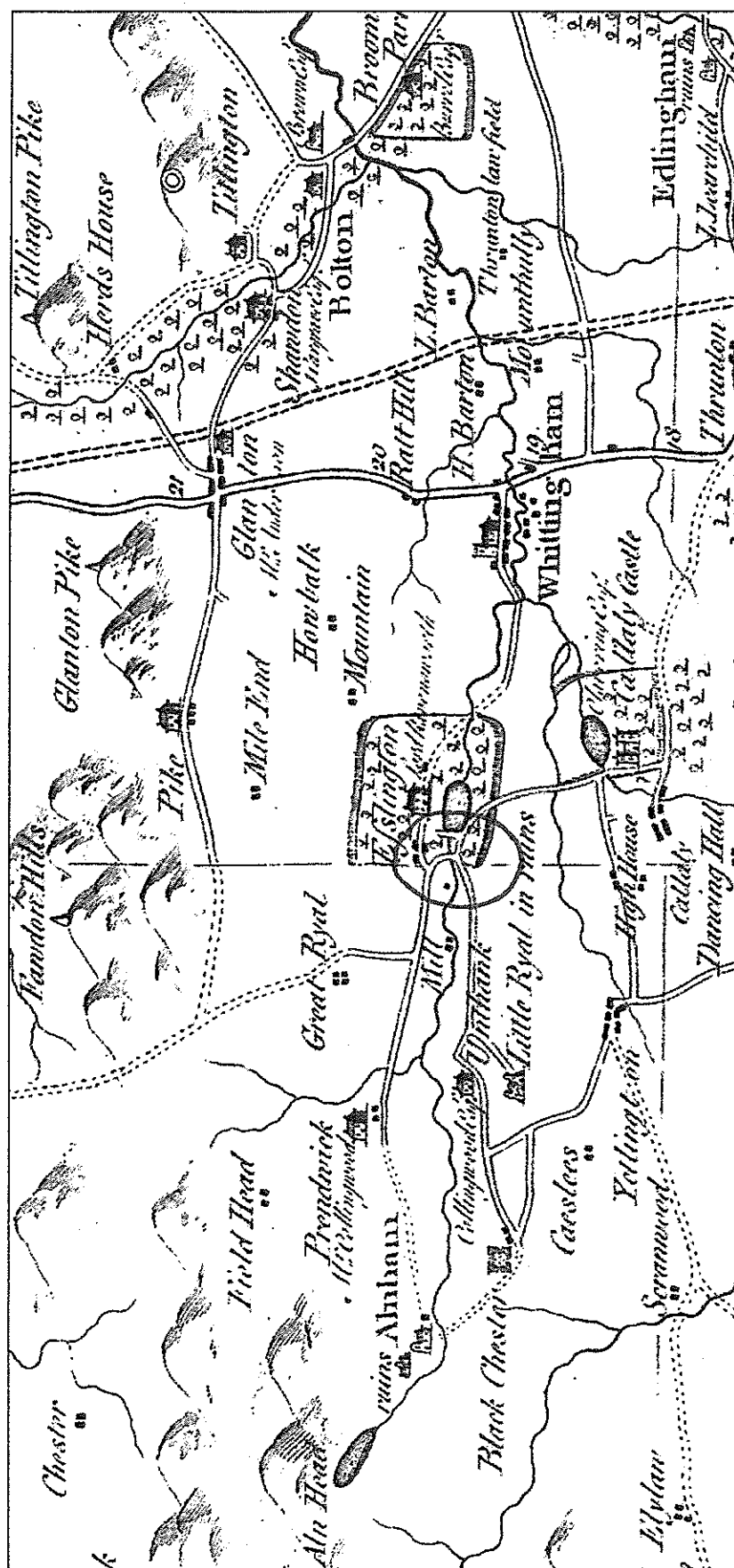
**View from Eslington Highhill (B)**

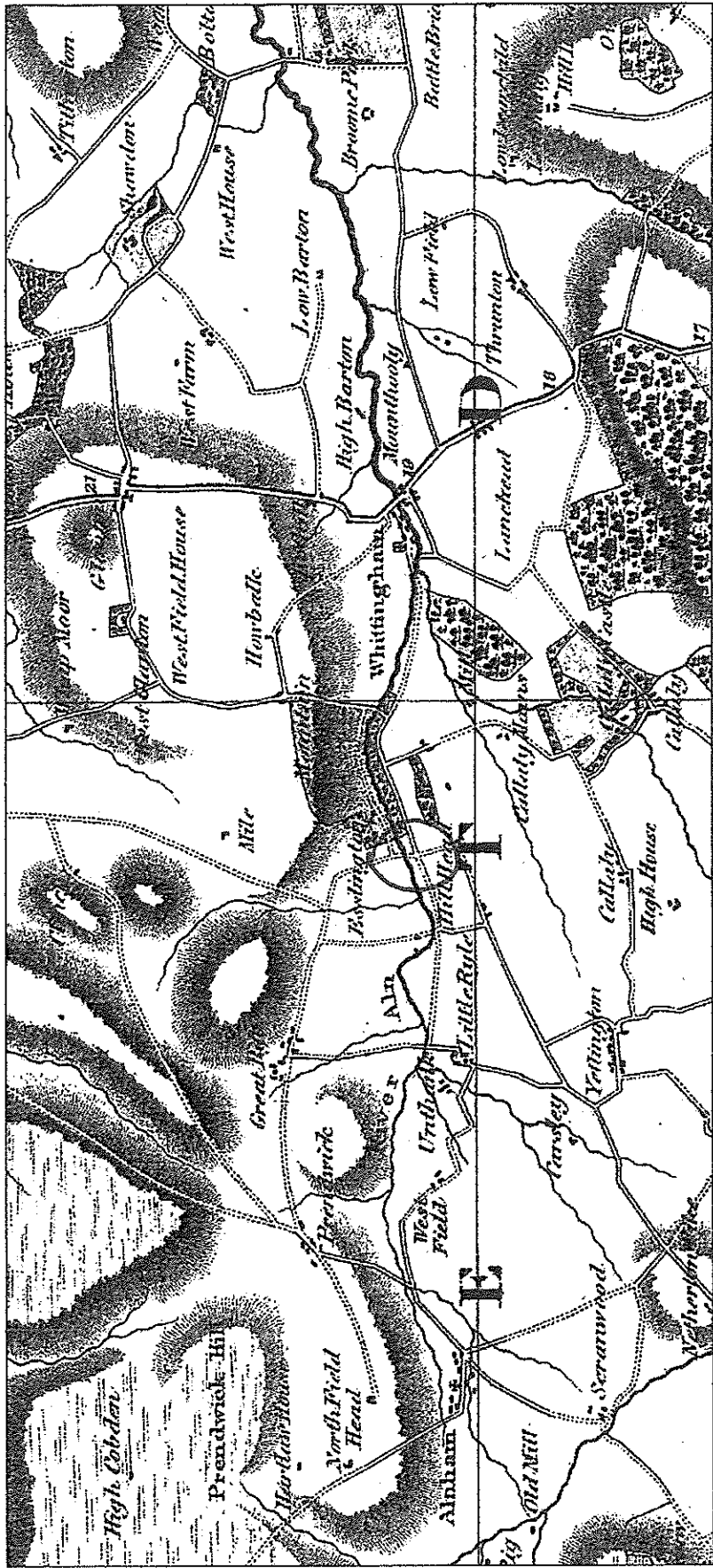


**Note old stone gatepost**

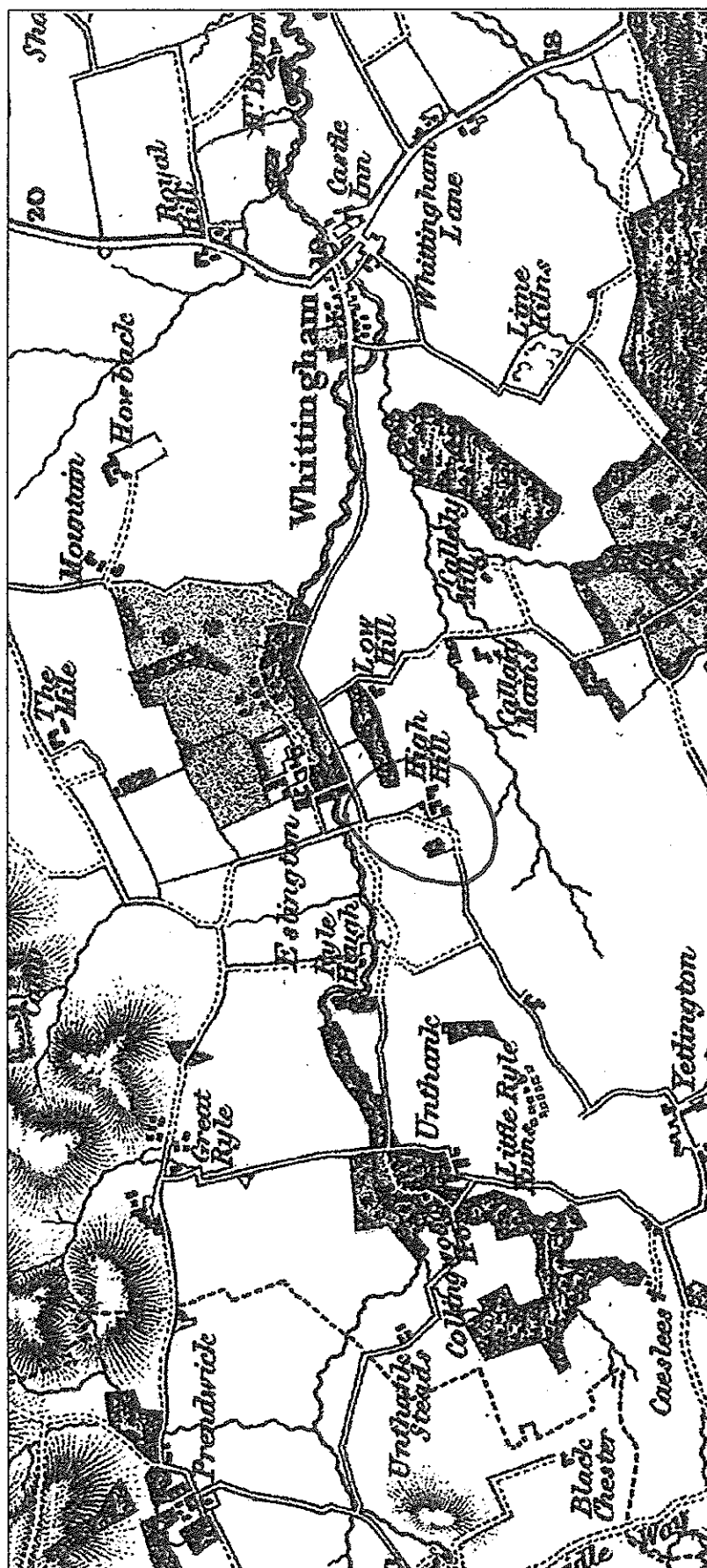


### 1769 Armstrong's map of Northumberland



[illegible]

1828 Greenwood's map of Northumberland



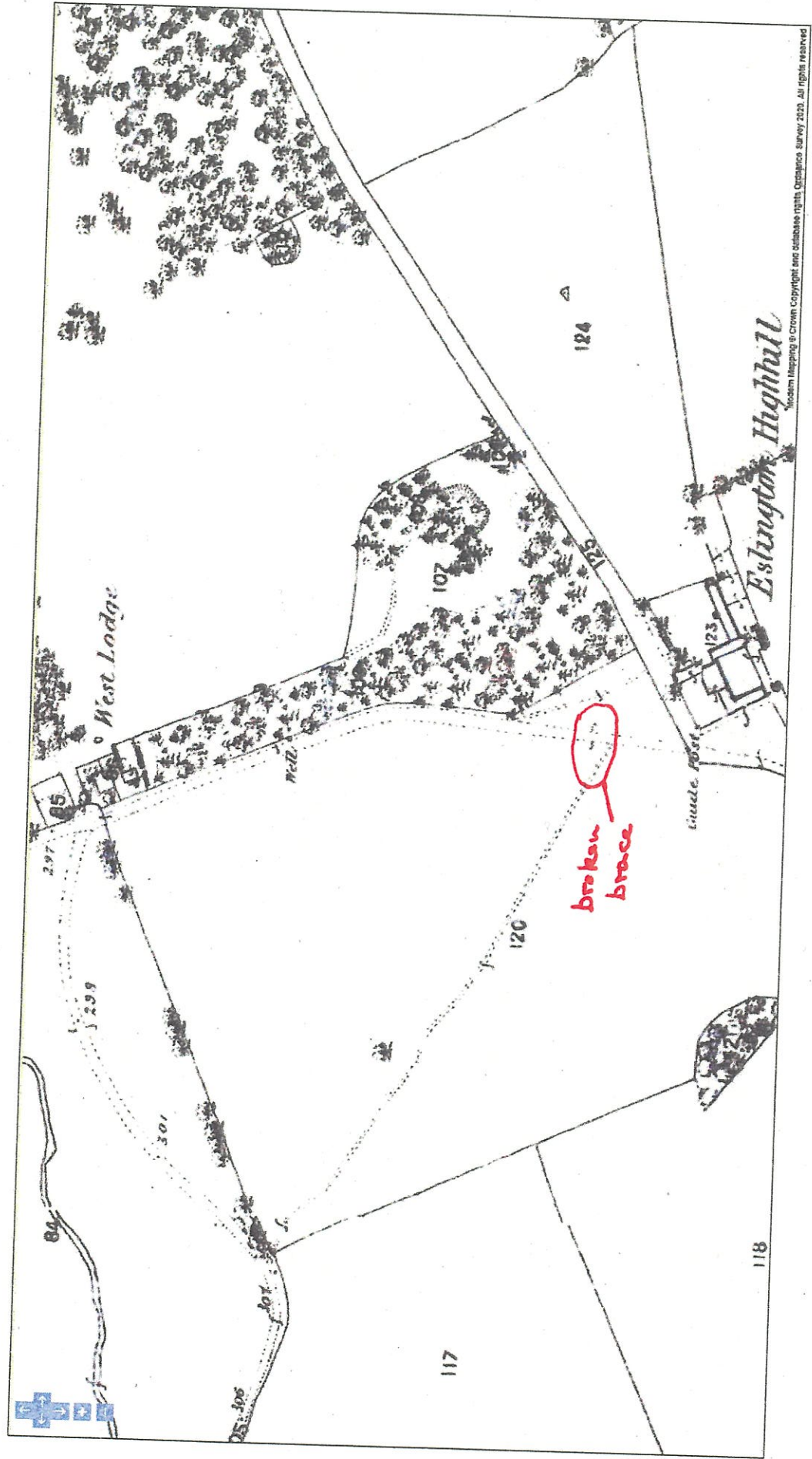


1841 Tithe plan for the parish of Whittingham



1866 OS 1<sup>st</sup> ed scale 1:2,500 (2 ½")  
 Eslington Highhill showing broken brace

extract from [www.old-maps.co.uk](http://www.old-maps.co.uk)





# PARISH OF WHITTINGHAM.

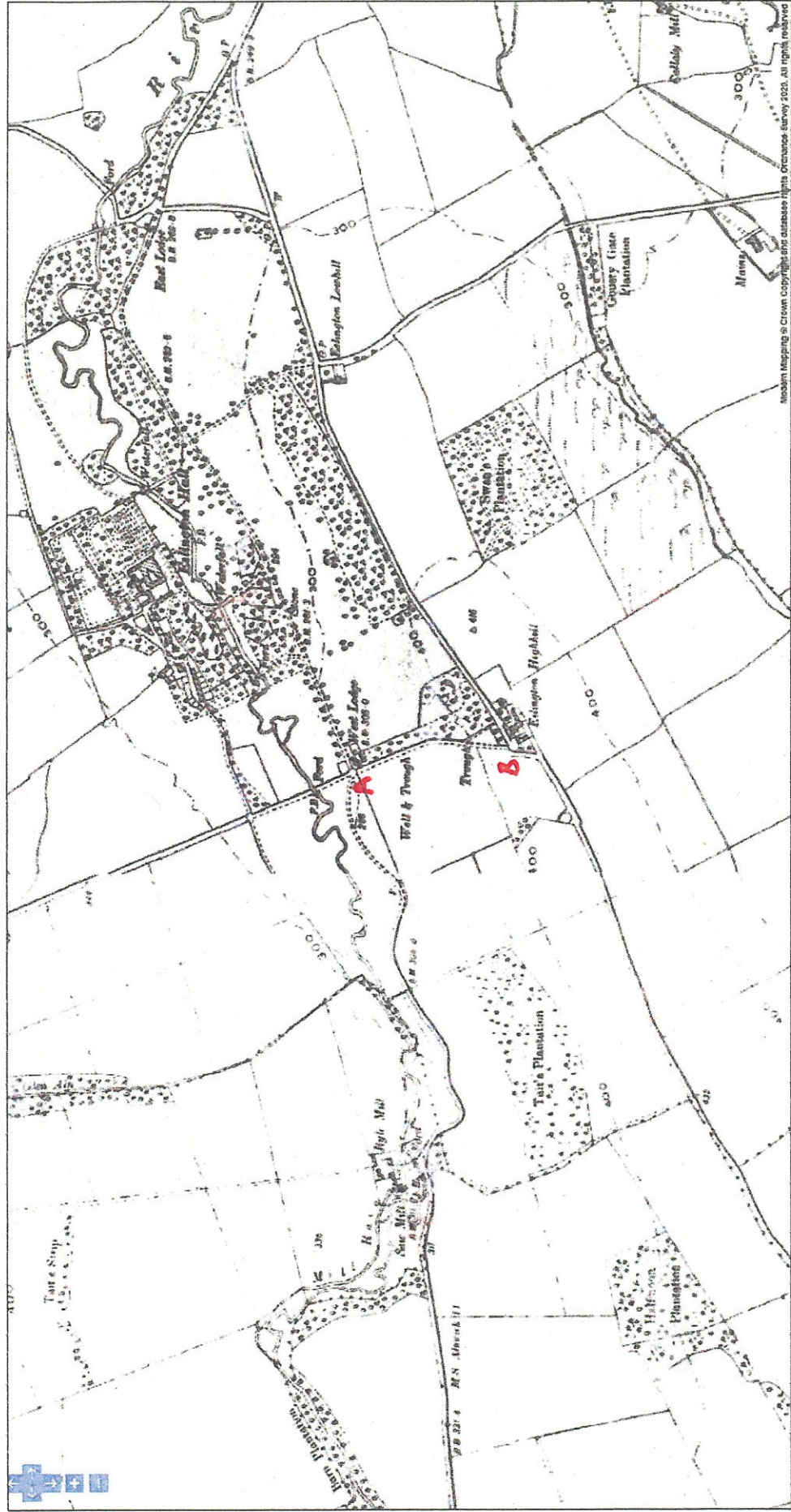
No. on Map.	Remarks.	Area in Acres.	Remarks.
200	Brought forward.	3343-082	Brought forward.
201	Arable, &c.	-130	Wood.
202	Arable, &c.	20-822	Pasture.
203	Arable, &c.	26-500	Pasture, &c.
204	Arable, &c.	3000-000	
RECAPITULATION.			
205	Land.	3951-576	
206	Public roads.	35-187	
207	Water.	3-440	
208	Total area of the Township of Chalfy and Yellingdon.	3990-000	
TOWNSHIP OF ESINGTON.			
1	Rough pasture, furze, &c.	66-320	
2	Rough pasture, furze, &c.	36-408	
3	Pasture, furze, &c.	20-721	
4	Arable.	16-122	
5	Pasture, &c.	19-813	
6	Pasture, &c.	24-690	
7	Arable, &c.	82-401	
8	Wood.	6-581	
9	Rough pasture, furze, &c.	10-090	
10	Houses, yards, garden, &c. (Thornhill).	2-969	
11	Arable.	4-670	
12	Wood, &c.	-989	
13	Pasture, &c.	51-853	
14	Wood, &c.	5-699	
15	Rough pasture, furze, &c.	51-804	
16	Public road.	4-886	
17	Arable.	23-844	
18	Arable, &c.	15-598	
19	Arable, &c.	24-158	
20	Arable.	31-050	
Carried forward.		468-211	Carried forward.

# PARISH OF WHITTINGHAM.

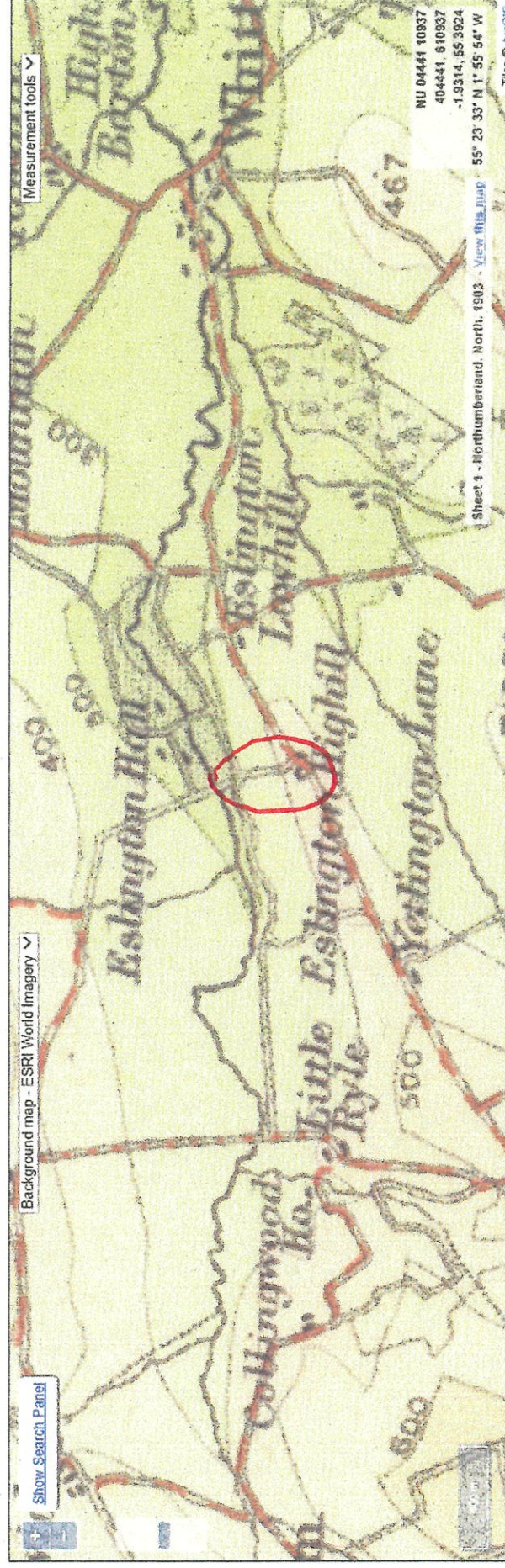
No. on Map.	Remarks.	Area in Acres.	Remarks.
21	Brought forward.	468-211	Brought forward.
22	Arable, &c.	46-769	Public road.
23	Public road.	3-945	Houses, yards, garden, &c.
24	Houses, yards, garden, &c.	-398	Wood.
25	Pasture and shed.	2-460	Houses, garden, &c. (Mountain).
26	Houses, garden, &c. (Mountain).	-610	Wood, &c.
27	Wood, &c.	8-325	Arable.
28	Arable.	20-976	Wood, &c.
29	Wood, &c.	20-235	Arable, &c.
30	Arable, &c.	2-728	Wood, &c.
31	Arable, &c.	5-006	Arable, &c.
32	Arable.	10-286	Public road.
33	Public road.	17-776	Pasture, &c.
34	Pasture, &c.	13-881	Arable.
35	Arable.	20-764	Pasture.
36	Pasture.	21-207	Wood.
37	Wood.	2-218	Houses (smithy).
38	Houses (smithy).	-010	Arable.
39	Arable.	14-062	Arable and house (dove cote).
40	Arable and house (dove cote).	9-616	Pasture, &c.
41	Pasture, &c.	15-021	Wood.
42	Wood.	-802	Wood.
43	Wood.	1-188	Pasture, &c.
44	Pasture, &c.	28-829	Wood.
45	Wood.	-419	Pasture and trees.
46	Pasture and trees.	-582	Wood, &c.
47	Wood, &c.	8-201	Wood.
48	Wood.	10-490	Wood.
49	Wood.	-147	Wood.
50	Wood.	1-645	Pasture, &c.
51	Pasture, &c.	64-427	Pasture and sheds.
52	Pasture and sheds.	27-475	Pasture.
53	Pasture.	85-891	Pasture, trees, &c.
54	Pasture, trees, &c.	16-184	Wood.
55	Wood.	-579	Ornamental ground.
56	Ornamental ground.	1-117	House.
57	House.	-030	Ornamental ground.
58	Ornamental ground.	-150	Houses, yards, garden, &c.
59	Houses, yards, garden, &c.	1-381	Pasture, houses, &c.
60	Pasture, houses, &c.	2-779	Yard.
61	Yard.	-329	Wood, &c.
62	Wood, &c.	1-287	Houses, yards, garden, &c. (Eslington Hall).
63	Houses, yards, garden, &c. (Eslington Hall).	3-120	Carried forward.
Carried forward.		914-601	Carried forward.

1899 OS 2<sup>nd</sup> ed scale 1:10560 (6")

extract from [www.old-maps.co.uk](http://www.old-maps.co.uk)

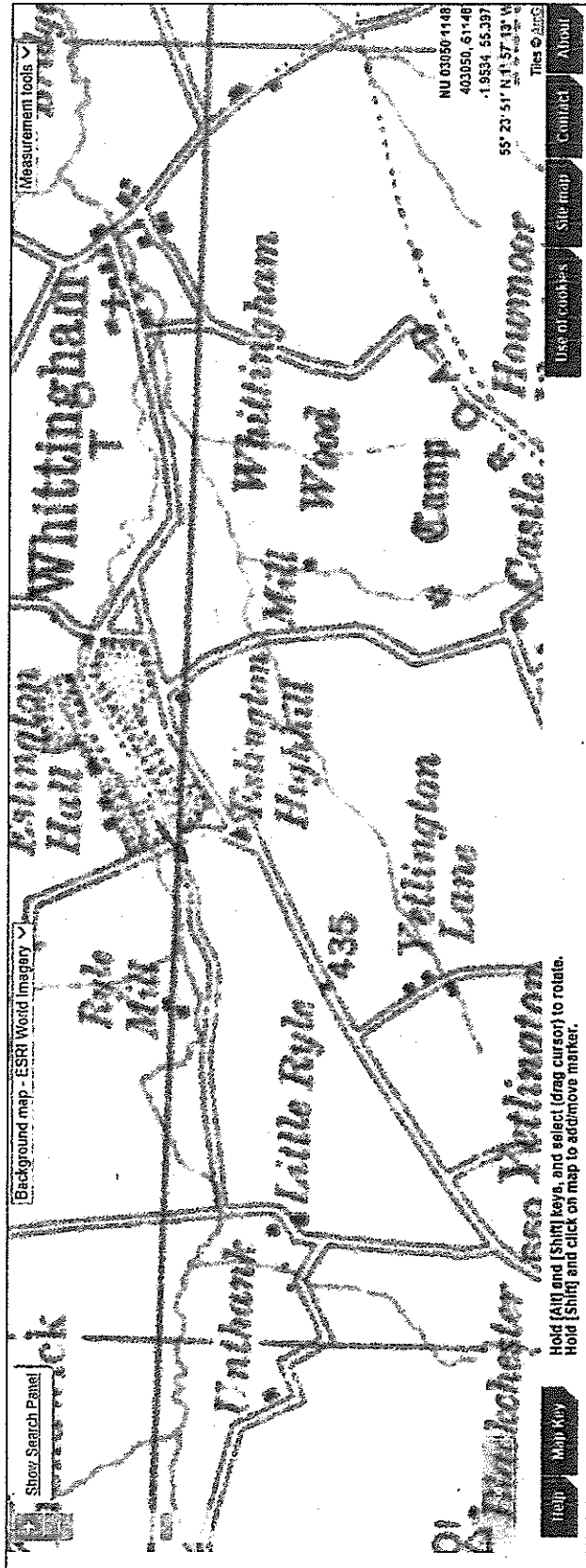






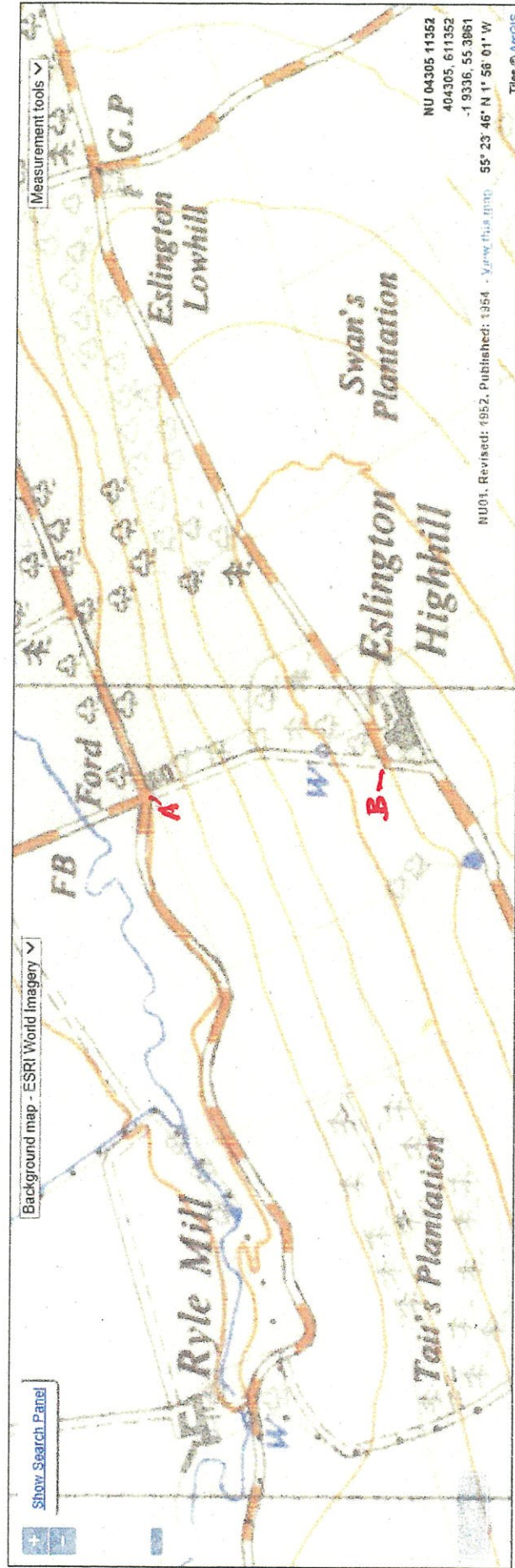


1923 Ministry of Transport map Scale: half inch to one mile

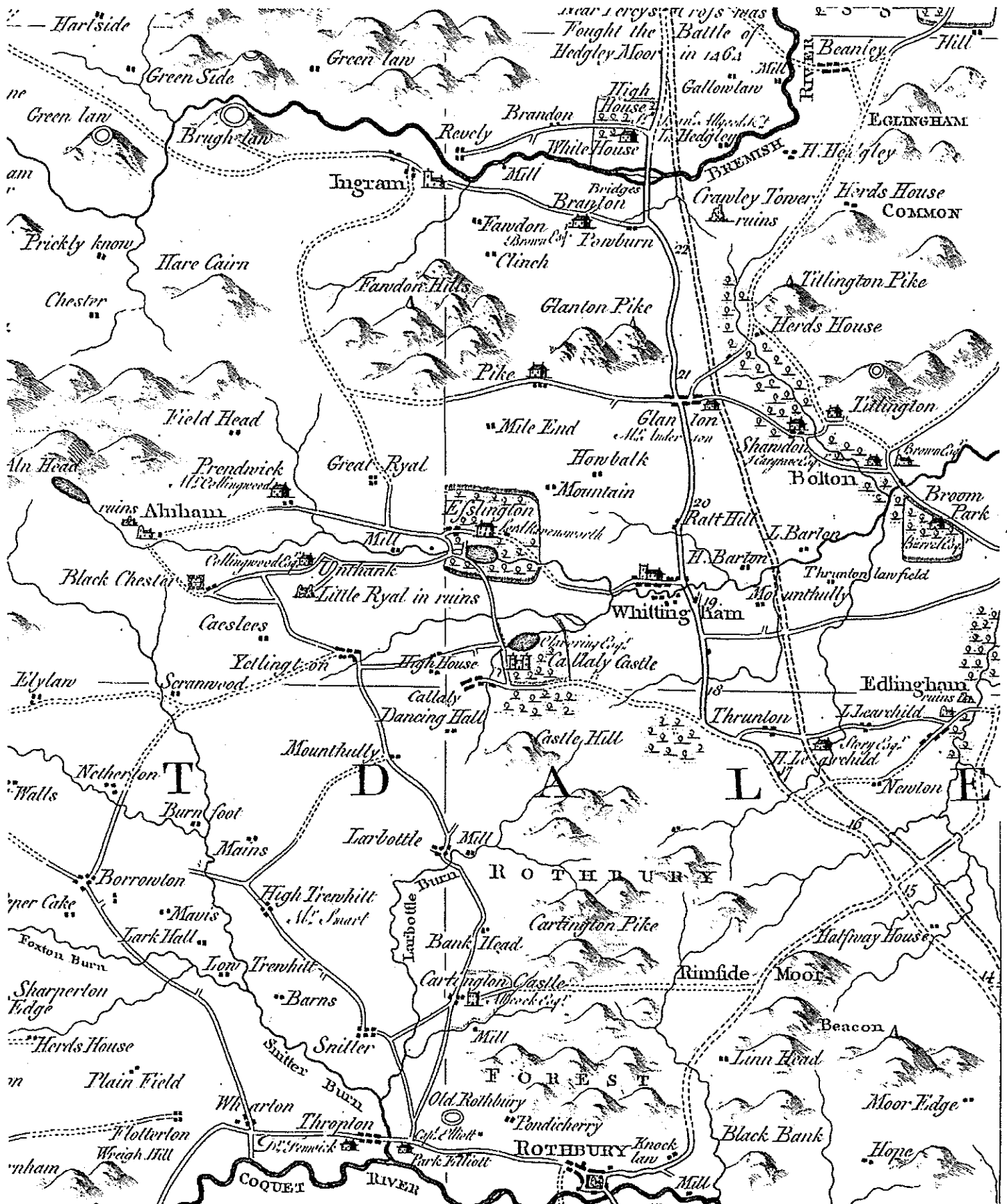


1954 OS scale 1:25,000 (2 ½ ")

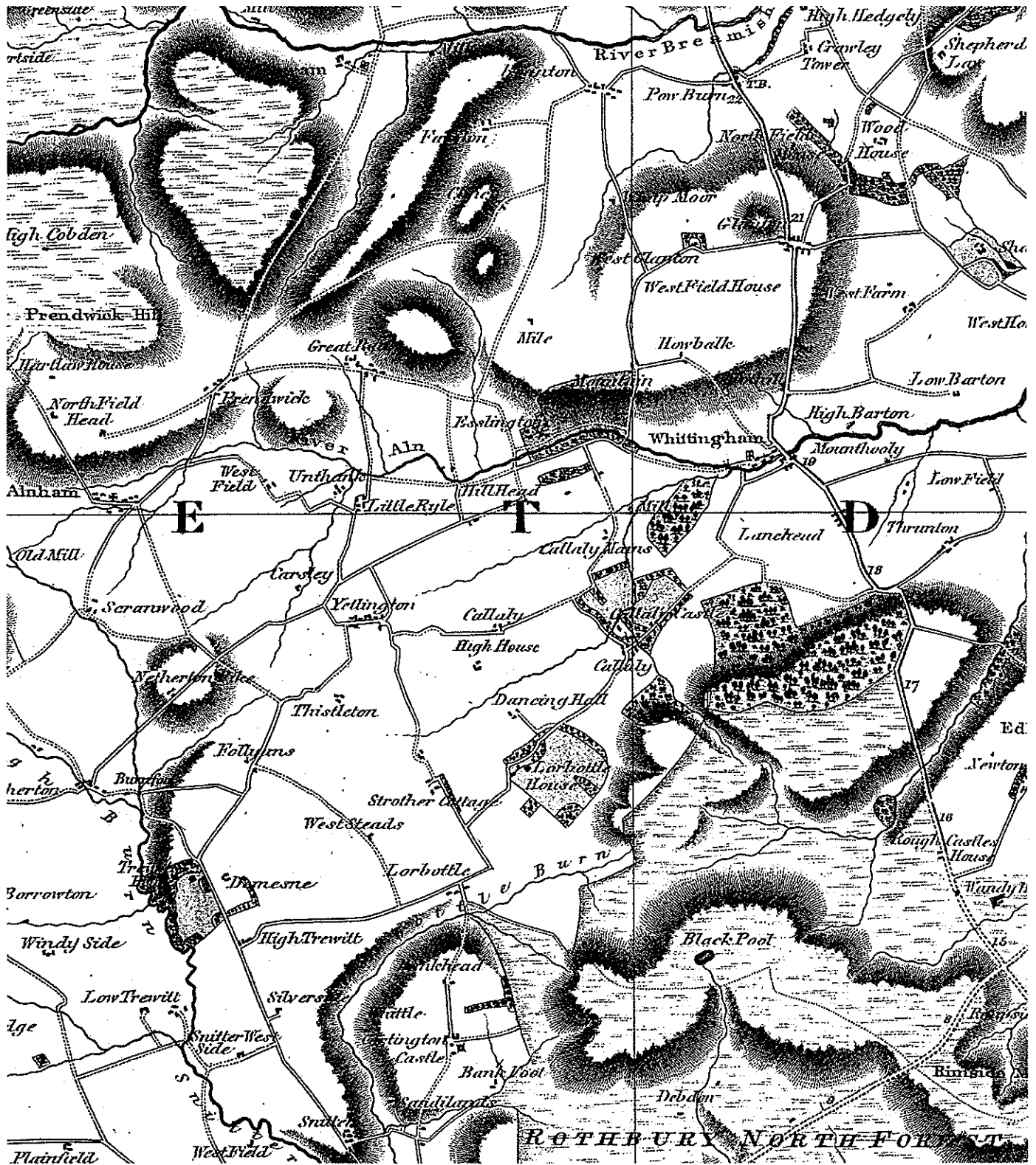
extract from the National Library of Scotland website



# Armstrong's County Map 1769



## Fryer's County Map 1820







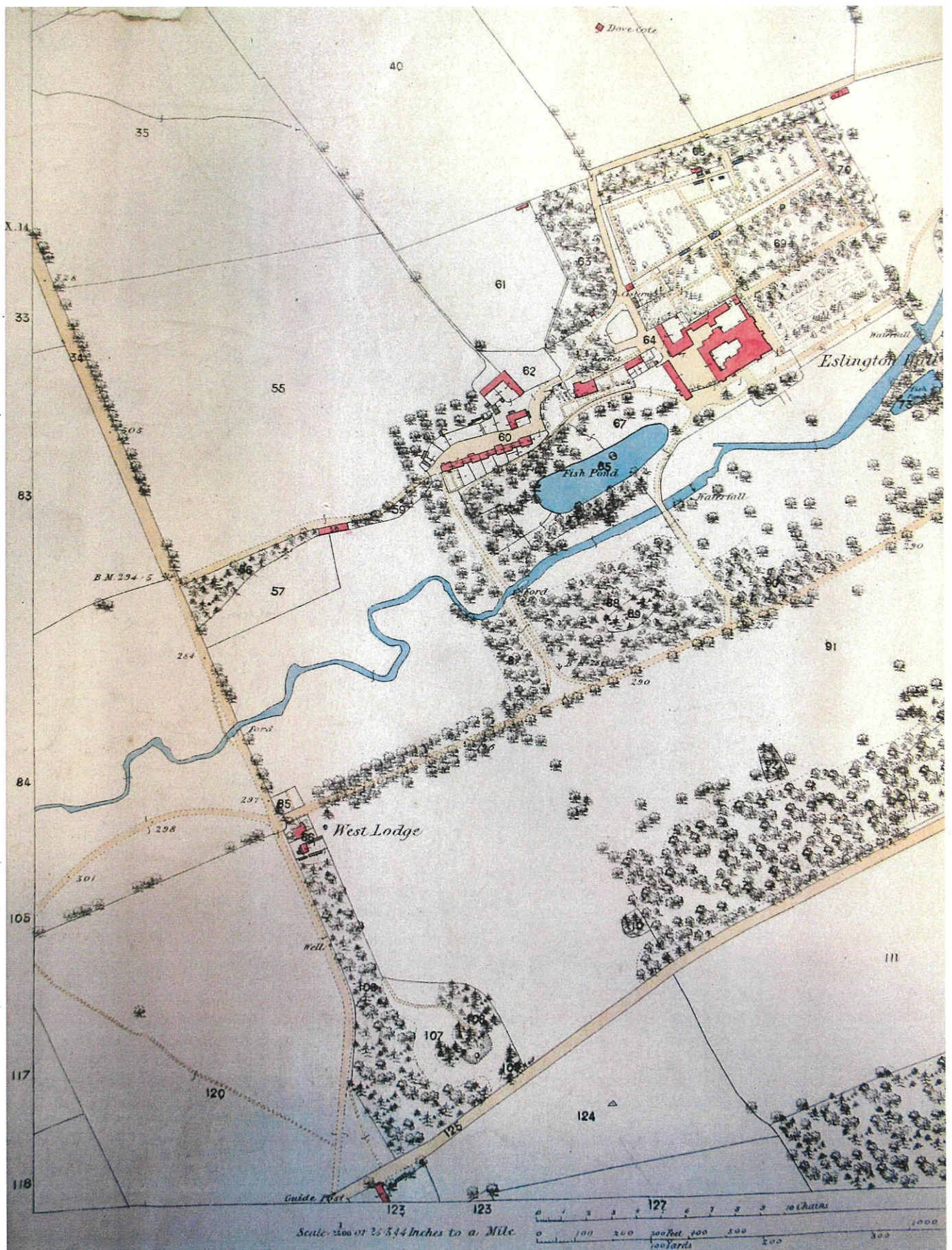


# Greenwood's County Map 1828





1st Edition 25" O.S. Map  
c.1866





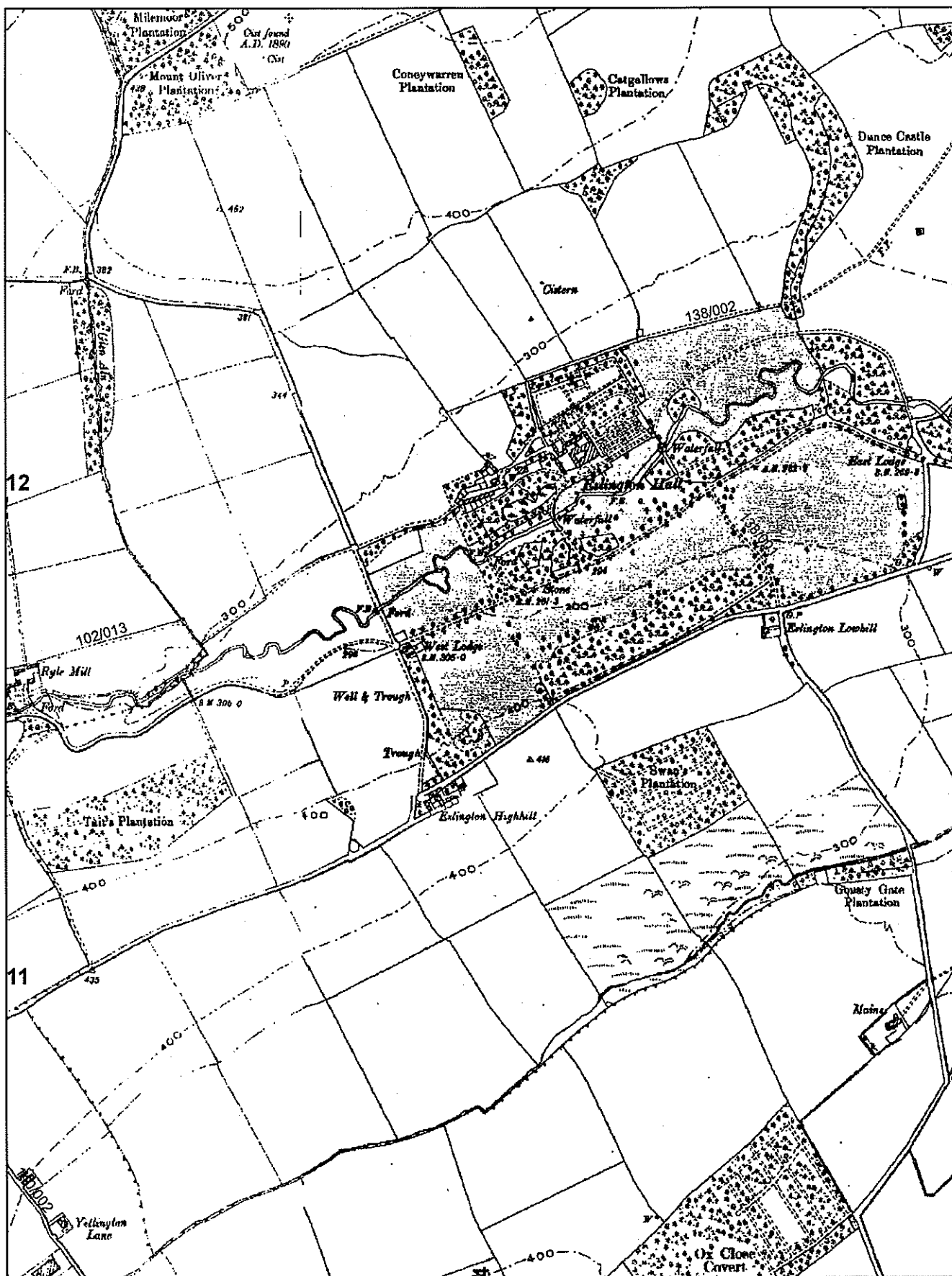
## PARISH OF WHITTINGHAM.

No. on Plan.	Area in Acres.	Remarks.	No. on Plan.	Area in Acres.	Remarks.
200	16-138	Brought forward.	215	39-12-082	Brought forward.
201	17-016	Arable, &c.	216	40-862	Wood.
202	20-250	Arable, &c.	217	26-939	Pasture, &c.
203	20-290	Houses and garden (Rabbit Hall).		3090-003	
204	15-040	Arable, &c.	RECAPITULATION.		
205	21-080	Arable, &c.			
206	9-036	Pasture, &c.			
207	1-157	Wood.			
208	3-339	Houses, yards, &c. (Mount Pleasant).	3951-876	Land.	
209	15-712	Pasture.	35-187	Public roads.	
210	25-578	Arable.	3-440	Water.	
211	3-892	Arable.	Total area of the Township of Callaly and Yetlington.		
212	23-920	Arable.			
213	25-519	Pasture.	3990-003		
214	23-433	Pasture.	TOWNSHIP OF ESLINGTON.		
215	21-098	Pasture.			
216	2-210	Wood.	1	66-320	Rough pasture, furze, &c.
217	17-466	Pasture.	2	36-403	Rough pasture, furze, &c.
218	16-395	Pasture, &c.	3	29-721	Pasture, furze, &c.
219	38-913	Pasture, &c.	4	16-122	Arable.
220	9-978	Wood, &c.	5	19-813	Pasture, &c.
221	56-844	Pasture.	6	24-690	Pasture, &c.
222	0-054	Wood.	7	32-401	Arable, &c.
223	43-284	Pasture, &c.	8	6-581	Wood.
224	1-194	Wood.	9	10-090	Rough pasture, furze, &c.
225	17-199	Pasture.	10	2-969	Houses, yards, garden, &c. (The Mile).
226	24-682	Pasture.	11	4-670	Arable.
227	25-753	Pasture, furze, &c.	12	51-939	Wood, &c.
228	24-642	Pasture.	13	51-353	Pasture, &c.
229	30-717	Arable, &c.	14	5-599	Wood, &c.
230	26-623	Rough pasture, &c.	15	51-304	Rough pasture, furze, &c.
231	767-338	Pasture.	16	4-586	Public road.
232	5-225	Houses, yards, garden, &c. (Follons).	17	23-844	Arable.
233	1-261	Wood.	18	15-598	Arable, &c.
234	1-779	Wood.	19	34-158	Arable, &c.
235	1-618	Public road.	20	31-050	Arable.
236	33-681	Pasture, &c.	Carried forward.		
237	3-195	Wood.			
238	39-276	Rough pasture, &c.	468-211		
239	6-10	Wood, &c.	TOWNSHIP OF WHITTINGHAM.		
240	1-570	Arable.			
241	25-965	Arable.			
242	19-907	Arable.			
243					
244					
3042-082					

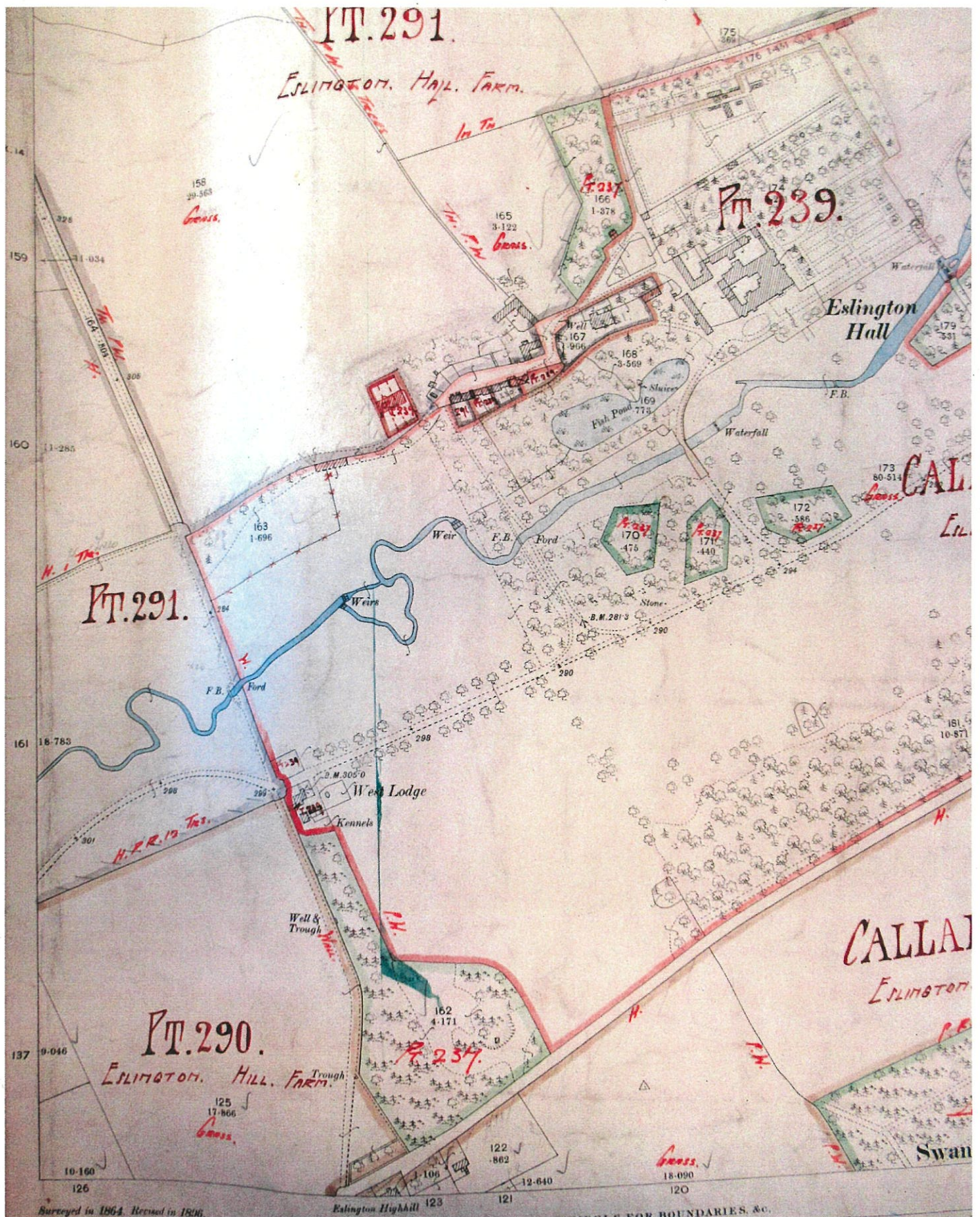
## PARISH OF WHITTINGHAM.

No. on Plan.	Area in Acres.	Remarks.	No. on Plan.	Area in Acres.	Remarks.
21	468-211	Brought forward.	65	914-661	Brought forward.
22	46-769	Arable, &c.	66	845	Wood.
23	3-945	Public road.	67	1-981	Pasture (ibid).
24	3-393	Houses, yards, garden, &c.	68	3-237	Ornamental ground.
25	2-460	Pasture and shed.	69	7-530	Wood, &c.
26	6-610	Houses, garden, &c. (Mountain).	70	4-475	Ornamental ground.
27	8-325	Wood, &c.	71	0-040	House, &c.
28	20-976	Arable.	72	6-830	Wood.
29	20-235	Arable.	73	17-706	Ornamental ground.
30	2-726	Wood, &c.	74	8-445	Wood, &c.
31	5-006	Arable and tree.	75	1-182	Wood.
32	10-286	Arable, &c.	76	6-538	Waste.
33	17-776	Arable.	77	6-752	Wood, &c.
34	3-063	Public road.	78	1-171	House garden, &c.
35	13-381	Pasture, &c.	79	2-799	Wood.
36	20-764	Arable.	80	20-258	Pasture, &c.
37	21-207	Pasture.	81	14-248	Pasture, &c.
38	2-218	Wood.	82	11-235	Pasture, &c.
39	0-010	House (smithy).	83	17-127	Pasture, &c.
40	14-062	Arable.	84	0-096	Garden.
41	9-616	Arable and house (dove cote).	85	0-248	Houses, garden, &c. (West Lodge).
42	15-021	Pasture, &c.	86	5-519	Wood.
43	8-802	Wood.	87	2-541	Wood.
44	1-188	Wood.	88	0-229	Wood.
45	28-829	Pasture, &c.	89	770	Wood.
46	4-19	Wood.	90	76-588	Ornamental ground.
47	5-52	Wood.	91	1-116	Wood.
48	8-201	Pasture and trees.	92	11-067	Wood, &c.
49	10-490	Wood, &c.	93	5-663	Houses, gardens, &c. (Eslington Low-hill).
50	1-147	Wood.	94	1-124	Wood.
51	1-645	Pasture, &c.	95	3-398	Wood.
52	64-427	Pasture and sheds.	96	1-103	Wood.
53	27-475	Pasture.	97	0-061	Wood.
54	35-391	Pasture, trees, &c.	98	5-538	Wood.
55	16-184	Wood.	99	5-843	Arable.
56	5-579	Ornamental ground.	100	7-86	Public road.
57	1-117	House.	101	1-332	Pasture, &c.
58	0-030	Ornamental ground.	102	12-968	Pasture, &c.
59	1-50	Houses, yards, garden, &c.	103	10-164	Public road.
60	1-331	Pasture, house, &c.	104	1-030	Wood.
61	2-779	Yard.	105	2-578	Pasture, &c.
62	3-329	Wood, &c.	106	0-939	Wood, &c.
63	1-287	Houses, yards, garden, &c. (Eslington Hall).	107	0-570	Wood.
64	3-120		108	0-084	Wood.
			109	0-091	Wood.
			110		
914-661		Carried forward.			
1153-558					

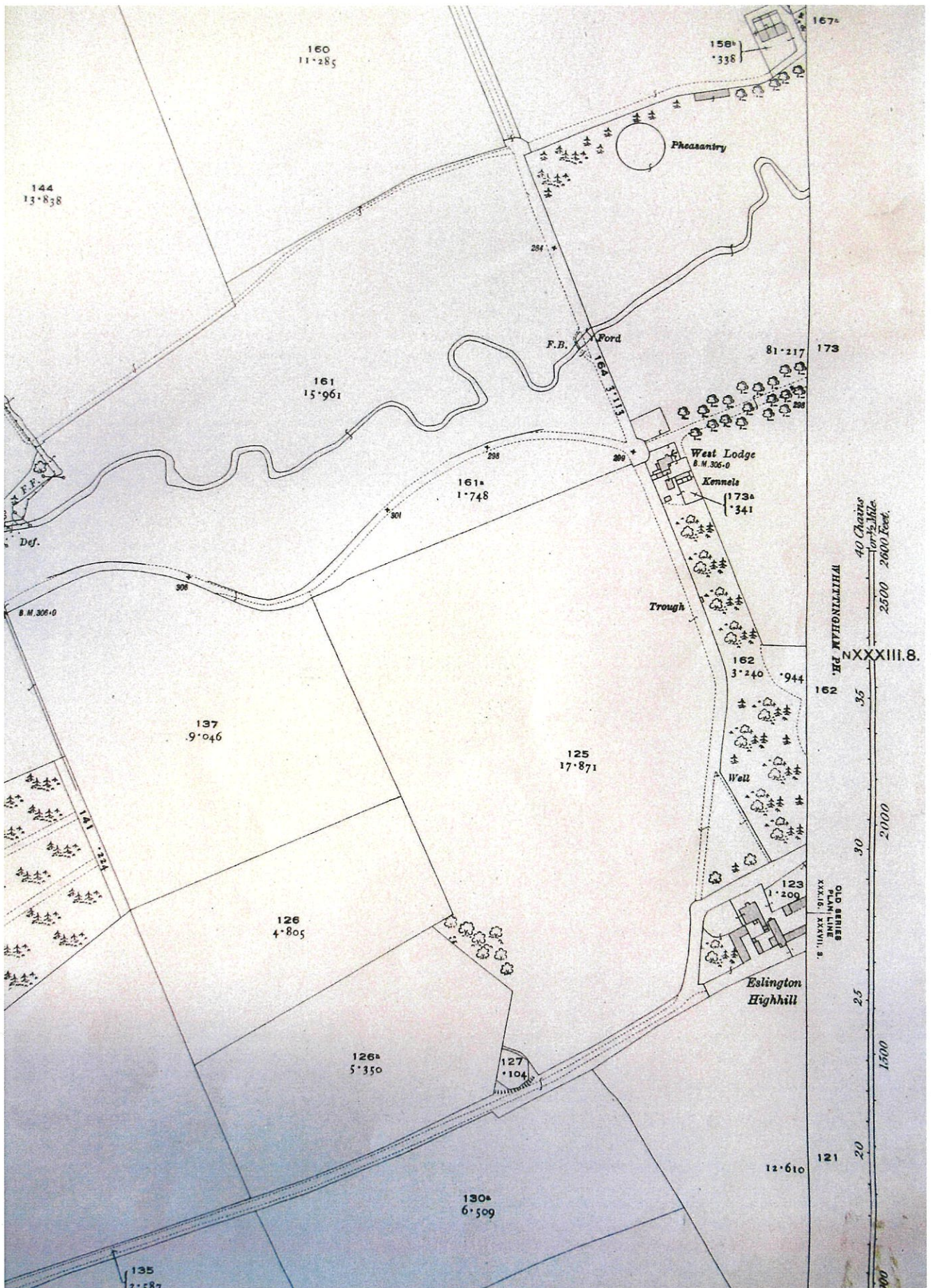






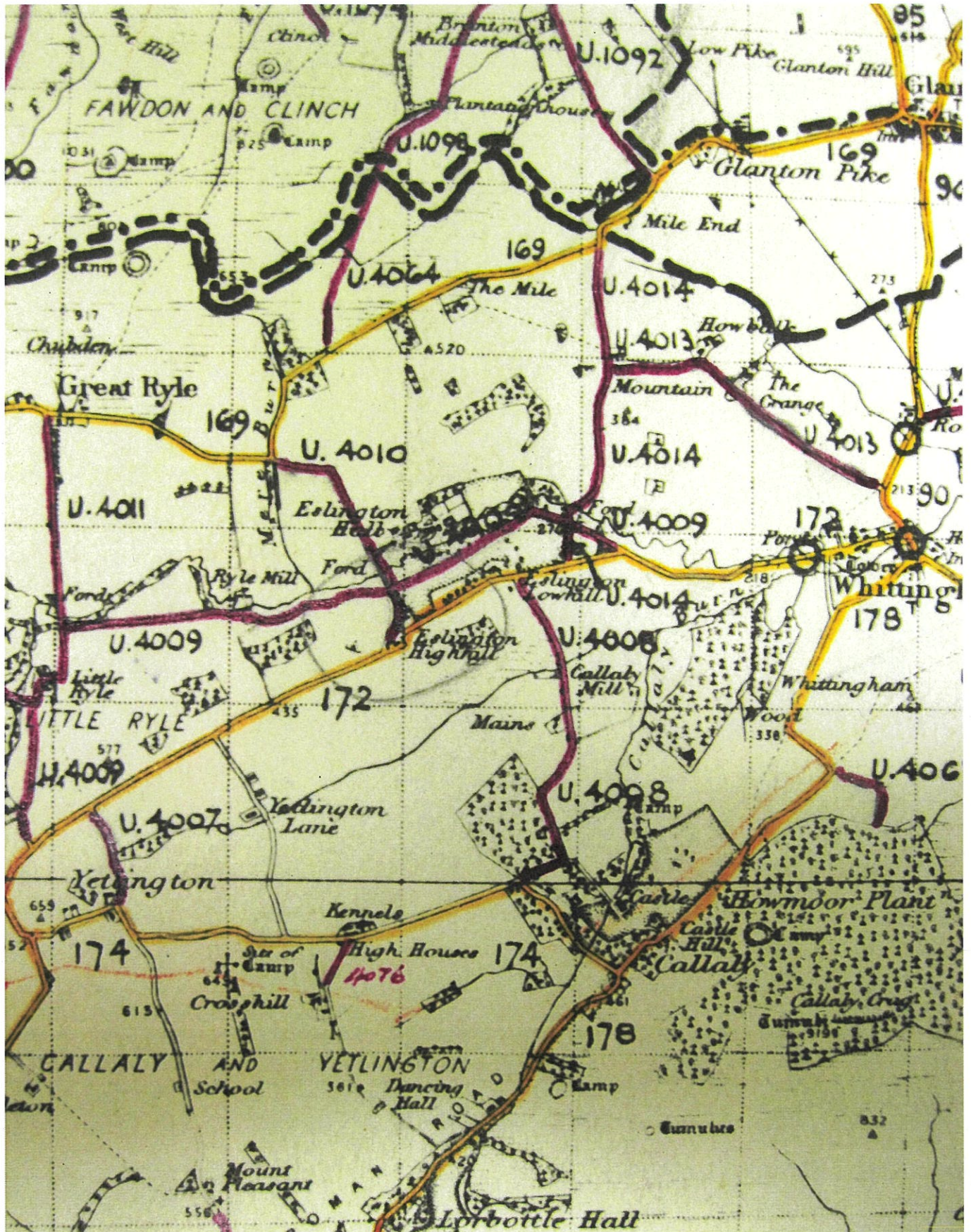








Extract from the Council's 1951 Highways Map





# Survey Map





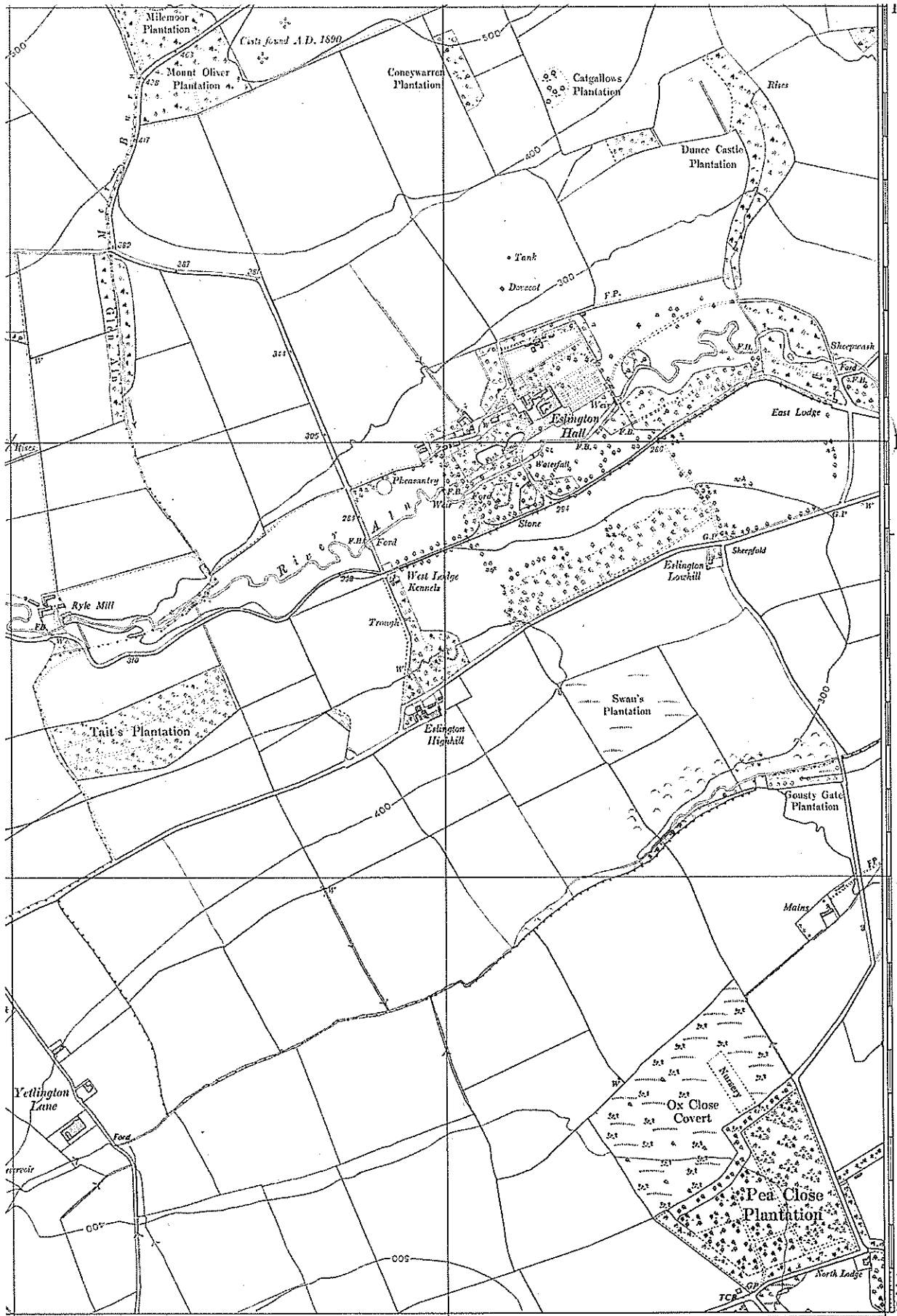




# Provisional Map









# 1958 County Road Schedule

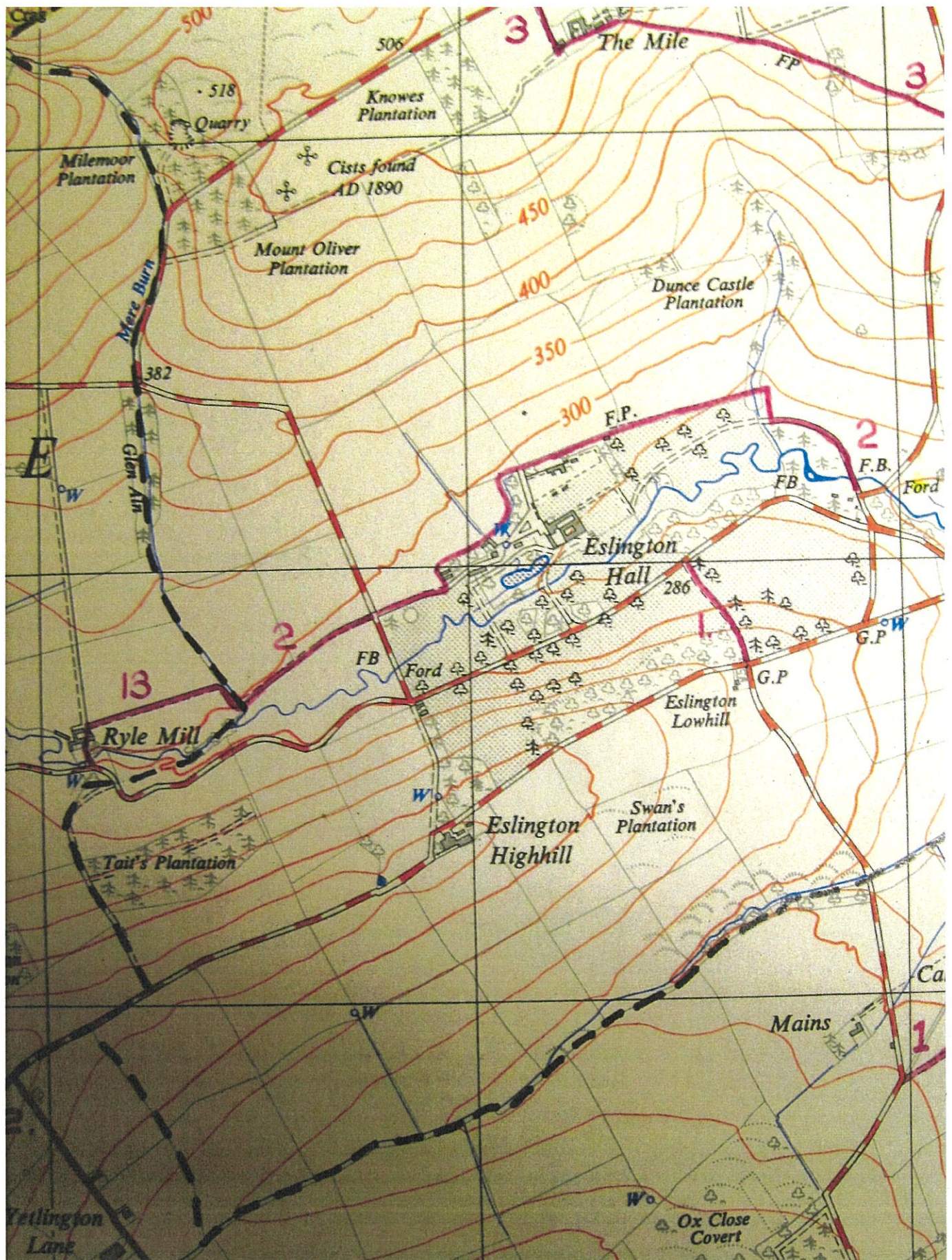
## ALNWICK DIVISION

### Unclassified Roads in Rothbury Rural District

U.4001	Rothhill - Middle Barton Road	From C.90 at Rothhill via Middle Barton to the Rothbury and Alnwick R.D. boundary south-west of Shawdon Hill Cottage.	1.11
U.4002	Whittingham - Thrunton - Whittingham Station Road	From C.90 south-east of Whittingham Crossing A.697 east of Thrunton to Class C.90 east of Whittingham Station.	2.38
U.4003	Thrunton Mill Road	From C.90 west of Mount Holly to the Swine Burn at Thrunton Mill.	0.36
U.4004	Thrunton Red House - Wendysteads.	From U.4002 south-west of Thrunton via Thrunton Red House and Car Burn Bridge to A.697 north of Wandysteads.	2.40
U.4005	High Trehitt - Larbottle Road	From C.176 at High Trehitt to C.178 at Larbottle including the branch road to Larbottle West Steads.	2.35
U.4006	Larbottle - Mount Pleasant Road	From C.178 south-west of Larbottle Hall to Church at Mount Pleasant.	0.67
U.4007	Yetlington North Road	From C.174 at Yetlington northwards to C.172	0.37
U.4008	Callaly - Eslington Low Hill Road	From C.174 west of Callaly North Lodge to C.172 at Eslington Low Hill.	1.29
U.4009	Urchins Bank - Eslington Hall Road	From C.172 north-east of Urchins Bank via Little Ryal and Eslington Hall to C.172 east of Eslington Low Hill.	3.03
U.4010	Eslington Hall West Lodge - Mere Burn Road.	From C.172 at Eslington High Hill via Eslington Hall West Lodge to C.169 at its crossing at the Mere Burn.	0.88
U.4011	Great Ryal - Aln Fordway Road.	From C.169 at Great Ryal to U.4009 at the River Aln Fordway north of Little Ryal.	0.75
U.4012	Alnham - Little Ryal Road	From C.169 north-east of Alnham to U.4009 south of Little Ryal	1.48
U.4013	Whittingham - Mountain Road	From C.90 north-west of Whittingham to U.4014 at The Mountain.	1.20
U.4014	Eslington Low Hill - Mile End Road.	From C.172 at Eslington Low Hill to C.169 southwest of Mile End.	1.14
Forward			19.410 miles



# Original Definitive Map





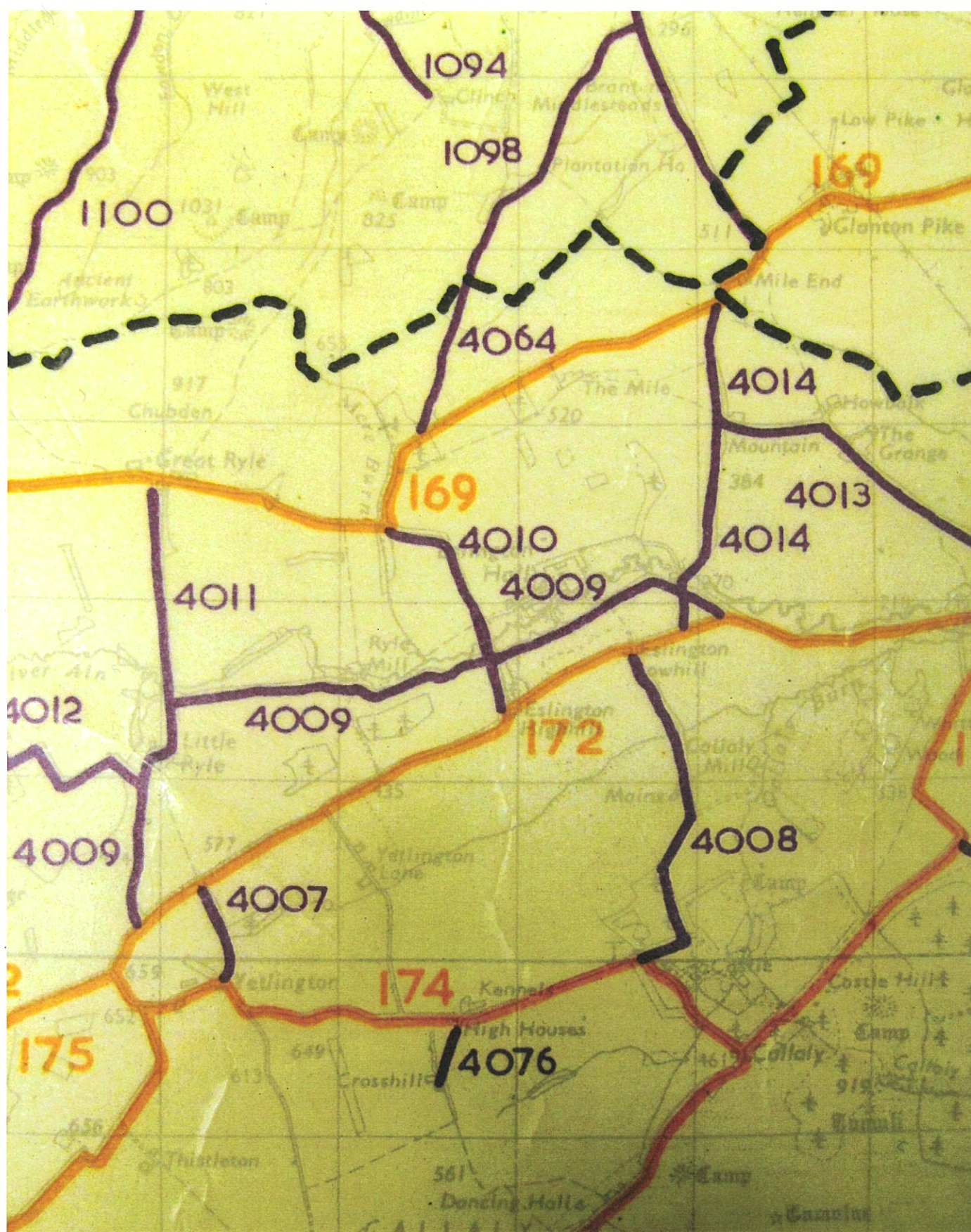
# 1964 County Road Schedule

- 88 -

Route No.	Name of Road.	Description.	Responsible Division or Authority.	Mileage.	Total. Mileage.
U.4001	Rothill-Middle Barton Road.	From C.90 at Rothill eastwards via Middle Barton to the Alnwick Rural District boundary south-west of Shawdon Hill Cottage. (Continues in Alnwick Rural District as U.3061).	Alnwick.	1.11	1.11
U.4002	Whittingham-Thrunton-Whittingham Station Road.	From C.90 south-east of Whittingham crossing A.697 east of Thrunton to rejoin C.90 east of Whittingham Station.	Alnwick.	2.38	2.38
U.4003	Thrunton Mill Road.	From C.90 west of Mount Hooly to the Swine Burn at Thrunton Mill.	Alnwick.	0.36	0.36
U.4004	Thrunton Red House-Mandysteads.	From U.4002 south-west of Thrunton via Thrunton Red House and Coe Burn Bridge to A.697 north of Wandysteads.	Alnwick.	2.40	2.40
U.4005	High Trehitt-Lorbottle Road.	From C.176 at High Trehitt eastwards to C.178 at Lorbottle including the branch road to Lorbottle Weststeads.	Alnwick.	2.35	2.35
U.4006	Lorbottle-Mount Pleasant Road.	From C.178 south-west of Lorbottle Hall north-westwards to the Church at Mount Pleasant.	Alnwick.	0.67	0.67
U.4007	Yetlington North Road.	From C.174 at Yetlington northwards to C.172.	Alnwick.	0.37	0.37
U.4008	Callaly-Eslington Lowhill Road.	From C.174 west of Callaly North Lodge to C.172 at Eslington Lowhill.	Alnwick.	1.29	1.29
U.4009	Urchin Bank-Eslington Hall Road.	From C.172 north-east of Urchin Bank via Little Ryle and Eslington Hall to C.172 east of Eslington Lowhill.	Alnwick.	3.03	3.03
U.4010	Eslington Hall West Lodge-Mere Burn Road.	From C.172 at Eslington High Hill via Eslington Hall West Lodge to C.169 at its crossing of the Mere Burn.	Alnwick.	0.88	0.88
U.4011	Great Ryle-Aln Fordway Road.	From C.169 at Great Ryle southwards to U.4009 at the River Aln Fordway north of Little Ryle.	Alnwick.	0.75	0.75
U.4012	Alnham-Little Ryle Road.	From C.169 north-east of Alnham eastwards to U.4009 south of Little Ryle.	Alnwick.	1.48	1.48

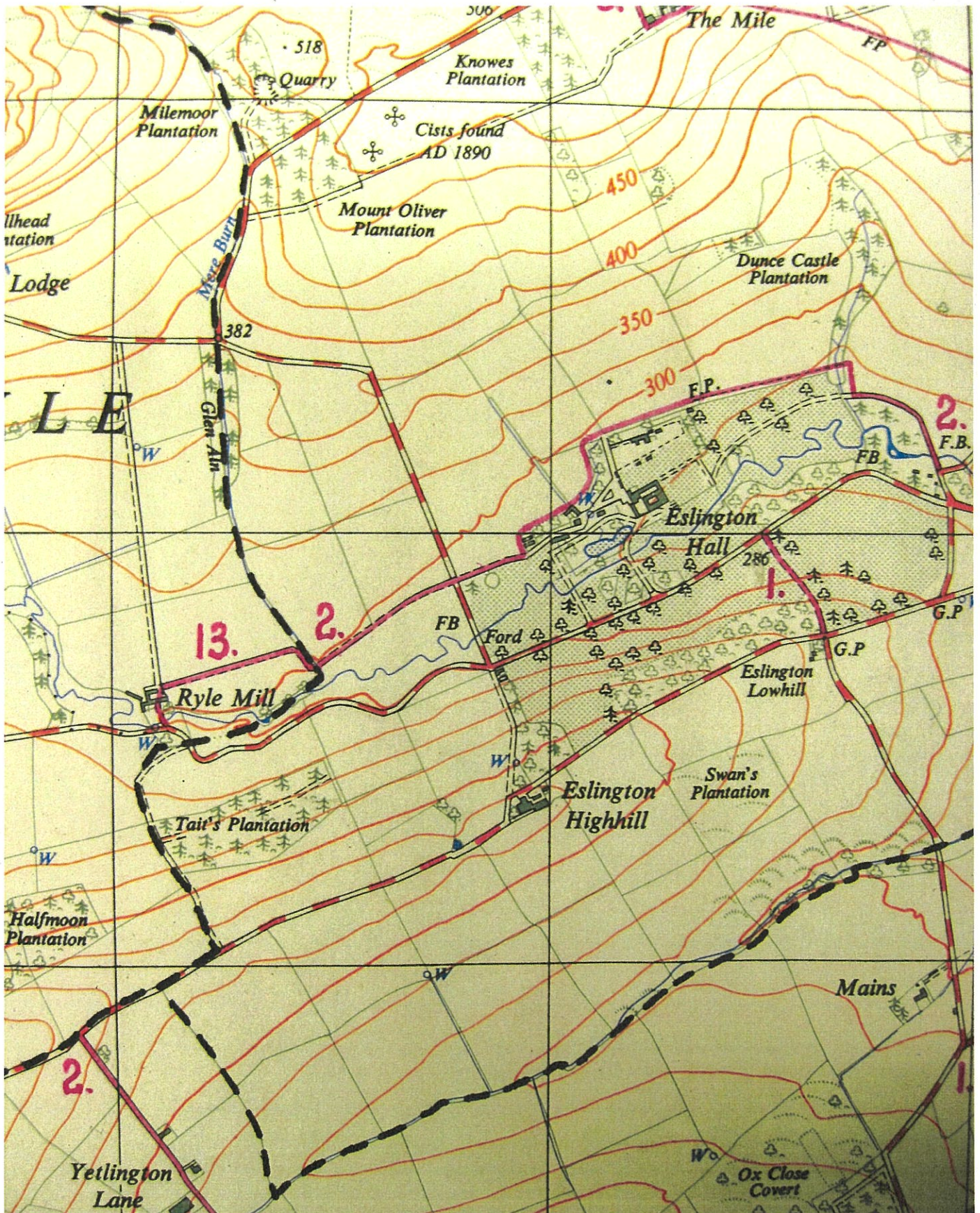


## Extract from the Council's 1964 Highways Map





# First Review Definitive Map



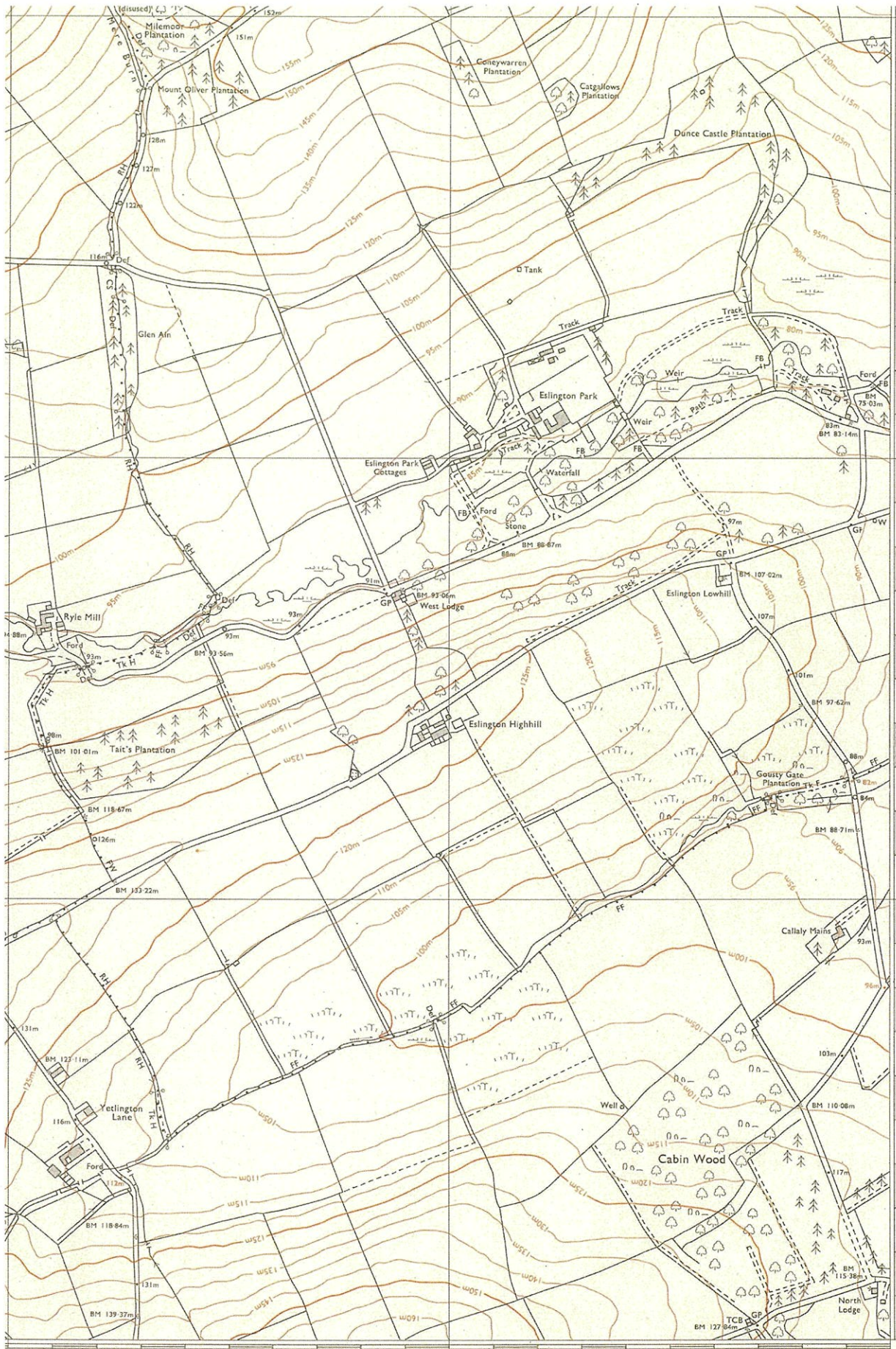


# 1974 County Road Schedule

Route No.	Name of Road	Description	Responsible Division or Authority	Mileage	Total Mileage
U.4004	Thrunton Red House-Wandysteads.	From U.4002 south-west of Thrunton (NU 084104) southwards via Thrunton Red House and Coe Burn Bridge to A.697 north of Wandysteads (NU 093069).	Alnwick Division		2.40
U.4005	High Trewitt-Lorbottle Road.	From C.176 at High Trewitt (NU 009055) eastwards to C.178 at Lorbottle (NU 035065) including the branch road to Lorbottle Weststeads,	Alnwick Division		2.35
U.4006	Lorbottle-Mount Pleasant Road.	From C.178 south-west of Lorbottle Hall (NU 034072) north-westwards to the Church at Mount Pleasant (NU 029081).	Alnwick Division		0.67
U.4007	Yetlington North Road.	From C.174 at Yetlington (NU 023099) northwards to C.172 (NU 022104).	Alnwick Division		0.37
U.4008	Callaly-Eslington Lowhill Road.	From C.174 west of Callaly North Lodge (NU 047100) northwards to C.172 at Eslington Lowhill (NU 046116).	Alnwick Division		1.29
U.4009	Urchin Bank-Eslington Hall Road.	From C.172 north-east of Urchin Bank (NU 019102) northwards and eastwards via Little Ryle and Eslington Hall to C.172 east of Eslington Lowhill (NU 051119).	Alnwick Division		3.03
U.4010	Eslington Hall West Lodge-Mere Burn Road.	From C.172 at Eslington High Hill (NU 039114) northwards via Eslington Hall West Lodge to C.169 at its crossing of the Mere Burn (NU 033124).	Alnwick Division		0.88
U.4011	Great Ryle-Aln Fordway Road.	From C.169 at Great Ryle (NU 020127) southwards to U.4009 at the River Aln Fordway north of Little Ryle. (NU 020114).	Alnwick Division		0.75
U.4012	Alnham-Little Ryle Road.	From C.169 north-east of Alnham (NU 001114) eastwards to U.4009 south of Little Ryle (NU 019110).	Alnwick Division		1.48



1:10,000 O.S. Map  
1979



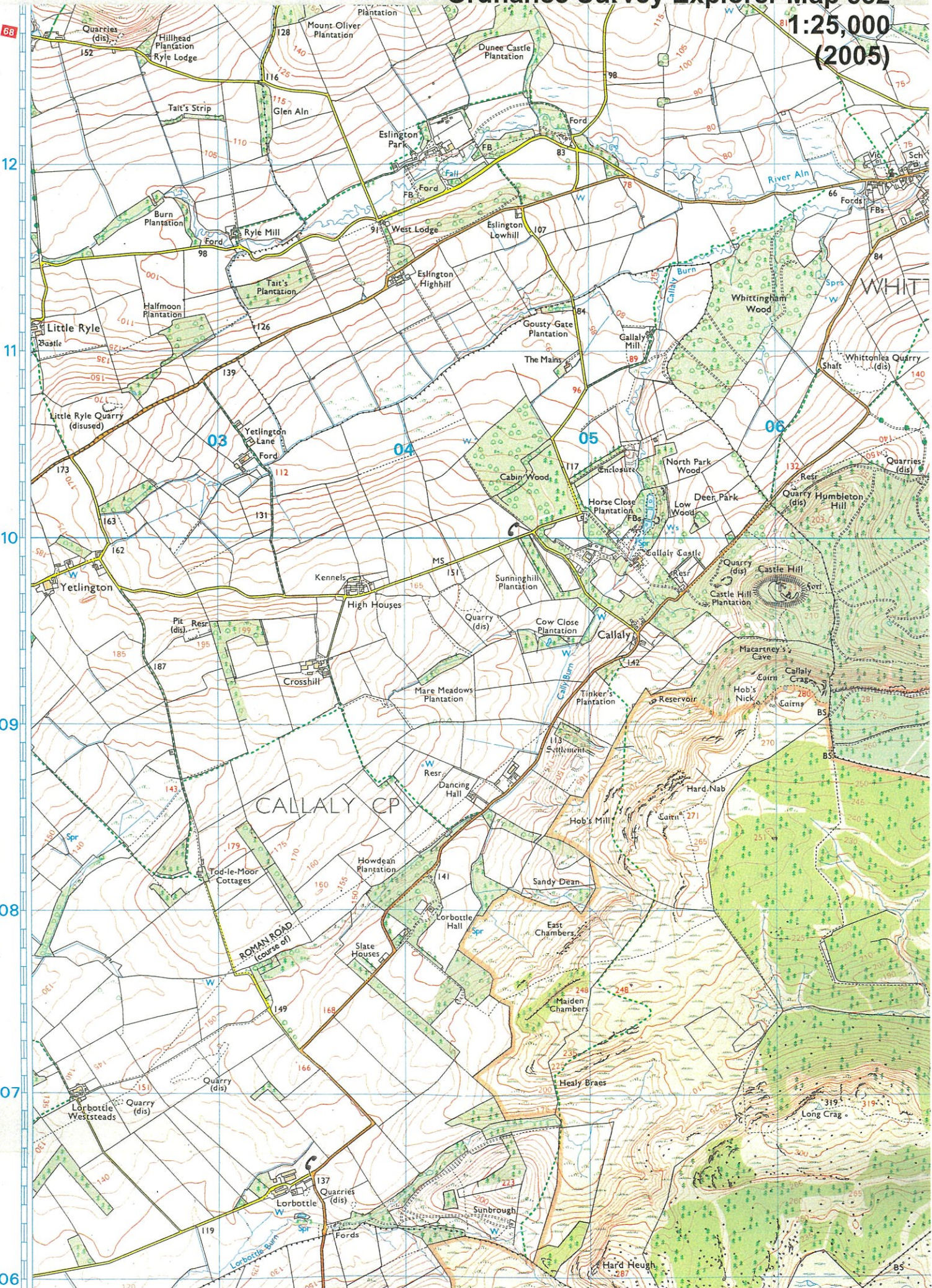


# Ordnance Survey Explorer Map 332

1:25,000  
(2005)

ALNHAM CP

NORTH EAST EURO ER





**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**

<b>Road Number</b>	<b>Description</b>	<b>Length - Metres</b>
<b>U4006</b>		
	Total length for U4006	1,101
<b>U4007</b>		
	C174 TO C172	602
	Total length for U4007	602
<b>U4008</b>		
	C174 TO C172	2,069
	Total length for U4008	2,069
<b>U4009</b>		
	U4012 JCT TO U4011 JCT	575
	U4011 JCT TO U4010 (CROSSROADS)	1,933
	C172 JCT TO U4012 JCT	817
	U4010 (CROSSROADS) TO U4014 (N) MOU	1,202
	U4014 (N) MOUNTAIN JCT TO C172 JCT	347
	Total length for U4009	4,874
<b>U4010</b>		
	C172 TO U4009 (CROSSROADS)	319
	U4009 JCT TO C169 JCT	1,080
	Total length for U4010	1,399
<b>U4011</b>		
	U4009 JCT TO C169 JCT	1,225
	Total length for U4011	1,225
<b>U4012</b>		
	C169 JCT TO U4009 JCT	2,368
	Total length for U4012	2,368
<b>U4013</b>		
	U4014/U4013 LINK ROAD	36

