



Order Decision

Hearing opened on 14 March 2018

by Sue Arnott FIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 07 February 2019

Order Ref: ROW/3176232

- This Order, dated 20 June 2016, is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981. It is known as the Northumberland County Council Definitive Map Modification Order (No. 12) 2016.
- It proposes to modify the definitive map and statement for the area by recording a byway open to all traffic in the Parishes of Craster and Rennington, as shown on the Order map and described in the Order schedule.
- There were three objections and one representation outstanding when Northumberland County Council submitted the Order for confirmation to the Secretary of State for Environment, Food & Rural Affairs.

Summary of Decision: Confirmation of the Order is proposed, subject to the modifications set out in the Formal Decision below.

Procedural matters

1. On 14 March 2018 I opened a public hearing to consider this Order in the Ashington Meeting Room at County Hall, Morpeth. Shortly after opening the proceedings, it became clear that some parties had not been sent copies of the several statements of case that had been submitted. This appeared to be a case of correspondence lost in the post as opposed to administrative error but, as a consequence, there was no other option than to adjourn until another date in fairness to all parties. The hearing resumed on 20 November 2018, this time in the New Hartley Room and all matters were completed in one day.
2. I visited the site of the claimed byway open to all traffic (BOAT) during the afternoon of 13 March 2018 prior to opening the hearing. At the close of the event, none of the parties present requested that I make a further visit.
3. As I have noted above, there were 3 objections and one representation submitted to Northumberland County Council (NCC) when it advertised the Order. Two objections were received from owners of land affected by the Order route: Messrs Robertson (in Rennington parish) and Mr Brown (Craster parish). For ease of reference in this decision I shall refer to these objectors as 'the landowners' so as to distinguish the submissions made on their behalf from those of Mr Kind who made the third objection together with a representation. Again, for ease of reference, I shall refer to Mr Kind as 'the objector' although his representation supports public vehicular road status and his objection relates only to the last of the three main issues set out below.

Main Issues

4. The Order was made under the Wildlife and Countryside Act 1981 (the 1981 Act) on the basis of events specified in Sections 53(3)(c)(i) and 53(3)(c)(iii). If I am to confirm it, I must be satisfied that evidence has been discovered which shows, on a balance of probability, that the public rights intended to be recorded do subsist and that other particulars contained in the map and statement require modification.
5. There are three main issues here: the first is whether the evidence shows that a public right of way for vehicles was once in existence along the Order route; the second is whether any such rights still exist today for all vehicles, and thirdly, if carriageway rights are shown to exist, whether the way should be recorded on the definitive map and statement in the category 'BOAT'.
6. A fourth issue concerns changes to the details recorded in the definitive statement for two connecting public footpaths that would be necessary as a consequence of recording the Order route as a public right of way but this is essentially an administrative formality.

Reasons

Background to the Order

7. If confirmed, the Order would record the route in question (shown on the Order map as Q-R-S) as a byway open to all traffic, that is "a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used".¹
8. On the basis of the historical evidence it discovered, NCC concluded that public vehicular rights of way did (and still do) exist along the Order route, relying on the legal maxim '*once a highway, always a highway*'. Further, NCC considered that Section 67 of the Natural Environment and Rural Communities Act 2006 (the 2006 Act) does not affect the continued existence of such rights.
9. Sub-section 67(1) of that Act provides that upon commencement on 2 May 2006 any existing public right of way for mechanically propelled vehicles (MPVs) was extinguished if it was over a way which, immediately before that date, was not shown in the definitive map and statement or was shown as either a footpath, bridleway or restricted byway unless such rights were saved by virtue of falling into one of the categories for exemption.
10. NCC took the view that public MPV rights were not extinguished, having been saved by sub-section 67(2)(b) which provides as follows: "(2) Sub-section (1) does not apply to an existing public right of way if ... (b) immediately before commencement it was not shown in a definitive map and statement but was shown in a list required to be kept under section 36(6) of the Highways Act 1980 ... (list of highways maintainable at public expense)". It is not disputed that the Order route appears on such a list (identified as U3016).
11. Consequently the Order was made to record a BOAT on the basis that a public vehicular right of way exists, that rights for MPVs have been saved, and that

¹ Section 66 of the 1981 Act

the route has the character of a way mostly used in the manner in which a public footpath or bridleway is used².

Evidence of public vehicular rights

12. The evidence in this case includes historical maps, tithe records, Ordnance Survey (OS) maps and records, material prepared under the Finance Act 1910 and twentieth century highway records. Most significantly the Order route is recorded as a publicly maintainable highway and has been so shown in the County's road records since 1932.
13. The early commercial maps examined include those by Armstrong (1769), Smith (1801), Fryer (1820), Cary (1827) and Greenwood (1828).
14. These reveal significant changes to the road system in this area from the mid-eighteenth century (when the farm at Dunstan Hill was built) through to the early nineteenth century. These changes were possibly the result of enclosure though most probably by agreement since no act of parliament has been found.
15. However, whatever went before, there is little doubt that the Order route was in place as a defined track at the time of Greenwood's survey for his map published in 1927/8. The question is whether this was a public or private road?
16. Greenwood showed only two types of road: 'Turnpike Roads' and 'Cross Roads'. Whilst turnpike roads are well understood, the term 'cross road' has no clear definition.
17. The landowners drew attention to two press advertisements informing the public of the surveys intended by Greenwood. The first relates to the proposed survey and publication of the county map for Yorkshire in 1815; the second (in 1819) refers to similar surveys intended for Durham, Northumberland, Westmorland and Cumberland. Whilst the latter is less specific in terms of the detail intended to be recorded, the advertisement for the Yorkshire map states that amongst the features to be accurately recorded were "Public and Private Roads".
18. It is submitted that the intention for the Northumberland map would have been to collect similar information to be depicted on the map. That point has not been challenged and I agree, in the absence of evidence to the contrary, that it seems most likely.
19. The landowners therefore argue that Greenwood's 'cross roads' would have included both public and private roads. That is a logical deduction. Yet, given that (as shown by Mr Kind's map overlays) the overwhelming majority of the roads in this locality mapped by Greenwood correlate closely with present day public roads, I consider the balance to be tilted slightly more in favour of the Order route being regarded as public at that time³. Indeed, its nature as a through-route, connecting with accepted highways at both ends, tends to suggest a public way rather than private but that is not hugely persuasive.

² A characteristic of a BOAT established in the case of *Masters v SSETR* [2000] 2 All ER 788, (CA) [2000] EWCA Civ 249, (CA)[2000] 4 All ER 458, (CA)[2001] QB 151 (the *Masters* case).

³ As highlighted by Mr Kind, this follows the interpretation of 'cross roads' in *Hollins v Oldham (Ch)*[1995] C94/0206 (unreported).

20. Tithe maps for Dunstan and for Stamford in 1839 offer no evidence of the physical existence of the route at all, even though Greenwood's survey confirms otherwise, and no tithe apportionments have been discovered. Since it appears some known public roads were similarly not shown, there is little support to be offered either way from these maps.
21. However, twenty years later, the OS Boundary Remarks Book noted the way (at the point it crossed the parish boundary) as an "Occupation Road". This was endorsed in 1863 when the OS First Edition 25" to one mile map was published with its corresponding Book of Reference. Here, the OS surveyors noted the route (between points R and S) variously as a 'road' and 'private road'. Whilst not definitive, this evidence points more towards private status rather than public.
22. The landowners submit that this evidence should not be dismissed lightly, pointing to the powers⁴ of the local Justice of the Peace to appoint fit and proper persons as 'meresmen' for the purpose of confirming the position of boundaries. Thus the records were compiled with the assistance of 'fit and proper' persons with local knowledge. This exercise was not intended to record rights of way but it is argued that, viewed objectively, these documents can be of value in defining the private status of a way just as much as public status.
23. I note also that the 25" OS map of 1863 showed the Order route coloured sienna, a shade used to denote roads and tracks that were metalled. This was clearly an established road but that does not necessarily mean a public one. The operation of a smithy at Dunstan Hill (marked on the 1866/7 and 1899 editions) might suggest the Order route provided a service road accessible from both east and west, or even an access to a limekiln between Q and R on the Rennington side and/or to a limekiln, a windmill and later an old quarry located north of Dunstan Hill Farm.
24. Whilst a public highway is not ruled out, I accept that these OS records lean more towards the Order route being a private road than a public one although this is not unassailable evidence.
25. The records prepared under the 1910 Finance Act are similarly equivocal. Land crossed by Q-R was owned by the Trustees of the late S Eyres, occupied by W Robertson and formed part of Stamford Farm; land between R and S formed part of Dunstan Hill Farm, occupied by Robert and James Redhead but listed simply as owner "23". Public rights of way were claimed on both hereditaments but on properties of this size it is not possible to be certain exactly which routes were being accounted for. In neither case was the Order route 'excluded' from the land being assessed as is often the case for public roads. However inclusion within a hereditament for tax purposes did not preclude the possibility that a highway of some description did exist. I consider these records to be broadly neutral in evidential terms if leaning very slightly towards 'private' road status.
26. The key piece of evidence in this case is the 'Handover Map' which is dated 1932. This record (which includes the Order route) indicates the roads for which the former Alwicks Rural District Council had been responsible and which were being 'handed over' to the county. Since a commitment to maintenance

⁴ Under section 1 of the Ordnance Survey Act of 1841

at the public expense would not have been undertaken lightly, this record is usually regarded as strong evidence of the highway authority's acceptance at that time that the road was a public one.

27. However, this was a document that recorded maintenance responsibility, not public rights. It is therefore clear that the Order route was noted as a publicly maintainable highway but the map is not conclusive of its exact status. It has not been argued that it may have been a footpath or bridleway and, given the known public status of other roads shown on the map, the inference is that it was considered to be a carriageway. Indeed NCC submits that in Northumberland there is no evidence to suggest public footpaths or bridleways were intentionally included on its list of publicly maintainable highways.
28. Although I recognise that (potentially) this is a very strong piece of evidence supporting the Order, I exercise caution when allocating weight, particularly when, as the landowners emphasised, the handover map was prepared principally for internal use by the highway authority, it was not openly in the public domain at the time and it was not itself subject to public scrutiny. In the landowners' submission the Order route was included wrongly and all subsequent related records are underpinned by this inaccurate map.
29. The landowners regard this as the first document to define the Order route as having any form of public status but point out there is no evidence to demonstrate how the map was compiled. They also suggest the map itself appears somewhat chaotic insofar as there are two separate routes both shown with the same number (34); it should therefore not be relied upon.
30. The objector (who supports the existence of a public carriageway along the Order route) submits that it is not surprising to find it difficult to substantiate records of this nature given the distance in time. It is for this reason, he argues, that the courts set up a presumption of regularity: where it has been proved that an 'official act' has been done, it will be presumed, unless the contrary is shown, that the said act complied with any necessary formalities and that the person responsible was 'duly appointed'. Further, where there is a lawful origin for a set of facts, that is to be preferred to any other origin, without cogent evidence to the contrary. The objector submits there is no evidence here to show that a mistake was made when the handover map was drawn up.
31. Whilst I accept it is possible that the Order route was included on NCC's 1932 handover map in error, the evidence to support this is both limited and equivocal. Nevertheless, I agree with the landowners that *if* a mistake was made on this map, then other records which were derived from it *may* also be suspect and therefore unreliable.
32. Aside from county road records⁵ which were produced to show highways for which NCC has been responsible post-1932, there are three separate records which relate to the information shown on the handover map: those compiled under the Rights of Way Act 1932, the Restriction of Ribbon Development Act 1935 and the National Parks and Access to the Countryside Act 1949 (the definitive map and statement).

⁵ Including revisions in 1951, 1958, 1964 and 1974

33. The schedule published under the 1932 Act for the Rural District of Alnwick included the two routes which subsequently became definitive footpaths 5 and 6 (Craster) and which both join the Order route. The description of Footpath 5 (then numbered 3) actually refers to it starting on Dunstan Hill road. There is a clear implication that both paths were considered to connect to a public road at Dunstan Hill.
34. The 1935 Act saw publication of a list of "UNCLASSIFIED ROADS IN THE RURAL DISTRICT OF ALNWICK" to which the ribbon development restrictions were to apply. The Order route was included as Road 23. There is little doubt that this will have been based on the 1932 map; however this schedule was formally considered by the County Council and an advertisement placed in the press on 28 June 1937 to announce its adoption.
35. The definitive map reflects the details noted in the 1932 Act record in this locality. The two footpaths which join the Order route appear on the initial survey map (dated 1957) and subsequently on the draft, provisional and final definitive maps.
36. In each case, these three sets of records were subject to public scrutiny to a greater or lesser degree. The maps displayed details which either relied on the premise that the Order route was a public road⁶ or indeed identified it as such. Whilst procedures of the day did not provide for consultation directly with people in the locality and fall a long way short of the standards expected today, parish councils were usually actively involved in the preparation of the definitive map, yet here there is no record of the terminus of either footpath 5 or 6 being queried at any stage.
37. In contrast, Mr Robertson spoke of his Uncle Will who had successfully challenged the inclusion of his farm road running westwards from Embleton Mill to Prickley Bridge when it had been noted (probably⁷) as a 'Cart Road' in the 1932 Act records.
38. I also note that the footpath leading eastwards from the Embleton Road south of Spitalford was drawn on the initial survey⁸ map but with a note indicating the claim had been abandoned; the path is not shown on the draft map but was added to the provisional and now is recorded on the definitive map. This suggests there was *some* local interest in recording public rights of way in Dunstan parish and that it was not simply a 'rubber-stamping' exercise.
39. In my view this counters the argument that the county road records were not in the public domain and that a route shown in error could easily endure over many subsequent revisions without challenge. In fact twice in the 1930s and again in the 1950s were records put before the public which *could* have caused questions to be raised over the identification of the Order route as an 'unclassified county road' yet there is no evidence to suggest this occurred.
40. I acknowledge that this is difficult to reconcile with the genuine recollection of landowner Mr Robertson, whose family has farmed the land for generations

⁶ It is possible that county roads (including the Order route) were pre-drawn on the 1949 Act survey maps before being marked up by local surveyor Mr Blackburn of Dunstan who also completed the survey forms. However it seems unlikely that highway status would simply be accepted by him as correct if the Order route was known to be a private road.

⁷ This seems the most likely point at which any public interest in this road was challenged.

⁸ The survey in preparation for the definitive map

- extending back to the mid-nineteenth century, that the road has always been regarded as private.
41. However, to the east of Dunstan Hill, the road has been surfaced with tarmac at public expense at some time in the recent past and is signposted in the same manner as any other minor public road in the county (albeit now gated at point S). Whilst the circumstances in which this work was carried out are not known, there appears to have been tacit acceptance by the owner of this section of a public vehicular right, at least insofar as the tarmac surface extends.
 42. Whilst not definitive, the handover map can attract considerable evidential weight in support of highway status. But, as the landowners highlighted, unlike the definitive map and statement, it does not enjoy conclusive status under statutory provisions. Consequently the scales are not pre-weighted in favour of full highway status as would be the case for a route shown on the definitive map (as illustrated by the case of *Trevelyan v Secretary of State for Environment, Transport and the Regions* [2001]⁹).
 43. The landowners argue that there is no evidence of express dedication or adoption, most particularly post-dating the 1910 records (which they say weigh in favour of private status at that time), so as to support inclusion of the Order route. It is submitted that the positive evidence of private status pre-dating the handover map, when set alongside all other evidence that is either silent on the matter of status or indicative of a private road, is sufficient to overturn any presumption in favour of the handover map being correct.
 44. In contrast, the objector submits that the evidence points to a publicly maintainable road 'time out of mind': an ancient highway pre-dating the 1835 Highways Act, as supported by the Greenwood map.
 45. NCC accepts that no one piece of evidence conclusively demonstrates the existence of a public vehicular right of way but, taken together, considers the available evidence sufficient to satisfy the balance of probability test.
 46. In reaching my own conclusions I recognise that much of the evidence pre-1932 is equivocal, with some (such as the OS and Finance Act records) leaning towards private status but not ruling out the existence of a public road; others (Greenwood in particular) suggest the reverse. In my view there is not a significant weight of evidence in favour of private status in the early twentieth century such as to show, on a balance of probability, that the handover map was wrong although I accept it is a reasonable proposition.
 47. However, whilst I also agree in principle that post-1932 records should be regarded with caution where these are derived from or rely on the handover map, the three sets of records have not remained as internal NCC documents; each has been open to scrutiny by the public, ostensibly without question. Therefore rather than devaluing the handover map, I consider it to have been somewhat validated as a result.
 48. I take into account also the later mapping that has been submitted. Overall I conclude that the balance of probability swings in favour of the Order route

⁹ *J Trevelyan v SSETR* [2000] NPC 6, (CA)[2001] EWCA Civ 266, [2001] 1 WLR 1264

historically being established as a publicly maintainable vehicular highway between points Q, R and S on the Order map, at least prior to 2 May 2006.

The effect of the Natural Environment and Rural Communities Act 2006

49. NCC concluded that the exception offered by sub-section 67(2)(b) of the 2006 Act (as referred to in paragraph 10 above) was applicable to the Order route on the basis that the route is recorded on its list of publicly maintainable highways and is not recorded on the definitive map and statement. No representations have challenged this and I am satisfied that the evidence supports the conclusion that the Order route still carries full public carriageway rights.

Classification as a 'byway open to all traffic'

50. At the hearing Mr Bell submitted that NCC considered it important to look at the Order route as a single entity and view the whole road as one, particularly when use by the public is most likely to be as a through-route. NCC submits that the road satisfies the criteria for recording as a BOAT since it is used, or likely to be used, by the public mainly in the way footpaths and bridleways are used; as most BOATs are unmetalled and cannot be driven with 'normal' family cars, overall it is typical of the majority of byways.
51. The landowners accept that through the surfacing and maintenance of the section east of Dunstan Hill at the public expense, this part may now have become a public carriageway, this having the character of an ordinary road. The usual traffic over this part is by MPVs albeit only to access Dunstan Hill; therefore it is submitted this section should not be recorded on the definitive map since it does not meet the statutory test for this category of highway.
52. The objector points to the absence of any evidence of use by the public other than with motor vehicles. He draws attention to the precise wording of section 66(1) of the 1981 Act¹⁰ and submits that on a literal interpretation of that definition, the current use of the way is the only relevant consideration. However this narrow interpretation was rejected in the *Masters* case when the Court of Appeal examined the purpose of the statutory scheme. In the objector's submission, as a matter of law, current use is relevant to whether or not a way should be recorded as a BOAT, even though it is not a wholly conclusive factor.
53. I do not disagree with that interpretation. It seems to me that the Courts have sought, through the *Masters* case and others, to find a pragmatic approach to the challenges posed by a literal reading of the statutory definition of a BOAT. As Roch LJ said in the *Masters* judgement, "*What was being defined was the concept or character of such a way*". Recent public use by pedestrians, equestrians and by vehicular users can be relevant in determining the character or type of a particular way but other factors may come into play too.
54. As regards use by the public in this case, I have before me evidence from 4 people who have all used the way with motor cycles in the past, with their visits dating back to the 1980s and each having used the way with other motor cyclists. In addition, a statement from the local CTC representative states that the route has been cycled without a problem (although no dates are given). There is no evidence of use by either walkers or horse riders but, as stated in

¹⁰ As noted in paragraph 7 above

paragraph 4.38 of Circular 1/09, "*Relevant case law suggests that, for a carriageway to be a BOAT, it is not a necessary precondition for there to be equestrian or pedestrian use or that such use is greater than vehicular use.*"

55. It is clear that the Order route has been obstructed at the parish boundary¹¹ at point R for the last two or three years¹² at least so that any truly current use is unlikely. Indeed landowner Mr Robertson stated that he had not seen any use by the public. Nevertheless, in the *Masters* case the Court recognised that "*Parliament did not intend that highways over which the public have rights for vehicular and other types of traffic, should be omitted from definitive maps and statements because they had fallen into disuse if their character made them more likely to be used by walkers and horse riders than vehicular traffic because they were more suitable for use by walkers and horse riders than by vehicles.*"
56. In his submissions Mr Kind suggested that what the Courts were seeking was an interpretation that would offer "a reasonable degree of stability" to the satisfaction of the statutory criteria and that the definition "should be interpreted so as to accommodate the point that a route should remain a BOAT notwithstanding that the balance of user may change over time".
57. Taking all these factors into account, including the evidence of actual use, together with the physical nature of the Order route, I have no hesitation in concluding that the route to the west of Dunstan Hill (Q-R-S1¹³) satisfies the statutory test (as interpreted by the Courts) insofar as it is of a character more likely to be used by walkers and horse riders than by vehicles.
58. The tarmac surface provided on the section to the east of the farm presents a different picture. Highway authorities are required to maintain the surface of publicly maintainable highways to a standard that is "reasonably passable for the ordinary traffic of the neighbourhood"¹⁴. Tarmac is not usually warranted on a way where the majority of users are non-motorised although sometimes other factors may determine the surface. In this case the road from point S to S1 provides vehicular access to several cottages as well as Dunstan Hill Farm (although no evidence has been provided to establish whether residents use the road by virtue of a private right or a public one).
59. As far as public carriageways are concerned, there are no set criteria for what should be regarded as part of the 'ordinary road network' or what should more appropriately be recorded on the definitive map. 'Ordinary roads' could be defined as those on NCC's list of maintainable highways, or roads with a sealed surface; alternatively they might be interpreted as roads that can easily be driven in a domestic vehicle.
60. In the absence of any clear guidelines, and on the basis of the information before me, I find that the Order route Q-R-S1 is more likely to be used by the public as walkers or horse riders than with vehicles, despite the only actual evidence of use in recent times being from motor or pedal cyclists. Further, I consider the likely use and character of the section S1-S is such that it does not fit the criteria for inclusion in the definitive record.

¹¹ This also being the property boundary

¹² Details submitted by Mr Shepherdson show the route to have been usable in June 2016 but not by March 2017.

¹³ Additional points (including S1) are shown on Plan 2 of Appendix 1 in the bundle listed below as Document 5.

¹⁴ R v High Halden [1859] 1 F & F678, 175 ER 128

Conclusions on the historical evidence

61. Although very finely balanced in this case, I am satisfied that the evidence points towards the Order route having been a vehicular highway, most probably dating back to the early nineteenth century.
62. Records also show this route to be exempt from the statutory extinguishment of rights for mechanically propelled vehicles instigated by sub-section 67(1) of the 2006 Act on the grounds provided in sub-section 67(2)(b). Therefore such rights continue to exist.
63. Finally I conclude that it would be appropriate to record part of the Order route (Q-R-S1) on the definitive map and statement as a byway open to all traffic, the nature of its use and character overall fitting that description. However I consider the remaining section (S1-S) is more properly regarded as forming part of the ordinary road network and therefore that it would not be appropriate to record this on the definitive map and statement.

Other matters

64. Some of the initial objections to this Order raised concerns about the likely effects of motor vehicles, driven or ridden by the public along the Order route. Safety and nuisance issues, the potential for accidents and the deterioration of the road surface are all understandable fears. However these are not matters I can take into account in determining the legal status of the Order route although they may be relevant to the future management of the highway.
65. Another point raised in the initial objections questioned whether there had been any 'discovery' of new evidence in this case; it was submitted that, in effect, NCC had simply looked again at evidence already known to exist in its own records. In response NCC noted there is no evidence to indicate that at any time in the past the status of this particular route has been contested. The point was not pursued further by the landowners and I am satisfied that the evidence before me meets the requirements of the legislation in this respect.

Conclusion

66. Having regard to the above and all other matters raised at the inquiry and in the written representations, I propose to confirm the Order with modifications to the Order route as necessary to reflect the conclusion referred to in paragraph 63 above.

Formal Decision

67. I propose to confirm the Order subject to the following modifications:

In the Order schedule

Description of Modification to Definitive Map and Statement

Craster Footpath No 6

- In Part II Statement: Delete "Byway Open to All traffic No 26" and substitute "the public road (U3016)";

Craster Byway open to All Traffic No 26

- In Part I Map: From line 3 onwards amend description to read: "... in an easterly, then south-easterly direction along part of the U3016 public road for a distance of 630 metres to a point marked S1 at Dunstan Hill Farm.";

- In Part II Statement: From line 12 onwards amend description to read: "...Thereafter as a 6 metre wide byway continuing in a south easterly direction for a further 45 metres to a point on the U3016 public road at Dunstan Hill Farm."

On the Order map

- Amend line of "Byway Open to All Traffic" so as to remove section S1-S as shown.

68. Since the confirmed Order would (if modified) not show a way as it is shown in the Order as made, I am required by virtue of Paragraph 8(2) of Schedule 15 to the Wildlife and Countryside Act 1981 to give notice of my proposal to modify the Order and to give an opportunity for objections and representations to be made to the proposed modifications. A letter will be sent to interested persons about the advertisement procedure.

Sue Arnott

Inspector

APPEARANCES

In support of the Order

Mr A Bell Definitive Map Officer; Northumberland County Council

Opposing aspects of the Order

Mr A D Kind

Mr B Shepherdson *(14 March 2018 only)*

Mr K Lord *(14 March 2018 only)*

Mr I Ponter Of Counsel; instructed by Womble Bond Dickinson (UK) LLP
(20 November 2018 only)

Ms K Ashworth Womble Bond Dickinson (UK) LLP

Ms F Everett Ditto *(14 March 2018 only)*

Mr R Carr Robin Carr Associates

Mrs S Carr Ditto

Mr D Robertson

Mr J Robertson *(20 November 2018 only)*

DOCUMENTS

1. Copy of the statutory objections
2. NCC's statement of grounds for making the Order and comments on the objections
3. NCC's statement of case with accompanying background documents submitted on 21 December 2017
4. Statement of case submitted by Mr A Kind on 17 January 2018
5. Statement of case submitted by Ms K Ashworth of Womble Bond Dickinson (UK) LLP dated 25 January 2018 with appendices 1-32
6. Statement of case submitted by Mr B Shepherdson on 14 January 2018
7. Statement of case submitted by Mr K Lord on 17 January 2018
8. Statement of case submitted by Mr K Canham on 20 January 2018

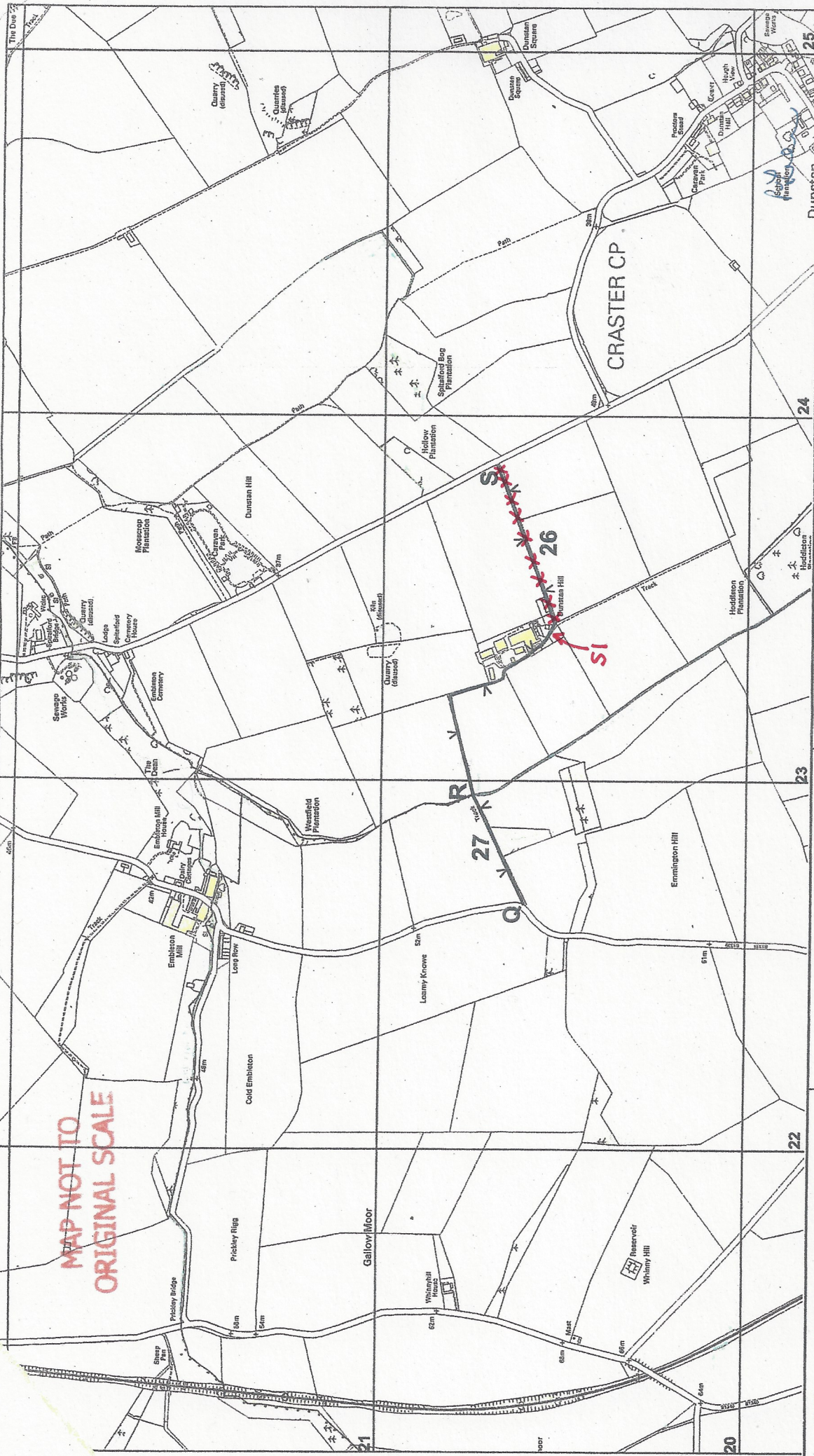
Additional documents submitted at the hearing

9. Additional letter from Mr K Canham dated 8 March 2018 including photograph taken in March 1983
10. Rebuttal statement submitted by Mr Kind together with mapping overlays
11. Copies of the keys to maps by Armstrong (1769, Fryer (1820) and Greenwood (1827/8)
12. Additional Appendices (26-32) submitted on behalf of Messrs Robertson and Mr Brown by Womble Bond Dickinson (UK) LLP

Additional documents submitted during the adjournment

12. Further Submissions of Mr Kind dated 24 April 2018
13. Supplementary Submissions on behalf of Messrs Robertson and Mr Brown by Womble Bond Dickinson (UK) LLP submitted on 29 October 2018

**MAP NOT TO
ORIGINAL SCALE**



Northumberland

Northumberland County Council

Infrastructure
Local Services

County Hall Morpeth Northumberland
Telephone 0845 600 6400 NE61 2EF

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Wildlife and Countryside Act, 1981

**Definitive Map of
Public Rights of Way
for the
County of Northumberland**

The Northumberland
County Council

**Modification Order
(No.12) 2016**

- Public Footpath to be deleted
- Public Footpath
- Public Bridleway
- Restricted Byway
- Byway Open to All Traffic

O.S. Map NU 22 SW
Former District(s) Alnwick

Definitive Map No 50
Parish(es) Remington/
Craster

Scale: 1/10,000

Date: February 2016