

**Status of Public Footpath No. 56,
Watergate Lane, Crook from Junction of
A689 (Prospect Road) and the B6298
(New Road) to Rumby Hill Lane (C18a),
Crook.**

Wildlife and Countryside Act 1981

**Definitive Map Modification Order
Proposal**

Report of Corporate Management Team: Amy Harhoff, Corporate Director of Regeneration, Economy and Growth and Helen Lynch, Head of Legal and Democratic Services.

Electoral division(s) affected:

Crook

Purpose of the Report

- 1 In this report the Highways Committee is asked to consider all the relevant evidence gathered in support of an application to modify the Definitive Map and Statement of Public Rights of Way by upgrading public footpath No. 56, which runs from the junction of the A689 (Prospect Road) and the B6298 (New Road) to Rumby Hill Lane (C18a), Crook, to public bridleway (Document A).

Executive summary

- 2 Footpath No. 56, currently shown on the Definitive Map, runs for approximately 750m from the junction the A689 (Prospect Road) and the B6298 (New Road), Crook in a South Easterly direction towards Rumby Hill Lane (C18a), Crook (**Document B**).
- 3 This application seeks to create a continuous through route with public bridleway status from the A689 (Prospect Road) and the B6298 (New Road) to Rumby Hill Lane (C18a) by upgrading c.750m of public footpath 56 to public bridleway and that it be reflected by amending the Definitive Map and Statement.

- 4 A consultation on the proposed upgrade was carried out (**Document C**) resulting in objections and support to the proposed amendment to modify the Definitive Map and Statement. Objections were received from Mr A Jackson (George.F.White) on behalf of their client Mr F Wilson (**Document D**), and support has been expressed by The British Horse Society and Ramblers Association (**Document E**) to the proposed upgrade.
- 5 A summary of the objections lodged by George F White LLP on behalf of their client Mr F Wilson, circulate around; whether any new evidence has been discovered, the quality of evidence accompanying the application, the accuracy, or lack thereof, of the details depicted on the historical maps, the legitimacy and apparent connection of certain documents and wording in connection to the claimed route, the location of the route in question being incorrectly identified by the applicant, and, that other documents merely indicate that way existed, not that it was a public right of way. **Document D.a** provides counter statements by Durham County Council.
- 6 Further representations were received by George F White on 11 March 2021 and Document D and D.a provides both a copy of these further representations along with the Council's response to these further points, by way of rebuttal.

Recommendation(s)

- 7 It is recommended that the Committee resolves to make a Definitive Map Modification Order to amend the Definitive Map and Statement to upgrade c.750m of footpath No. 56 to public bridleway under section 53(3)(c) of the Wildlife and Countryside Act 1981.
- 8 Note that the Definitive Map Modification Order will be referred to the Secretary of State for determination in the event objections are made.

Background

Application

- 9 An application was submitted by Mrs B Herd, on behalf of the British Horse Society, in December 2018 based on historical documentary evidence, the most important evidence being an Inclosure Award and Plan dated 1761. The applicant wishes the Definitive Map and Statement be modified, to reflect what they believe is the true legal status, by way of upgrading c.750m of public footpath No. 56 to public bridleway to link the A689 (Prospect Road) and B6298 (New Road) with Rumby Hill Lane (C18a).
- 10 The proposed section of footpath to be upgraded to a public bridleway is referenced A-E and is shown in (**Document B**).

Consultation and Objections

- 11 Consultations on the proposed upgrade were carried out with the Local Councillors, landowners/occupiers and user groups/organisations (**Document C**). Objections were received from Mr A Jackson (George.F.White), on behalf of their client Mr F Wilson (one of the landowners affected), (**Document D**) and support has been expressed by The British Horse Society and Ramblers Association (**Document E**) to the proposed upgrade.
- 12 A summary of the objections lodged by George F White LLP on behalf of their client Mr F Wilson, circulate around; whether any new evidence has been discovered, the quality of evidence accompanying the application, the accuracy, or lack thereof, of the details depicted on the historical maps, the legitimacy and apparent connection of certain documents and wording in connection to the claimed route, the location of the route in question being incorrectly identified by the applicant, and, that other documents merely indicate that way existed, not that it was a public right of way..
- 13 ***The only considerations that the Council can take into account are those that relate to whether the alleged public right, currently a footpath ought to be shown as a bridleway as per section 53(3)(C)(ii) shows that a highway shown in the map and statement as a particular description ought to be there shown as a highway of a different description. It would be unlawful to consider issues such as the suitability or desirability of the routes subject of the application.***

The Route

- 14 The route to be upgraded starts at the intersection of the A689 (Prospect Road) and the B6298 (New Road) and continues in a South-Easterly direction for approximately 750m following existing public footpath No. 56 where it joins Rumby Hill Lane (C18a).
- 15 Historically Watergate Lane would have provided access to the Town of Crook, Woodfield and Thistle Flat Collieries and common land or “said Commons” as described in the Enclosure Award as Mawn Meadows. Additionally, between 1761 and 1856 The Hare & Hounds Inn (Public House) was established on the corner of Watergate Lane where it intersects with Rumby Hill Lane.
- 16 There are four sections to the route. The first c.117m of the route, marked A-B on the plan (**Document B**), is c.7.5m (24ft) in width, has a solid metalled hardcore surface and is flanked to the North and South side by hedgerows and a brick wall which terminates just short of the historic North Bedburn - Hunwick Parish Boundary which was at the time called Bitchburn Beck, now Beechburn Beck, (*Point B on the plan*). Without carrying out an archaeology site study it is difficult to determine where the ford once was. There are some visible indications which suggest evidence of a ford but without further investigation no concrete conclusions can be drawn regarding its historical value.
- 17 The second section, marked B-C on the plan, continues in a South-Easterly direction from the historic North Bedburn - Hunwick Parish Boundary into the township of Hunwick Edge. It is approximately 315m in length, c.6-7m (20 - 23ft) in width and passes through open grassland. There is some evidence of a once metalled surface and the route is marked by an, albeit sporadic and stunted, mature tree line with the addition of an old benchmarked stone post gateway.
- 18 Section 3, marked C-D on the plan, is a visibly sunken track, c.238m in length, c.12m (40ft) in width, with some evidence of a once metalled surface and is flanked by banks and a mature tree line to the North and South. This section of the route is described and shown as being a fully enclosed road in and on the enclosure award and plan.
- 19 The final section, marked D-E on the plan, continues as an enclosed section of road that joins Rumby Hill Lane (C18a) at point E. It is c.83m in length, c.12m (40ft) wide with solid footing and is flanked to the North and South by a mature tree line, hedgerows and fencing. Also described and shown as being a fully enclosed road in and on the enclosure award and plan.
- 20 The approximate widths measured on site were done so using acknowledged geographical and archaeological features that are

associated with the reading of historic landscapes. However, various obstacles such as fencing separating land unaffected by the existing right of way, but includes sections of the original enclosure boundaries, and, the growth of mature treelines prevented accurate measurements being taken on site. Therefore, some measurements were taken using the landline layer in ArcMap software that is utilised by Durham County Council for mapping boundaries, highways, public rights of ways, urban areas and various other features.

Documentary Evidence

21 Document F – 1761 Hunwick Edge Inclosure Award *DUL DHC6 II/10 & CCB MP/510*

The earliest and most important legal documentary evidence which describes and depicts the application route is the 1761 Hunwick Edge Inclosure Award and Plan.

An Inclosure Award is a statutory allotment of land which typically creates and/or records highways.

The award describes Watergate Lane as a 'Private Carriage Way' and states "*use for all the proprietors of the several allotments hereinafter mentioned and for such other person or persons as had ancient right to come down Mawn Meadows Lane thro' the said Watergate lane into said commons*", commons being a place of public resort. It also states under the general uses section that it is for the use of "*all person owners and occupiers*". Other highways also designated as 'Private Carriage Ways' in the Enclosure Award have since become public highways, such as Delft Well Lane, now Quarry Burn Lane and Rough Leigh Lane, now Rough Lea Lane.

22 Document F.a – Supplementary Evidence – Hunwick Edge Inclosure Award *DUL DHC6 II/10 & CCB MP/510*

This supplementary evidence found on page 190 of the Hunwick Edge Inclosure Awards sets out the provision of a public bridleway along Watergate Lane. "*We do hereby direct and appoint that there shall be another Publick Bridleway and for sack and seam from Romby Hill westward to Watergate*". The definition of Sack and seam as per DUL notes by catalogue entry means cart horse use.

23 **Document G – 1761 Hunwick Inclosure Plan 1761**
(DUL) DHC M1

On the plan Watergate Lane is clearly depicted as heading in a South Westerly direction from the junction of Rumby Hill Lane, crossing what is labelled as Bitchburn, now Beechburn Beck, on the plan and continuing in the same direction the other side. However, orientated correctly in line with the North arrow on the plan, Watergate Lane heads in a North Westerly - South Easterly direction as it does on current maps. This depiction of the Watergate Lane on the Inclosure Plan correlates to the description laid out in the Inclosure Award.

24 **Document H – 1836 Stockton and Darlington Railway Plan**
DRO Q/D/P 76

A section of Watergate Lane is shown on the plan but it is not labelled as Watergate Lane. It is instead labelled as a Bridle Road to Rumby Hill Lane on the cross-section plan. However, given the scale at which the plan was produced the feature itself is hard to deduce. It heads North-West to South-East and is shown crossing over Beechburn Beck. A cross section plan (*Document I*) was produced to accompany the Aerial plan which allows features to be identified.

Railway plans and books of reference were well researched. Railway companies were required to provide information on all landowners and public highways within a prescribed distance of the proposed railway and to place this information in the public domain for inspection. This allowed for any objections to be submitted and resolved before parliament would grant the necessary powers of approval. Although railway plans do not provide conclusive evidence of the legal rights allocated to a way, they do provide compelling evidence that, on the balance of probability, the way in question did at some point in time acquire public bridleway rights.

25 **Document H.a – 1836 Stockton and Darlington Railway Plan - Aerial plan and accompanying Cross Section.** *DRO Q/D/P 76*

The same section of Watergate Lane can also be identified on the cross-section plan, although it is not called Watergate Lane, instead the route is labelled as a Bridle Road to Rumby Hill Lane. When placing the aerial plan and cross-section plan together identifiable features can be aligned.

26 **Document I – 1846 North Bedburn Tithe Map**
 (DUL) DDR/EA/TTH/1/11

This was a survey and plan undertaken pursuant to an Act of Parliament for the purposes of recording land holdings liable to taxation (tithes).

When cross-referencing features (houses, waterways etc) detailed on the Tithe Map with the those extant on current maps, Watergate Lane is clearly depicted. Bitchburn Beck, as it is labelled on the Newton Cap Tithe map, was the historic parish boundary between North Bedburn and Newton Cap. Therefore, Watergate Lane can be seen as stopping once it reaches the beck, however, on consulting the 1848 Newton Cap Tithe Map (**Document I.a**) a clear continuation of Watergate Lane to Rumby Hill Lane can be seen.

Watergate Lane is located top and centre of the plan and is heading from West to East towards Bitchburn Beck.

The route under investigation has not been allocated a tithe apportionment number, however, neither have any of the other roads shown on either tithe plan that have since become public highways. Some parishes attributed apportionment numbers to all parcels of land and some only allocated apportionment numbers if the land was classed as grazing. Additionally, land that was considered barren, belonging to the church, crown estates or that may have already been considered a public highway at the time were generally not allocated apportionment numbers.

27 **Document I.a - 1848 Newton Cap Tithe Map**
 (DUL) DDR/EA/TTH/1/11

Watergate Lane can be seen leaving Rumby Hill Lane heading East to West and again stopping at Bitchburn Beck, the historic parish boundary. On stitching the two Tithe Maps together it can be seen that Watergate Lane was a through route.

The route under investigation has not been allocated a tithe apportionment number, however, neither have any of the other roads shown on either tithe plan that have since become public highways. Some parishes attributed apportionment numbers to all parcels of land and some only allocated apportionment numbers if the land was classed as grazing. Additionally, land that was considered barren, belonging to the church, crown estates or that may have already been considered a public highway at the time were generally not allocated apportionment numbers.

28 **Document I.b – 1846 North Bedburn Tithe Map with 1848 Newton Gap Tithe Map.** (DUL) DDR/EA/TTH/1/11

When the two maps are stitched together the section of Watergate Lane proposed for upgrade can be seen in its entirety.

29 **Document J – 1840 Hobson Map**

Ref. <http://valentine.dur.ac.uk/pip/searchform1.asp>

Again, the application route can be seen heading North West from Rumby (Romby) Hill Lane towards and over Beechburn Beck in the direction of Mawn (Mown) Meadows as described in the Inclosure Award. Although the entire route from Rumby Hill Lane to Mown Meadows via Watergate Lane and Mown Meadows Lane, as described in the Inclosure Award, is not depicted the section that is Watergate Lane and being proposed for upgrade is.

30 Hobson maps were created using Walkers' lithographic plates. They added features that were relevant for fox-hunting at that time and outlined each hunt territory as well as places of meets. Walkers' maps were produced in association with the society for the diffusion of useful knowledge, a society aimed at supplying high quality yet inexpensive education materials for the working and middle classes. John and Charles Walker were highly renowned 19th century cartographers and engravers, who by 1837 had produced the 'British Atlas' which contained maps of forty-seven English Counties. Each map was considered to be finely engraved and detailed.

31 **Document K – 1850 Greenwoods Map**

Ref. <http://valentine.dur.ac.uk/pip/searchform1.asp>

The route is shown as an enclosed road heading in a North-Westerly direction from Rumby (Romby) Hill Lane, crossing Beechburn Beck, what is now the A689 and B6298 and the railway. It continues heading in a North-Westerly direction towards Mown Meadows, as described in the Inclosure Award. The section of road leading to Mawn Meadows is named Mawn Meadows Lane. Watergate Lane is not shown as cul-de-sac but rather an open-ended road. It is likely that at this point the fully enclosed section of road ended and continued as a partially enclosed road or track, that still carried the same public rights, and/or the apparent lack of an Inclosure Award or Plan covering the most Northerly section of Watergate Lane prevented Greenwood from depicting it. However, the section of route being proposed for upgrade is shown in its entirety. The gap that appears in the enclosed section of Watergate Lane is a map seam.

Greenwood maps are county surveys undertaken by John Greenwood between 1817 and 1820 for the purpose of compiling a County Atlas and the roads marked were considered major byways. This map was made for sale to the public, and so is unlikely to show routes that the public could not use. It has a key in which different types of road are distinguished. It does not set out to show bridleways or footpaths but this does not mean that the routes shown did not carry public bridleway rights. The route is shown in the manner of a “Cross Road”. Greenwood seems to have meant this to mean any road not specifically a turnpike road.

Additionally, The Planning Inspectorate Definitive Map Orders: Consistency Guidelines (2.27) states

“In *Hollins v Oldham* the Judge analysed the two categorisations and concluded that a “cross road” must mean a public road for which no toll was payable, stating “This latter category, it seems to me, must mean a public road in respect of which no toll is payable. This map was probably produced for the benefit of wealthy people who wished to travel either on horseback or by horse and carriage. The cost of such plans when they were produced would have been so expensive that no other kind of purchaser could be envisaged. There is no point, it seems to me, in showing a road to such a purchaser which he did not have the right to use.”

The application route is shown on Greenwood’s map in the same manner as roads which are now recorded as major or minor highways. Based on Greenwoods enquiries and his depiction of the application route it suggests that route in question had vehicular (cart/carriage use) rights in 1850. Therefore, it can be considered as evidence in favour of the proposed upgrade of Watergate Lane to public bridleway, as should the route in question have been consider a public carriage way at the time it would have also had the lesser public rights of a public bridleway.

32 **Document L and L.a - 1858 -1895 1st Edition OS (Ordnance Survey) 1:6” & Book of Reference.** (*www.old-maps.co.uk*) Sheet XXXIII.5 & 8

The entirety of Watergate Lane is clearly shown heading from Rumby Hill Lane in a North-Westerly direction towards Beechburn Beck, the railway and Mown Meadows before emerging at the junction of the A689 (Prospect Road) and the B6298 (New Road).

From Rumby Hill Lane to Beechburn Beck: Plot 361 – Watergate Lane. Plot 356 – Arable, **cart road** and trees. Plot 357 – Arable, **cart road**, air shaft, and trees.

Beechburn Beck to the Railway: Plot – 246 – **Road**, houses, well, **cart road**, streams and waste.

Railway to Mown Meadows – Plot 230 – Arable, stream and **cart road**. Plot 539 – Wood, **cart road** and stream. Plot 537 – Arable, wood, stream, **cart road** and trees. Plot 536 – Pasture and **cart road**.

OS maps were produced pursuant to an Act of Parliament as an official survey of England and Wales. Originally produced under the Board of Ordnance to aid with military manoeuvres in preparation for rebellions or war in the late 1700s. By the mid to late 1800s OS maps had evolved considerably and, due to the expense of surveys and the production of revised editions, the now Ordnance Survey had to diversify. This meant producing maps that could be sold to the public as the revenue would help fund revisions. It is suggested that historic documents, maps, plans and interviews with locals were used to identify, clarify and depict, through use of shading, different classifications of highways. However, there are no references that conclusively clarify the methods utilised by the surveyors to determine the status of a highway.

33 **Document M – 1852 Bells Coal Map**

<http://iif.durham.ac.uk/index.html?manifest=https://iif.durham.ac.uk/manifests/other/pip/pip-96.json>

Watergate Lane is clearly depicted as a significant route, again leaving Rumby Hill Lane heading in a North Westerly direction, crossing Beechburn Beck, and continuing towards Low Bitchburn and Whitfield Colliery.

The Great Northern Coalfields is the name given to the Northumberland Coalfield and the contiguous Durham Coalfield to its south. Each map was considered to be richly detailed at that time and provides information on cities, towns, villages, roads, rivers, railways, gentlemen's estates, houses, pits, and collieries. Maps produced by J.T.W. Bell recorded land ownership and drew upon other earlier historic maps such as Inclosure Plans, Tithe Plans and Estate Plans which enabled wayleaves for wagonways to be created.

34 **Document N – 1865 Weardale and Shildon District Waterworks Aqueducts Plan and Book of reference. DRO/Q/D/P 287**

Again, this shows a section of the application route, heading in a South Easterly direction from the railway and Thistle Flat towards Beechburn Beck, the historic parish boundary, and has been classified in the book of reference as plot 106 - bridleway.

From 1703 Parliamentary Standing Orders required water companies to provide information that highlighted and depicted landowners and land,

within a certain distance of the proposed works, that would be affected. This information had to be placed in the public domain for inspection which allowed for objections to be submitted and resolved before parliament would grant the necessary powers of approval. Although waterworks plans do not provide conclusive evidence of the legal rights allocated to a way, they do provide convincing evidence that, on the balance of probability, the way in question did at some point in time acquire public bridleway rights.

35 **Document O – 1891 Highways Diversion Plan (A689)**
DRO Q/R/HD 121

Watergate Lane is again shown heading in a South-Easterly direction from Thistle Flat, crossing the new A684 (Prospect Road and the B6298 (New Road) and continuing towards Beechburn Beck.

- 36 In 1773 it was enacted that highway diversions could be authorised if it was found that the proposed diversion was shorter or more convenient and if the landowner agreed. The plans submitted were generally large scale, varied in scope and could be used to show development and infrastructure, land usage and ownership as well as the locations of sites which required public access. However, just because a route is shown on the plan it does not necessarily follow that all the highways or routes shown were public and without a reference book detailing the status of other routes in the vicinity of the proposed diversion area the plan alone can only be considered as corroboratory when considered with all other evidence.

37 **Document P – 1897 2nd Edition OS Map 1:2,500**
www.oldmaps.co.uk sheet XXXIV.5

As above only Watergate Lane can be seen to continue from Beechburn Beck in a South-Easterly direction and emerging on Rumbly Hill Lane. It is also joined by two other routes, labelled as footpaths, which are narrower compared to the route under investigation.

OS maps were produced pursuant to an Act of Parliament as an official survey of England and Wales. Originally produced under the Board of Ordnance to aid with military manoeuvres in preparation for rebellions or war in the late 1700s. By the mid to late 1800s OS maps had evolved considerably and, due to the expense of surveys and the production of revised editions, the now Ordnance Survey had to diversify. This meant producing maps that could be sold to the general public as the revenue would help fund revisions. It is suggested that historic documents, maps, plans and interviews with locals were used in order to identify,

clarify and depict, through use of shading, different classifications of highways. However, there are no references that conclusively clarify the methods utilised by the surveyors to determine the status of a highway.

38 **Document Q – 1898 OS 2nd Edition 1-inch outline.**
Ref. www.visionofbritain.org

Watergate Lane is shown crossing the railway heading in a South-Easterly direction, crossing what is now the B6298 (New Road) and Beechburn Beck as a fully enclosed and partially enclosed/fenced road and emerging on Rumby Hill Lane.

OS maps were produced pursuant to an Act of Parliament as an official survey of England and Wales. Originally produced under the Board of Ordnance to aid with military manoeuvres in preparation for rebellions or war in the late 1700s. By the mid to late 1800s OS maps had evolved considerably and, due to the expense of surveys and the production of revised editions, the now Ordnance Survey had to diversify. This meant producing maps that could be sold to the public as the revenue would help fund revisions. It is suggested that historic documents, maps, plans and interviews with locals were used to identify, clarify and depict, through use of shading, different classifications of highways. However, there are no references that conclusively clarify the methods utilised by the surveyors to determine the status of a highway.

39 **Document R – 1910 Finance Act and Plan**
TNA IR 135/3/100

The route under enquiry appears as a White Road, enclosed at either end with a track connecting the two enclosed sections. Watergate Lane, circled in blue, can be seen leaving the junction of what is now the B6298 (New Road) and heading toward Beechburn Beck and the Ford. It continues in a South Easterly direction where it joins Rumby Hill Lane. The highway circled in red on the map is now part of the A684 (Prospect Road) and forms part of the continuation of Watergate Lane as it is described in the Inclosure Award. There is no deduction for the application route. However, an absence of deduction does not mean that it was not a public right of way, just that the owner did not claim it as such. Additionally, guidance set out in The Planning Inspectorate Definitive Map Orders: Consistency Guidelines (11.7) states

“The 1910 Act required all land to be valued, but routes shown on the base plans which correspond to known

public highways, usually vehicular, are not normally shown as included in the hereditaments, i.e., they will be shown uncoloured and unnumbered. It is possible, but by no means certain, that this is related to s.35(1) of the Act: No duty under this part of the Act shall be charged in respect of any land or interest in land held by or on behalf of a rating authority. The practice would also be compatible with s.25(3) which states that the total value of land means the gross value after deducting the amount by which the gross value would be diminished if the land were sold subject to... any public rights of way. So, if a route in dispute is external to any numbered hereditament, there is a strong possibility that it was considered a public highway, normally but not necessarily vehicular, since footpaths and bridleways were usually dealt with by deductions recorded in the forms and Field Books; however, there may be other reasons to explain its exclusion”.

40 **Document S – 1921 OS 3rd Edition 1:2,500**

www.old-maps.co.uk

Again, the application section of Watergate Lane, circled in blue, can be seen leaving the junction of what is now the B6298 (New Road) and heading toward Beechburn Beck and the Ford. It continues in a South Easterly direction where it joins Rumby Hill Lane. The highway circled in red on the map is now part of the A684 (Prospect Road) and forms part of the continuation of Watergate Lane as it is described in the Inclosure Award.

OS maps were produced pursuant to an Act of Parliament as an official survey of England and Wales. Originally produced under the Board of Ordnance to aid with military manoeuvres in preparation for rebellions or war in the late 1700s. By the mid to late 1800s OS maps had evolved considerably and, due to the expense of surveys and the production of revised editions, the now Ordnance Survey had to diversify. This meant producing maps that could be sold to the public as the revenue would help fund revisions. It is suggested that historic documents, maps, plans and interviews with locals were used to identify, clarify and depict, through use of shading, different classifications of highways. However, there are no references that conclusively clarify the methods utilised by the surveyors to determine the status of a highway.

- 41 **Document T – 1924 OS 3rd Edition 1:10,500**
National Library of Scotland (Wolsingham) Sheet XXXIV.

Watergate Lane is shown leaving Rumby Hill Lane heading in a North-Westerly direction. The first section is as described and shown in and on the Inclosure award and plan, Greenwoods and Hobson Maps. It is shown as being an enclosed and partially enclosed road. The map shows the route crossing Beechburn Beck by way of Ford and Footbridge.

OS maps were produced pursuant to an Act of Parliament as an official survey of England and Wales. Originally produced under the Board of Ordnance to aid with military manoeuvres in preparation for rebellions or war in the late 1700s. By the mid to late 1800s OS maps had evolved considerably and, due to the expense of surveys and the production of revised editions, Ordnance Survey had to diversify. This meant producing maps that could be sold to the public as the revenue helped fund revisions. It is suggested that historic documents, maps, plans and interviews with locals were used to identify, clarify and depict, through use of shading, different classifications of highways. However, there are no references that conclusively clarify the methods utilised by the surveyors to determine the status of a highway.

- 42 **Document U – 1947 OS Map 25 inch.**
National Library of Scotland sheet XXXVI.5

As above only the map only notes a footbridge.

- 43 **Document V - 1947 New Popular Edition OS Map 1 inch**
National Library of Scotland

As above.

- 44 **Document W – 1953 Series 1 OS Map 1:25,000**
National Library of Scotland

As above.

- 45 **Document X – Current Definitive Map**
<https://www.durham.gov.uk/definitivemap>

Watergate Lane, currently public footpath No. 56, leaves the junction of the A689 (Prospect Road) and the B6298 (New Road) heading in a South-Easterly direction and crossing Beechburn Beck and emerging on Rumby Hill Lane. Although this is not evidence of the historic legal status of the route in question it is evidence that public rights exist along it.

46 **Document Y & Y.a – Current OS Maps**

www.ordnancesurvey.co.uk

The current OS Maps show the current public right of way, footpath No. 56, proposed for upgrade. Both documents show Watergate Lane leaving the junction of the A689 (Prospect Road) and the B6298 (New Road) and heading in a South-Easterly direction, crossing Beechburn Beck and emerging on Rumby Hill Lane.

Document Z was first submitted as evidence by the applicant to highlight the current public right of way (purple line). Document Z.a is an amended version of Document Z re-submitted by the applicant and highlighting as accurately as possible the route proposed for upgrade. The re-submission of document Z.a was necessary to mitigate the confusion caused surrounding the location of the route being claimed.

47 **Document Z.a, Z.b & Z.c – Satellite View**

www.googleearth.com

The two satellite images show and highlight the topographical features associated with the different sections of the application route. Highlighted in Blue and starting from Rumby Hill Lane and heading in a North-Westerly direction, it clearly shows a mature treeline to the North and South of the route indicating the section of the route that was, and is still to this day, enclosed as described in the Inclosure Award. Highlighted in Yellow, the partially enclosed section of the route, leading to Beechburn Beck, can be identified by a raised bank and the sporadic and stunted mature trees. Highlighted in Purple, the final enclosed section of the application route, from Beechburn Beck to the junction of the A689 (Prospect Road) and the B6298 (New Road) is also evident by a treeline/hedge flanking it on either side to the North and South, however, on the ground the south side of the route is enclosed by a brick wall.

48 **Document A.1 – Photographic evidence**

The photographic evidence provides a visual representation of the archaeological and geographical features associated with the application route which supports the description given in the Inclosure Award for its use as a cart road. The key features being; the well-established sunken track flanked by mature trees, the mature treeline/hedges indicating the enclosed and partially enclosed sections of the route, the ancient stone and benchmarked gate posts that allowed through access, and, the Ford.

Assessment of the evidence

The County Council, as Surveying Authority, must make a decision in accordance with the case law and relevant legislation, in particular the provisions of the 1981 Act and the Human Rights Act 1998. The only considerations that the Council can take into account are those that relate to whether the alleged public right of way is of a particular description that ought to be there shown as a public right of way of a different description. It would be unlawful to consider issues such as the suitability or desirability of the routes subject of the application.

In this case it is considered that the most important evidence is the Inclosure Award and Plan of 1761 (**Documents F & G**) and Greenwoods Map (**Document K**). Whilst the Inclosure Award created a Private Carriageway, as this was for a defined class of users and not the public at large, it is considered that this was not a highway. However, the Inclosure Award also specifically created a public bridleway, with provision made for public use horse and cart. There is no inconsistency between the creation of a private carriage road on the one hand and a public bridleway on the other hand over the same route and such was common place in such awards. The Inclosure Award is therefore the legal document which created the Bridleway. Having regard to the notoriety, accuracy and Planning Inspectorate guidelines relating to Greenwoods Maps, it is also considered that this map is of further substantial evidence of the legal status of the route as a Bridleway.

Whilst the other map-based evidence is corroboratory as to physical existence of the route, less weight must be afforded to these in accordance with Section 32 of the Highways Act as they were not produced for the purposes of showing the status of the route but for other purposes, such as taxation.

The objector has not submitted any evidence of his own which would contradict the above Inclosure Award and map evidence. Instead, he has focussed his arguments on the quality and precision of this evidence, thereby suggesting that it is insufficient and that the applicant has failed to discharge the burden of proof. A detailed response to the objector's points is set out in Document **D.a**. However, it is considered that none of the objector's points are sufficient to undermine the evidential force of the Inclosure Award which is sufficiently clear and precise to demonstrate that a Bridleway was created along the route claimed.

Therefore, the present-day legal status of the route is considered to be incorrect and it is recommended that the route be a public bridleway.

Legal Framework

- 49 Under the provisions of Section 53 of the Wildlife and Countryside Act 1981, the County Council as Surveying Authority has a duty to keep the Definitive Map and Statement under review and is required to make a Modification Order under Section 53 (3)(c)(ii) on the discovery by the authority of evidence which when considered with all other relevant evidence available to them shows that a highway shown in the map and statement as a particular description ought to be there shown as a highway of a different description .
- 50 The evidence in this case is documentary evidence provided by the applicant Mrs B Herd, on behalf of the British Horse Society, and is based on advice contained in the book *Rights of Way: restoring the Record* by Sarah Bucks and Phil Wadey and the County Council's guidance document *Applying for a Definitive map Modification Order*.
- 51 Section 32 of the Highways Act 1980 deals with the consideration of documentary evidence when determining whether a highway has been dedicated. It allows for any maps, plans or history of a locality or other relevant document to be tendered in evidence and for appropriate weight to be placed on the document including the antiquity of the document, the status of the person by whom and the purpose for which it was created and the source from which it has been stored and produced.
- 52 There is case law and guidance on the meaning of a 'private' carriage road. In particular, the case of *Dunlop v Secretary of State for the Environment* (1995) established that, in the context of the Inclosure Act 1801, a 'public' carriage road was different to a 'private' carriage road, the distinction signifying differential rights of user, embracing all the monarch's subjects in the former case and a limited if unspecified class in the latter. The PINS ROW advice note 11 document advises that whether a private carriage road created by an Inclosure Award carries public vehicular rights will depend upon the specific context and all available evidence, having regard to the assistance of the *Dunlop* case on the interpretation of the 1801 Act.
- 53 Once a highway comes into existence, it can only cease to be a highway in certain circumstances, such as by way of a formal stopping

up procedure. The fact that the highway may have fallen into disrepair and/or disuse has no impact upon its status as highway.

- 54 The Human Rights Act is of relevance. Whilst article 1 to the first protocol (peaceful enjoyment of property) and article 8 (right to respect for family, private life and home) are engaged, it is important to note that these rights are qualified, not absolute, which means that they can be interfered with in so far as such interference is in accordance with domestic law and is necessary in a democratic society for the protection of the rights and freedoms of others. It is considered that any interference occasioned by the making of a Modification Order is both in accordance with domestic law (the Wildlife and Countryside Act 1981) and is in the public interest as it is necessary in a democratic society for the protection of the rights and freedoms of others, namely the public who wish to use the way.
- 55 Should Members resolve in principle that a Modification Order be made in accordance with the above legislation, this is merely the start of the legal process. Once a Modification Order is made, it must be publicised, and the owners will have an opportunity to formally object to it. Should objections be received, the Modification Order would have to be referred to the Secretary of State who would usually hold a Public Inquiry before deciding upon whether or not to confirm the Modification Order.

Main implications

Maintenance

- 56 If this route is added to the Definitive Map as a Public Bridleway, the County Council as Highway Authority will become responsible for the maintenance of the surface, shared with those having private rights of access.

Conclusion

- 57 It is considered, after examining all of the available evidence, that on the balance of probability the route under investigation, from the intersection of the A689 (Prospect Road) and the B6298 (New Road) through to Rumby Hill Lane (C18a) following the line of public footpath No. 56, meets the test of section 53(C)(ii) and a Definitive Map Modification Order should therefore be made to update the Definitive Map and Statement to record it as a bridleway.

Background papers

- <F:\Rights of Way\Modification Orders\A Crook - Watergate Lane>

Appendix 1: Implications

Legal Implications

See paragraphs 22, 23, 24, 25 and 28.

Finance

Durham County Council will be responsible for the initial installation of furniture associated with the upgraded legal status for the first six months and future maintenance of the surface to bridleway standards.

Consultation

See paragraphs 4 and 11

Equality and Diversity / Public Sector Equality Duty

N/A

Climate Change

N/A

Human Rights

See paragraph 54

Crime and Disorder

N/A

Staffing

N/A

Accommodation

N/A

Risk

N/A

Procurement

N/A

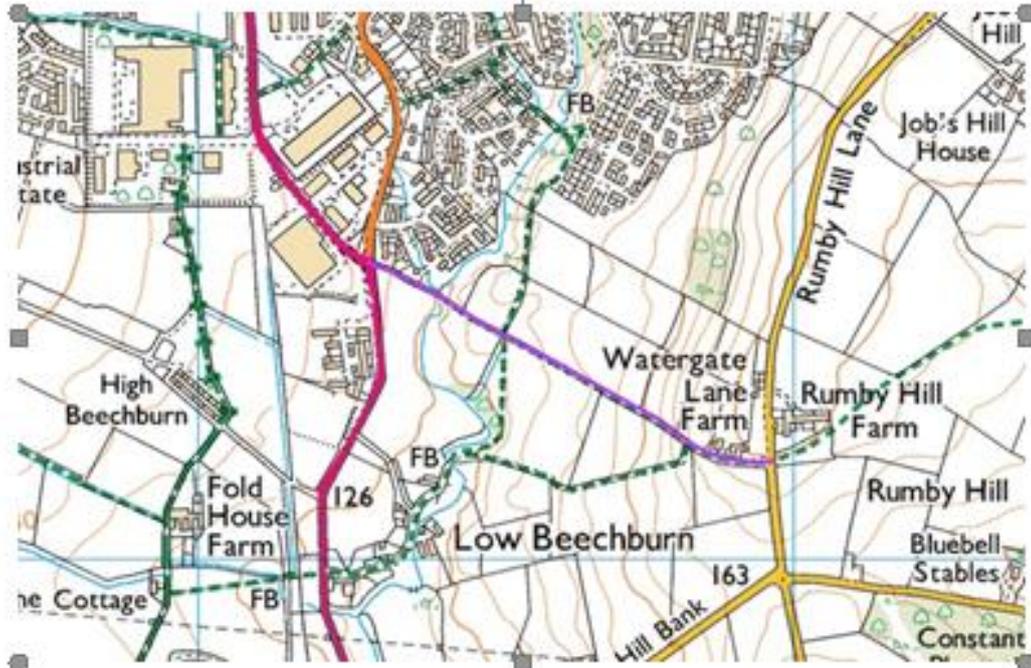
Appendix 2: Watergate Lane Summary Sheet

Definitive Map Modification Order Application Register

Crook – Watergate Lane



Description of the intended effect	Upgrade to bridleway
Description of Geographical Location	Grid Reference: 416983.534172 to 416301.534501
Parish	Crook
Postcode	DL15 8GA, DL15 8PY & DL15 8EN
Applicant's Details	See Form A
Date Application Received	05 December 2018
Durham County Council Contact	Senior Rights of Way Officer, Access & Rights of Way, Environment, Durham County Council, County Hall, Durham DH1 5UQ. Telephone Number 03000 265342 Email prow@durham.gov.uk
Reference Number	3/18/075
Determination of the Application by DCC	<input checked="" type="checkbox"/>



Application Form for a Definitive Map Modification Order

FORM A

To: Corporate Director of Regeneration and Local Services,
Durham County Council, County Hall, Durham DH1 5UQ



Wildlife and Countryside Act 1981

The Definitive Map and Statement of Public Rights of Way for the County of Durham

Re Watergate Lane

I, B Herd: on behalf of the British Horse Society	Address: Access and Rights of Way Department The British Horse Society Abbey Park Stareton Kenilworth Warwickshire CV8 2XZ
---	---

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 Durham by:

2: Upgrading	
To a: Bridleway	
Pathname/reference FP 56 Crook CP	Watergate Lane, Crook
Starting at: GR NZ 169341	Ending at: NZ 163345

As shown on the plan attached (must be of a scale of at least 1:25,000 and sufficient to determine the way on the ground)

I/we attach copies of the following documentary evidence in support of this application

List of documents: Current OS map: Current definitive map: Satellite view:
Hunwick Edge Inclosure plan and award 1761:
Railway plan Stockton & Darlington Railway East Thicky to Frosterley via Bishop Auckland with branch to Crook 1836:
Hobson 1840: Greenwood 1850:
Tithe maps - North Bedburn, 1846, Newton Cap 1848:
Ordnance Survey boundary remark book Durham 1379:
Ordnance Survey 1st edition (1858-1895): sheets XXXIII.8 & XXXIV.5:
Weardale and Shildon District Waterworks Aqueducts 1865:
Highway Diversion 1891 - plan for proposed new road, current A689:
OS 1897 1:2,500 Sheet XXXIV.5: OS 1924 XXXIV 1:10,500: OS 1:2,500 1921:
OS one inch England and Wales, Sheet 26 Wolsingham 1898, outline:
OS 25 inch 1947 Sheet XXXIV.5:
Finance Act 1910 Finance Plan: sheet XXXIII.8 & sheet XXXIV.5:
New popular OS 1 inch 1947: OS 1:25,000 1953 NZ13
Photographic evidence

Dated S. 12. 18	Signed
------------------------	------------

Appendix 3: Watergate Lane Application (as submitted by the applicant)

Watergate Lane DMMO Application

Wildlife and Countryside Act 1981

Application to modify the definitive map

Watergate Lane Bridle Road

The Route

- i The route is shown on OS Explorer 305 going from Rumby Lane north west towards Crook
- ii The route commences at Watergate Lane Farm GR NZ 169341 and ends NZ 163345. It follows the current FP 56 Crook CP. It is visible on satellite views.
- iii Watergate Lane is recorded in the Hunwick Edge Enclosure Award, as a private road with access rights going to Watergate (likely a floodgate) at Bitchburn Beck. Other Private Carriage ways are public thoroughfares now (Rough Lee Lane and Delft Well Lane). It is shown as a through route from Rumby Hill Lane to and through Thistle Flat Colliery and the railway line. It is shown on Tithe maps.
- iv It is shown on an 1836 Stockton and Darlington railway plan as Bridle Road to Rumby Hill and on the 1865 Waterworks plan.
- v On the Ordnance Survey maps the south east portion is labelled Watergate Lane, it then becomes cart road before becoming Road again at the western end. The current main road south (which bends south west) is only apparent in the 1897 OS map – before that there is only a path going more directly south. So Watergate Lane and its continuation can be seen to have been a main thoroughfare. It is labelled Bridle Road on the Boundary remark book.
- vi It shows as a White Road at each end on the 1910 Finance Act plan
- vii It is joined by footpaths, which are shown as narrower and labelled as footpaths, indicating that this route is of higher status. There is latterly a footbridge *and* a ford, indicating that the route is more than just a footpath. It is benchmarked by 1947. No stopping up orders could be found.
- viii The track is well made and wide with evidence of longstanding use. The original ford to the north of the bridge is no longer accessible because of recent building, but there is a suitable ford to the south. There would need to be a gate to access the path leading on to the A689, but the path is suitable for horse use.
- ix The road links a quiet lane to a short portion of urban road which has access to a byway, so a useful addition to the Bridle road network.

Evidence

1 Current OS map	www.ordnancesurvey.co.uk
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Route indicated with purple.

2 Current definitive map	Current definitive map
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Shown as FP 56

3 Satellite view	Apple maps
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Marked to show route in purple

4 Hunwick Edge Inclosure plan and award 1761	DUL DHC6 11/10, CCB MP/510 DHC M1
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This beautiful plan (available electronically from DUL) clearly shows Watergate Lane, the copy plan is available to see directly. The award describes it as a private carriage way, for use of the allotment owners and those needing access to Mawn Meadows, but the general uses section lists "all persons owners and occupiers". Rough Lee Lane and Delft Well Lane, also designated as private carriage roads, like Watergate Lane are clearly through routes and are current public roads.

5 Railway plan Stockton & Darlington Railway East Thicldley to Frosterley via Bishop Auckland with branch to Crook 1836	DRO Q/D/P 76
--	--------------

This early plan shows the railway crossing "Bridle Road to Rumby" which is correctly placed for Watergate Lane. The actual route of the railway shown on subsequent OS is a little different, and I have indicated this with annotated maps. There is another BR marked nearby, the "BR to Crook" which fits with the road up from Wilfield Cottage which crosses the boundary west of the line on the plan, but east of the final line. This is currently FP 203 Crook CP, going in to Crook.

6 Hobson 1840	http://valentine.dur.ac.uk/pip/searchform1.asp
----------------------	---

The route is shown crossing the Burn towards the railway

7 Greenwood 1850	http://valentine.dur.ac.uk/pip/searchform1.asp
-------------------------	---

Here the road crosses the stream and goes past the railway line.

8 Tithe maps North Bedburn, 1846 Newton Cap 1848	DUL DDR/EA/TTH/1/11 DDR/EA/TTH/1/181
---	--

Watergate Lane crosses these two Tithe Maps, both ends clearly shown as roads.

9 Ordnance Survey Boundary remark book Durham 1379	TNA OS 26/3150
---	----------------

I have shown the relevant page next to a detail from OS 1897 25 inch oriented to show the boundaries along streams, crossed by the way under investigation labelled **Bridle Road** in remark book page shown.

10 Ordnance Survey 1st edition (1858-1895) sheets XXXIII.8 & XXXIV.5 10a reference book Witton le Wear, North Bedburn 1864	www.old-maps.co.uk DHC11/II/14/1
<p>The lane is clearly shown, described as cart road in the centre portion, becoming a road after crossing the stream. The road from Thistle Flat continues directly on as the Watergate Lane route at this stage – the road south to Low Beechburn has only path status at this time.</p>	
<p>361 Watergate Lane: 357 pasture, paths, cart road, air shaft, and trees: 356 Arable, cart road, and trees: 246 Road, house, well, cart road, stream, and waste. (Note current main road south not present in the 1st edition map, track going through 399 has only path status – pasture, stream, and path</p>	
11 Weardale and Shildon District Waterworks Aqueducts 1865	DRO Q/D/P 287
<p>This show the route from the beck to Thistle Flat as 106, Bridle Road</p>	
12 Highway Diversion Intended Road (plan current A689) 1891	DRO Q/R/HD 121
<p>The road from Thistle Flat is shown continuing to the Beck, the boundary on this plan.</p>	
13 OS 1897 1:2,500 Sheet XXXIV.5	www.old-maps.co.uk
<p>The track is joined at different points by footpaths, clearly labelled FP, narrower than the route under investigation, extra evidence that the route had higher status</p>	
14 OS 1924 XXXIV 1:10,500	NLS
<p>There is both a ford <i>and</i> a footbridge indicating that it is not just a footpath.</p>	
15 OS 1:2,500 1921	www.old-maps.co.uk
<p>Still shows a through track with footpaths (labelled FP) joining it</p>	
16 OS one inch England and Wales, Sheet 26 Wolsingham 1898, outline	www.visionofbritain.org
<p>This shows the track as a partially fenced unmetalled road</p>	
17 OS 25 inch 1947 Sheet XXXIV.5	NLS
<p>Shows the track clearly extending from Watergate lane and it is now benchmarked. The footpaths which join it are clearly labelled as such, and are narrower, again indicating that the route in question is of higher status.</p>	
18 Finance Act 1910 Finance Plan: sheet XXXIII.8 & sheet XXXIV.5	TNA IR 135/3/100 DRO IR2 234
<p>The route under enquiry appears as a White Road, ie a public road from north west and south east, no deduction for central portion. The absence of deduction does not mean that it was not a public right of way in the centre, just that the owner did not claim it as such. The two ends of the road do not otherwise go anywhere, so would not have been recorded as white roads if they were not part of a through route</p>	
19 New popular OS 1 inch 1947	NLS

This shows route in question as a largely fenced minor road

20 OS 1:25,000 1953 NZ13	NLS
---------------------------------	-----

This shows it as a track, but labels it as FP, which is out of keeping with all the other preceding maps. It is after the 1949 cut off date.

21 Photographic evidence	
---------------------------------	--

The road is well made from Rumby Hill Lane, and although there is currently a Stile for access the route is wide, with a sunken track in places confirming long term use. There are two stone gate posts at the end of the marked Watergate Lane, attesting to the age of the track. The footing is excellent and the track leads to the beck where there is a footbridge, not suitable for horses. The original ford was to the north of this bridge, but the house building and footbridge render that difficult access. However, there is a ford to the south of the bridge which appears actively used and would require only a gate through the fence inclosing the track to make it feasible. Egress onto the A689 has a gate as well as a stile and would be suitable.

Summary

The extent of this route which was previously designated as Watergate Lane is a little uncertain, but there is excellent evidence that the route which begins as Watergate Lane from Rumby Hill continues as at least Bridle way status to the current A689 junction. Watergate Lane is clearly demarcated on OS maps as the first third of the route under investigation. It is variously depicted as going to Bitchburn Beck or part way, but it is described in the Enclosure award as going to the Watergate and depicted as going on over the beck. The continuation to the now disused Railway line has always been depicted as more than just a path, and the route is shown as a direct route from Rumby Hill and across the railway on Tithe maps and OS, as well as the Greenwood map from 1850. There are other indicators on the OS maps, in particular the joining footpaths which are clearly labelled as such whilst this track, which is also wider, is not; the presence of a marked ford as well as a footbridge; and the later benchmarking. The route is labelled as "Bridle road to Rumby Hill" as it crosses the proposed course of the Crook Branch of the S&D railway. It is also shown as Bridle Road on the Waterworks Plan.

The designation of each end as a White Road in the 1910 Finance Act plans shows that these parts were acknowledged as public roads, so it is hard to see how the central portion could not have the same status. There is physical evidence of an old track and a new ford which appears to be in use. In addition, it was formally a RUPP (56), and it is unclear why it was only re-classified as footpath

Watergate Lane joins some relatively quiet lanes (Holywell and Quarry Burn Lanes) to BY193 and BW 193a Crook CP with only short stretches of main road, increasing access to safe off-road use for riders and cyclists. There is excellent evidence as listed above for its status as a public right of way of at least Bridleway status. Please could it be considered for upgrading to a Bridleway on the Definitive map?

Appendix 4: Watergate Lane Evidence (as submitted by the applicant)

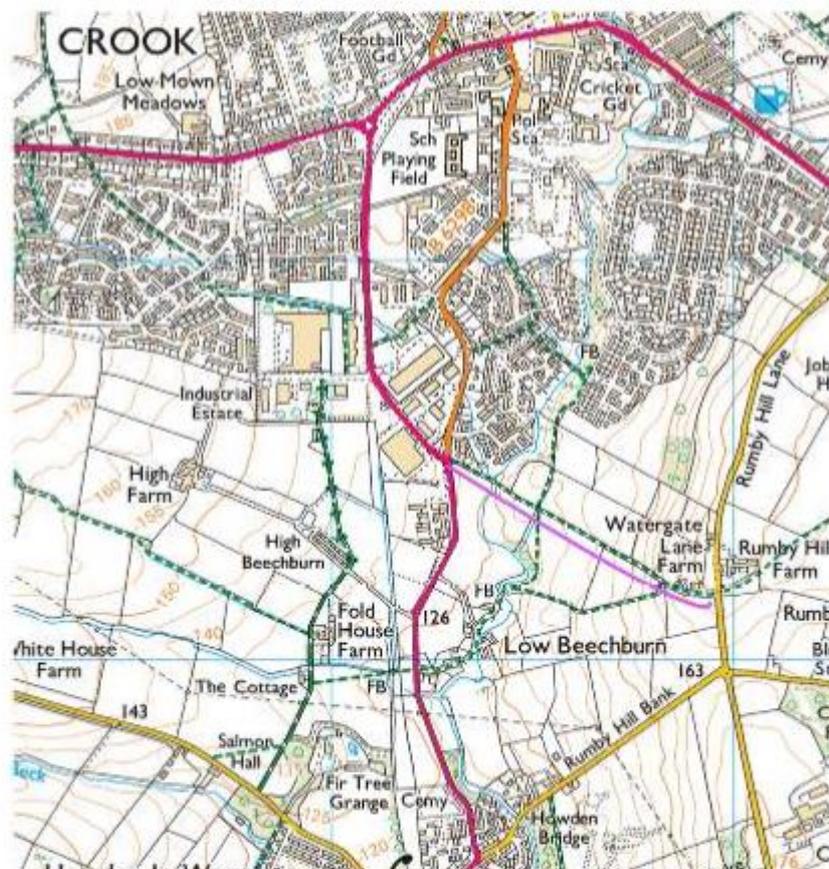
Watergate Lane DMMO Application

Wildlife and Countryside Act 1981 Application to modify the definitive map

Watergate Lane Evidence

1 Current OS map, Route marked in purple

Houses north of track were not present on 1981 OS



2 Definitive map October 2018 FP56 Crook CP

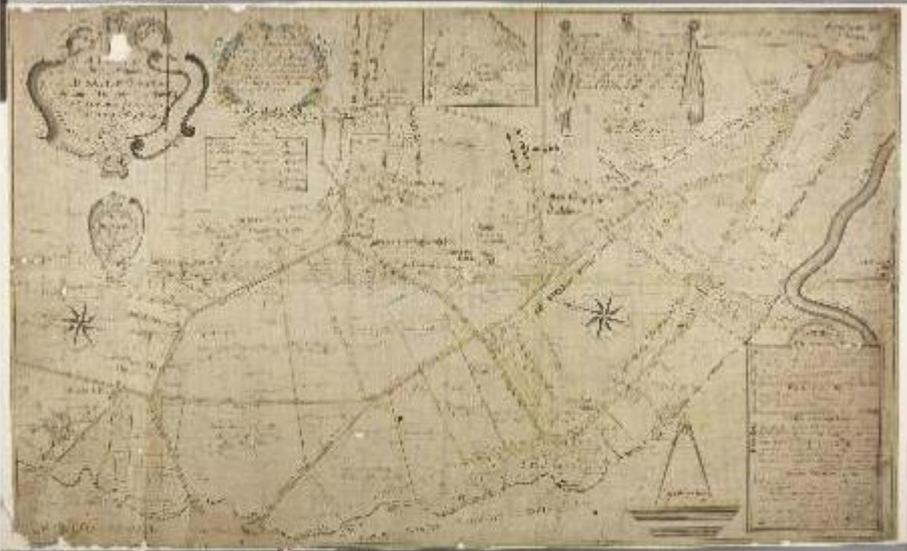


3 Satellite view

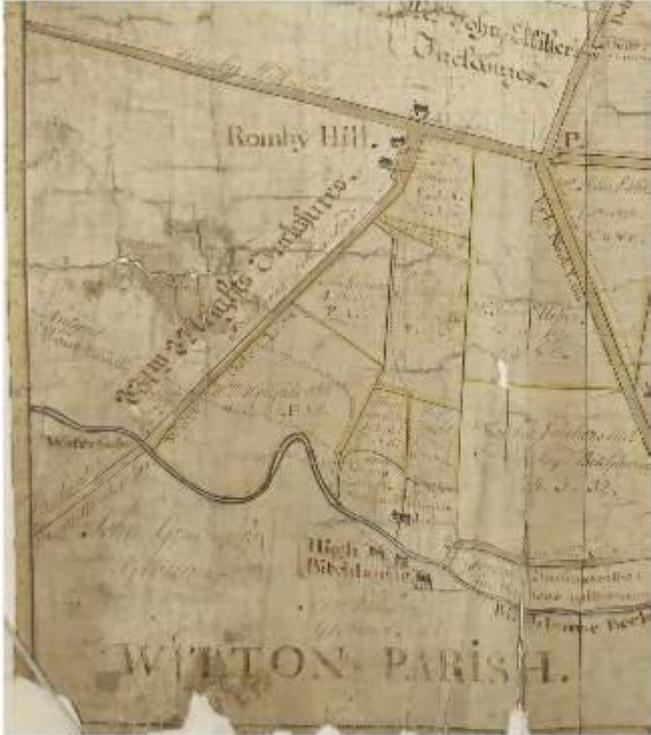


4 Enclosure Plan and Award, DUL CCB MP/510 1761

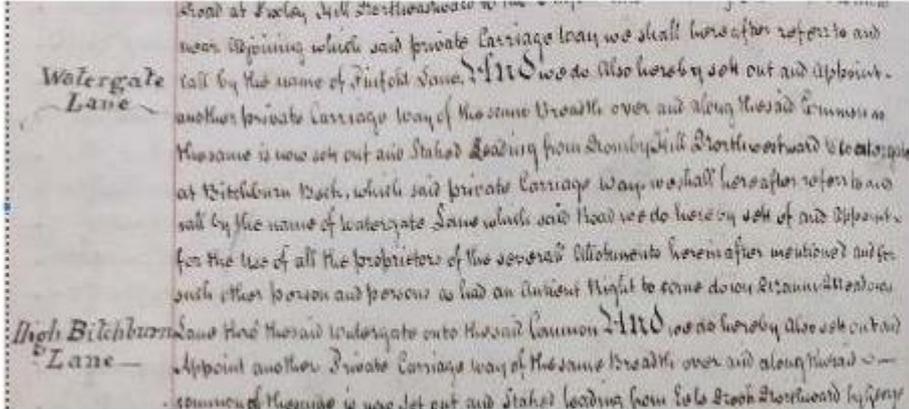
Overview, north to the left



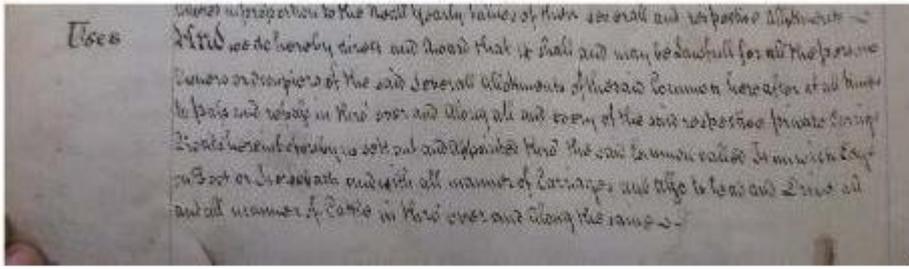
Detail from bottom left



Award



"And we do hereby set out and appoint another private carriage way of the same breadth over and along the said Common as the same is now set out and Staked Leading from Romby Hill Lane Northwestwards to Watergate at Bitchburn Beck, which said private Carriage way we shall hereafter refer to and call by the name of Watergate Lane which said road we do hereby set of and appoint for the use of all the proprietors of the several allotments hereinafter mentioned and for such other person or persons as had ancient right to come down Mawn Meadows Lane thro' the said Watergate into the said Common"



"Uses. And we do hereby direct and award that it shall and may be lawfull for all the persons owners or occupiers of the said several allotments of the said Common hereafter at all times to pass and repass in thro' over and along all and every of the said respective private carriage Roads hereinafter by us sett out and appointed thro' the said Common called Hunwick Edge on Foot or Horseback and with all manner of Carriages and also to lead all and all manner of Cattle in thro' over and along the same."

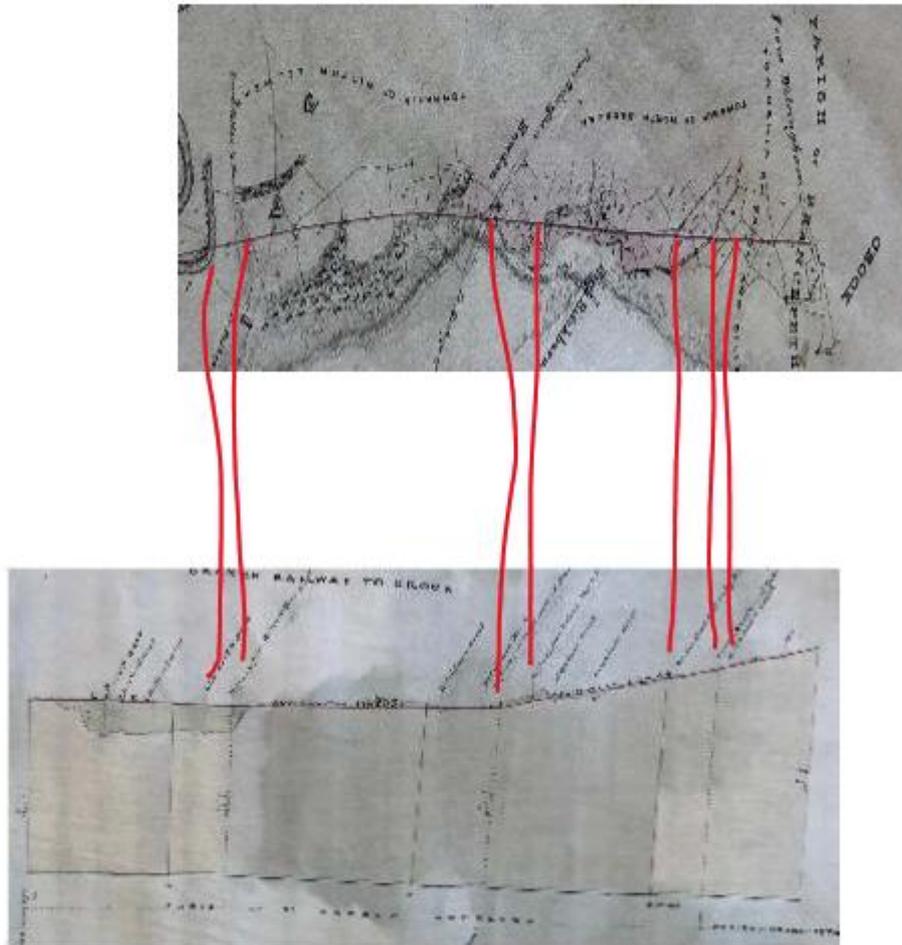
5 Railway plan Stockton & Darlington Railway East Thickley to Frosterley via Bishop Auckland with branch to Crook 1836, DRO Q/D/P 76



Detail showing branch to Crook



Plan linked to cross section to show routes crossing the proposed track.



Note Bridle Road to Rumby Hill, which has to be the north east end of Watergate Lane, and indicates a through road. The Book of reference makes no note of any of the roads, just the lands it passes through. The line of the track differs slightly from the actual route as shown on OS maps.

Left: 1st edition OS marked to show BR to Rumby Hill - can only be Watergate Lane. Right: 1861 6 inch with track more as indicated on Railway Plan compared to actual route. Closely examining, the "BR to Crook" actually fits much better with the road up from Wilfield Cottage which crosses the boundary west of the line on the plan, but east of the final line. This is currently FP 203 Crook CP, going in to Crook



7 Greenwood 1850

Here the road crosses the stream and goes past the railway line.



8 Tite maps DUL

North Bedburn, 1846 Northern end. DDR/EA/TTH/1/11

(North approx. correct, about 11 o'clock).

Road not numbered but clearly shown at top of plan crossing the railway from the beck.

Fold House Farm as reference point



Newton Cap 1848 DDR/EA/TTH/1/181 (rotated). Rumby Hill junction with main road. First part of route clearly shown



9 Ordnance Survey Boundary remark book Durham 1379 (TNA OS 26/3150)

County of Durham
N^o 1329

Perambulation of the Boundaries between

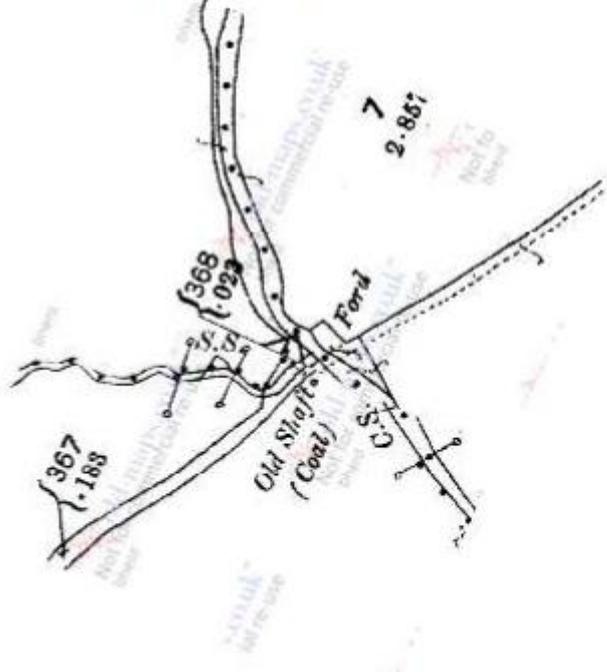
<i>Divisions of Townships</i>	<i>Townships</i>	<i>Parishes</i>
	North Bedburn with	Branspeth with
	Crook & Billy Row	Branspeth
	North Cope with	Branspeth with
	Crook & Billy Row	Branspeth
	Helmington Row	D ^o
	Hurwick and Helmington	Branspeth with
	with Helmington Row	Branspeth
	Willington	D ^o
	Willington	D ^o
	Byers Green	Branspeth with
	with Willington	Branspeth
	Stockley	D ^o
	Whitworth	Whitworth
	Old Park	D ^o
	Binchester with Old Park	Whitworth with Whitworth

E
1521

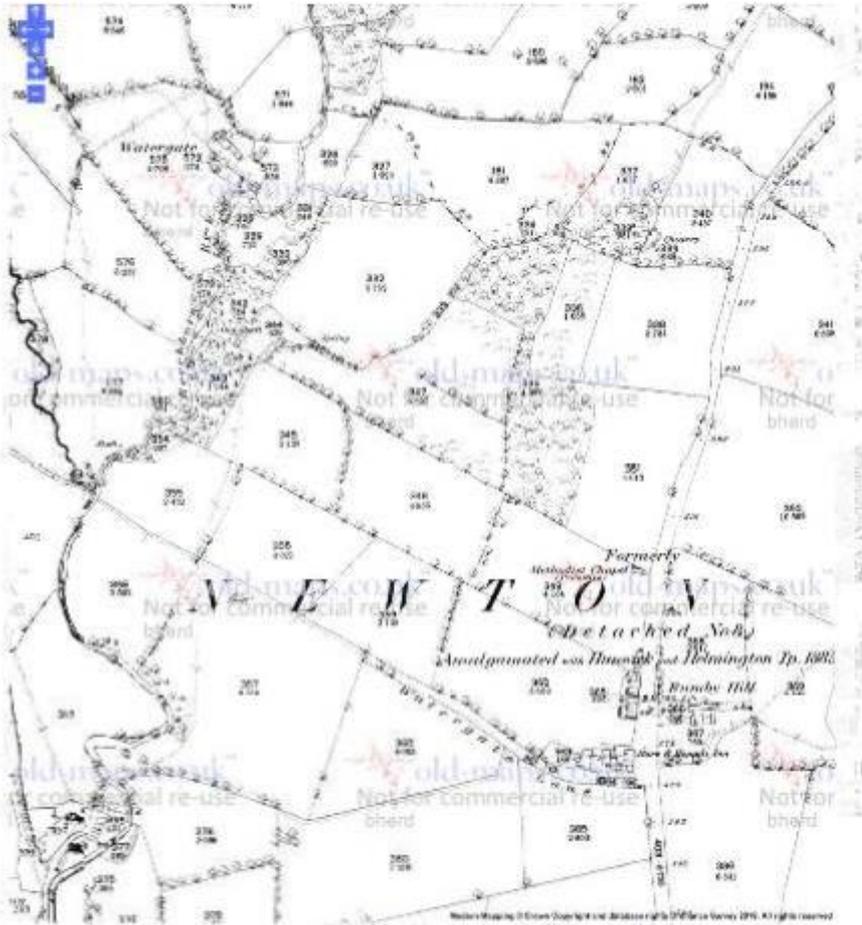
OS 26/3/50



OS 1897 25 inch oriented to show boundaries along streams, crossed by the way under investigation labelled **Bridle Road** in remark book above



10 Ordnance Survey 1st edition
The route is clearly marked at the start, and then becomes cart road as it continues north west



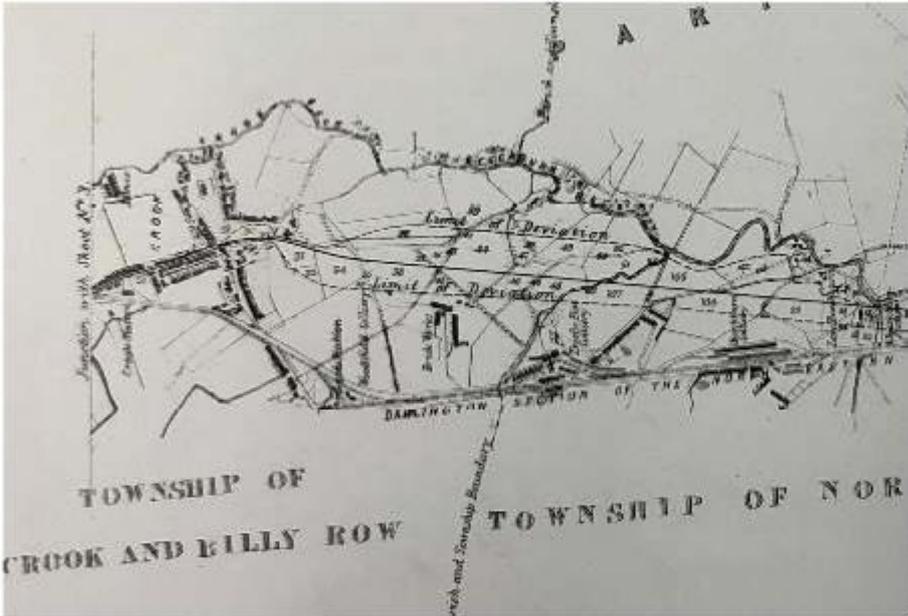
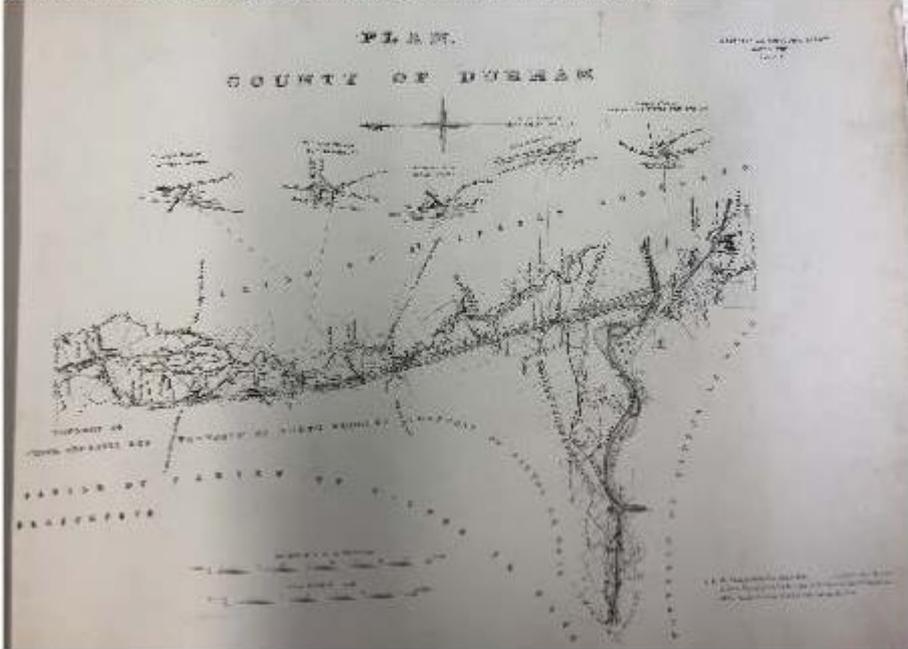
10a Book of reference Witton le Wear, North Bedburn

The image shows two pages from a reference book. The left page is titled 'PART II OF THE MAP' and the right page is titled 'PART III OF THE MAP'. Both pages contain columns of numbers and corresponding descriptions of land parcels or features.

The image shows two pages from a reference book. The left page is titled 'PART IV OF THE MAP' and the right page is titled 'PART V OF THE MAP'. Both pages contain columns of numbers and corresponding descriptions of land parcels or features.

- 361 Watergate Lane**
(note current main road south not present in the 1st edition map, track going through 399 has only path status - pasture, stream, and path)
- 357** pasture, paths, cart road, air shaft, and trees
- 356** Arable, cart road, and trees
- 246** Road, house, well, cart road, stream, and waste

11 Weardale and Shildon District Waterworks Aqueducts 1865 DRO Q/D/P 287
(north to left, increasing detail showing route as 106, Bridle Road)





Township of NORTH HEDBURN, in the Parish of WITTON-LE-WEAR, in the County of DURHAM. - (Continued.)

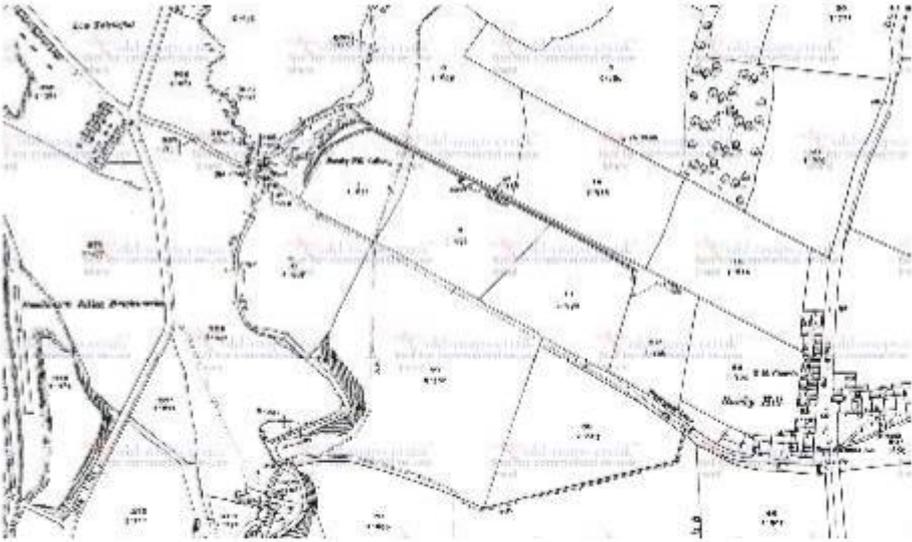
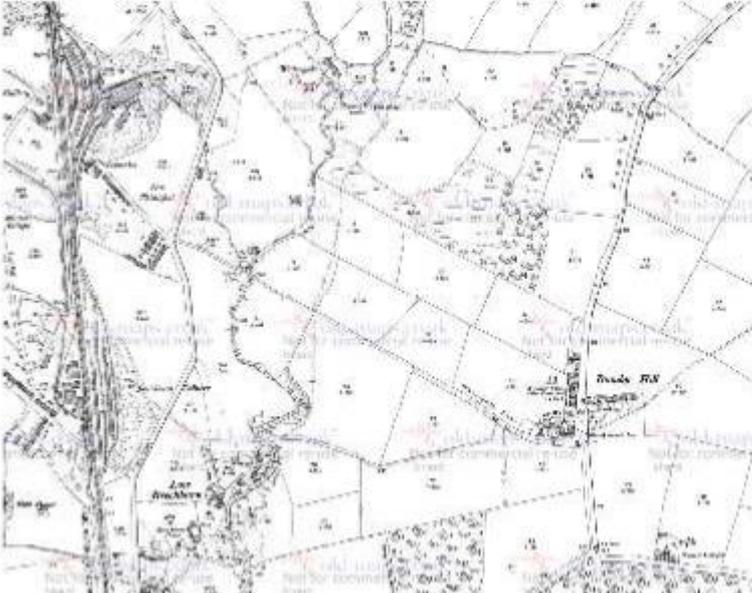
Number of Property	Description of Property	Owner or reputed Owner	Lessee or reputed Lessee	Occupier
11	Colliery	George Coates	Joseph Straker, John Straker, and Joseph Lore	Themselves
12	Occupation Road	John Whitfield	John Whitfield and Cuthbert Blodgett
13	Green Field	John Slarp	Himself
14	Grass Field	The same	The same
15	5. ac Field	John Whitfield	Himself
16	5 acs Field	John Slarp	Himself
17	Peddle Road	The same	The same
18	Grass Field	The same	The same
19	Grass Field	The same	The same
20	Grass Field	The same	The same
21	Grass Field	The same	The same
22	Grass Field	The same	The same
23	Grass Field	The same	The same
24	Grass Field	The same	The same
25	Grass Field	The same	The same
26	Grass Field	The same	The same
27	Grass Field	The same	The same
28	Grass Field	The same	The same
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30	Grass Field	The same	The same
31	Grass Field	The same	The same
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33	Grass Field	The same	The same
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99	Grass Field	The same	The same
100	Grass Field	The same	The same

12 New road plan 1891 showing intended route of current A689 DRO Q/R/HD 121
Route in question continues to Beechburn Beck, the boundary of this plan.



13 OS 1897 1:2,500 Sheet

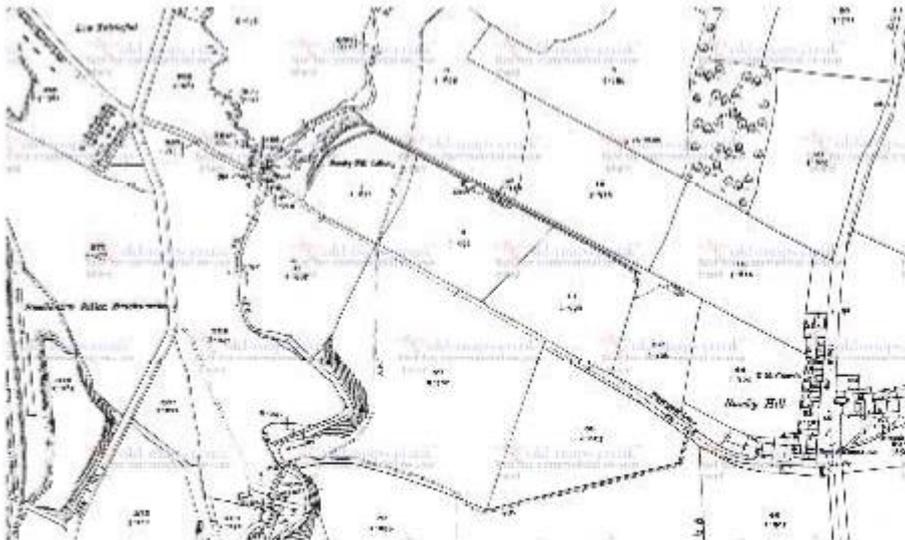
Route is joined by labelled footpaths which are also narrower, indicating a higher status track – road or bridle road.



14 OS 1924 XXXIV 1:10,500 NLS
Ford and footbridge indicates not just a footpath



15 OS 1:2,500 1921 old-maps



16 OS one inch England and Wales, Sheet 26 Wolsingham 1898, outline

Shows the road clearly going to main road, as a partially fenced unmetalled road



17 OS 25 inch 1947 Sheet XXXIV 5 NLS

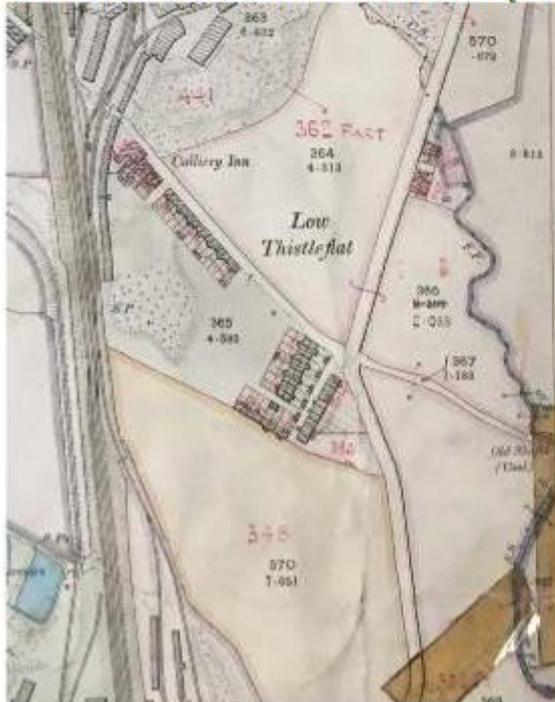
Shows the track clearly extending from Watergate lane, now benchmarked. The footpaths which join it are clearly labelled as such, and are narrower, again indicating that the route in question is of higher status.



18 1910 Finance Act Watergate Finance Plan sheet XXXIII. 8 TNA IR 135/3/100



The route under enquiry appears as a White Road, ie a public road from north west and south east, ie a public road from north west and south east, no deduction for central portion



Rumby Hill Finance plan (DRO IR2 234, sheet XXXIV.5) shows the south east portion as a white road, but the central portion through plot 552 has no deductions



19 New popular OS 1 inch 1947
Through route, minor road.



Ministry of Transport Roads	A.67	B.6275
Other Motor Roads		
- " " narrow	Good	Bad
Minor Roads		
Bridle & Footpaths		
Unfenced Roads are shown by dotted lines		
Gradients steeper than 1		
Toll Gates	TOLL	
Road Mileage	S	

25047.

20 OS 1:25,000 1953 NZ13

This shows the route as a footpath, out of keeping with other maps, but this is after 1949.



21 Photographic evidence

Wide well-made track leaves Rumby Hill Lane



Past Watergate Lane Farm to a stile



Looking down a broad sunken track, in need of a little clearing, but with good footing



Looking back up to show sunken track, banks/old hedgerow either side, then down through more open grass land to an old stone posted gateway.



Detail of gate stones, at point where Watergate lane itself gives on to cart road



Continues down to foot bridge and usable Ford to south of bridge, shown right below. However, ford shown to north of Footbridge on OS 1921, (prior to house building) and so this leads to wrong side of fence for the continuation of the track. The bridge is not suitable for horse access.



The path continues up on good footing to a stile, but is on the wrong side of fence for suggested ford. It comes near the industrial estate, close to BY 193 Crook CP

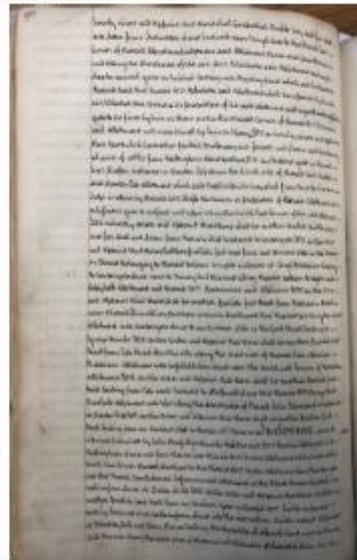
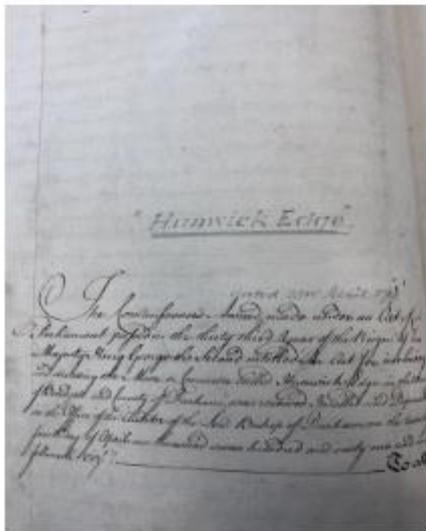


Supplementary evidence Watergate Lane

1 Enclosure Bridle way Romby Hill to Watergate

Reading further into the Hunwick Edge award, p 190, "We do hereby direct and appoint that there shall be another **Publick Bridleway and for sack and seam**" (cart horse use, as per DUL notes by catalogue entry) "from Romby Hill westward to Watergate." No measurement is given in keeping with this following the track of the Watergate Lane shown on the award map. This shows that although the road is described as a private carriage way there was clear public right of way for horse riders and packhorses.

Hunwick Edge Award 1760, p 190 (DUL DHC1 M1)



new stone cap allotment which said head or bridle way shall from time to time be
kept in repair by the said Mr. Shafto the owners or proprietors of the said allotment and
a sufficient gate to be fixed and repaired on the side the last corner of his said allotment
I do hereby direct and appoint that there shall be another publick bridle way
and for sack and seam from Romby Hill westward to Watergate I do also order
and appoint that there shall be a publick foot road from and thence thro' in the hedge
or fence belonging to the said William Wrights inclosure at Highthelburn leading
to Watergate lane near to Romby Hill thence along the said William Wrights said
Cobly field allotment and the said Mr. Spormans said allotment I do also order

Detail of Hunwick Edge Plan 1760 (DUL CCB MP/510)



2 Bell 1852 (pictures in print <http://valentine.dur.ac.uk/pip/searchform1.asp>)

This clearly shows Watergate Lane running across from Rumby Hill, south of land attributed to Wm Taylor, as a significant route.

