

Appendix J - Landowner and adjoining owner responses
Landowner 1.

FAO Mr. Simon Carey
Newcastle City Council

█ Grosvenor Avenue
Jesmond
Newcastle Upon Tyne

Re: Modification order reference FP4/FP6/DO/2018

Dear Mr S Carey,

We would like to object to the proposed PRow Modification Order as landowners of the section involved (land registry title number █).

See our objections in sections corresponding with the JRA claims for PRow:

Uninterrupted use

Regular path interruption

The JRA application for PRow is based on some evidence of uninterrupted use under Highway Act 1980 for Dedication of way as a highway presumed after public use for 20 years. As owners of a proportion of this strip of land, we regularly (at least twice a year) service the area by removing leaves and overgrown vegetation, seeding and planting flowers to promote diversity of the wildlife. During those regular service occasions, the access is restricted via strip of our land (evidence 1 shows photographic evidence of conditions after clearance).

In addition to the regular service closures there were a number of occasions we closed the path:

2019 to fix fallen garden fence (see receipt attached, evidence 2a and 2b).

2019 the strip of land was blocked for a private party (see picture attached, evidence 3).

In December 2021 we blocked the path for movie making of purposes (see picture attached, evidence 4).

2022 The Grove was blocked by heavy machinery for maintenance after recent storms (pictorial evidence 5)

As the strip of this land is in private ownership, there was no need to apply for closure, therefore no closure applications were made to the City Council for any of the above closures.

Also, our evidence of the path interruption is limited to our ownership, prior to 2004, the west end of the Grove was used by a private school as playing ground, therefore there was no uninterrupted use of the Westend of the Grove i.e., not a throughway due to school activity between 1940 and 2004.

Historical perspective

The JRA in their application states that the path in question is an ancient route used by pilgrims to visit the Holy Well. There is no evidence to confirm that the path had ancient usage. On the contrary, there is evidence that the ancient pilgrims' route was from Newcastle past the Cradlewell and along the Dean Road (evidence 6).

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Historically intended use of the strip of land known as the Grove used to provide a service route to the Manor House estate and Jesmond Cottage. Since the Manor house demolition in 1929, the land was sold to a housing estate (now Grosvenor Rd and Grosvenor Ave) with path maintaining its private status and used to access private gardens and the Jesmond cottage built by M Anderson in 1831 (evidence 7a path and 7b). Therefore, residents of the neighboring properties as well as their tenants and contractors have a right to access their properties via the footpath in question. Hence, evidence provided by former residents of the neighboring properties cannot be accepted under the Highway Act 1980. For details and further evidence of historic use please see statement provided by owners of [REDACTED] Grosvenor Avenue [REDACTED].

Moreover, ancient use of the path should be discarded as St Mary's Well, located at the East end of the path, is dated to the 17th century at the earliest (Fraser, 1983) and it has a status of scheduled rather than ancient monument (evidence 8) and is unlikely to be associated with the St Mary's Chapel dated to the 12th century.

A true Holy Well is thought to have had thermal waters and located in close proximity to the St Mary's Chapel and now is underground. Partial image from the historical board provided by the JRA offers no evidence of link between the two monuments.

Although association of St Mary's Well with St Mary's Chapel is historically incorrect, St Mary's Well remains an important historic heritage. Modern access to the Well was via the footpath to the south of the well (between Grosvenor Avenue properties number 28 and 30). As per Council Committee meeting minutes (available in the archives), the land the Well is situated on and the footpath to the south of the well (see evidence 9 map) was gifted to allow access to the Well by Mr Farquhar Laing under the following conditions:

1. The site of the well and the pathway should be fenced at the expense of the council
2. By the council having ownership of the well and pathway, described above would not give them the right to oppose any petition or other proceedings for the closure of The Grove
3. The landowners from the Grove Estate to still have access to the well from the north, i.e. the existing right of way to the well.

This highlights lack of intention to have the Grove as a PRow.

This foot path was sold in 1981 by the Newcastle City Council to be enclosed and used as a garden by number 28 (evidence can be provided by NCC). This is now in direct breach of the conditions the land was gifted upon. Therefore, any access to the well should be renegotiated between the owners of no 28 and the NCC.

Negative intention to dedicate the way as public right of way

There was never an intention to dedicate the strip of land we own to the public as a right of way.

To indicate this, signs are displayed over the length of the path indicating private ownership of the land under section 31 (3A) of the Highway Act 1980 (pictorial evidence could be provided for the length of the west end of the Grove if required, for our own sign please see evidence 10).

In addition, during encounters with non-resident bypassers, we educate them regarding private ownership of the land. Last summer a joint letter was issued by the owners of the Grove with the aim to educate people living in close proximity to the path (evidence 11).

Moreover, there is a clear evidence of access restriction from the previous owner of number [REDACTED] Grosvenor Avenue, [REDACTED] reflected in the land register (publicly available) as a note

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from 1987 when proportion of the land north to the path was sold to [REDACTED] stating: "There is excepted out of this transfer any right of light, air **or way** or any quasi easement over the retained land not expressly granted hereby" (evidence 12).

This clearly provides evidence of no intention to dedicate the path as public right of way that well precedes our ownership.

Recognition by Tyne and Wear Council

JRA mislead in their application stating that the path in question is recognized by the City Council. There is no evidence on the City Council adoption (see evidence provided in the objection by the owners of [REDACTED] Grosvenor Avenue [REDACTED]).

Streetlight and NCC dog fouling notices

Street light provision on the footpath does not indicate that the path was adopted by the Council. It is not uncommon to have streetlights on private grounds. However it has been now highlighted to the NCC and providers.

Erection and subsequent removal of a public foot path signpost to Jesmond Dene

An erroneous sign was erected from Osbourn Road to indicate public path to Jesmond Dene via our private land. This has been raised with the Council and subsequently recognized as erected by mistake and removed. This was an unfortunate waste of public money. See evidence provided in the objection by the owners of [REDACTED] Grosvenor Avenue [REDACTED].

This is another example that illustrates **negative intention to dedicate the way as public right of way**.

NCC vegetation clearance

Rapid response vegetation clearance has been initiated by a person/organization unknown to me. This was stopped and a Rapid response team was sent away as they had no right to work on private ground. This is another example that illustrates **negative intention to dedicate the way as public right of way** as well as an example of wasteful use of public money.

This has happened before our ownership period. However, evidence for this is provided in the objection by the owners of [REDACTED] Grosvenor Avenue [REDACTED].

Sign at the end of the Queens Terrace indicating the Grove

The sign "The Grove" indicates an address for two houses located on the Grove.

Further, to the point-by-point objections, we would like to highlight that the path is part of the conservation area where special consideration should be taken into account when upkeeping.

In conclusion, we have shown evidence that demonstrates no intention to dedicate the footpath as public right of way and object to the proposed changes.

Thank you very much

[REDACTED]

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References

Fraser, 1983, 'St Mary's Well, Jesmond, Newcastle upon Tyne' in the 5th series of Archaeologia Aeliana

Evidence

Evidence 1

Photographic evidence demonstrates conditions after maintenance. Our Grove section had restricted access during clearance.



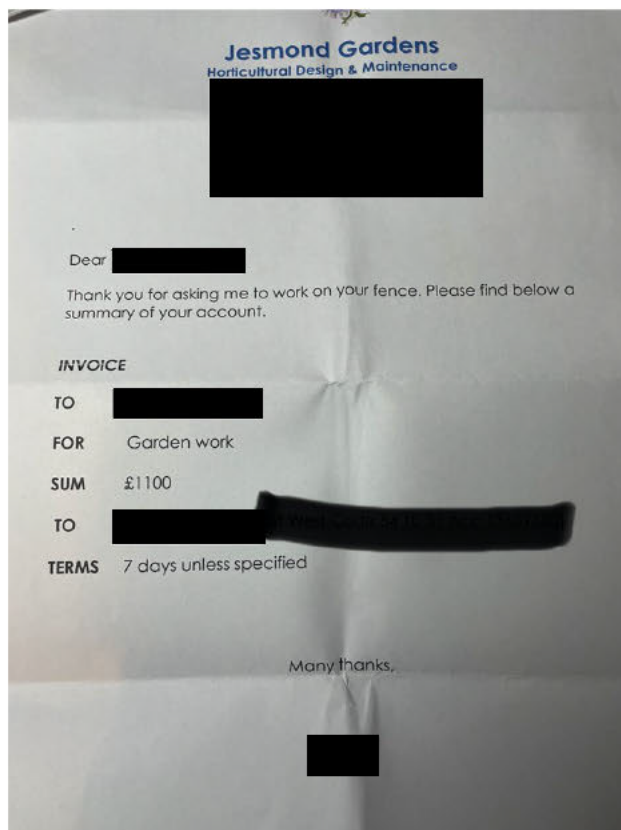
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Evidence 2 a

Photographic evidence demonstrates complete blockage of the Grove for a duration for maintenance of the fallen fence.



Evidence 2 b



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Evidence 3

The strip of land was blocked for a party



Evidence 4

Blocked for movie making



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Evidence 5

Maintenance with heavy machinery



Evidence 6

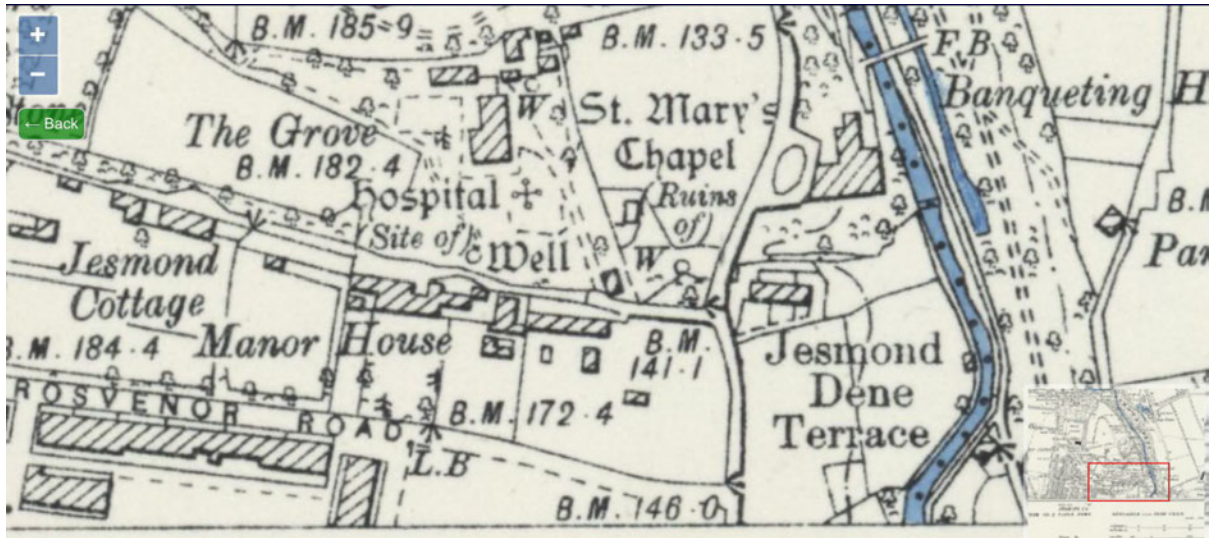
Original pilgrimage route is not via the Grove



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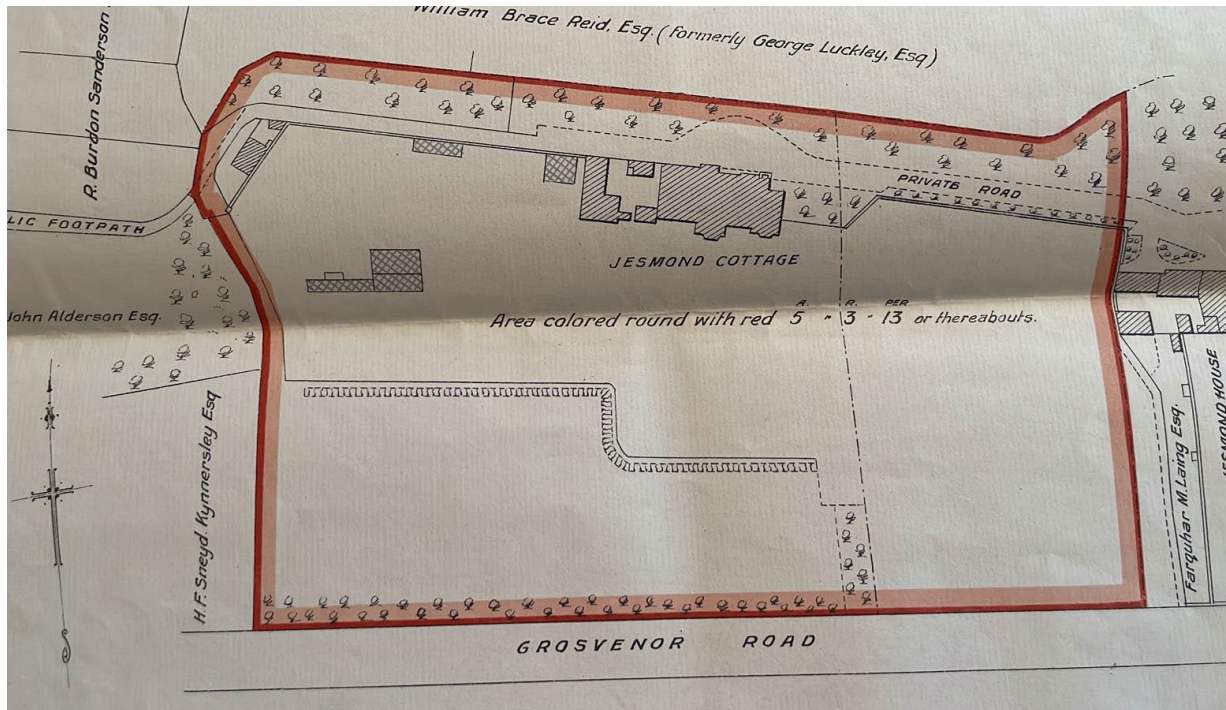
Evidence 7a

Historic map



Evidence 7b

Private road



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Evidence 8

Sign at the St Mary's Well



Evidence 9

Public access to the St Mary's Well



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Evidence 10

Signs to indicate this is privately owned land



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Evidence 11

Letter to residents

Dear resident,

You will probably be aware that the Jesmond Residents Association (JRA) is intending to make an application to include the path / track known as The Grove that runs from Queens Terrace in the west to the bottom of Reid Park Road in the east as a public right of way on the definitive map for Newcastle Upon Tyne. Newcastle City Council do not currently recognise the Grove as a public right of way.

As residents of properties that border the Grove, we feel it is important to seek your views and to give you the opportunity to join us so we can represent ourselves as a community with a shared interest.

We believe that the proposal to list the Grove as a public right of way will have a negative impact on landowners on Grosvenor Avenue/The Grove/Reid Park Road with properties that border the Grove.

In common with other residents living on Grosvenor Avenue and part of The Grove, we own the section of the lane that lies to the north of our garden/property. The original deeds show that the areas of land included in the majority of properties on Grosvenor Avenue extended on both sides of the lane. A number remain as shown in the original land registry with gardens straddling both sides of The Grove. However, many of the areas of land immediately north of the Grove have been purchased by the owners of properties on Reid Park Road. In some cases, the relevant section of the lane was included in the sale so ownership of areas of the Grove sits with some residents on Reid Park Road. However, some property owners on Grosvenor Avenue that no longer own the north section of land may still own their section of The Grove.

Julian Ringer on behalf of the JRA has distributed letters to some residents and landowners to notify them of the proposals to list the Grove as a public right of way and to gather support by seeking testimonials from people having uninterrupted access to The Grove over a period of time.

We are concerned that including The Grove as a public right of way will further increase usage of the lane. Usage of the lane increased in 2005 when a sign directing walkers and cyclists to Jesmond Dene was erected on Osborne Road at the west end of the existing metalled right of way. This was removed when Newcastle City Council realised our section of The Grove was not a public right of way and were made aware of the increase in anti-social behaviour it attracted from Osborne Road.

In addition to concerns about security and personal safety, listing the lane as a public right of way also imposes obligations and liabilities on landowners that own sections of the lane.

We wish to make clear that we are happy for the lane to continue to be used as a footpath. It is not in anyone's interest to block the lane as it is frequently used by landowners on Grosvenor Avenue, The Grove and Reid Park Road to access gardens and their properties.

We are very disappointed that JRA did not approach us for our views as directly affected landowners prior to instigating this process. We have opened discussions with Julian Ringer and separately with Simon Carey at Newcastle City Council to understand the process and will happily share any information with you if you so wish.

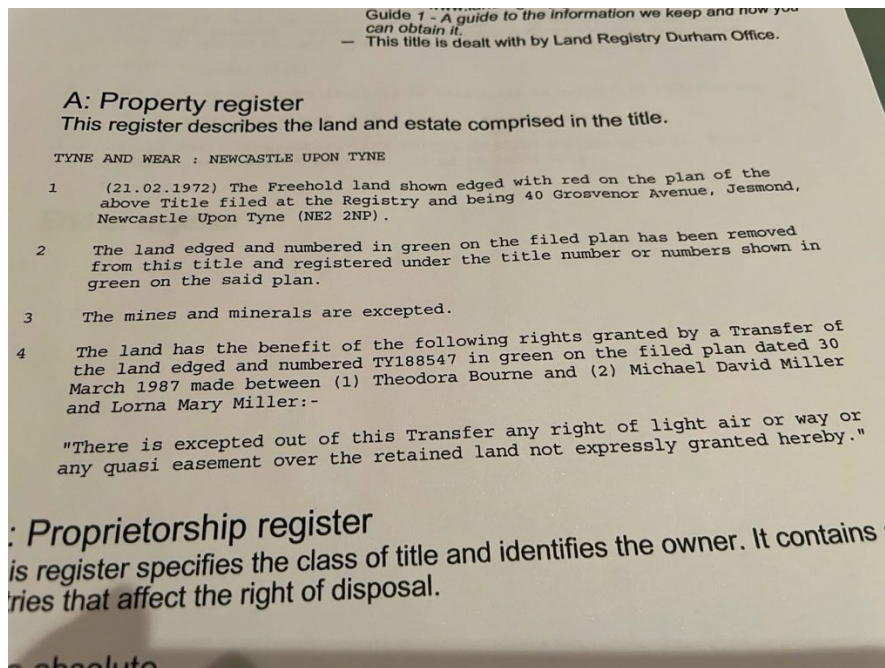
If you do wish to know more or share any concerns, please contact us at [REDACTED]

Yours faithfully
[REDACTED]

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Evidence 12

Property register



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FAO Simon Carey
Newcastle City Council

█ Grosvenor Avenue
Jesmond
Newcastle Upon Tyne
NE2 2NP

Dear Simon

Re: Modification order reference FP4/FP6/DO/2018

We as landowners of a section of the proposed PRoW known as █ Grosvenor Avenue/section of land known as The Grove, would formally like to object to this Modification Order on the grounds that there is no historical evidence that a public right of way subsists and that any alleged public right of way use has been challenged as there has been no intention to dedicate our section of land as a public right of way. We apologise in advance for the lengthy letter as we seek to provide you with the evidence you will need to come to your decision.

Is there historical evidence that a public right of way subsists?

JRA have stated in the application that the Grove is a pilgrim's route to St Mary's Well situated and accessed from The Grove. The application is misleading as it states that St Mary's Well is an 'Ancient Monument' but it was reclassified as a 'Scheduled Monument' in 1982 when excavation of the well found that there was no evidence to suggest that it was used in medieval times but is a more modern 18th century possibly late 17th Century well. This is clearly indicated on the Scheduled

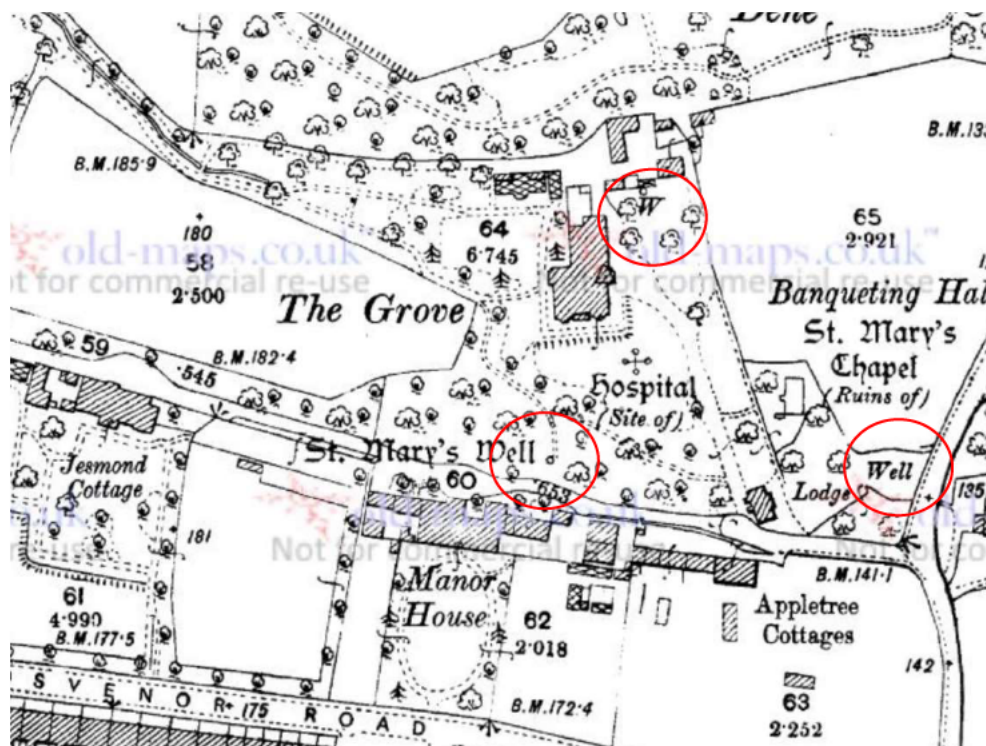


Monument website. The application again provides misleading information by stating the photograph given in evidence is a ... "Newcastle City Council information sign for St Mary's Well on the track." The photograph is actually of the information board that is situated on Reid Park Road and refers solely to St Mary's Chapel. The photograph disingenuously misses off the title of the information board to make it look like it is about the well. The photograph shown to the left is the actual plaque that marks the place of St Mary's Well.

Further doubt was cast about the well on the Grove as being the actual holy pilgrim's well as F. Dendy explains.

"There are three springs of water in the dene to the south of the chapel. One lies between Jesmond Manor House and Jesmond Grove and is usually called St Mary's Well. Another lies behind the entrance lodge to Jesmond Grove. It is open to the public and there is also a right of access to the houses in Jesmond Dene Terrace through a tunnel under Jesmond Dene Road. The two are situated on the south side of the dene, but there is a third spring (the basin of which is now walled up) on the north side of the dene, immediately below the walls of the chapel. This last was probably the original St. Mary's Well."

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Referring to the map 1894 shown above, the site of the other two wells are also marked. The conclusion that the St Mary's Well beside The Grove is not the original well is also consistent with the archeological dig of 1982 that found there was no evidence of use prior to 18th century possibly late 17th century. The well presently referred to as St Mary's Well clearly isn't the medieval well that pilgrims visited. As a result of this the 'ancient' was dropped and it is as now as 'Scheduled Monument' as seen on the information plaque at the well. Literature on the history of Jesmond suggests that the medieval well was covered over by Lord Armstrong when he owned the land in 19th century.

Up until the mid 19th century the only accesible route to Jesmond village (a settlement comprising a few buildings close to the chapel) was from the Cradlewell area. The Grove was the access to the Manor House and Grosvenor House (now Jesmond Cottage) from the chapel / village.



The 1844 map shown above, shows the private Manor House Estate with the only access being from the east, now Jesmond Dene Road. To the West shows the private drive and access path up to the Manor Cottage. The area to the west was purely arable land until the mid to late 19th century when Osborne Road was built. The Grove was therefore never an ancient pilgrim's route. The actual

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pilgrim's route to St Mary's chapel would have been from the Cradlewell or perhaps along the footpath shown on the 1844 map that roughly leads to what is now Manor House Road.

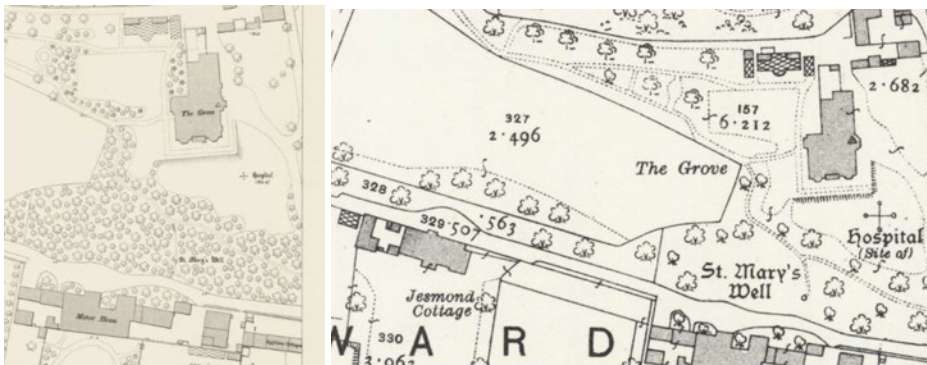
A further piece of evidence we have submitted is an extract from F Denby's research on the area

"Up to the beginning of the nineteenth century the township was entirely agricultural...there was a short road from near the Benton Bridge to Jesmond Village which was situated around and to the eastward of the site of Jesmond Manor House. When this road was extended at the beginning of the nineteenth century round the course of the dene of the Ouseburn, to join the road from the moor at its junction with Haddrick's Mill Lane, it made a loop or double turn to cross over the bridge at the entrance gate of Jesmond Grove, passed close under the ruins of St Mary's Chapel and entered the straight again near the Banqueting Hall in Jesmond Dene." *An Account of Jesmond by F Dendy*

From the 12th Century the Manor House Estate has existed with King Henry I gifting the land to Nicholas Grenville. Over the centuries it has been owned by the Coulson family and the Andersons of Jesmond. Part of the Manor House Estate was sold to create the Jesmond Cottage Estate where Matthew Anderson built the house that is situated at the west of the Grove pathway. The Grove was known as 'Anderson's Drive', as it led to the back of the Manor House and had included a 'right of way' to the owners of Jesmond Cottage over the Manor House Estate land. This easement still exists as part of the deeds. The stone gateposts and iron railings can still be seen at the bottom of The Grove today as shown below.



Later maps, show access to St Mary's well from The Grove House Estate (Once belonging to James Losh).



He had planted an orchard in his garden and is noted for his diaries documenting the weather and the effects it had on his gardens. James Losh opened this orchard up to the public and the owners of the Manor House Estate allowed people to access the well/garden feature (it was made into a bathing area by the Coulson family) from The Grove House Estate orchard gardens. There was no

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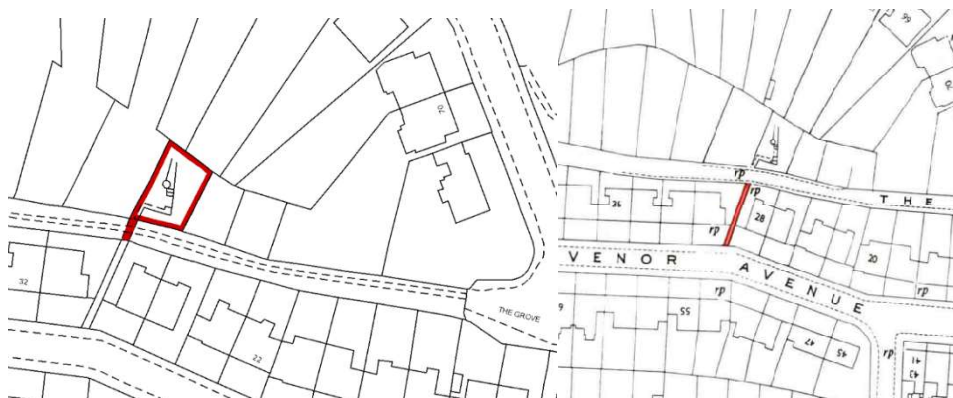
public access via the Grove roadway. Reid Park Road is now situated on what was the Grove House Estate.

Farquhar Milne Laing bought Jesmond Cottage Estate from the trustees of Henry Clapham's will and later the same year, 1897, bought the Manor House Estate from William Lisle Blenkinsopp Coulson. It is important to note the deeds of the estates were different. When Farquhar Milne Laing died his trustees included Neville Ogilvie Laing and in 1929 new trustees were appointed as Farquhar Alexander Ogilvie Laing and a solicitor Adamson Rhagg. This is when a section of Jesmond Cottage Estate (Now known as Grosvenor House), of which our property lies within was sold for housing at the same time as the Manor House Estate

In 1931, when building plots were sold for housing, access to St. Mary's Well continued to be accessed only from the north as at that time Reid Park Road properties had not yet been built on that side of the street.

Evidence of the transfer of St. Mary's Well between Mr Farquhar Laing and the 'Corporation' is documented in Newcastle City Council Committee Meeting minutes 1931 and state:

"The land round about the Well has now been developed as building sites and Mr. Laing has now offered to convey the Corporation as a gift, an area of 268 square yards or thereabouts, which comprise the site of the Well together with a piece of land to the south side thereof to form a footpath to the Well from Grosvenor Avenue,..."



Land registry documents and plans shown above, confirm the land under discussion, including a small section of The Grove. The Council Committee minutes go further to state Mr Farquhar Laing gifted the well and pathway with three conditions attached:

1. The site of the well and the pathway should be fenced at the expense of the council
2. By the council having ownership of the well and pathway, described above would not give them the right to oppose any petition or other proceedings for the closure of The Grove
3. The landowners from the Grove Estate to still have access to the well from the north, i.e. the existing right of way to the well.

This evidence confirms that The Grove has never been the Public Right of Way leading to St. Mary's Well. The original PRoW entered from the north from The Grove House Estate and the most recent was between 28 and 30 Grosvenor Avenue. This pathway that was gifted for access to St. Mary's Well is now blocked and has been purchased by the owners of 28 Grosvenor Avenue in 1981. The deeds of this land continue to show, in the image below, charges to Newcastle City Council with restrictions applied. An aerial photograph, shown below, still shows the shape of the blocked PRoW visible.

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C: Charges Register

This register contains any charges and other matters that affect the land.

1 (11.05.1990) A Conveyance of the land in this title dated 15 June 1981 made between (1) The Council of the City of Newcastle upon Tyne and (2) Deborah Ann Richardson contains restrictive covenants.

NOTE: Copy filed.

End of register

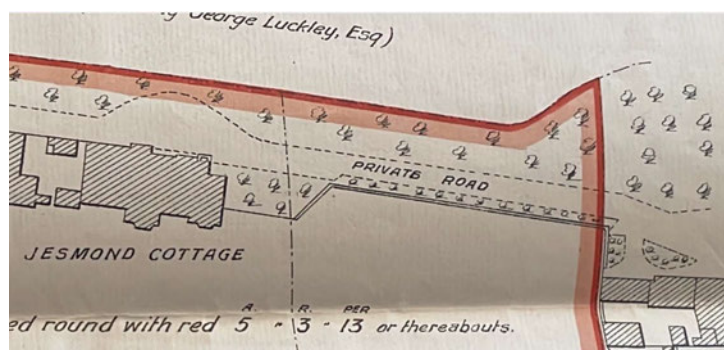
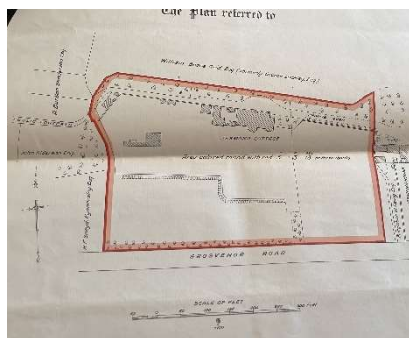


It has been through the blocking of this pathway from the south side leading directly to St. Mary's Well after 1981 (date unknown) and the building of Reid Park Road in the late 1930's from the North side that has led to the only access to the Well being via the entrance of privately owned land 'Anderson's Drive' (now known as The Grove) from Jesmond Dene Road. This should bring into question the legality of Newcastle City Council on selling the intended PRow as it breaches the agreement made with Mr Farquhar Laing. My research has shown no evidence of a 'stopping up' order being made.

The construction of the houses on Grosvenor Avenue started at the Jesmond Dene Road end first in 1931 and our own house, number [REDACTED], of which was formally part of Jesmond Cottage Estate, was built in 1932.

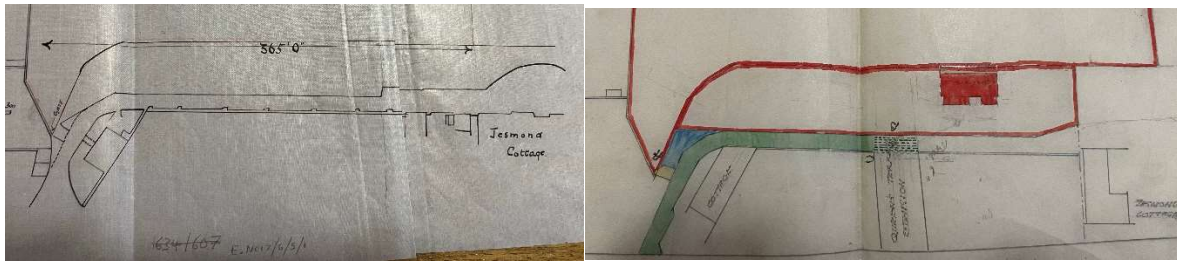
The properties on the north side of Grosvenor Ave were each allocated a section of The Grove of which they are now landowners. Our deeds state that the 'Protected Lands' covered the full Estates and when sold, the land known as The Grove and the over gardens were retained as Protected lands. This allowed the owners of Jesmond Cottage access to their property via The Grove, as stated previously above. Our deeds state that we should give permission to others in common and their servants giving them the right to pass and repass over this land, which forms the '**right of way**' for **residents only** or those who have permission from the landowners to do so.

At the same time, land was sold from the west of Jesmond Cottage Estate to build part of Queen's Terrace.



The plan above has been taken from our deeds dated 1927 and shows the extent of Jesmond Cottage Estate prior to the sale of land. Please note that it clearly shows the adopted PRow stops at the section of the Grove which is clearly marked as 'Private Road'. The boundary had originally been where the current Manor Cottage is and the adopted Public Right Of Way was later extended to the new boundary of Jesmond Cottage Estate and a gate (the original PRow led to the tennis courts) was blocked and a new pathway was created to the playing fields and pavilion for the children of Church High School.

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The images above show Church High playing field plans and the image below shows a current aerial view photograph showing the pathway still existing today leading to Reid Park Court which can be seen penciled in on the plan above.



This is referred to in the description of the route in the application by JRA. The evidence clearly shows that the adopted PRoW led to the tennis courts and playing fields and entered The Grove Estate (belonging to John Losh) grounds and so through the orchard and with access to St Mary's Well from the north only. The PRoW never extended further than what is now Queen's Terrace.

It is important to make a distinction between the Public Right of Way that has never existed over The Grove and the 'right of way' residents have to use it for access to the back of their properties.

In conclusion, we can see no evidence from the JRA application that shows historically there has been a Public Right of Way. However, there is strong evidence that shows, without doubt, the land has always been in private ownership as the Manor House Estate since 12th century and has never been accessible to the general public up to the present day.

Is there evidence that any alleged public right of way use has been challenged?

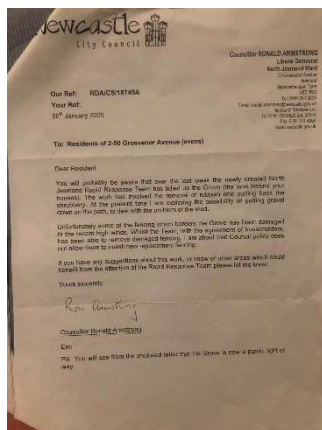
Moving onto to the usage of the lane by members of the public and whether it is reasonable for people to believe it is a public right of way. Referring to the sale and subsequent blocking of the PRoW both from the north and the south of St Mary's Well, there has only been access from the Jesmond Dene Road end of The Grove. This should be classed as an unofficial diversion of a PRoW as it was not intended by Mr Farquhar Laing at any point to become a Public Right of Way. This was evidenced in the minutes of the Council Meeting in 1931 where Mr Laing provided the Public Right of Way to protect the land from such public use. Further clarification refers to 'the Corporation' having, "no extra rights by virtue of this land" they were gifted over the other landowners of The Grove. We believe that a PRoW would breach the agreement that is already in place as a right of way for residents. The Council Meeting minutes also state that any closure or change of use would have to be a unanimous agreement between all landowners.

Some residents of Grosvenor Ave, Reid Park Road, The Grove and some Queen's Terrace have a 'license in common' who have a right to use The Grove for access as stated in our house deeds and again confirmed in the minutes from a council meeting in 1931. This easement also gives landowners the right to give permission to others to pass across the land. It must be noted that the vast majority of witness statements are from residents who already have a right of way to pass over the land

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known as The Grove or have been granted permission to do so by a landowner and therefore should not be included as evidence of general public use.

Over the 22 years living in our property, we have experienced occasions when Councillor Ron Armstrong has falsely claimed that The Grove is a PRoW. In 2005 when the Rapid Response Team were instructed by Cllr Armstrong to clear the Grove 'due to fly tipping'. No consent was sought from us or other landowners and we only discovered that work had been carried out when we returned home from work. The Grove was devastated with the full length of The Grove having all vegetation removed, we have photographs of before and after that evidence this. Mr Armstrong then sent a letter, see image below, of which we have a copy of, stating 'PS. You will see from the enclosed letter that the Grove is now a public right of way.'



This PRoW was duly challenged by us together with what we felt was a trespass on private land by the Rapid Response Team. We have detailed correspondence that proved we challenged this unauthorised access to our land, of which we can produce on request. NCC confirmed that The Grove was not a PRoW as part of this correspondence.



Shortly after Cllr Armstrong's letter announcing that The Grove was a PRoW, a sign was then erected on Osborne Road signaling a route to Jesmond Dene. (see photograph to left) This was also quickly challenged by us as it suggested that the whole length of the Grove was a PRoW and a direct route to St. Mary's Well and Jesmond Dene. This sign was subsequently removed of which we have detailed correspondence where NCC confirms that our section of The Grove is not a PRoW and

acknowledged that it was in private ownership. The JRA in their application refer to this sign and about complaints from residents.

On the request of Cllr Armstrong again, the Rapid Response Team were sent the following year to clear vegetation from The Grove. This time we were home and were able to challenge the right of the workmen being on private property without the landowners consent. The workmen knew that there had been a previous complaint and acknowledged that they would not trespass on or past our section of The Grove. A phone call of complaint was logged with Envirocall.

We strongly feel that Cllr Armstrong has been consistently inaccurate when using his position as a Councillor and a member of Jesmond Residents Association, to promote The Grove as a public right of way. Every time we have become aware of this, we have made a strong objection, **as we do not and never have had any intention of our section of The Grove becoming a public right of way.**

As a result, of a Councillor's actions, including the signage from Osborne Road, there had been an increase of footfall at that time and this was swiftly objected to. Challenges were also made to 'unknown' users at the time.

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Over the years, we have challenged users of our section of the Grove, enquiring if they are a resident and notifying them that it is not a public right of way. Admittedly, it is very difficult to determine who is a resident with a right of access or has permission from a landowner to pass and who is a general member of the public so there may be some that 'fall through the net'. However, over the 22 years of being a resident of Grosvenor Ave and a landowner, we have mostly challenged teenagers and students (although some residents are students who rent from landowners and by this also have a right to use the Grove by permission) but sometimes other users such as cyclists and 'unknown' dog walkers, especially those who do not have their dogs on leads and leave dog mess behind. These are people who in our opinion are more likely to not be residents and therefore have in the past been approached.

One such encounter, of which we have evidence of a police report, was when the 'unknown' user was challenged by [REDACTED] (part landowner of [REDACTED] Grosvenor Avenue) and asked if he was a resident. He returned later to challenge [REDACTED] when [REDACTED] was alone saying 'he can do what he likes, it is a public right of way' then assaulted [REDACTED] before continuing down the Grove. (A crime number can be provided on request and a photograph was taken of the man as he left the area).

During very recent times, the pandemic meant that we were all in lockdown but people started walking for their daily exercise and just happened upon The Grove. We have photographic evidence that demonstrates less foot fall when the Grove was solely being used as intended by those residents who have a right to use The Grove compared to this time. Challenge of use to the general public was not an option during lockdowns as we all had to socially distance but a 'private' sign was fixed on to our fence when entering our section of The Grove as a reminder that it was not a public right of way. This was in addition the Private Road sign which has always been displayed on Jesmond Cottage/Grosvenor House. (Photographic evidence can be provided on request and permission from Grosvenor House present owners)

It is also important to note that when we moved into the property in 2000, footfall along the Grove at the west section nearest Jesmond Cottage/Grosvenor House was very sparse until it was promoted in January 2005 by Councilor Armstrong. It was not seen as a through route due to Jesmond Cottage/Grosvenor House being used as a private school known as Akhurst Private School. The children used the Grove section as their playground and as an extension of their classrooms for field studies. The school operated from the 1940's and closed in 2004, when it could be said that Councilor Armstrong, who was also listed as a member of JRA, took advantage of the closure to promote a public right of way.

The repeated challenges documented should clearly show that at no point we have intended to dedicate the land we own as part of The Grove as a Public Right of Way. As the deeds of our land are still valid and are a legal document, we were of the opinion that this in itself protected those lands from any change of use to a public right of way and so felt no need to seek further legal protection.

In conclusion, we hope that we have demonstrated that we have never intended that our section of The Grove to become a PRow and have actively challenged any unauthorised use.

Additional notes regarding the JRA application process.

The application includes witness statements that suggest long term usage of The Grove. However, it is important to note the following;

Appendix J - Landowner and adjoining owner responses Landowner 2.

- The majority of witness statements are from addresses that already have the right as residents to use The Grove for access
- It is important to note that the west of the Grove, Jesmond Cottage/Grosvenor House was a private school between 1940's and 2004, which in itself acted as a deterrent for the general public. This is confirmed by one of the witnesses who acknowledges the lane was infrequently accessed from the west whilst Akhurst School was operational.
- Concerns over how the JRA influenced people to sign the witness statements. We spoke to a number of residents on Grosvenor Avenue and Reid Park Road and have statements from some who were told that the Grove was in immediate danger of being closed/blocked. This was, in our view, misleading making some witnesses feel they had no other option to sign. (Evidence can be provided on request)
- Some hand delivered information was sent out to some witnesses prior to the 'official' form they have included in the application. They have not submitted the information prior to May 2021 and these applications in our view should be discounted from the application.
- The witness statement forms used (May 2021) include the assertion that The Grove was once owned by Newcastle City Council by stating that NCC had previously maintained The Grove's surface. Julian Ringer (involved in the writing of the Modification Order application) is stated on the witness forms as having evidence of this work, as he was the officer responsible. However, Alison Lamb from NCC has confirmed that NCC has not been able to find any evidence of this in their records. There is however evidence that a local man, known as ■■■, who used the over garden by permission at ■■■ Grosvenor, put down any spare grit he had left over after working in peoples gardens. As far as we are aware, Julian Ringer has not produced any documentation that confirms any work carried out by NCC on the surface, and while there continues to be no evidence, it must be taken into account the influence this has had on witnesses when signing.
- Inaccuracies in the content of the letter notifying landowners and the application, states that St Mary's Well is classified as an ancient monument. Please refer to details above about the well and the excavations meaning the well was reclassified as a scheduled monument.
- Many of the witness statements show 2 statements per household and the weighting on this evidence should reflect this when considering the evidence provided as part of the application.

Our objection is based on evidence, extensive research over the years and with honesty. The conduct of Jesmond Residents Association, Councilor Ron Armstrong and Julian Ringer have been brought under question, notably at times wrongly promoting The Grove as a PRoW which could be seen as a method to increase the footfall with an aim to change the status of the Grove. It should be noted that the JRA is an unelected body that do not represent all Jesmond residents, certainly not us.

In conclusion:

- The historical evidence clearly shows that The Grove has never been public a right of way. Owners of the Manor House Estate and Jesmond Cottage Estate have been very vigilant to ensure that the land should not be accessed by the general public.
- There has never been an intent for this land to be a PRoW both historically and to the present day.
- A legal document in our deeds provides evidence of a 'license in common' allowing residents from Grosvenor Ave, Reid Park Road and Queen's Terrace a right to pass from time to time

Appendix J - Landowner and adjoining owner responses
Landowner 2.

- The legal deeds of The Grove allows 'others' to pass from time to time who have permission from a resident
- Repeated, objections and challenges against use of the Grove as a PRow from ourselves since 2000 with written evidence of this from 2005
- Evidence that the west end of The Grove not used as it clearly was used as a private school between 1940's to 2004
- Evidence of the 'true' right of way to St Mary's Well being blocked by landowners of 28 Grosvenor Ave where documentation supports there are restrictions in place within the deeds with NCC.
- Due to the blocking of the agreed public right of way with Mr Laing, an 'unofficial' pathway to St Mary's Well has now been created from the east entrance.

We would be happy to supply copies of documents and photographs referenced above if you wish. Please note that permission to circulate this letter beyond your department should be sought due to potential copyright and confidentiality reasons.

Yours sincerely

A solid black rectangular redaction box covering the signature area.

Appendix J - Landowner and adjoining owner responses
Landowner 3.

█ Reid Park Road
Jesmond
Newcastle upon Tyne
NE2 2ES

Reference FP4/FP6/DO/2018

Residents comment on the application for a Modification Order of the Definitive Map of Public Rights of Way. With Reference to The Grove - running from Osborne Road to Jesmond Dene Road.

Our garden of █ Reid Park Road backs onto The Grove - the full length of our boundary garden fence being along The Grove. We are also responsible for a mature oak tree which extends over The Grove, and a large lime tree set back a few yards - which contribute to the special nature of this path.

The nature and degree of usage of The Grove therefore has a major impact on the security and amenity of our residence.

Present levels of usage are reasonable, since the scenic path is almost exclusively used by strolling pedestrians and visitors to Jesmond Dene. However there are sometimes loud disturbances at night due to drinkers travelling to and from the licensed hotel premises on Osborne Road; and this was increased by the installation of street lighting.

It is therefore clear that any change intending significantly to increase usage of The Grove would have a significant negative impact on our residence.

One major concern we have is that The Grove might be converted to a cycle route. This would simultaneously increase traffic, while also making the path much less safe and pleasurable for its traditional users - i.e. pedestrians, including families with young children and dog walkers.

The present status of The Grove seems to have existed for many hundreds of years, and the result has been the remarkable preservation of a pleasant, quiet 'country path' in the heart of Jesmond - much appreciated by many generations of those seeking a break from traffic and noise.

In other words, the current Grove is an amenity in its own right. But if this ancient path is 'upgraded' it will lose its special intrinsic character, to become just another modern carriageway leading from one place to another.

We believe that any change to the status or classification of The Grove can only be a change for the worse, and a threat to one of the last remaining traces of medieval Jesmond.

Yours faithfully, the resident family of █ Reid Park Road:

█

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Appendix J - Landowner and adjoining owner responses
Landowner 4.

FAO Simon Carey
Newcastle City Council

27/2/22
[REDACTED]

Dear Mr Carey,

Re: Modification order reference FP4/FP6/DO/2018

My name is [REDACTED] and I write on behalf of myself and my husband [REDACTED] who as joint owners reside at [REDACTED] NE2 2PN.

We as the principle landowners of The Grove, would formally like to object to this Modification Order on two main grounds:

- 1) that there is no historical evidence that a public right of way subsists and
- 2) that any alleged public right of way use has been challenged as there has been no intention to dedicate our land as a public right of way.

Point 1 -There is no historical evidence that a public right of way subsists

(with thanks to [REDACTED] for collating much of this evidence from local archives)

The JRA have stated in their application that the Grove is a pilgrim's route to St Mary's Well situated and accessed from The Grove. The application is misleading as it states that St Mary's Well is an 'Ancient Monument'. This is factually incorrect as it was reclassified as a 'Scheduled Monument' in 1982 when excavation of the well found that there was no evidence to suggest that it was used in medieval times but is a more modern 18th century possibly late 17th Century well. This is clearly

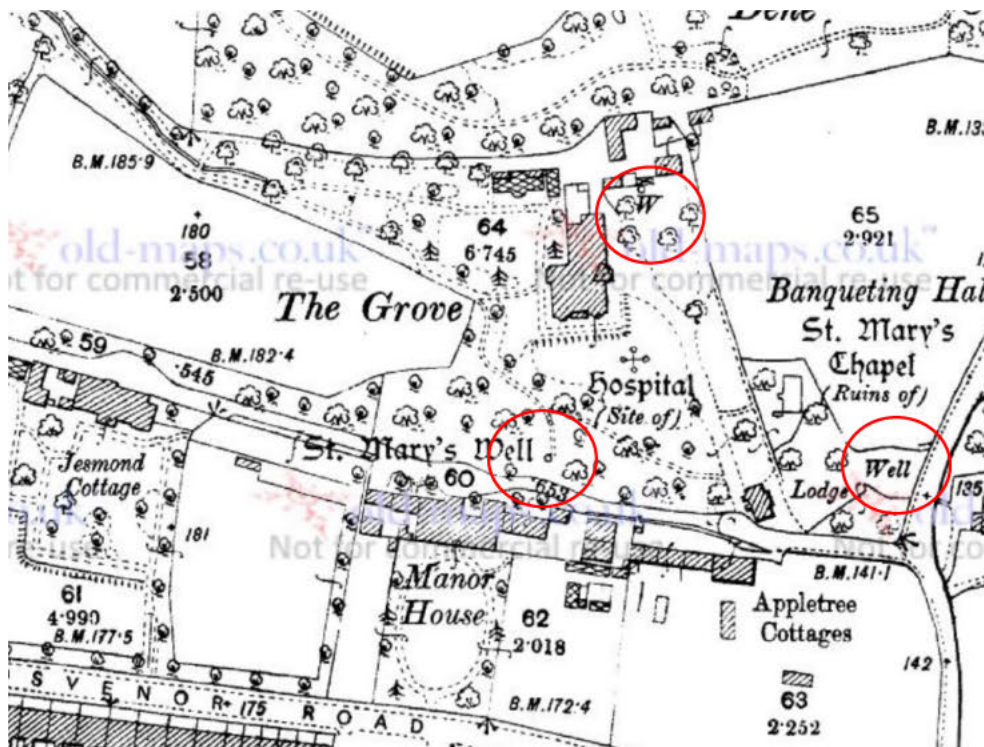


indicated on the Scheduled Monument website. The application again provides misleading information by stating the photograph given in evidence is a ... "Newcastle City Council information sign for St Mary's Well on the track." The photograph is actually of the information board that is situated on Reid Park Road and refers solely to St Mary's Chapel. The photograph disingenuously misses off the title of the information board to make it look like it is about the well. The photograph shown is the actual plaque that marks the place of St Mary's Well.

Further doubt was cast about the well on the Grove as being the actual holy pilgrim's well as F. Dendy explains.

"There are three springs of water in the dene to the south of the chapel. One lies between Jesmond Manor House and Jesmond Grove and is usually called St Mary's Well. Another lies behind the entrance lodge to Jesmond Grove. It is open to the public and there is also a right of access to the houses in Jesmond Dene Terrace through a tunnel under Jesmond Dene Road. The two are situated on the south side of the dene, but there is a third spring (the basin of which is now walled up) on the north side of the dene, immediately below the walls of the chapel. This last was probably the original St. Mary's Well."

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Landowner 4.



Referring to the map 1894 shown above, the site of the other two wells are marked. The conclusion that the St Mary's Well beside The Grove is not the original well is also consistent with the archeological dig of 1982 that found there was no evidence of use prior to 18th century possibly late 17th century. The well presently referred to as St Mary's Well clearly isn't the medieval well that pilgrims visited. As a result of this the 'ancient' was dropped and it is as now as 'Scheduled Monument' as seen on the information plaque at the well. Literature on the history of Jesmond suggests that the medieval well was covered over by Lord Armstrong when he owned the land in 19th century.

Up until the mid 19th century the only accesible route to Jesmond village (a settlement comprising a few buildings close to the chapel) was from the Cradlewell area. The Grove was the access to the Manor House and Jesmond Cottage (now known as Grosvenor House, our home).



The 1844 map shown above, shows the private Manor House Estate with the only access being from the east, now Jesmond Dene Road. To the West shows the private drive and access path up to the Manor Cottage. The area to the west was purely arable land until the mid to late 19th century when Osborne Road was built. The Grove was therefore never an ancient pilgrim's route. The actual

Appendix J - Landowner and adjoining owner responses Landowner 4.

pilgrim's route to St Mary's chapel would have been from the Cradlewell or perhaps along the footpath shown on the 1844 map that roughly leads to what is now Manor House Road.

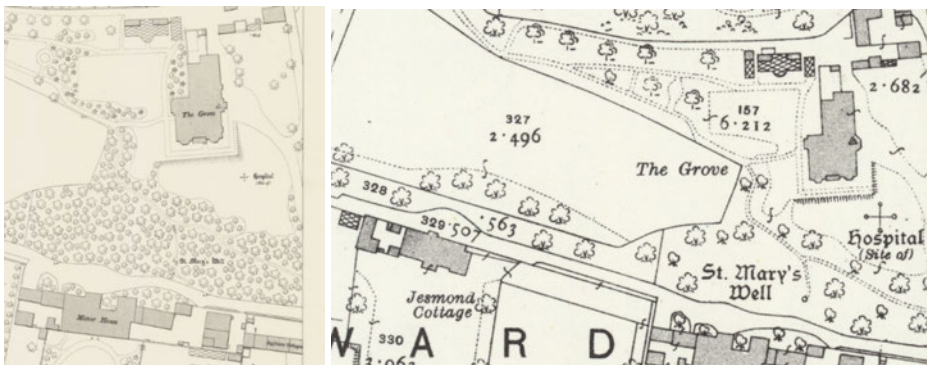
A further piece of evidence we have submitted is an extract from F Denby's research on the area

"Up to the beginning of the nineteenth century the township was entirely agricultural...there was a short road from near the Benton Bridge to Jesmond Village which was situated around and to the eastward of the site of Jesmond Manor House. When this road was extended at the beginning of the nineteenth century round the course of the dene of the Ouseburn, to join the road from the moor at its junction with Haddrick's Mill Lane, it made a loop or double turn to cross over the bridge at the entrance gate of Jesmond Grove, passed close under the ruins of St Mary's Chapel and entered the straight again near the Banqueting Hall in Jesmond Dene." *An Account of Jesmond by F Dendy*

From the 12th Century the Manor House Estate has existed with King Henry I gifting the land to Nicholas Grenville. Over the centuries it has been owned by the Coulson family and the Andersons of Jesmond. Part of the Manor House Estate was sold to create the Jesmond Cottage Estate where Matthew Anderson built the house formerly known as "Jesmond Cottage" and now known as "Grosvenor House" in 1831 that is situated at the west of the Grove pathway. The Grove was known as 'Anderson's Drive', as it led to the back of the Manor House and had included a 'right of way' to the owners of Jesmond Cottage over the Manor House Estate land. This easement still exists as part of the deeds. The stone gateposts and iron railings can still be seen at the bottom of The Grove near Jesmond Dene today as shown below.



Later maps, show access to St Mary's well from The Grove House Estate (Once belonging to James Losh).



He had planted an orchard in his garden and is noted for his diaries documenting the weather and the effects it had on his gardens. James Losh opened this orchard up to the public and the family of the Manor House Estate allowing people to access the well/garden feature (it was made into a bathing area by the Coulson family) from The Grove House Estate orchard gardens. **There is no**

Appendix J - Landowner and adjoining owner responses Landowner 4.

public access via the Grove shown. Reid Park Road is now situated on what was the Grove House Estate.

Farquhar Milne Laing bought Jesmond Cottage Estate from the trustees of Henry Clapham's will and later the same year, 1897, bought the Manor House Estate from William Lisle Blenkinsopp Coulson. It is important to note the deeds of the estates were different. When Farquhar Milne Laing died his trustees included Neville Ogilvie Laing and in 1929 new trustees were appointed as Farquhar Alexander Ogilvie Laing and a solicitor Adamson Rhagg. This is when a section of Jesmond Cottage/Grosvenor House Estate was sold for housing.

In 1931, when building plots were sold for housing, access to St. Mary's Well continued to be accessed only from the north as at that time Reid Park Road properties had not yet been built on that side of the street. Evidence from Newcastle City Council Committee Meeting minutes 1931 state:

"The land round about the Well has now been developed as building sites and Mr. Laing has now offered to convey the Corporation as a gift, an area of 268 square yards or thereabouts, which comprise the site of the Well together with a piece of land to the south side thereof to form a footpath to the Well from Grosvenor Avenue,..."



Land registry documents and plans shown above, confirm the land under discussion, including a small section of The Grove. The Council Committee minutes go further to state Mr Farquhar Laing gifted the well and pathway with three conditions attached:

1. The site of the well and the pathway should be fenced at the expense of the council
2. By the council having ownership of the well and pathway, described above would not give them the right to oppose any petition or other proceedings for the closure of The Grove
3. The landowners from the Grove Estate to still have access to the well from the north, i.e. the existing right of way to the well.

This evidence confirms that The Grove has never been the Public Right of Way leading to St. Mary's Well. The original PRow entered from the north from The Grove House Estate and the most recent was between 28 and 30 Grosvenor Avenue. This pathway that was gifted for access to St. Mary's Well is now blocked and has been purchased by the owners of 28 Grosvenor Avenue in 1981. The deeds of this land continue to show, in the image below, charges to Newcastle City Council with restrictions applied. An aerial photograph, shown below, still shows the shape of the blocked PRow visible.

Appendix J - Landowner and adjoining owner responses Landowner 4.

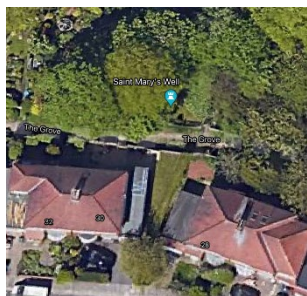
C: Charges Register

This register contains any charges and other matters that affect the land.

1 (11.05.1990) A Conveyance of the land in this title dated 15 June 1981 made between (1) The Council of the City of Newcastle upon Tyne and (2) Deborah Ann Richardson contains restrictive covenants.

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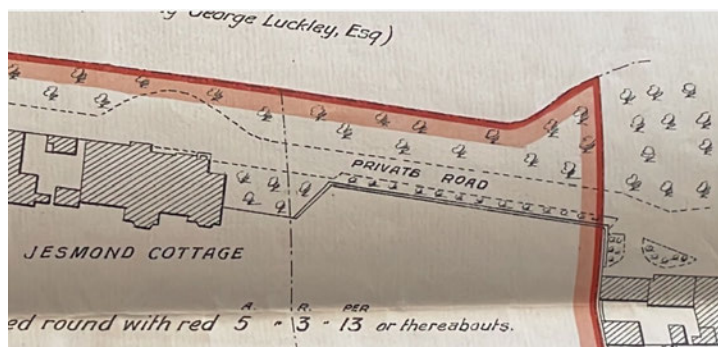
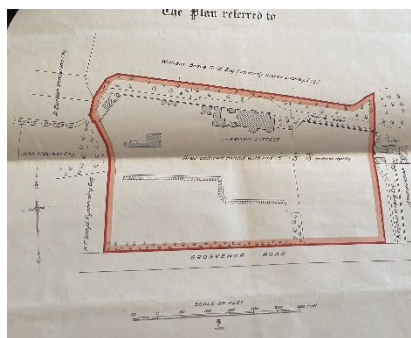
End of register



It has been through the blocking of this pathway from the south side leading directly to St. Mary's Well after 1981 (date unknown) and the building of Reid Park Road in the late 1930's from the North side that has led to **the only access to the Well being via the entrance of The Grove from Jesmond Dene Road**. This should bring into question the legality of Newcastle City Council on selling the intended PRoW as it breaches the agreement made with Mr Farquhar Laing. Research has shown no evidence of a 'stopping up' order being made.

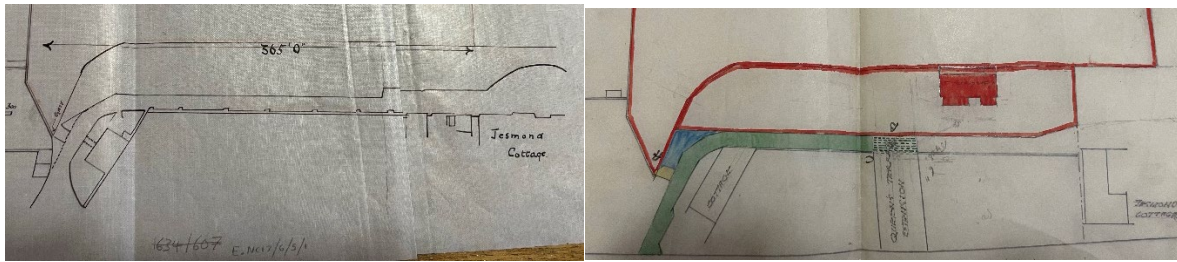
The construction of the houses on Grosvenor Avenue started at the Jesmond Dene Road end first in 1931. The properties on the north side of Grosvenor Ave were each allocated a section of The Grove of which they are now landowners. Their deeds state that the 'Protected Lands' covered the full Estates and when sold, the land known as The Grove and the over gardens were retained as Protected lands. This allowed the owners of Jesmond Cottage access to their property via The Grove, as stated previously above. The deeds state that the owners should give permission to others in common and their servants giving them the right to pass and repass over this land, which forms the **'right of way' for residents only** or those who have permission from the landowners to do so.

At the same time, land was sold from the west of Jesmond Cottage Estate to build part of Queen's Terrace.



The plan above has been taken from our deeds dated 1927 and shows the extent of Jesmond Cottage Estate prior to the sale of land upon which Queens Terrace was then built. The deeds show the adopted PRoW stops at the section of the Grove which is clearly marked as 'Private Road', (which is now our driveway). The boundary had originally been where the current Manor Cottage is and the adopted Public Right Of Way was later extended to the new boundary of Jesmond Cottage Estate. A new pathway was created to allow access to the playing fields and pavilion for the children of Church High School which then occupied the land.

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The images above show Church High playing field plans and the image below shows a current aerial view photograph showing the pathway still existing today leading to Reid Park Court which can be seen penciled in on the plan above.



This is referred to in the description of the route in the application by JRA. The evidence clearly shows that the adopted PRoW led to the tennis courts and playing fields and entered The Grove Estate (belonging to John Losh) grounds and so through the orchard and with access to St Mary's Well from the north only. **The PRoW never extended further than what is now Queen's Terrace and never included "The Grove" which is our driveway and remains privately owned land.**

It is important to make a distinction between the Public Right of Way that has never existed over The Grove and the 'right of way' residents have to use it for access to the back of their properties.

In conclusion, we can see no evidence from the JRA application that shows historically there has been a Public Right of Way. However, there is strong evidence that shows, without doubt, the land has always been in private ownership as the Manor House Estate since 12th century and has never been accessible to the general public up to the present day.

Point 2- Any alleged public right of way use has been challenged and there has been no intention to dedicate our land to a public right of way.

We bought [REDACTED] in March 2017 and it has been home to our family for the past 5 years. Prior to our ownership the house had been used as a school. Akhurst School ran from the 1940's and closed in 2004 when the then owners closed it and decided to return it to a private residence again. During the time of the school operating the area which is now our driveway and front gardens (The Grove) were not accessible to the public since this formed the school's playground. It is therefore inaccurate of the JRA to claim that they have had 20 years unfettered access to The Grove. Between 2004 when the school closed and 2017 when we purchased it, the previous owners had extensive building works carried out. The land was divided into 3 separate properties, Grosvenor House, Grosvenor Court and The Coach House. The old school science block was demolished to build the new house Grosvenor Court which only is only accessed from Grosvenor Avenue and whose occupants do not have access to The Grove. Grosvenor House retained the majority of land and retained "The Grove" as its private driveway and front gardens. Our deeds clearly state that The Grove is a private driveway, with additional agreed access being granted only to the owners of The Coach House who have the right to access and park 2 cars on the land immediately in front of their property.

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In addition our Deeds state that there is an agreement with The North Eastern Electricity Board from 1961 which allows them "the right to lay maintain repair renew and use or remove electric cables from a point on the northern boundary of the land hereby conveyed in and under the private road known as The Grove to the boundary of the Newcastle Church High School playing field...." This agreement is still retained and we receive a nominal annual payment from the Electricity company (NEDL, Wayleave) to allow them access to our private driveway for those purposes. I am happy to supply evidence of this should you require it. The agreement makes it quite clear that our section of The Grove is privately owned land with no public right of way or access rights.

We do not and have never had any intention for our land being used as a public right of way. We have, since we moved here 5 years ago, repeatedly confronted people walking into our driveway or parking vehicles there. We have made it clear to all those we have spoken to (numbers would amount to dozens over the years) that this is a private driveway and private front gardens to our house. When we moved in there was already one sign on the side of The Coach House stating "private property" and no vehicular access. We erected a number of further signs to make it clear that this was private property along our railings, garden and driveway, some of which have sadly been repeatedly vandalized. Last year on a local Facebook site called the "Sandyford and Jesmond NE2 Community Group" someone put up a photo of our garden with the private sign visible and asked if we had "commandeered" the land. I was able to publicly inform them that this was not the case, that our Deeds confirm we own as private land the entirety of our driveway and front gardens of The Grove. Again I am happy to provide the evidence of this encounter should you require it. I am also able to provide a list of names of people who live locally and have walked along our driveway and who are willing to confirm that I have personally spoken to and informed that The Grove is a private driveway and not a public right of way.

The JRA claim that they have been able to pass down The Grove for 20 years of continuous use. This is blatantly incorrect. The Grove as I have previously mentioned was used as Akhurst School playground until 2004 so would not have been passable then. During the years after the school closed Fran and Ron Derham who then owned it had the driveway closed for prolonged periods of time whilst building works, demolitions and renovations were carried out.

In the past 5 years that we have lived here we have blocked our driveway on numerous occasions. Soon after we moved in there was a major water mains leak which flooded the whole of the driveway from the entrance near to The Coach House. The local water company had to close The Grove for health and safety purposes for 24 hours whilst they dug up the driveway and attended to the problem. They erected barriers at the top of the driveway and positioned 2 large wagons with pumping mechanisms there. We and our neighbours (the residents of [REDACTED]) were unable to access our properties from the The Grove during this time and had to use our back doors located on Grosvenor Avenue.

The council will also be aware of the occasions where we have applied for permission to carry out essential work on trees within our driveway (since they are covered by a tree preservation order). We were given permission to remove 2 dead trees which was overseen by council officials, and which due to the size of the trees necessitated the blocking of our driveway so that no-one could pass through there, again for health and safety reasons. There have been many other instances in which our whole driveway has been obstructed and been impassable to the general public. For example, during family birthday parties where we have had children playing in the front and have prevented people from accessing The Grove, during our annual summer party for friends and neighbours and during extensive renovation works to our own house where vans, workmen and equipment have blocked the driveway.

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Landowner 4.

The repeated challenges to unauthorized use and the instances of clear closure of our driveway documented above should clearly show that at no point we have intended to dedicate the land we own as part of The Grove as a Public Right of Way. As the deeds of our land are still valid and are a legal document, we believe that this in itself would protect those lands from any change of use to a public right of way and so we felt no need to seek further legal protection.

I trust that the information I have provided will assist you in resolving this matter. Please contact me if you require any further information or would like to see the aforementioned evidence I have referred to.

I look forward to hearing from you.

Your sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Jesmond

NE2 2PN

FAO Simon Carey
Newcastle City Council

27/02/2022

Dear Simon

Re: Modification order reference FP4/FP6/DO/2018

We would formally like to object to the Modification Order of the proposed PRoW on The Grove, on the grounds that there is no historical evidence that a public right of way subsists and that any alleged public right of way use has been challenged as there has been no intention to dedicate this section of land as a public right of way.

We intend to show you why this is private land, with no historic RoW, no uninterrupted use by locals and why the evidence of JRA is flawed.

We are [REDACTED], the Owners of [REDACTED], Newcastle Upon Tyne, NE2 2PN, since 2010.

Although we do not own any land of The Grove, we have the right to pass and repass over the Private Land belonging to Grosvenor House on The Grove including with vehicles. We also have the right to park two cars on The Grove opposite The Coach House. We were told (from the vendors), that it was Private Land, which joined a path past Grosvenor House where residents could walk over for access for their gardens.

The Coach House was originally the Coach House to Jesmond Cottage, built in 1831, with access up from Jesmond Dene Rd, along what was known as 'Andersons Drive' (now called The Grove), for the servants and horses & carriages to be stabled here.

We purchased [REDACTED] from The Derhams, owners of the Previous Ackhurst Private School since 1986, the site of which comprised of this property, the next door Grosvenor House (nee Jesmond Cottage) and Grosvenor court on Grosvenor Avenue. This site was remodeled after the schools closure in 2004.

Our case for why this is a private road with no historic RoW:

1. Our deeds to [REDACTED] [REDACTED] have wider reference to Jesmond cottage & The Manor House Estate with restrictions, which in context show that this is and always should be private land. These can be provided, citing the protected lands and the principle deed dated 1927 from Farquar Alexander Ogilvie Laing.
2. The OS survey attached in our House purchase legal pack search, doesn't show any historic or PRoW on The Grove. This can be provided.
3. Our bins are not collected from The Grove, we have to put them out on Grosvenor Avenue from our rear garden access.

4. We carry out all the grounds maintenance ie weeding, on the gravel section of The Grove with the [REDACTED] & they pay for the tree maintenance and cut their grass.
5. We would also like to agree with and cite all the evidence collated and submitted to this objection by [REDACTED] (of [REDACTED] Grosvenor Avenue), especially that the Queens rd end of The Grove is not a historic pilgrims route to an Ancient Monument. We can provide their researched 10 page document if required.

Counter evidence for JRA claims which they try to use as proof for their modification order:

1. The JRS site the Street sign the Grove as evidence .

There was no The Grove street sign at the Queens terrace end when we moved here in December 2009. Our house was purchased with 'The Grove' address, but after many months of frustrated workpeople being unable to locate us, [REDACTED] contacted the council to ask if it would be possible to have a street sign. This was granted & erected. We did not ask for it to point in both directions, this was a decision made at council level.

We understand now that we didn't confer with absent Landowner (Derhams) whether the sign should read 'private road'. We would have helped to pay for this had we realised the importance of not labelling it Private, but it wasn't our land. However, this proves that it was not a council initiative to evidence a PRoW, but that it was initiated by [REDACTED] and would never have been there otherwise. The owner of Manor Cottage had managed without a 'The Grove' sign for many years, so would not have requested it.

2. The Newcastle Council Dog fouling notices affixed to lampposts:

These appeared after a passing discussion after the first lockdown, that we had with Councillor Armstrong about the amount of dog fouling due to increased walkers. Had we never had that conversation to trigger him, it couldn't have been cited as evidence. The signs have made no notable difference to dog fouling. We have this weeks photographic evidence of dog fouling if required.

There is no 20 years of uninterrupted use:

Attached to our house, facing the entrance to the North end of The Grove, is a sign which reads "Private, No Vehicular Access" which has been here since we moved here in December 2009. As "Grosvenor House" remained uninhabited until [REDACTED] moved in April 2018, we took it upon ourselves to care for the land which we have permission to drive over. This sign is visible to people walking on the land and many have been challenged.

Appendix J - Landowner and adjoining owner responses Adjoining landowner 1.

People traffic has increased significantly since the pandemic. Our attempts to kindly challenge & stop people has included us asking people not to park on the land, not to sit in their cars on the land, not to sit on the seating on the grass, or picnic on the grass and asking them not to walk on the land and especially not to allow their dogs off the lead and foul the land.

The road was not gated when we moved in and we did have discussions with the previous absent owner of Gosvenor House (nee Jesmond Cottage), as to the most suitable way to use gates or bollards, but these never materialised from the previous owners The Derhams.

This was historically was a gated private land with no public access until this section of land was used as a school between 1958-2004. Somewhere in this time the gates were removed or fell apart. These gates are evidenced on the old local maps and their locations are still visible.

People coming to & from the school may have had a right to pass & re pass to deliver children to school, however, this land has now been sold by the school owners as private dwellings and since 2009 people have been encouraged not to use this as a PRoW.

Although there have been no gates to close, there have been times when the Grove was physically impassable and closed at the Queens Rd end:

We had building work carried out during 2010/11 and received permission from the previous landowners The Derhams to park skips on the land outside our house. We did not need to seek council permission for this as it is private land. Not only were there skips, there were many builders vans there too, blocking the way.

In 2011 The Gas Board dug up large sections of The Queens Rd end of The Grove when an unknown leaking Gas Mains was discovered (by ourselves) outside Grosvenor House. This made The Grove impassable.

In 2021 The Water Board repaired a leaking water main, which closed the Queens Terrace end.

We can find evidence for all of these events, which meant that people did not have unfettered access to pass this end of the Grove.

We therefore propose that there is a return to the original path to the Well between 28 & 30 Grosvenor Avenue, for those who wish to view The Well. We also propose that in keeping with historic England & the councils request for the Grade 2 Listed sole residence for Grosvenor House & its restoration & maintenance, that it would be appropriate to restore the original gates and make new signage which states "Private Road The Grove, No wheeled passage, no unauthorised pedestrians".

Appendix J - Landowner and adjoining owner responses
Adjoining landowner 1.

In conclusion, we have provided you with our evidence that it is private land, it is not a HRow, it has not had uninterrupted historic Row use, and that we have proposed an alternative route.

Yours faithfully,

A solid black rectangular redaction box covering the signature area.

Appendix J - Landowner and adjoining owner responses
Adjoining landowner 2.

From: [REDACTED]
Sent: 09 February 2022 19:46
To: Carey, Simon
Subject: FP4/FP6/DO/2018

Good evening,

My family wish to object to the 'application for a modification order of the definitive map of public rights of way'.

We are homeowners on [REDACTED] Grosvenor Avenue and will be directly impacted by the proposal to make the land adjacent to our home a right of way.

1) This is a quiet residential stretch and our young children often play in the area of land. We are concerned by additional use of the lane, anti-social behaviours and rubbish left as a result.

2) My husband maintains the land and who will be responsible for this if there is a change? We also believe that we own the land and the plan to convert the use will be directly affecting the land owned by us.

3) there is no requirement to change. Those wanting to use the land have access and there is no need to formalise a change of use. This includes St Mary's Well if people are wishing to visit

4) the placement of a sign from Osborne Road highlighting the path has already increased use significantly. We don't want to increase further (due to the reasons outlined in this email)²

4) as residents of Jesmond we are dismayed that the Jesmond Residential Association would seek to do this against our wishes. Who are they acting behalf on? - we are residents.

Kind Regards

[REDACTED] (resident of [REDACTED] Grosvenor Avenue)

The person dealing with this matter is:

Simon Carey
Newcastle City Council
Floor no. 10
Civic Centre
Barras Bridge
Newcastle upon Tyne, NE1 8QH

Phone: 0191 277 8955

Fax: 0191 211 4948

Email: simon.carey@newcastle.gov.uk

www.newcastle.gov.uk

31 January 2022

Our reference: FP4/FP6/DO/2018

Your reference:

If you need this information in another format or language please contact the sender.

Application for a Modification Order of the Definitive Map of Public Rights of Way

I am advised that you have been served notice of the above application by Nils Clemmetsen on behalf of the Jesmond Residents Association dated 24th January 2022. The Council will now consider this application along with the evidence provided by the applicant.

If it is found that a public right of way subsists or is reasonably alleged to subsist a Definitive Map Modification Order will be made. Notices describing the effect of the Order will be displayed on site, in the local press and will be sent to all interested parties. The Notice will invite anyone who disagrees with the Order to make a formal representation or objection. If no objections are received, or any which are received are subsequently withdrawn, the Council may confirm the Order itself. If objections are received, and not withdrawn, the Order must be referred to the Secretary of State, via the Planning Inspectorate, who will normally deal with it by appointing an Independent Inspector and calling a public inquiry.

If the Council refuses the application, the applicant has the right to appeal to the Secretary of State. The Secretary of State will then consider the case and decide whether to direct the Council to make an Order.

The Council therefore welcomes any evidence you wish to submit which would either support or refute the applicant's claim. If you intend to do so it would be appreciated if you could respond within 14 days of the date of this letter. If for some reason you need longer than this please advise accordingly. All information can either be emailed (preferably) or sent through the postal service as per the contact details above.

Yours faithfully,

Simon Carey
Senior Transport Planner

