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| **Order Decision** |
| Inquiry held on 28 January 2020 |
| **by Sue Arnott FIPROW** |
| **an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 5 August 2021** |

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| **Order Ref: ROW/3193904/M1** | | |
| * This Order 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 30) 2016 Byways Open to All Traffic Nos 20 & 17 (Parishes of Bamburgh & North Sunderland). | | |
| * The Order is dated 1 December 2016. It proposes to modify the definitive map and statement for the area by recording a byway open to all traffic from the B1340 public road south of Bamburgh, via Greenhill and Fowberry, to the U2018 public road at Shoreston Hall, as shown on the Order map and described in the Order schedule. | | |
| * There were four letters of objection and one representation outstanding when Northumberland County Council submitted the Order for confirmation to the Secretary of State for Environment, Food and Rural Affairs. | | |
| * In accordance with Paragraph 8(2) of Schedule 15 to the Wildlife and Countryside Act 1981 I have given notice of my proposal to confirm the Order with modifications. An objection from two parties has been submitted in response, together with two letters of support. | | |
| **Summary of Decision:** | **Confirmation of the Order is proposed subject to the modifications previously proposed and with additional minor modifications.** | |

**Procedural matters**

1. If confirmed with the modifications set out in paragraph 69 of my interim Order Decision issued on 9 April 2020, the Order would record on the definitive map and statement a byway open to all traffic (BOAT) as proposed over the two end sections R-X and T-Z-S-Y but a right of way on foot only over the connecting length X-Y. In addition several distances that were inaccurately stated in the Order Schedule would be corrected.
2. An objection was submitted to my proposal to confirm the Order with these modifications by Mr Kind and also on behalf of the Trail Riders’ Fellowship. Both parties continue to support confirmation of the Order but without modification of the status of the Order route and the consequential administrative changes.
3. Following receipt of this objection, additional evidence was supplied by Mr Kind, all of which was circulated for comment. Further submissions have been made by all the parties previously involved in the hearing on 28 January 2020. I also received comments from Ms C Johnson, Mr J Thompson and Mr G Stewart (on behalf of North Sunderland Parish Council), all of which have been taken into consideration in reaching my final conclusions.

**Main Issues**

1. In my interim Order Decision I noted that there are two main issues to be addressed: the first is whether the evidence shows that a public right of way for vehicles was once in existence along (all or part of) the Order route; the second is whether any such rights still exist today and, if so, whether these should be recorded on the definitive map and statement as a ‘BOAT’.
2. These remain the questions to be answered in light of the additional evidence that has been put forward since my interim Order Decision was issued.

Reasons

1. In my interim Decision, I examined the evidence that was before me at that stage and set out the conclusions I had reached thereon. I now have before me additional evidence submitted by Mr Kind alongside submissions which question the weight I have attached to the material previously considered.
2. I shall consider this new evidence first, in the light of the material I previously examined, before addressing any remaining points about evidential weight.
3. However, before doing so I will correct a previous finding, at paragraph 30 of my interim Decision, that on NCC’s 1951 Highways Map a question mark to the north of point S was tagged with the words “*check and connect if necessary*”. Thanks to both Mr Bell at NCC and Mr Kind, I have been provided with clearer enlarged copies which show that this comment[[1]](#footnote-2) refers to another highway that is of no consequence here.
4. Even so, having cleared that comment from the equation, the pencilled question mark remains and still invites an explanation. I think Mr Kind is probably correct in saying this was attached to another short pencilled line running eastwards from point Y since this was added to the 1964 Highways Map on what is now the line of the Order route. In fact there are other notes pencilled onto the 1951 map, most likely as part of a review of the 1951 record, and Mr Kind provided examples showing that other alterations appear to have been made on the 1964 map as a result.
5. Whilst I entirely accept this as an explanation of the process that was followed by NCC at some time between the production of the 1951 and 1964 maps showing highways for which it was responsible, there is absolutely no evidence at all of the reasoning behind the changes made (other than the pencilled notes), and no paper-trail that might now provide reliable evidence to support the alignment changes, additions or deletions that clearly were implemented.
6. In response to further evidence provided by Mr Kind, I am content to accept that a comparison between the status of the Order route and the apparently private connecting road via New Shoreston may be somewhat unreliable. I understand this route is now the subject of an application for a definitive map modification order to record its status as a public highway, and so too is Bamburgh Bridleway 10. The true legal status of these two routes is not for me to determine, yet their history seems to be closely bound up with the evolution of the Order route, not least because all three were shown as ‘cross-roads’ by Greenwood in 1828.

***The new evidence***

1. I now have before me additional documentary evidence provided by Mr Kind and on behalf of the TRF. This supports their contention that the map-maker Greenwood showed the Order route as a public carriageway in 1828, and that records show NCC diligently managed the highway network for which it took responsibility post-1929[[2]](#footnote-3). He has also submitted the 1950s survey sheet for Bridleway 10. I consider this new evidence below in the context of the material I previously examined before addressing other new submissions.

*Greenwood’s Map of Northumberland 1828*

1. Mr Kind and the TRF submitted a paper which identified a collection of extracts from Greenwood’s map of the county in which the surveyor had explicitly marked as “Bridle Roads” (or similar terms). These were presented alongside modern map extracts showing the current status of these ways which Mr Kind described as being “variously, correctly recorded, under-recorded or unrecorded”.
2. Through this exercise, he sought to show that Greenwood clearly did distinguish between ways which were for horses as opposed to ‘cross-roads’ which were for all traffic, including vehicles. From the anaylsis provided, I accept that, had the Order route been regarded as a bridleway in 1828, it would most probably have been annotated accordingly. However it was not, and that points towards the route being depicted as a carraiageway and more probably a public one than private.
3. A further analysis of the roads shown by Greenwood in the area south of Bamburgh shows there to be a close correlation between Greenwood’s mapped ‘cross-roads’ and the present day network of publicly maintainable (classified and unclassified) highways.
4. I recognise that this research shows Greenwood’s map to have been prepared with a remarkable degree of accuracy, both in terms of his topographical survey as well as his depiction of ‘cross-roads’ which, in general, now matches the county’s vehicular highway network.
5. However there are exceptions; Greenwood shows some which are not now recognised as public rights of way of any description, the New Shoreston road being one of these. There is an argument in some of these cases that public rights may in fact exist but have simply not (yet) been recorded[[3]](#footnote-4), and it is also worth noting that a few of these roads which are on the current list of maintainable highways were not on the 1932 ‘Handover Map’ but were added later and appear on the 1951 NCC highway map.
6. One might postulate that later highway records were simply catching up with Greenwood, albeit over a century later, but there is no actual evidence to support that.
7. In my interim Decision, at paragraph 22, I considered two other contemporary commercial county maps, by Fryer (1820) and by Cary (1820-1832). Neither of these showed the Order route, although they appear to include a section similar to T-S curving round to Ingram Lane[[4]](#footnote-5). It is true that Fryer mis-names Shoreston as Fowberry but his map, published only 8 years before Greenwood, showed the road to Greenhill[[5]](#footnote-6) as a cul-de-sac off the coastal road.
8. Mr Kind criticised the lack of any previous reference by me to an earlier map by Armstrong in 1769. Although this showed very clearly a road from Burton to the coastal road via “Fowbrey”, I remain unconvinced that this follows the exact line of the Order route (and Bridleway 10), even allowing for Armstrong’s stylised representation of roads on his maps. That is not to say that I reject the notion there was a road broadly in that general direction.
9. I have noted Mr Kind’s suggestion that the existence of the Armstrong road “*is itself some evidence that Fowberry to Greenhill is (at least) a bridleway, and not only a footpath*” whilst also commenting that it is equally evidence that Bridleway 10 should be a restricted byway.
10. I am not entirely sure of the logic behind that statement, other than that Armstrong’s road was probably a road of some import to have been worthy of inclusion. Yet, as I noted previously, the early maps suggested “*the early nineteenth century was a period of significant change in terms of the highway network*”. I remain of that view, despite the apparent lack of documentary records to support any formalised process for re-aligning public ways.
11. Returning to the Greenwood map, and given its close correlation with the modern day highway network, I will increase the weight I place on this as evidence of a public highway for vehicles along the Order route. But I must nonetheless qualify this insofar as this was a commercial map, albeit one of superior quality, and commercial maps are rarely sufficient in their own right to permit the inference to be drawn that a route was a highway. However, combined with evidence from other sources, they can tip the balance of probability in favour of such status.

*Unclassified roads and public paths as referenced in the Northumberland County Council Highways Committee minutes*

1. Mr Kind has undertaken extensive research into the NCC Highway Committee minute books from 1929 to the 1960s so as to better understand how the authority managed its unclassified roads during this period. These records (of which he has submitted relevant extracts) illustrate the process by which NCC chose to manage the new highways for which it became responsible, seemingly by initially delegating maintenance and improvement works back to the district surveyors who were allocated a budget accordingly.
2. He submits that this shows a strong inference of knowledge and competence in the maintenance of unclassified roads at the time. In short, the self same surveyors from the district council who previously worked on unclassified roads continued to oversee the highways in their area for several years, although additions to the network of publicly maintainable highways (adoptions) were handled by the County Council.
3. The NCC minutes note that the Restrictions of Ribbon Development Act 1935 brought in provisions which prevented development near classified highways without the consent of the highway authority. The same restrictions could also be applied to unclassified roads by resolution of the highway authority. It is clear that NCC took advantage of this scheme.
4. On 20 December 1937 an appendix to a report to the Bridges and Roads Committee listed all unclassified roads in Belford Rural District, and subsequently an advertisement would have been placed in the press to announce endorsement of this list of roads to which the relevant provisions of the 1935 Act were to be applied. This included (as no 27) the Order route T-S-Y and (as no 32) section R-X. These were both described as cul-de-sac routes, the first leading “via Shoreston Hall and Saddlershall to Fowberry” and clearly ending there, and the second as “to Greenhill Farm”[[6]](#footnote-7).
5. Mr Kind highlighted the annual inspection of highways carried out by the County Council and the accuracy of the mileage noted for unclassified roads as evidence that NCC took its new responsibilities and record keeping seriously.
6. For NCC, Mr Bell noted that the distance in the schedules accompanying the 1958, 1964 and 1974 maps differed: the U2021 is shorter on the two later schedule, reflecting the changed route at Fowberry.
7. On the same point, Mr Kind submits this shows the highway engineers of the day knew exactly what they were doing and that this was ‘no casual drafting error’. All distances were carefully and accurately measured. Further he contends that “the evolution of the line of the road on the county highways map was not only a change of ‘pen line’. The alteration of the line was made as part of a considered, and carefully measured, amendment to the highway records” and that there is no evidence to show that the highway authority acted improperly by reviewing and updating its 1951 highways map.
8. I am assured that the highway engineers and surveyors employed by NCC (and Belford District Council before that) were competent and that the authority complied with its various duties in relation to highway maintenance. That is demonstrated by the minutes of the meetings provided by Mr Kind.
9. However, it remains a fact that those same proficient councils prepared a map in 1932 showing publicly maintainable highways to be ‘handed over’ which omitted the middle section of the Order route, and eight years later published a map and schedule listing unclassified roads which did likewise.
10. I am prepared to accept that the 1951 map contained an alignment error that was later corrected to show the Order route and that this has been shown on highways maps and schedules ever since then, without challenge. But there is no information whatsoever to explain the basis for the inclusion of the link between Fowberry and Greenhill in the first place.
11. At paragraph 20 of my interim Decision I expressed the view that the discrepancy between the 1930s and post-1964 records could only be explained in one of two ways: either the middle sections was ‘adopted’ as a publicly maintainable highway, or there was a mistake on the later maps. Whilst Mr Kind considered this a misdirection, Mr Bell suggested there is a third possibility: that an error or omission had been discovered which was simply corrected without any formal procedures.
12. Mr Kind submits that “*there is no “cogent evidence” that X-Y was considered not to be a publicly maintainable highway in 1932*”. Yet it is quite obvious that the map prepared for that purpose in 1932 did *not* show X-Y as publicly maintainable. The lack of any negative evidence of a maintenance obligation cannot be treated as positive evidence.
13. I acknowledge that section X-Y was later added to to the County Surveyors’ maintenance records in the 1950s but, in my view, it is not unreasonable to question the evidence that supported that addition, particularly in an exercise like this which is seeking to determine the permanent legal status of the way, not solely who is to maintain it. To do otherwise would be to simply accept that the surveyors discovered something that persuaded them it was a publicly maintainable road but where there is no actual record of what that was. In my opinion, that would be to take any ‘presumption of regularity’ a step too far.
14. I acknowledge that the Greenwood map *might* have been that source but I would hesitate to accept that this alone would be sufficient proof of a publicly maintainable through-carriageway on the balance of probablity.
15. In my interim decision I considered the documentary evidence that arises during the century between the Greenwood map dated 1828 and the ‘handover’ in 1932, and have seen no new evidence or submissions that alter my conclusions. The Ordnance Survey maps and Book of Reference details are not consistent along the length of the Order route and neither are the 1910 Finance Act records although that is not unusual. I concluded that “*an examination of the evidence pre-dating the 1932 Handover Map reveals little of any great substance to support a public road beyond R-X and T-Z*”. With the one exception of the Greenwood map, that remains my view: these records do not rule out the possibility of a through-carriageway via X-Y but neither do they offer support for one.
16. There is no evidence that the landowners were ever notified[[7]](#footnote-8) of the inclusion of X-Y on the County Surveyors’ map in the 1950s, or that they consented to (or challenged) this at the time or since. There is no evidence of express dedication or formal adoption of X-Y. There is no evidence to confirm works were ever carried out at the public expense on this section[[8]](#footnote-9).
17. It is Mr Kind’s contention that when the Highways Committee minute books are read and analysed it is obvious that “*the District Surveyors were properly empowered and well-informed, so as to make administrative amendments to the highways records*”. He submits this is clearly what they did as part of their ongoing and everyday work. The addition to their records of X-Y, partly by amendment of the 1951 map and later fully on the 1964 version, would have been in accordance with those protocols.
18. I accept that the highway surveyors had legititmate scope to add or delete paths from the 1950s survey map because that was underpinned by a process of public scrutiny as prescribed by the 1949 Act. I also accept that reviews of the county’s road maintenance records will have been subject to internal checks and the impression given by the minutes suggests that required procedures were dutifully followed. However these processes were not subject to statutory regulation nor were they transparent, and no records are now available to validate the changes made in relation to the Order route.
19. Mr Kind argues that the burden of proof requires those who challenge the information shown on the 1951 map to show that the highway authority acted improperly, and also that insufficient weight has been attached to the fact that the Order route has been shown as an unclassified road in its entirety since 1964 at least. I return to the essential question I have addressed above – other than the Greenwood map, what other evidence is there to support the existence of a public carriageway between points X and Y? The highway surveyors may have discovered an answer to that in the 1950s, bearing in mind their remit was confined to the maintenance of such roads and there was no process for determination of legal status other than through the Courts.
20. In summary, although I attach a little more weight to the Greenwood map than I did previously, I remain of the view that there is not sufficient evidence to show, on the balance of probability, that a public vehicular right of way exists between points X and Y.

*The 1954 Survey Schedule*

1. At paragraph 37 of my interim Decision I recorded the fact that the survey sheet for what is now Bamburgh Bridleway 10 was not available to me. A sheet marked as Burton Bridleway 3 has now been submitted by Mr Kind; this is the continuation of Bridleway 10[[9]](#footnote-10). It refers to the whole route as from ‘Burton’ to ‘Greenhill’ which infers that its continuation is a part of the Order route. It was described as partly metalled (for 1 mile), obstructed by a ‘pill box’, and gated.
2. Mr Kind went on to submit that this longer route was described as “*part road, part bridleway, rather than defining the whole route as a bridleway (it patently was not)*”. However, I do not read this document as indicating anything other than that the route numbered on a map[[10]](#footnote-11) as no 861 and subsequently re-numbered 3 was a “BR” (bridle road) that had a metalled surface along a mile of its unstated total length. Unless one interprets ‘partly metalled’ as capable only of referring to a public vehicular road (and I have seen no evidence to support such an interpretation), there is nothing further here that adds weight to the case for a through-carriageway.
3. I have noted the reference to the World War II ‘pill box’, the remains of which are situated near to the western end of Bridleway 10. Mr Kind suggested that this must indicate the existence of a viable through-road from the coast via Fowberry and Greenhill, sufficient for passage by mechanised troops following a possible seaborne invasion. However I consider that deduces much more than is reasonable in this context. This coastal defence is located on a relative high point with excellent views of the North Sea and the Farne Islands; without evidence to the contrary, it seems to me that its position was more likely chosen for that reason.
4. Mr Kind argued that this survey sheet appears to have been added as a “*late-addition ‘marker’ for BR10 being put on the DMS[[11]](#footnote-12) later than the original survey*”. I do not disagree with that assertion, and presume he means the ‘marker’ was put in by NCC’s own surveyor to address an omission, rather than by either a parish council or Ramblers’ Association representative.
5. If that is the case, it raises more questions, not least about the basis on which NCC chose to record it here as a bridleway. After all, the authority was in possession of the 1932 Handover Map on which the former district council had marked this route as being a publicly maintainable (presumed vehicular) highway, albeit later omitted from the 1938 map published under the Restriction of Ribbon Development Act 1935.
6. I have considered whether this sheet is evidence that would support the middle section of the Order route (X-Y) being recorded as a bridleway. However, there is a degree of uncertainty over the source of the information included on this form, it is not signed[[12]](#footnote-13) and I am therefore unwilling to allocate to it more than a little weight in support of bridleway status.

***New submissions***

1. In the light of further submissions from Mr Kind, I have looked again at the conclusions I reached in relation to the records prepared under the National Parks and Access to the Countryside Act 1949 in preparation for the definitive map and statement.
2. There was clearly a relationship between the information marked on the initial survey map and the corresponding road maintenance records held by the County Surveyor. I will accept that there is no record of *who* marked the lines and annotations onto the plan that is submitted in evidence and with so many pencilled scribbles and anomalies with the numbering of paths, it is hard to be confident what was in the minds of the local surveyors when they completed the written schedules.
3. I have considered carefully Mr Kind’s observation that “*if the field surveyors believed the middle part of the order route to be only a public footpath, we would expect that steps would have been taken to have it shown as such on the draft definitive map. The process was open, ambulatory and dynamic, and the minutes suggest that the Highways Committee and officers were diligent and scrupulous*”. Would those parish volunteers have pushed for the inclusion of X-Y on the definitive map if (purportedly) told this was already recorded as an old road? I suspect not, but there is no evidence from which to confidently answer that.
4. Mr Kind argued that the Order route was not included in the definitive map and statement simply because it did not qualify to be recorded as a footpath, bridleway or ‘road used as public path’[[13]](#footnote-14), not because it appeared on the county’s road map. I accept that, although it would be naïve to believe the latter did not inform the former to a significant extent.
5. I remain of the view that, by describing what was “Footpath 1” in Bamburgh parish as starting at Fowberry and leading to Bamburgh, the local surveyor understood the public to have a right to walk between those two places. That is a form that is also counter-signed by the Chairman of Bamburgh Parish Council. I take this to be good evidence of the reputation of the existence of a public right of way on foot (at least) at that time.
6. Turning to other submissions, Ms Johnson drew attention to the five gates located across the Order route between Greenhill and Fowberry, all of which were noted on the survey plan for the preparation of the definitive map in the 1950s. Whilst the convenience of users of the way is not a consideration, and gated minor roads are not uncommon, the presence of so many in a relatively short length does weigh against it being a public carriageway, albeit to a very limited extent.
7. Ms Johnson also states that use of the quarry to the east of Fowberry was used for the expansion of Greenhill Farm and building the new farmhouse at Fowberry in 1890s. No direct evidence is provided to support this although it is entirely plausible, but it would not necessarily point to entirely private use of the Order route to the exclusion of a public right.
8. I have noted the evidence of Mr Thompson who says he has used the unclassified roads U2021 and U2018 on a motor cycle since 2010. I previously noted[[14]](#footnote-15) that Mr Kind had also done so in the past but this use is not sufficient to support a case for the establishment of a vehicular right of way in recent times.
9. Lastly, Mr Bell highlighted the 5 metre width of the Order route for the unenclosed section between X and Y, noting that this was defined on the basis that the way was initially proposed to be recorded as a BOAT. He submitted that, given its modified status as a footpath, a width of 2.5m would be more appropriate, this being the actual width of the stone/earth/grass track that exists on the ground today. He also drew attention to a further discrepancy in the figures included for lengths in North Sunderland parish.
10. I have no hesitation in making the adjustments to the lengths stated, and the proposal to reduce the width for part of section X-Y has not been opposed. However, this a modification which would require further advertisement but I agree that it is nonetheless required by the phyisical evidence.

***Summary***

1. Having examined all the available evidence before me, on the balance of probability I have concluded that the section of the Order route I have referred to as X-R and T-S-Y carry a public vehicular right of way and that any rights for motorised vehicles still remain, having been preserved from extinguishment by virtue of subsection 67(2)(b) of the Natural Environment and Rural Communities Act 2006. My previous conclusion that these two sections meet the criteria for classification as BOATs has not been challenged and I conclude these two routes should be recorded with that status as proposed in the Order as made.
2. I have also concluded, on the balance of probability and taking account of all the information available, that the evidence is not sufficient to show that the section linking X and Y carries a public right of way for vehicles but that a public right of way on foot (at least) exists along the Order route and should be recorded with that status as I previously proposed.
3. I have also concluded that further minor changes are necessary to the lengths of the route defined in the Order Schedule for North Sunderland parish, and that the width stated for the footpath along the unenclosed section between X and Y should be reduced from 5 metres to 2.5 metres.

**Conclusion**

1. 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 the modifications previously proposed, together with further amendments as described in paragraphs 58, 59 and 62 above.

**Formal Decision**

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

On the Order map

* Add points X, Y and Z;
* Amend the notation used to depict section X-Y so as to indicate “Public Footpath to be added”;

In the Order Index

* Add “Bamburgh FP 20 – Addition – NU 13 SE – 32”

In the Order schedule

* **Bamburgh Footpath No 9**: In Part II Statement delete “Byway Open to All Traffic No 20 (the Greenhill–Saddlershall road) and substitute “Footpath No 20”;
* **Bamburgh Bridleway No 10**: In Part II Statement delete “(the Greenhill-Saddlershall road)”;
* **Bamburgh Byway Open to All traffic No 20**:

In the heading add “and **Footpath No 20**”[[15]](#footnote-16)

In Part I Map: Amend description to read: “Adding thereto a byway open to all traffic, from a point marked R, on the B1340 road, 230 metres north-east of Greenhill, in a general south-westerly direction along the U2021 road for 245 metres to point X; continuing as a footpath in a south westerly, southerly then south-westerly direction for 805 metres to point Y; then as a byway open to all traffic in a southerly then easterly direction along part of the U2018 road for a distance of 310 metres, to a point marked S on Byway Open to All Traffic No 17, in the Parish of North Sunderland, 135 metres west of Saddlershall.”

In Part II Statement: Amend description to read: “As a 6.5 to 7.8 metre wide byway open to all traffic, from the B1340 road, 230 metres north-east of Greenhill, in a south-westerly direction for a distance of 195 metres. Then as a 7.4 metre, narrowing to 6.3 metre, wide byway continuing in a south-westerly direction for a further 50 metres to Greenhill. Then as a 7.2 to 7.3 metre wide footpath continuing in a south-westerly direction for a further 85 metres. Thereafter as a *2.5 metre*[[16]](#footnote-17) wide footpath in a south-westerly direction for a distance of 170 metres to a junction with Public Footpath No 9, then in a general southerly direction for a distance of 180 metres, crossing the Ingram Burn by means of a bridge/culvert, then in a south-westerly direction for a distance of 55 metres, then southerly direction for 155 metres, then westerly direction for 140 metres. Thereafter as a 5.7 metre wide footpath, in a westerly direction, for a distance of 20 metres to the entrance to Fowberry. Thereafter as a 6 metre wide byway in a southerly direction for a distance of 200 metres to a junction with Public Bridleway No 10. Thereafter as a 6.5 to 7 metre wide byway in an easterly direction for a distance of 110 metres to join Byway Open to All Traffic No 17, in the Parish of North Sunderland, 135 metres west of Saddlershall.”

* **North Sunderland Byway Open to All traffic No 17[[17]](#footnote-18)**:

*In Part I Map: In line 5, delete “820 metres” and substitute “1305 metres”;*

*In Part II Statement:*

*In line 3, delete “50 metres” and substitute “45 metres”;*

*In line 4, delete “100 metres” and substitute “95 metres”;*

*In line 7, delete “310 metres” and substitute “280 metres”;*

*In line 10, delete “430 metres” and substitute “400 metres”;*

*In line 12, delete “140 metres” and substitute “125 metres”.*

1. The proposed modifications underlined above have already been advertised. Since the confirmed Order would (if modified as now proposed) 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 *further* 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**

1. In fact it seems more like to read “*check and correct if necessary*”. [↑](#footnote-ref-2)
2. As provided in the Local Government Act 1929. [↑](#footnote-ref-3)
3. For example, and as I have noted, Mr Kind provided evidence of applications recently submitted for definitive map modification orders to record public rights of way at New Shoreston and over what is now recorded over Bamburgh Bridleway 10. Both routes were shown on Greenwoods 1828 map. [↑](#footnote-ref-4)
4. The similarities between these two maps suggest that one probably relied heavily on the other. [↑](#footnote-ref-5)
5. And to Red Barns [↑](#footnote-ref-6)
6. NCC appears to have had no difficulty in accepting these roads as cul-de-sac highways albeit ones providing access to several properties (noted at paragraph 47 of my interim Decision). [↑](#footnote-ref-7)
7. The county’s road map and schedules were essentially internal documents and not publicly available. Only the 1938 map was publicised through the Restriction of Ribbon Development Act procedures although there is no guarantee that the relevant landowners were made aware of this. [↑](#footnote-ref-8)
8. An extract from the Bridges and Roads Committee Minutes for 2 May 1938 shows that on 26 March 1938 110 tons of gravel was hauled from its Breamish Depot by contractors to the unclassified road at “Fowberry”. However there is no other information from which to establish whether this gravel was used to improve the section south of Fowberry (along the section that was shown on the 1932 Belford District Highways Map /Handover Map and 1938 Ribbon Development map) or to the east (on the section that was not then shown as publicly maintainable). [↑](#footnote-ref-9)
9. Bridleway 10 in Bamburgh parish leaves Ingram Lane as Bridleway 3 in what was then Burton parish. [↑](#footnote-ref-10)
10. I presume this to be the survey plan for Burton parish; I cannot see either number on the plan submitted, only the pencil annotations “BR”. [↑](#footnote-ref-11)
11. Definitive Map and Statement [↑](#footnote-ref-12)
12. As is the case for most sheets completed by local representatives [↑](#footnote-ref-13)
13. I have noted that the standard survey form asked the surveyor to state the ‘Kind of Path’ guided by the words “(i.e., F.P., B.R.)”. RUPP was not offered as an option for consideration although it *might* have been considered appropriate in this case. [↑](#footnote-ref-14)
14. At paragraph 50 of my interim Decision [↑](#footnote-ref-15)
15. For clarity, the modified text as previously proposed is underlined; newly proposed modifications are shown below in italics. [↑](#footnote-ref-16)
16. Amended width inserted [↑](#footnote-ref-17)
17. Amended lengths inserted [↑](#footnote-ref-18)