

Appendix P - Minutes of Council committees concerning the acquisition of St Mary's Well and requests to close The Grove

St. Mary's Well, Jesmond Dene:

Minute of 23rd July, 1926.

The following report of the City Engineer was submitted:-

In accordance with the instructions of the Committee on the 23 July last, the City Engineer reports he has made an examination of the old well which consists of a small rectangular space with brick sides and contained at the time of the inspection water about 1 foot in depth. It is situated in the hollow of a portion of marshy land adjoining the ruins of St. Mary's Chapel, and is approached from Manor House Lane by a small gate which is always open.

The City Engineer is informed that very few people ever visit the spot, which is very secluded, and as it may be used for objectionable purposes, he recommends that it be kept closed at ordinary times, intending visitors being allowed to obtain admission by application at the Banqueting Hall for the key in the same manner as admission is gained to the ruins of St. Mary's Chapel.

The approach to the well could be improved by the construction at a later date of a proper pathway if the number of visitors justified such an expense.

RESOLVED on the motion of Councillor Doyle, seconded by Councillor James Lunn, That the recommendation of the City Engineer with regard to the closing of the place at ordinary times be confirmed, and that a Notice Board be erected intimating that intending visitors would be allowed to obtain admission by application at the Banqueting Hall for the key in the same manner as admission is gained to the ruins of St. Mary's Chapel.

Above – Town Moor and Parks Committee minutes, 14 September 1926, p375

Ref: MD.NC/26/7, Tyne and Wear Archives

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ST. MARY'S CHAPEL AND WELL:
Minute of 12th October, 1926.
Counor. Doyle suggested that a small Sub-Committee should be appointed to visit St. Mary's Chapel and Well with a view to its better preservation and greater accessibility to the public.
After discussion, it was agreed that a survey of the place be made by the whole Committee on a date to be fixed by the Chairman and the Vice Chairman.

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The Committee agreed with a suggestion by Ald. Bramble That Mr. Parker Brewis be asked to give his services in the matter.

Above – Town Moor and Parks Committee minutes, 16 November 1926, pp 397 and 398

Ref: MD.NC/26/7, Tyne and Wear Archives

Appendix P - Minutes of Council committees concerning the acquisition of St Mary's Well and requests to close The Grove

ST. MARY'S WELL, JESMOND.

The following report was presented:-

The City Engineer reports that he has received a letter and copy of notes on above from the President of the Newcastle Society of Antiquaries, in which he states that the notice at the foot of The Grove, which reads as follows:-

"St. Mary's.

Permission to view the ruins of St. Mary's Well will be given on application to the Superintendent of Jesmond Dene Banqueting Hall".

is erroneous, as the Well referred to is Pigg's Well and not the original St. Mary's Well, which is situated in private ground "on the South bank of the little dene running down between Jesmond Grove and Jesmond Manor House and in a direct line between the two houses".

Mr. Parker Brewis is of opinion that if the Corporation desire to acquire the site of the real St. Mary's Well with approach thereto, it could be accomplished at the present time for a merely nominal figure.

The City Engineer desires to have the instructions of the Committee as to whether or not he should negotiate to obtain the real site.

RESOLVED on the motion of Councillor Grantham, seconded by Councillor Patton, That the City Engineer be instructed to negotiate with a view to the acquisition of the original St. Mary's Well (and access thereto), referred to by Mr. Parker Brewis, and to report back to this Committee.

Above – Town Moor and Parks Committee minutes, 08 May 1928, p25

Ref: MD.NC/26/8, Tyne and Wear Archives

ST. MARY'S WELL, JESMOND:

Minute of 8th May, 1928.

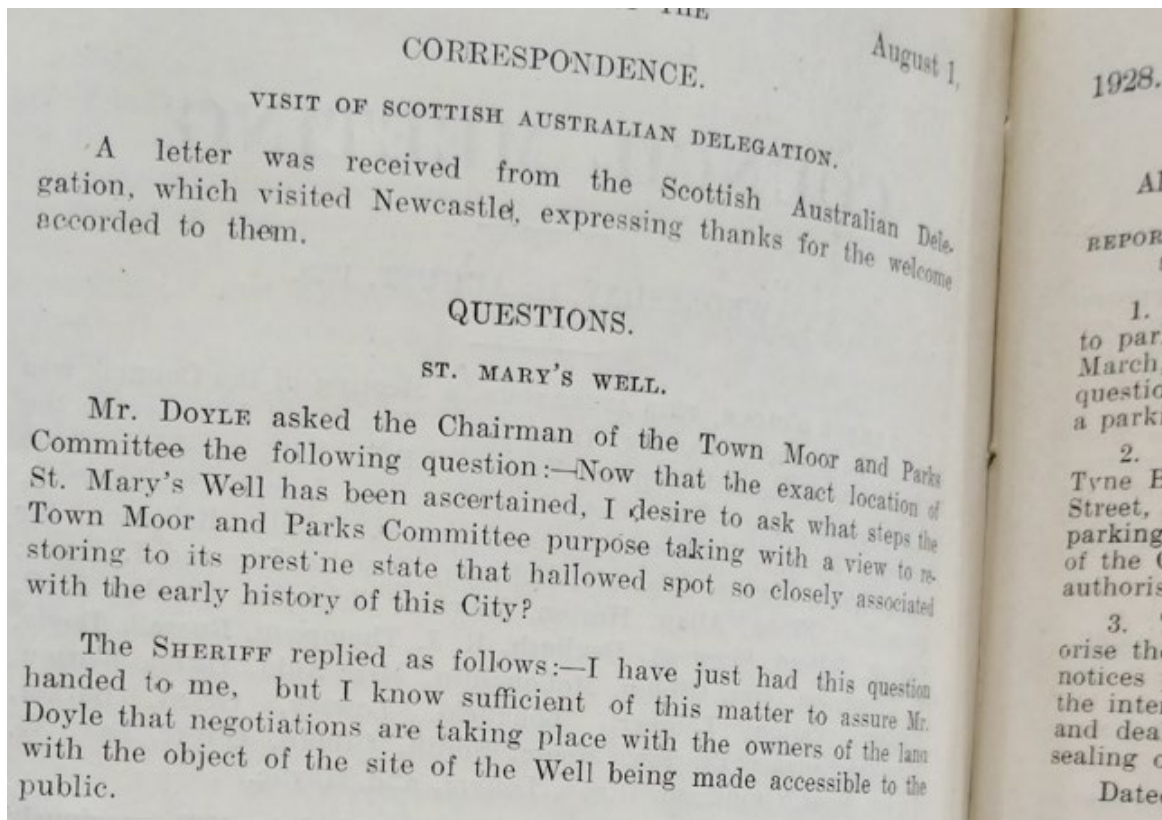
The City Engineer stated that he had been in communication with the owners of the land on which St. Mary's Well was supposed to rest but had not yet got replies.

Stand over.

Above – Town Moor and Parks Committee minutes, 12 June 1928, p31

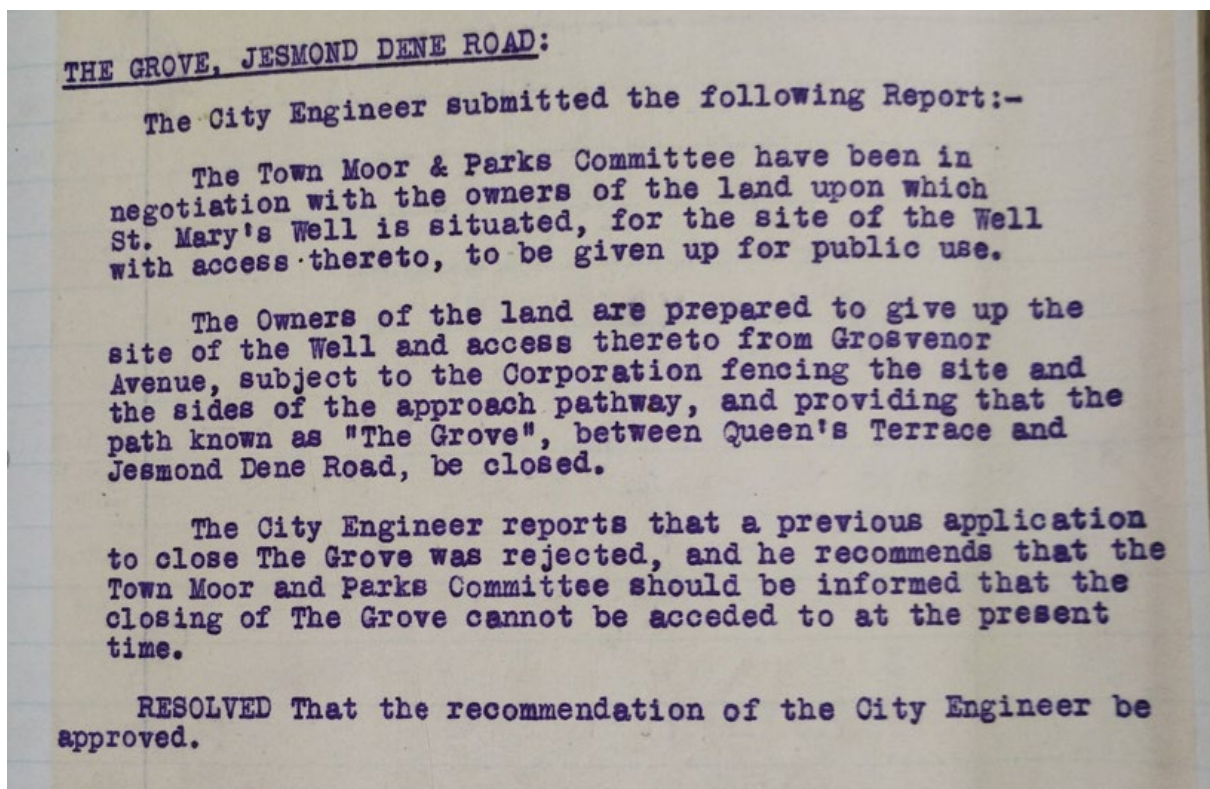
Ref: MD.NC/26/8, Tyne and Wear Archives

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Above – City Council minutes, 01 August 1928, p656

Source: City Library, Newcastle



Above – Town Improvement and Streets Committee minutes, 05 September 1928, p102

Ref: MD.NC/261/40, Tyne and Wear Archives

Appendix P - Minutes of Council committees concerning the acquisition of St Mary's Well and requests to close The Grove

ST. MARY'S WELL:
Minute of 8th May, 1928.
The following Report of the City Engineer was presented and confirmed:-
In accordance with the instructions of the Committee on 8th May, 1928, the City Engineer has been in negotiation with the Architects for the owners of the site of St. Mary's Well with a view to acquiring the site of the Well and land for access thereto.
The Owners of the land are prepared to give up the site of the Well and access thereto from Grosvenor Avenue, subject to the Corporation fencing the site and the sides of the approach pathway, and providing that the path known as "The Grove", between Queen's Terrace and Jesmond Dene Road, be closed.

The City Engineer reports that the terms named above were considered by the Town Improvement and Streets Committee at a meeting on the 5th instant and were not agreed to, strong exception being taken to the closing of The Grove between Jesmond Dene Road and Queen's Terrace.
The City Engineer recommends that he be instructed to inform the Architects that the terms suggested cannot be agreed to and asking them to reconsider their proposals with a view to making them more acceptable to the Corporation.

Above – Town Moor and Parks Committee minutes, 11 September 1928, p49 and 50

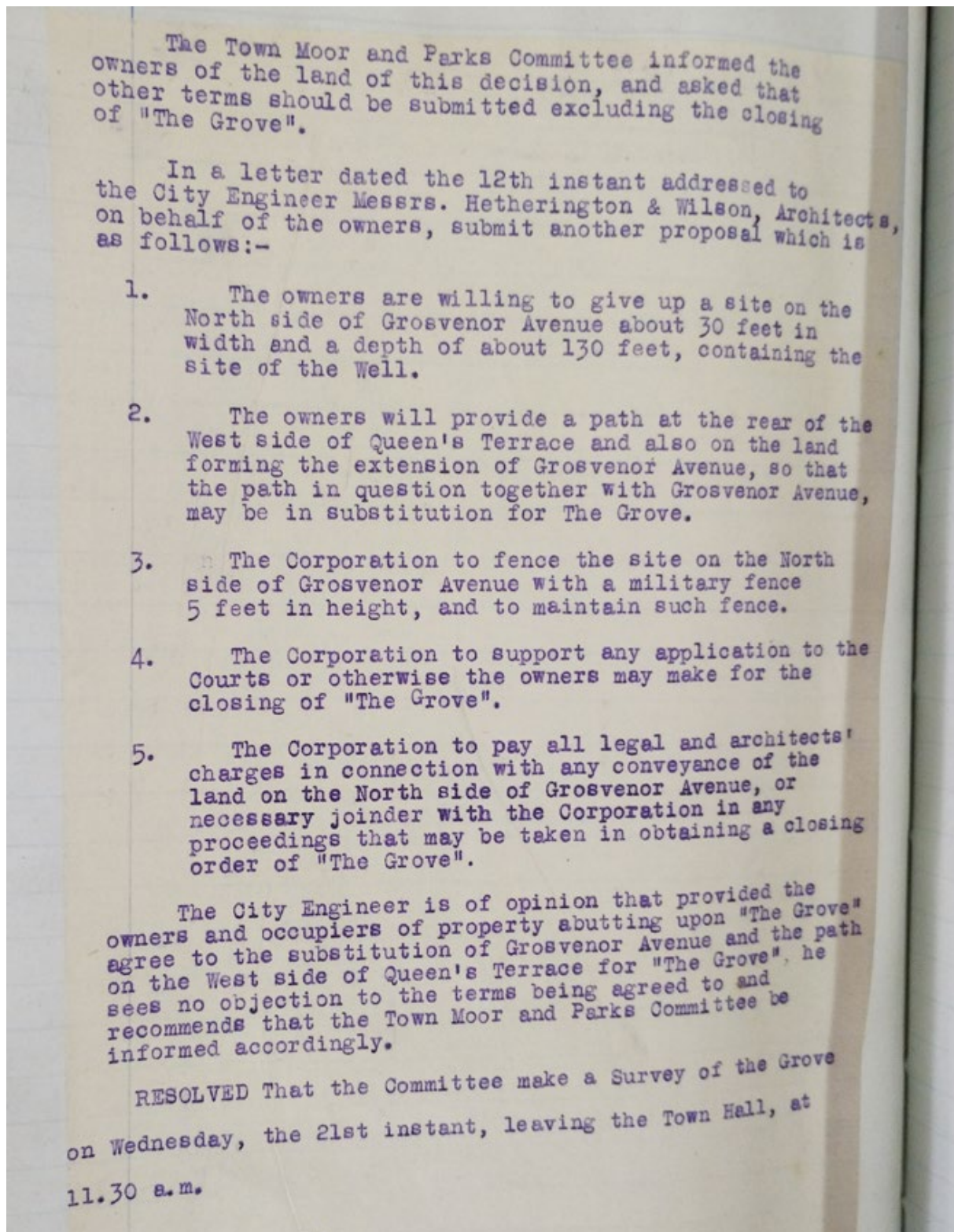
Ref: MD.NC/26/8, Tyne and Wear Archives

THE GROVE, JESMOND DENE ROAD:
The City Engineer submitted the following Report:-
On the 5th September last the Committee considered the terms which had been submitted to the Town Moor and Parks Committee by the owners of the land upon which St. Mary's Well is situated, for the site of the Well and access thereto, being given up for public use. One of the terms was that the path known as "The Grove", between Queen's Terrace and Jesmond Dene Road, be closed. The Committee recommended the Town Moor and Parks Committee be informed that the closing of "The Grove" could not be acceded to at that time.

Above – Town Improvement and Streets Committee minutes, 14 November 1928, p166

Ref: MD.NC/261/40, Tyne and Wear Archives

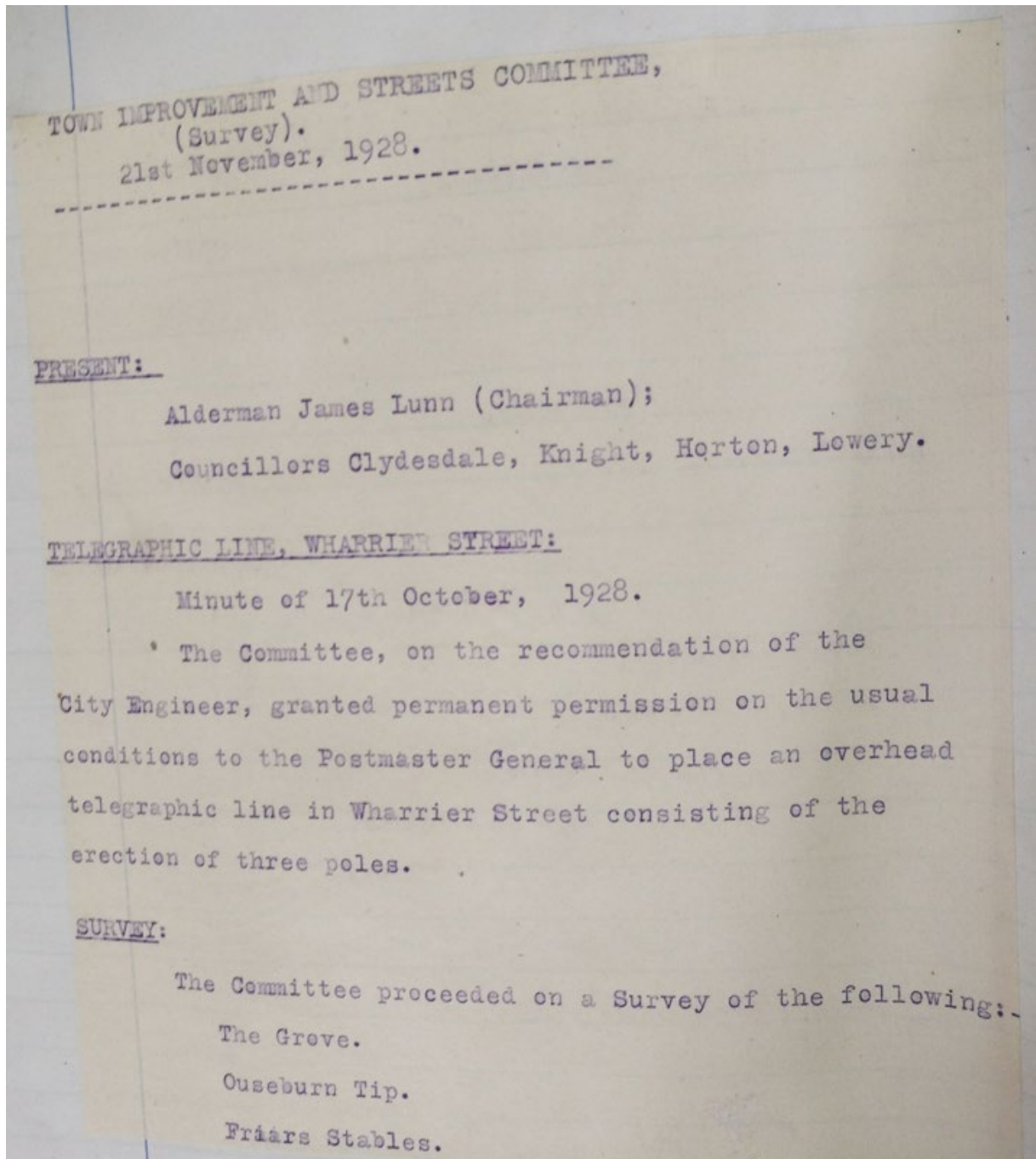
Appendix P - Minutes of Council committees concerning the acquisition of St Mary's Well and requests to close The Grove



Above – Town Improvement and Streets Committee minutes, 14 November 1928, p167

Ref: MD.NC/261/40, Tyne and Wear Archives

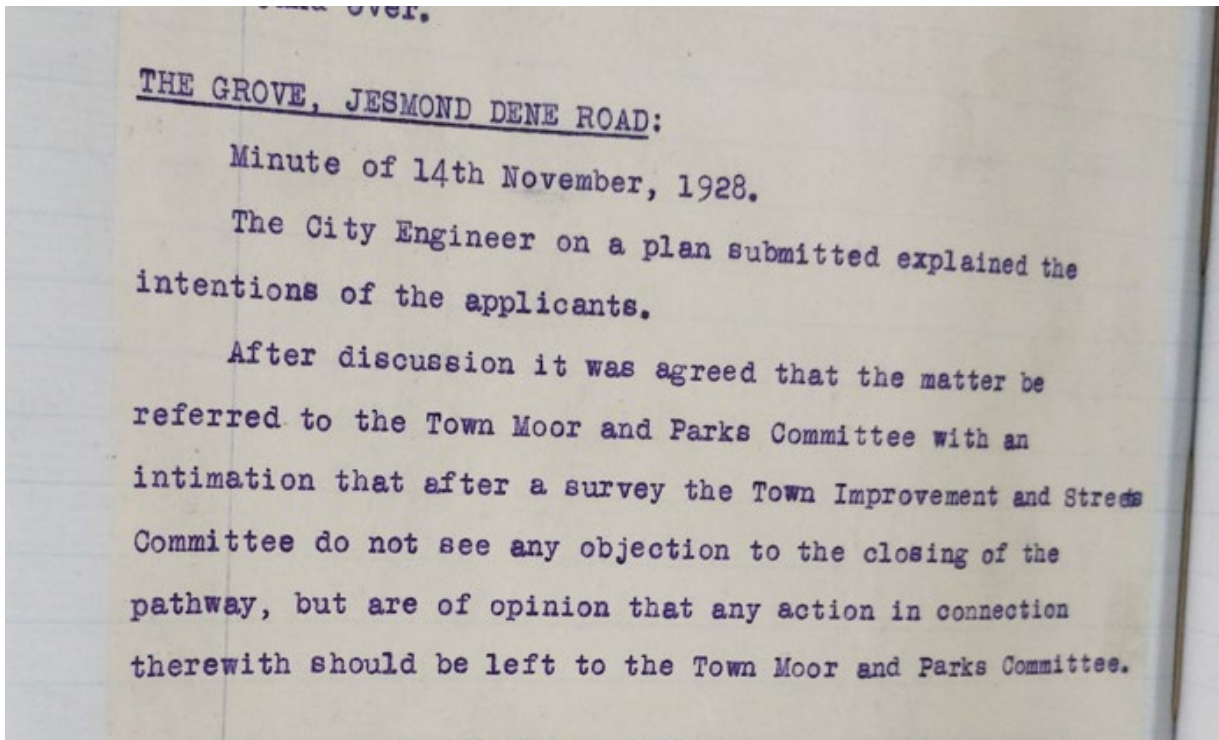
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Above – Town Improvement and Streets Committee minutes, 21 November 1928, p176

Ref: MD.NC/261/40, Tyne and Wear Archives

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Above – Town Improvement and Streets Committee minutes, 28 November 1928, p179

Ref: MD.NC/261/40, Tyne and Wear Archives

Appendix P - Minutes of Council committees concerning the acquisition of St Mary's Well and requests to close The Grove

ST. MARY'S WELL:

The City Engineer submitted the following Report:-

At a meeting of the Town Moor and Parks Committee on the 11th September, the City Engineer was instructed to ask the owners of St. Mary's Well to submit other terms upon which the site of the Well could be acquired than those considered by the Committee on the 11th September.

On behalf of the owners, the Architects in a letter dated 12th November submit the following proposals:-

1. The owners are willing to give up a site on the North side of Grosvenor Avenue about 30 feet in width and a depth of about 130 feet containing the site of the Well.
2. The Owners will provide a path at the rear of the West side of Queen's Terrace and also on the land forming the extension of Grosvenor Avenue, so that the path in question together with Grosvenor Avenue may be in substitution for The Grove.
3. The Corporation to fence the site on the North side of Grosvenor Avenue with a military fence 5 feet in height, and to maintain such fence.
4. The Corporation to support any application to the Courts or otherwise the owners may make for the closing of The Grove.
5. The Corporation to pay all legal and architects' charges in connection with any conveyance of the land on the North side of Grosvenor Avenue, or necessary joinder with the Corporation in any proceedings that may be taken in obtaining a closing order of The Grove.

The terms so far as they affect the Town Improvement and Streets Committee have been considered by them and agreed to, but they are of opinion that any action in connection therewith should be left to the Town Moor and Parks Committee.

Captain Motum explained that action might be taken with a view of securing St. Mary's Well as an Ancient Monument.

After discussion it was Resolved, on the motion of Councillor Clements, seconded by Councillor Patton, That steps be taken to have St. Mary's Well scheduled as an Ancient Monument, and that the matter form the subject of a Report ^{TO THE COUNCIL} to be prepared by the Town Clerk in consultation with the Chairman.

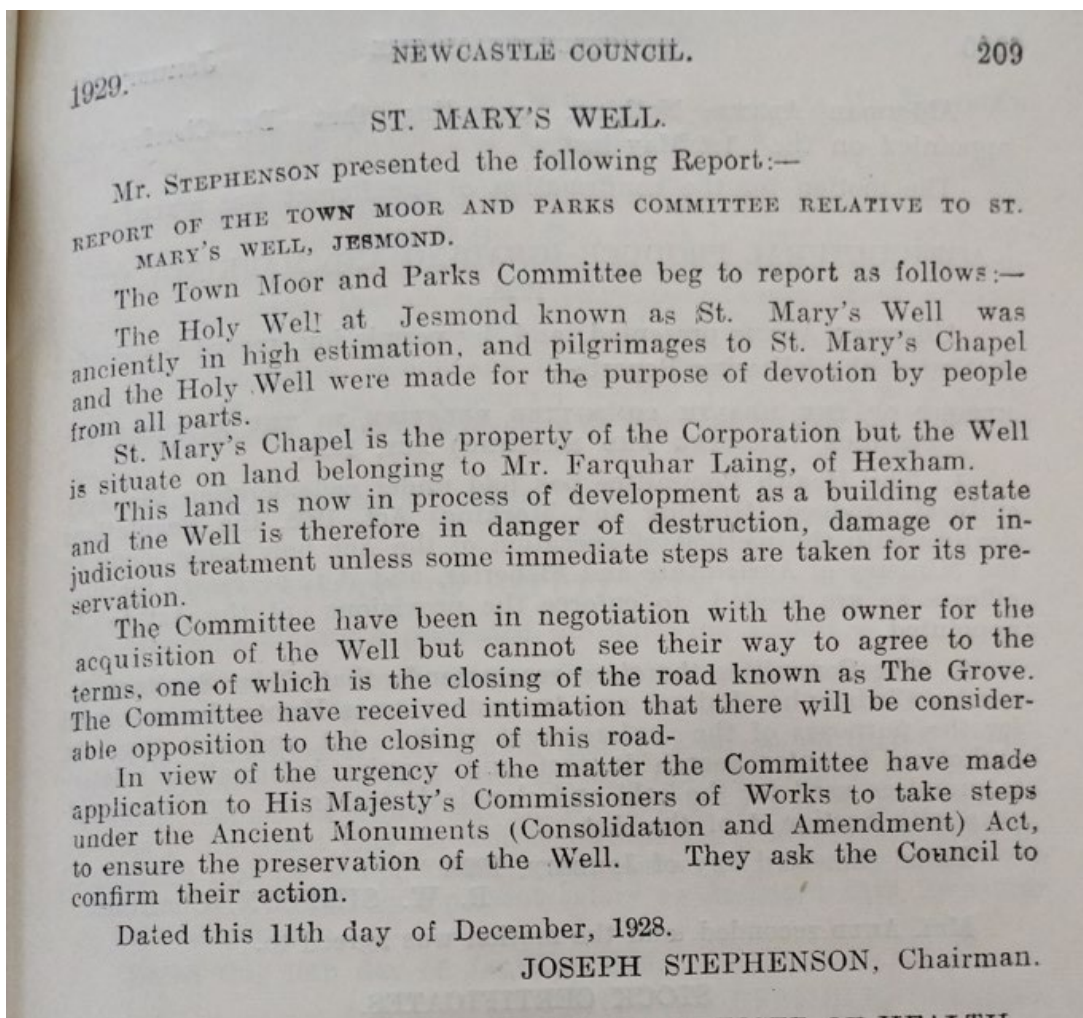
The Deputy City Engineer stated that there was a letter from Mr. Rennoldson, of Grosvenor Villas, intimating objection to the proposals mentioned in the Report.

The Chairman stated that the Town Clerk would keep this in view in drafting his Report.

Above – Town Moor and Parks Committee minutes, 11 December 1928, p82 and 83

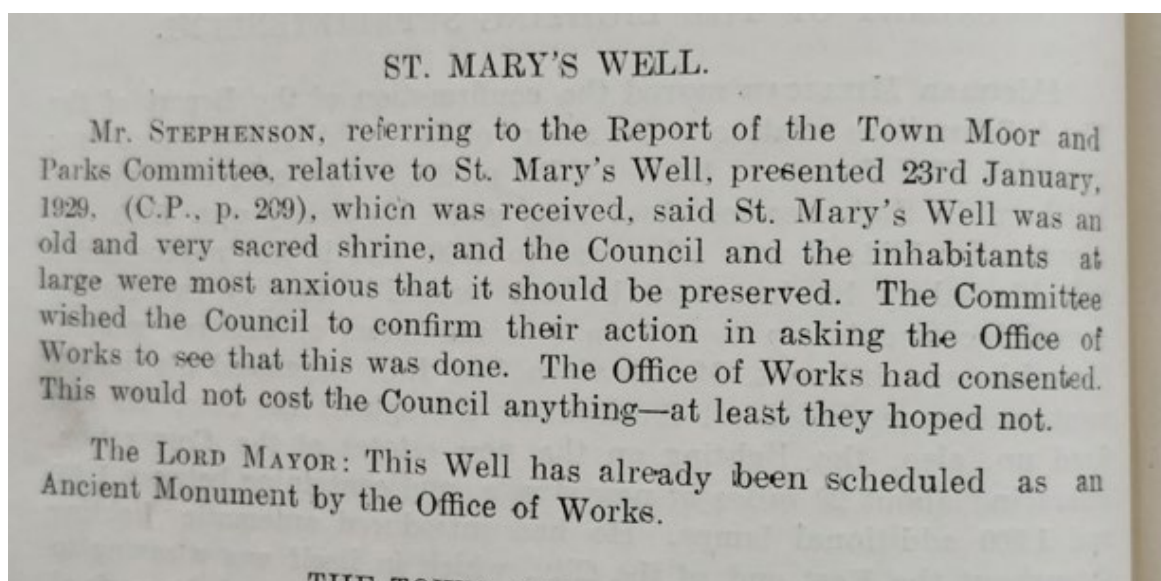
Ref: MD.NC/26/8, Tyne and Wear Archives

Appendix P - Minutes of Council committees concerning the acquisition of St Mary's Well and requests to close The Grove



Above – City Council minutes, 23 January 1929, p209

Source: City Library, Newcastle



Above – City Council minutes, 06 February 1929, p294

Source: City Library, Newcastle

Appendix P - Minutes of Council committees concerning the acquisition of St Mary's Well and requests to close The Grove

ST. MARY'S WELL.

The following minute of the Town Improvement and Streets Committee was submitted:-

Mr. Hockings submitted letter from Messrs Hetherington and Wilson stating that they had deposited plans for the lay-out of part of the Manor House Estate, and had

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indicated on same in blue, a piece of land surrounding St. Mary's Well and providing pathway to same. Mr. F.W.Laing, the owner, desired, subject to the following conditions, to present to the Corporation the land shown coloured blue, viz:-

1. That all sides of the land so coloured blue be fenced in at once with a close military fence at least 5 feet high and necessary gates, etc. (with due regard to existing public pathway).
2. That the lay-out plan embodying the site as submitted to the Town Improvement Committee be approved.

They also stated that the Office of Works, to whom the proposal had been submitted, approved of same.

RESOLVED That the Committee approve of the lay-out plan as submitted and that the proposal with regard to the giving up of land and the fencing in of the St. Mary's Well and approach be referred to the Estate and Property Committee.

RESOLVED That the matter be referred to the Property Surveyor for consideration and report.

Above – Estate and Property Committee minutes, 12 November 1930, p163 and 164

Ref: MD.NC/76/15, Tyne and Wear Archives

Appendix P - Minutes of Council committees concerning the acquisition of St Mary's Well and requests to close The Grove

ST. MARY'S WELL.

Mr. Hockings submitted letter from Messrs. Hetherington and Wilson stating that they had deposited plans for the lay-out of part of the Manor House Estate, and had indicated on same in blue, a piece of land surrounding St. Mary's Well and providing pathway to same. Mr. F.W. Laing, the owner, desired, subject to the following conditions, to present to the Corporation the land shown coloured blue, viz:-

1. That all sides of the land so coloured blue be fenced in at once with a close military fence, at least 5 feet high and necessary gates, etc., (with due regard to existing public pathway).
2. That the lay-out plan embodying the site as submitted to the Town Improvement Committee be approved.

They also stated that the Office of Works, to whom the proposal had been submitted, approved of same.

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RESOLVED That the Committee approve of the lay-out plan as submitted and that the proposal with regard to the giving up of land and the fencing in of the St. Mary's Well and approach be referred to the Estate and Property Committee.

Above – Town Improvement and Streets Committee minutes, 12 November 1930, p219 and 220
Ref: MD.NC/261/41, Tyne and Wear Archives

Appendix P - Minutes of Council committees concerning the acquisition of St Mary's Well and requests to close The Grove

ST. MARY'S WELL.

The following report was submitted:-

With reference to the resolution of this Committee at their last meeting referring the above matter to the Surveyor for consideration and report, the Surveyor reports that this Committee are responsible for the Old Castle, Blackgate, and the Old Town Walls and Towers, and if St. Mary's Well is to be taken over by the Corporation, it should be under the control of this Committee.

The land is to be given up by the Owner, subject to the Corporation fencing it in, and the estimated cost of fencing in the site and the approach thereto, including the necessary gates, clearing of ground, and formation of ash footpath is £60.

to be surveyed.

It was agreed that Mr. Parker Lewis be invited to attend the Survey.

Above – Estate and Property Committee minutes, 01 December 1930, p179

Ref: MD.NC/76/15, Tyne and Wear Archives

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ST. MARY'S WELL, JESMOND.

The following report was submitted:-

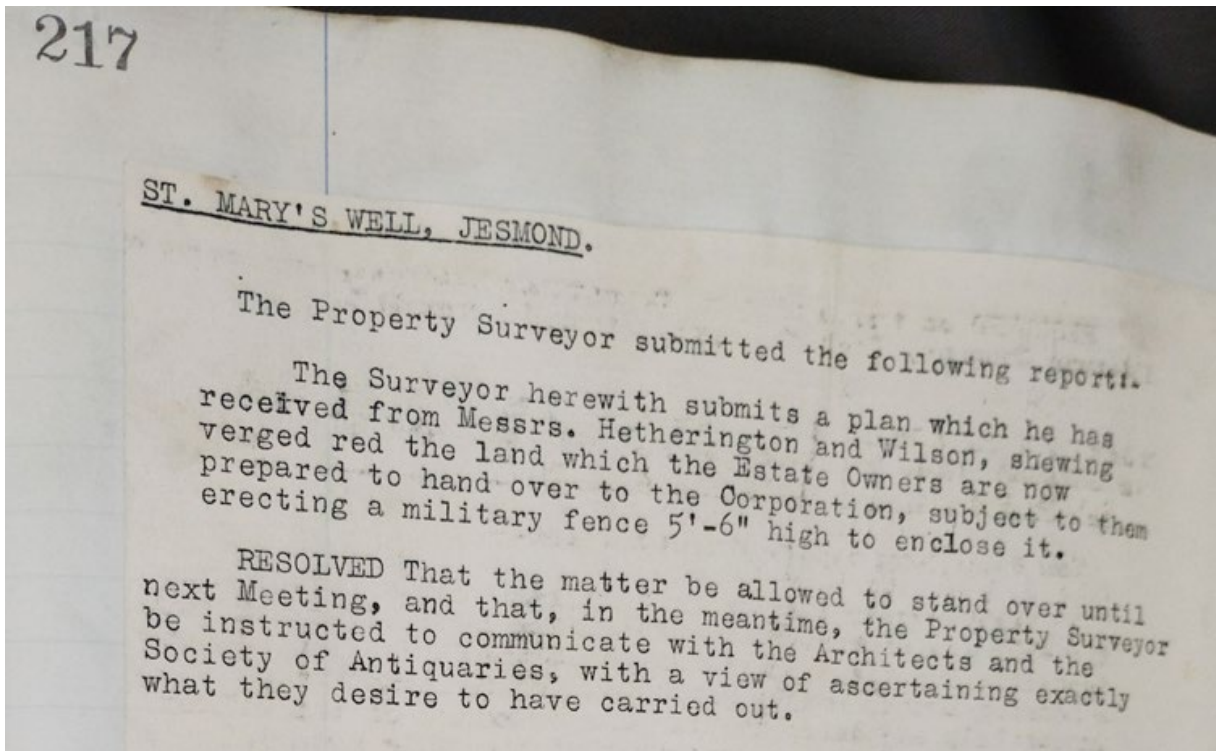
In accordance with the instructions of this Committee at their Survey on 12th January, the Surveyor reports that the estimated cost of erecting a re-inforced concrete wall as shown by red dotted lines on the accompanying plan with light iron railings and entrance gates, clearing the ground etc., is about £400, but if the smaller area shown coloured blue is enclosed the estimated cost would be about £250.

The Report was received, and the Committee were informed that the sum of £400 was now included in the Estimates.

Above – Estate and Property Committee minutes, 26 January 1931, p206

Ref: MD.NC/76/15, Tyne and Wear Archives

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Above – Estate and Property Committee minutes, 23 February 1931, p217

Ref: MD.NC/76/15, Tyne and Wear Archives

Appendix P - Minutes of Council committees concerning the acquisition of St Mary's Well and requests to close The Grove

ST. MARY'S WELL, JESMOND.

The following report was submitted:-

The Surveyor reports that in accordance with the instructions of this Committee of 23rd February, he has been in communication with Messrs. Hetherington and Wilson, Architects, with reference to this matter, and also had an interview with them on the ground, and they have forwarded to him the following letter dated 30th April, which they have received from Mr. Adamson Rhagg, Solicitor, viz:-

1, Saville Place,
Newcastle upon Tyne.

30th April, 1931.

Dear Sir,

St. Mary's Well, Jesmond, Newcastle.

In reference to the above, I have now considered the request of the Corporation, as contained in Mr. Holford's letter of the 24th instant.

My Clients are quite agreeable to give up the piece of land referred to in such letter and accompanying tracing subject to the undermentioned conditions, which they think they should make not only in their own interests, but in the interests of the purchasers of sites on this Estate. As you are doubtless aware, the owners of this Estate have for some considerable time had in contemplation an application for the closing of the right-of-way from Osborne Road to Jesmond Dene Road. Such closure would enable the land on the North side of the road to the right-of-way to be linked up with the house sites on the South, and thus prevent the cutting in two of each site.

It is contended that the convenience of the public would not be minimised in any way by such closure; indeed, the public would benefit by virtue of the new road which is now being constructed running parallel to the right-of-way.

In order to develop this Estate and help forward the general cry for more houses, it has been an inducement to purchasers, and each purchaser of a site fronting on the right-of-way has agreed as a condition upon the sale to him, not to oppose any attempt that might be made to permanently close this right-of-way.

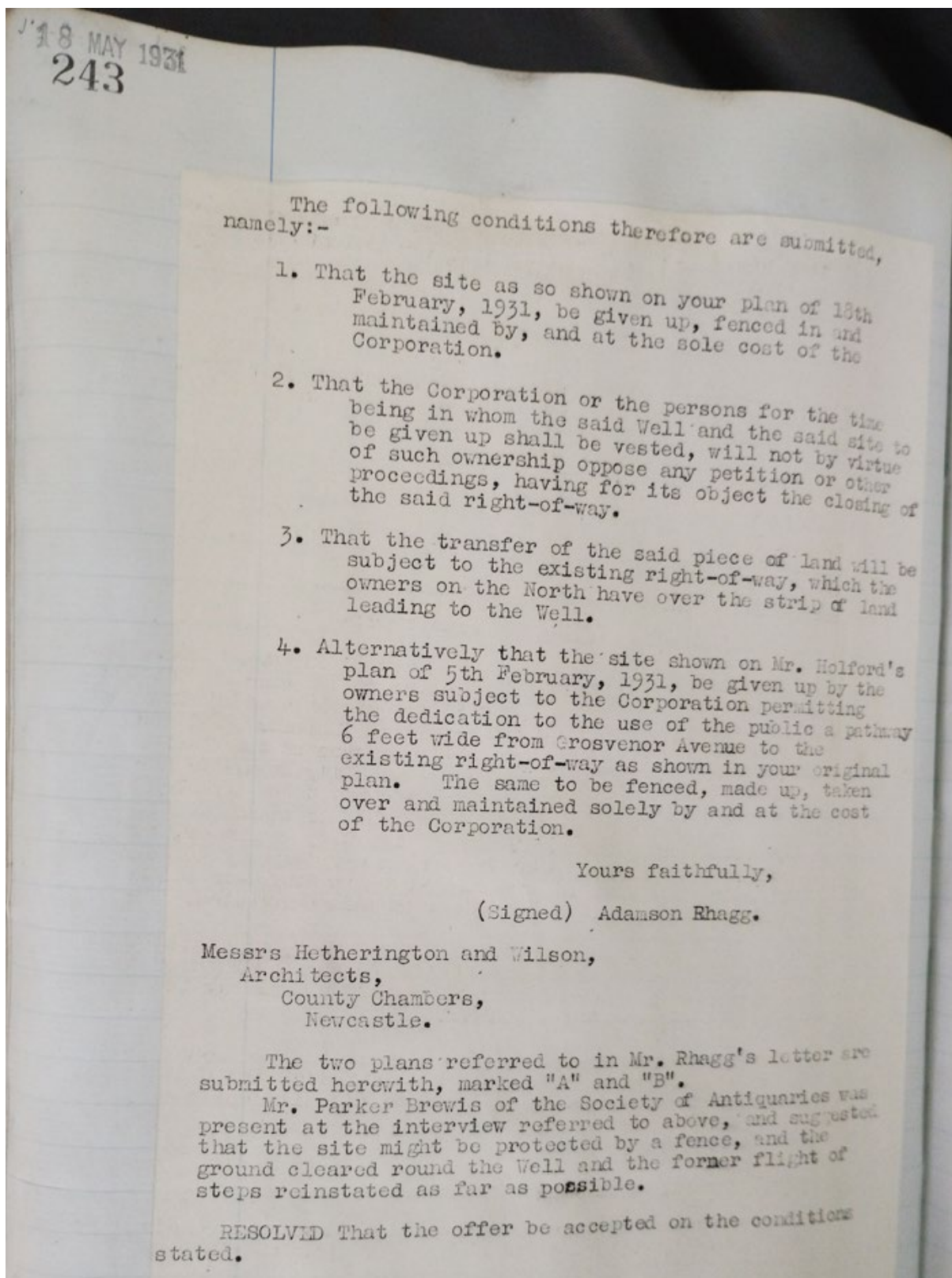
There has never been any entrance to this particular Well from this Estate, the only entrance always having been from the adjoining land on the North. Strictly speaking, therefore, any entrance should continue to come from that direction.

My clients however feel that they cannot legally adopt the suggestion contained in the letter of the 24th instant, and the plan, but they are desirous as far as they can of assisting in the preservation of this ancient Well and are willing to give up the site indicated in yours of 19th February, 1931, originally submitted to the Corporation, as the only possible solution in view of the numerous sales that have taken place under certain obligations.

Above – Estate and Property Committee minutes, 18 May 1931, p242

Ref: MD.NC/76/15, Tyne and Wear Archives

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Above – Estate and Property Committee minutes, 18 May 1931, p243

Ref: MD.NC/76/15, Tyne and Wear Archives

1931.

NEWCASTLE COUNCIL.

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ST. MARY'S WELL.

Alderman Sir STEPHEN EASTEN presented the following Report:—

REPORT OF THE ESTATE AND PROPERTY COMMITTEE RELATIVE TO ST. MARY'S WELL, JESMOND.

The Estate and Property Committee beg to report as follows:—

As reported to the Council by the Town Moor and Parks Committee on the 6th February, 1929, the Holy Well at Jesmond known as St. Mary's Well, which is situate on land belonging to Mr. Farquhar Laing, has been scheduled as an Ancient Monument in pursuance of the Ancient Monuments (Consolidation and Amendment) Act.

The land round about the Well has now been developed as building sites and Mr. Laing has now offered to convey to 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 on the south side thereof to form a footpath to the Well from Grosvenor Avenue, on the following conditions:—

1. That the site of the Well and footpath as shewn coloured round with red on the plan exhibited in the Council Chamber shall be fenced in and maintained at the expense of the Corporation.

2. That the Corporation or the persons for the time being in whom the site of the Well and the footpath shall be vested will not by virtue of such ownership oppose any petition or other proceedings having for its object the closing of the right of way at present existing from Osborne Road to Jesmond Dene Road known as the Grove.

3. That the transfer of the land as aforesaid will be subject to the existing right of way which the owners on the North have over the strip of land leading to the Well.

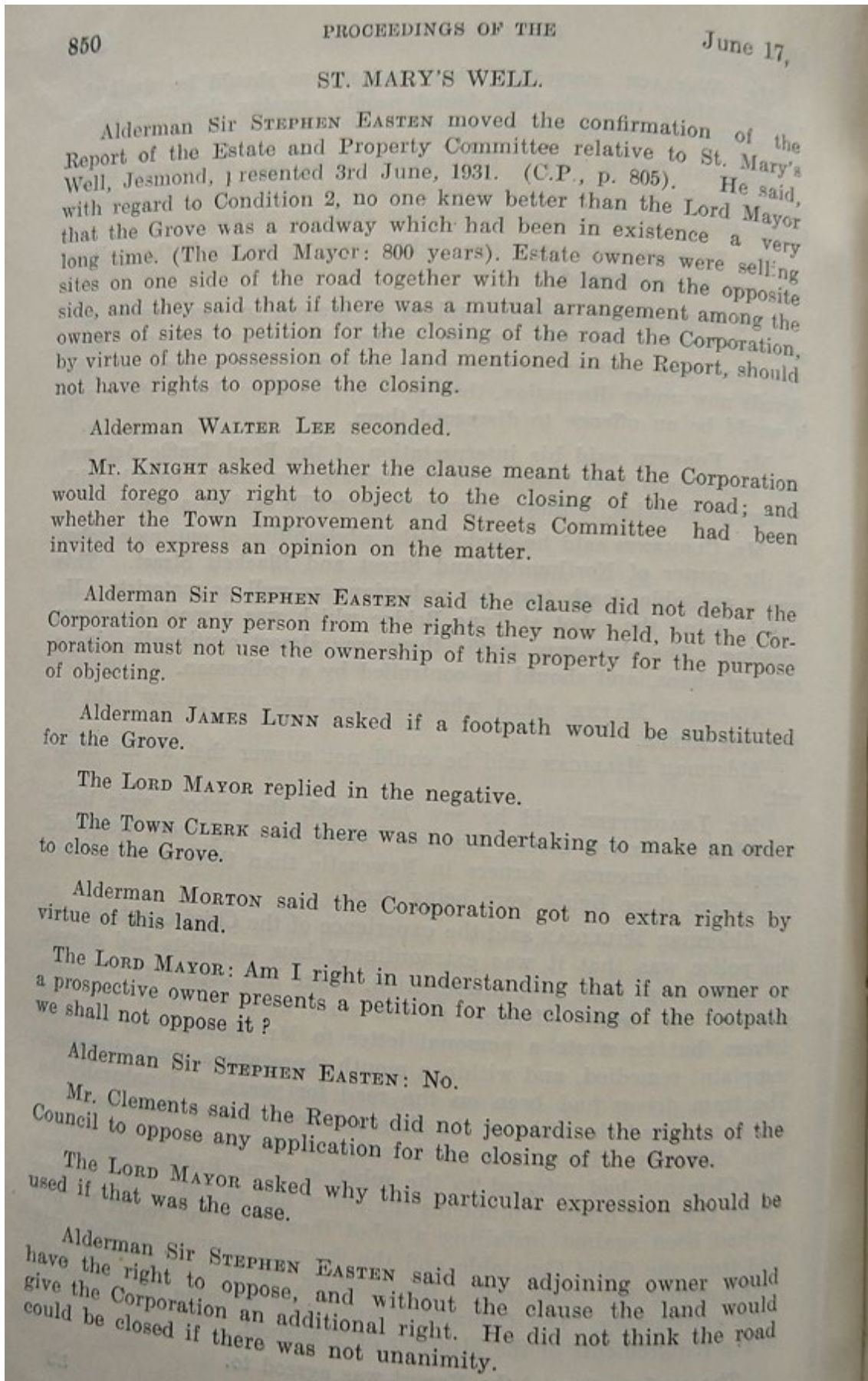
The Committee after consideration of the matter have agreed, subject to the approval of the Council, to accept the gift from Mr. Laing on the terms mentioned.

There is included in the estimates a sum of £150 which it is estimated will be sufficient for the erection of the necessary fencing to enclose the land proposed to be taken over.

The Committee therefore recommend the Council to confirm this report and authorise the sealing of the Deed of Gift, and suggest that the thanks of the Council be extended to Mr. Laing for his generosity.

Dated this 18th day of May, 1931.

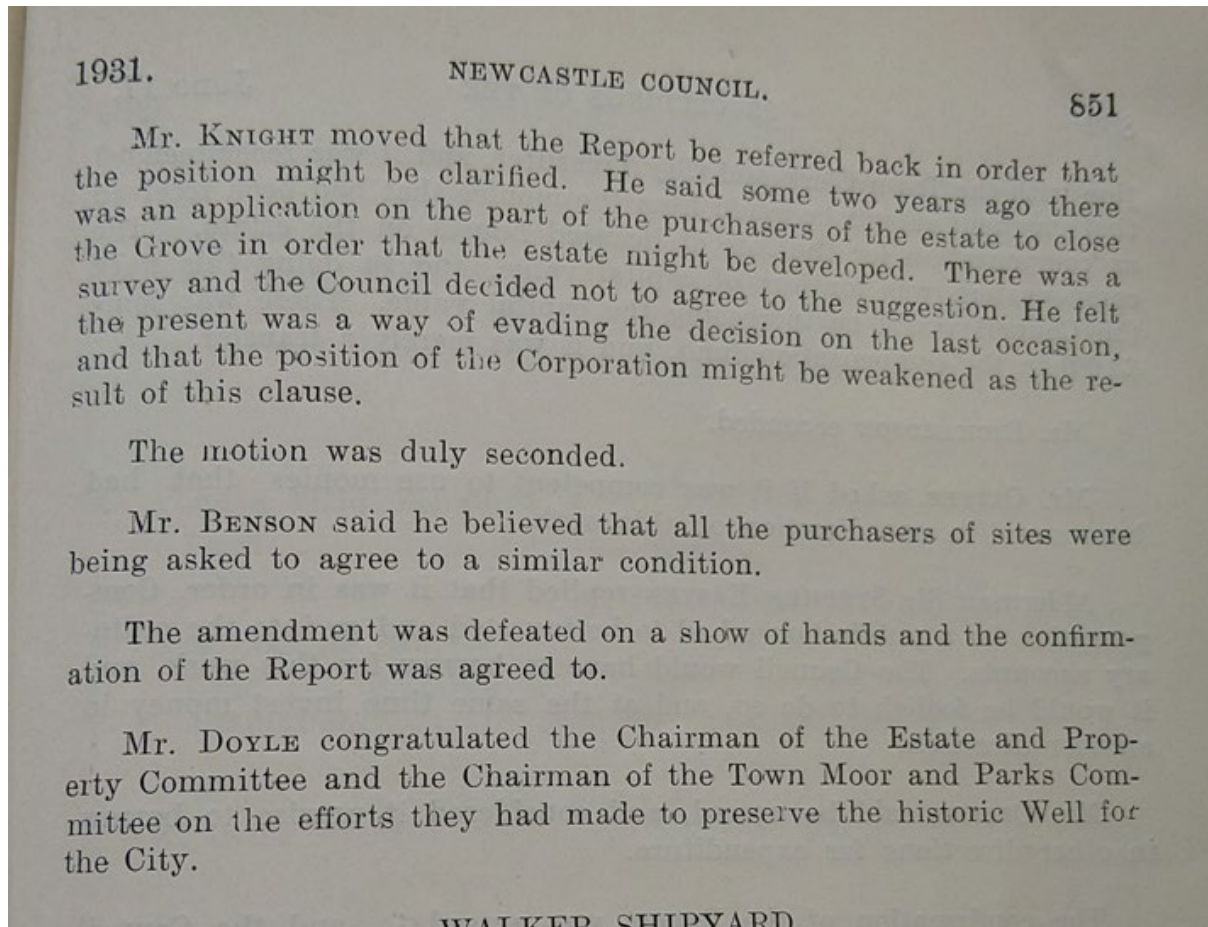
STEPHEN EASTEN, Chairman.



Above – City Council minutes, 17 June 1931, p850

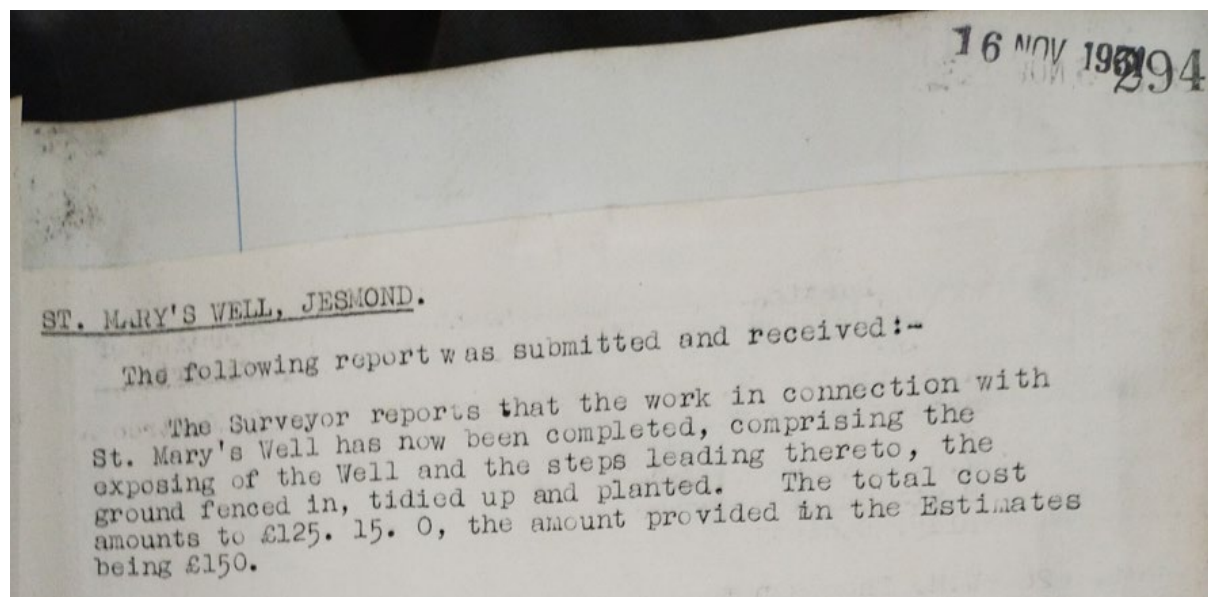
Source: City Library, Newcastle

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Above – City Council minutes, 17 June 1931, p851

Source: City Library, Newcastle



Above – Estate and Property Committee minutes, 16 November 1931, p294

Ref: MD.NC/76/15, Tyne and Wear Archives

Appendix P - Minutes of Council committees concerning the acquisition of St Mary's Well and requests to close The Grove

ST. MARY'S WELL.

Mr. Usher reported that the donor, Mr. Parquhar Laing, had asked the Committee to pay his Solicitors' costs. He (Mr. Usher) had prepared the conveyance and sent it to

him for approval, and two interview had taken place with the Solicitor with regard to the right-of-way on the North which the owner was to give up, and in his (Mr. Usher's) opinion, it would be quite reasonable to pay the fees, this being a gift to the Corporation.

RESOLVED That the Committee agree to payment of the Solicitors' costs, provided they are of reasonable amount.

Above – Estate and Property Committee minutes, 22 February 1932, p327 and 328

Ref: MD.NC/76/15, Tyne and Wear Archives

ST. MARY'S WELL, JESMOND.

The Property Surveyor reported that several people had asked for permission to inspect St. Mary's Well, and as it was inconvenient for the key to be kept at his Office, he suggested that the Well be transferred to the Town Moor and Parks Committee for maintenance.

RESOLVED That the Town Moor and Parks Committee be asked to undertake responsibility for the maintenance of the Well.

Above – Estate and Property Committee minutes, 05 December 1932, p432

Ref: MD.NC/76/15, Tyne and Wear Archives

ST. MARY'S WELL, JESMOND.

The Committee Clerk submitted the following Minute of the Estate and Property Committee of 5th December, 1932:-

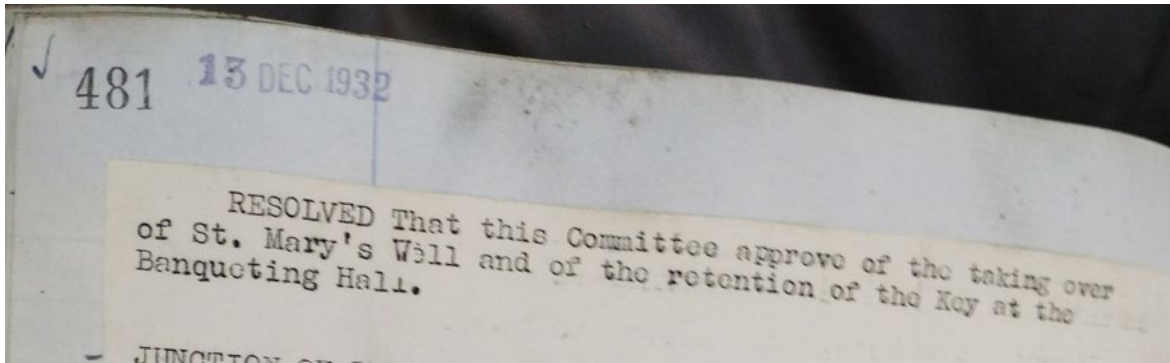
The Property Surveyor reported that several people had asked for permission to inspect St. Mary's Well, and as it was inconvenient for the key to be kept at his Office, he suggested that the Well be transferred to the Town Moor and Parks Committee for maintenance.

RESOLVED That the Town Moor and Parks Committee be asked to undertake responsibility for the maintenance of the Well.

Above – Town Moor and Parks Committee minutes, 13 December 1932, p480

Ref: MD.NC/26/8, Tyne and Wear Archives

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Above – Town Moor and Parks Committee minutes, 13 December 1932, p481

Ref: MD.NC/26/8, Tyne and Wear Archives

Appendix P - Minutes of Council committees concerning the acquisition of St Mary's Well and requests to close The Grove

THE GROVE, JESMOND.

Mr. Usher submitted letter from Mr. Adamson Regg applying on behalf of 16 owners of houses abutting upon the Grove, Jesmond, for the stopping up of that road.

RESOLVED That the application be not entertained.

Above – Town Improvement and Streets Committee minutes, 11 September 1935, p405

Ref: MD.NC/261/43, Tyne and Wear Archives

THE GROVE, JESMOND.

Minute of 11th September, 1935.

Mr. Usher, referring to the Minute of last Meeting, stated that a letter had been received enquiring whether the Committee would receive a deputation for the purpose of placing before them the views of the residents with regard to the closing of the Grove.

Messrs. Boyd, Wilson and Johnson then attended the Meeting.

Mr. Boyd made a statement on behalf of the deputation, and stated that he represented individual owners of houses. He referred to the agreement arrived at with the Corporation (Estate and Property Committee) as to the acquisition of St. Mary's Well and access thereto, in which was a clause that the Corporation would not by virtue of ownership of land conveyed oppose any petition by grantors for the closing of the Grove. They considered that the path had become a public nuisance owing to acts of immorality taking place, and he asked the Committee to reconsider the matter.

The deputation retired.

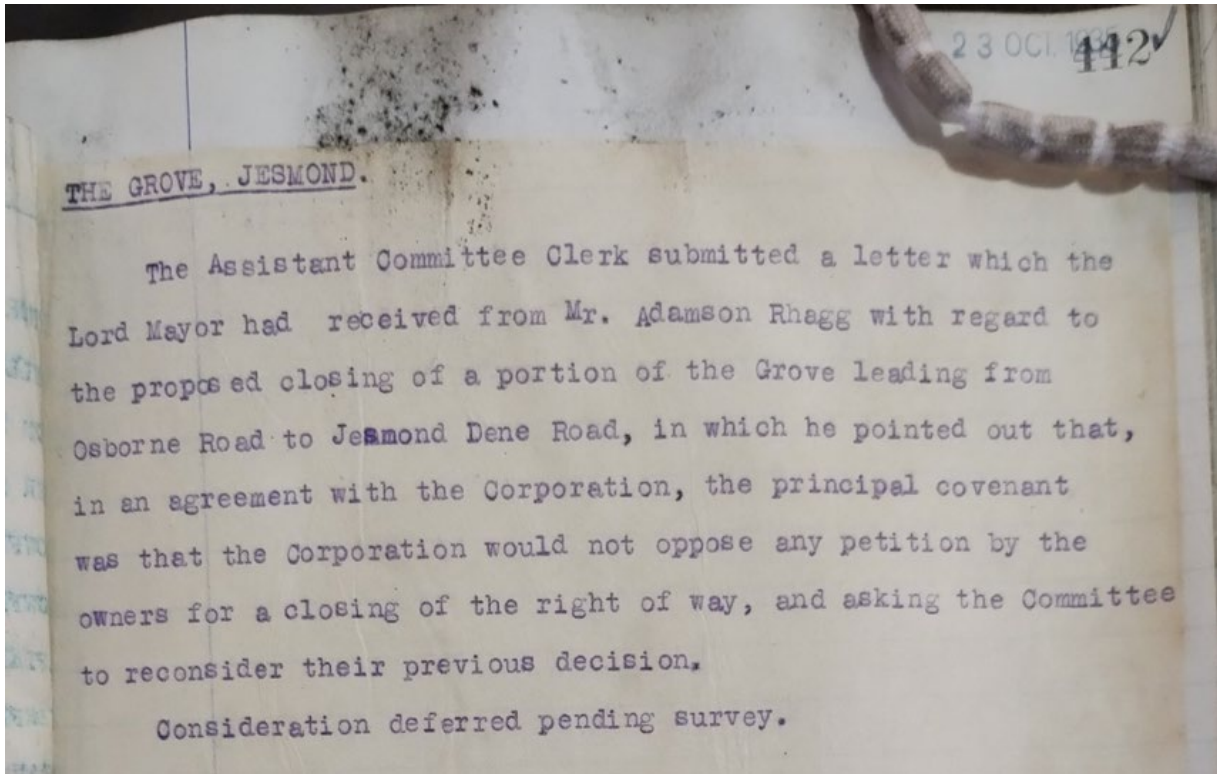
Mr. Usher, in reply to a question, stated that the closing of the path was a matter for the Corporation to deal with.

RESOLVED That no action be taken with regard to the closing of the path, but that the attention of the Police be drawn to the statements of the deputation.

Above – Town Improvement and Streets Committee minutes, 25 September 1935, p414

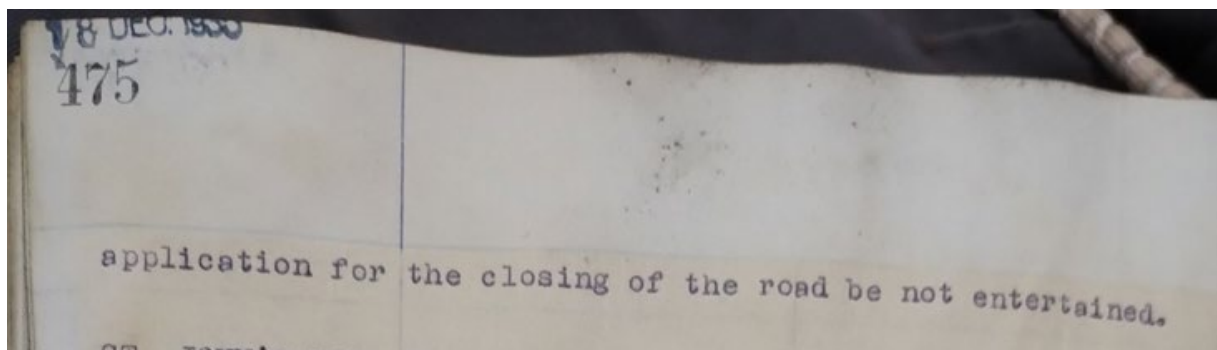
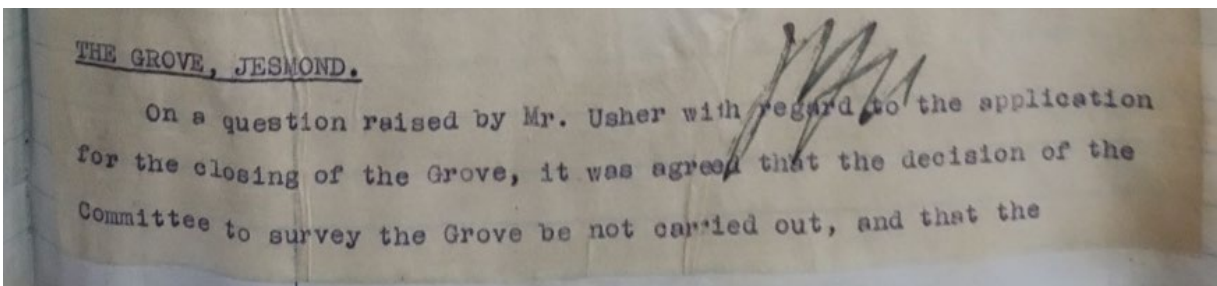
Ref: MD.NC/261/43, Tyne and Wear Archives

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Above – Town Improvement and Streets Committee minutes, 23 October 1935, p442

Ref: MD.NC/261/43, Tyne and Wear Archives



Above – Town Improvement and Streets Committee minutes, 18 December 1935, p474 and 475

Ref: MD.NC/261/43, Tyne and Wear Archives

Appendix P - Minutes of Council committees concerning the acquisition of St Mary's Well and requests to close The Grove

THE GROVE, JESMOND.

The City Engineer submitted the following report:-

The City Engineer reports that complaint has been received of the condition of the road known as The Grove, between Osborne Road and Jesmond Dene Road.

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The road is artificially lighted by the Corporation.

For a distance of about 60 yards eastward from Osborne Road, 7 feet in width of the footpath, is made up with a tarmacadam surface and is in good condition, the remaining half width being unmade. For a length of about 47 yards, the surface is in ordinary water bound macadam in fair condition, and for another length of 66 yards up to Queens Terrace it is not made up; the remaining length from Queens Terrace to Reid Park Road is composed of fine gravel on a panned foundations.

On the 25th September, 1935, a deputation attended upon the Committee and referred to an agreement arrived at with the Corporation as to the acquisition of St. Mary's Well and access thereto, in which agreement there was a clause that the Corporation would not by virtue of ownership of land conveyed oppose any petition by the grantors (who were represented by the deputation) for the closing of The Grove.

On the 23rd October, 1935, a letter submitted by Mr. Adamson Rhagg on behalf of the Grantors in the above named agreement, was considered. The letter stated that the principal covenant was that the Corporation would not oppose any petition by the Owners for the closing of the right of way, and asked the Committee to re-consider their previous decision. On the 18th December, 1935, the Committee decided that the application for the closing of the road be not entertained.

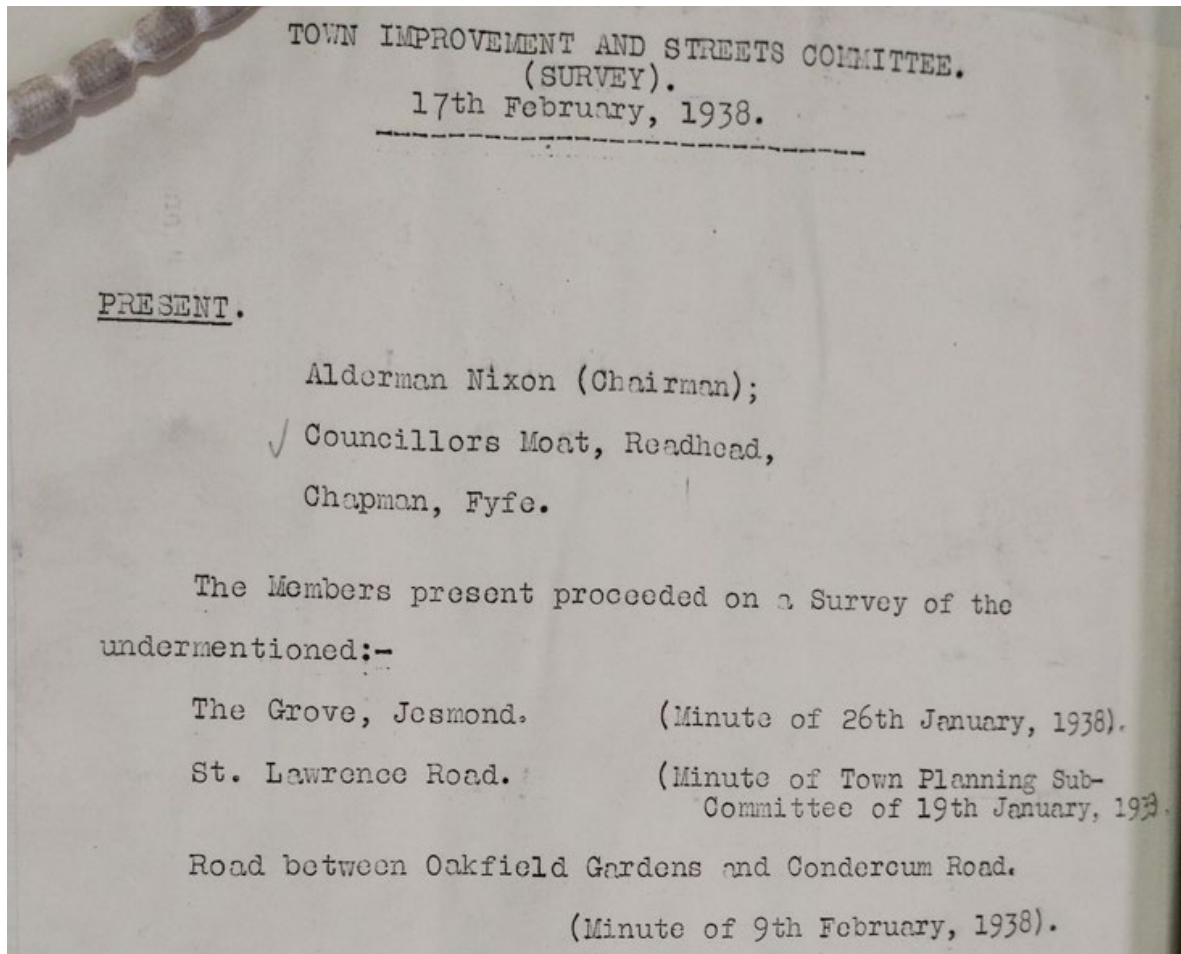
The City Engineer is of opinion that it would be desirable for a survey of the road to be made.

RESOLVED That consideration of the matter be deferred pending Survey.

Above – Town Improvement and Streets Committee minutes, 26 January 1938, p106 and 107

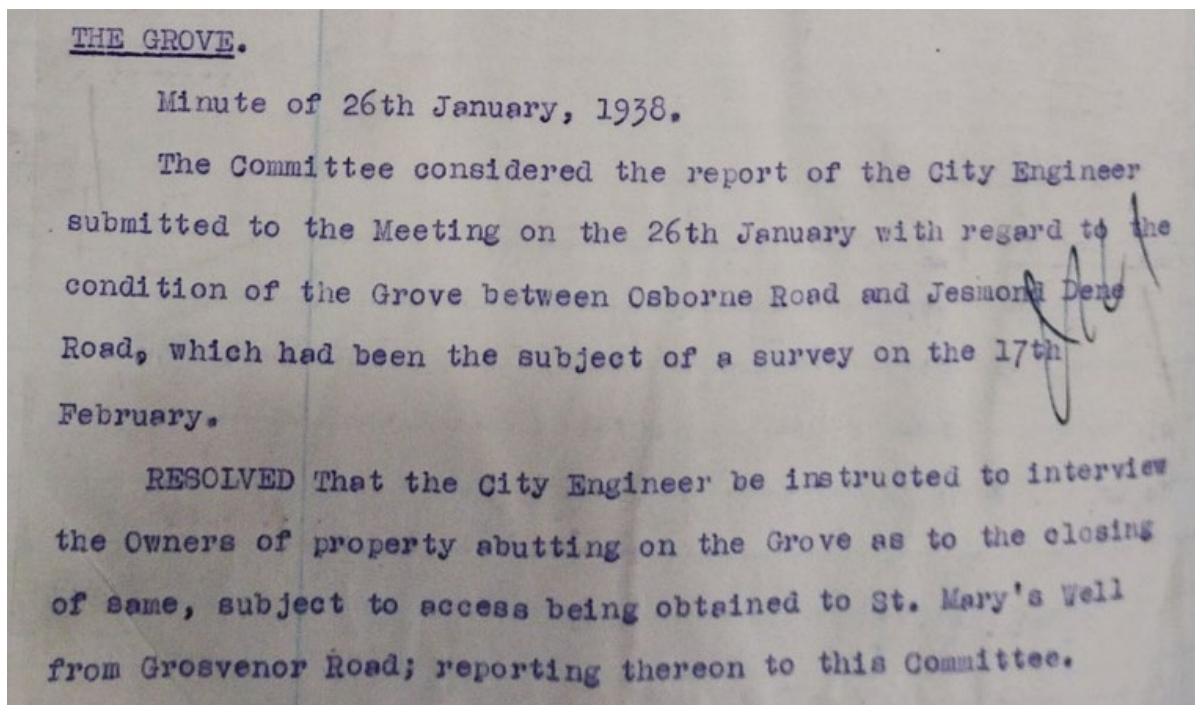
Ref: MD.NC/261/45, Tyne and Wear Archives

Appendix P - Minutes of Council committees concerning the acquisition of St Mary's Well and requests to close The Grove



Above – Town Improvement and Streets Committee minutes, 17 February 1938, p137

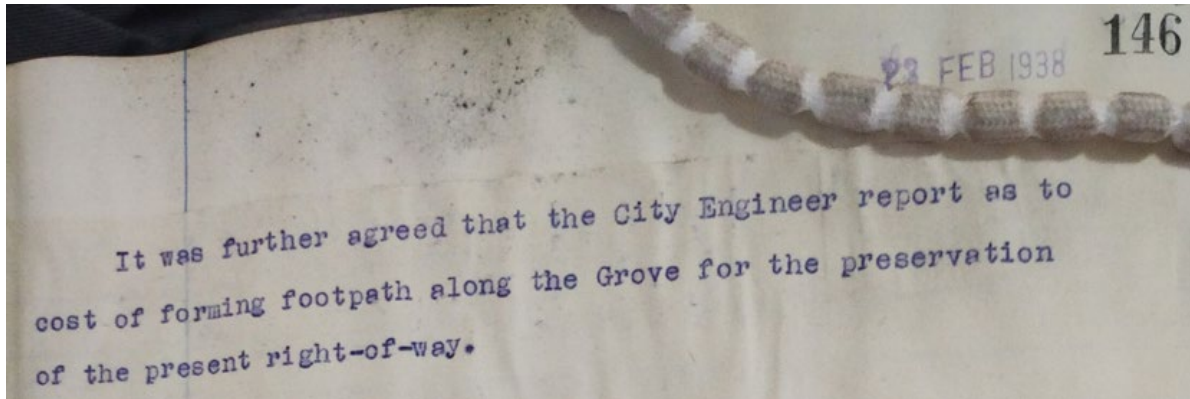
Ref: MD.NC/261/45, Tyne and Wear Archives



Above – Town Improvement and Streets Committee minutes, 23 February 1938, p145

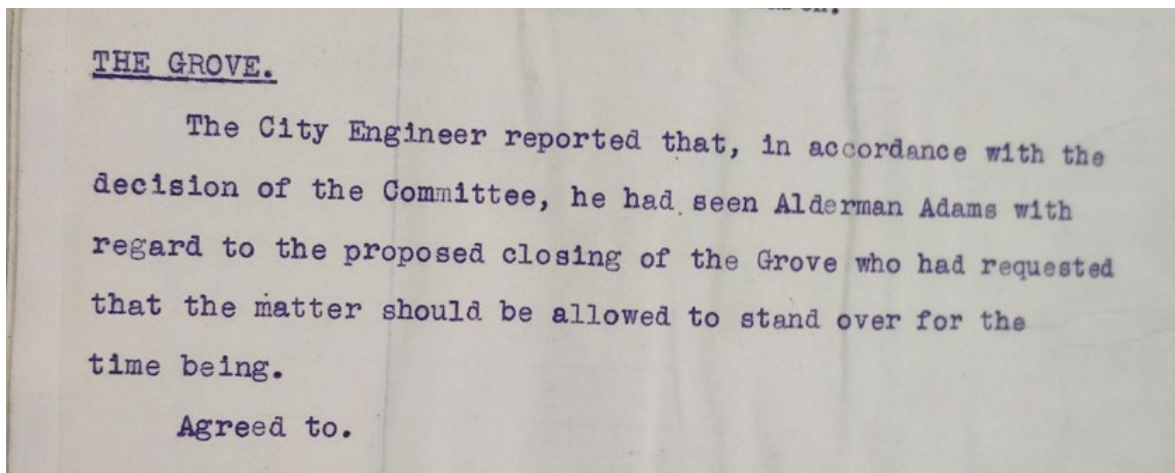
Ref: MD.NC/261/45, Tyne and Wear Archives

Appendix P - Minutes of Council committees concerning the acquisition of St Mary's Well and requests to close The Grove



Above – Town Improvement and Streets Committee minutes, 23 February 1938, p146

Ref: MD.NC/261/45, Tyne and Wear Archives



Above – Town Improvement and Streets Committee minutes, 23 March 1938, p171

Ref: MD.NC/261/45, Tyne and Wear Archives

Appendix P - Minutes of Council committees concerning the acquisition of St Mary's Well and requests to close The Grove

THE GROVE, JESMOND.

The City Engineer submitted the following report:-

Mr. R.S. Adams, Jesmond Cottage, The Grove, in a letter, dated the 2nd ultimo, addressed to the City Engineer, states that some years ago there was a move on foot to close The Grove as a right of way. Mr. Adams now thinks that the time is ripe for these negotiations to be re-opened because, he states, it is difficult to keep pace with the damage done by the public to fencing and trees in front of his house, and, in addition, The Grove has become a haunt of doubtful characters especially after dark. In Mr. Adams' opinion the right of way is no longer necessary because of the new streets which have been cut through leading from Osborne Road to Jesmond Dene Road.

The City Engineer reports that the road is artificially lighted by the Corporation.

For a distance of about 60 yards Eastward from Osborne Road, 7 feet in width of the footpath is made up with a tarmacadam surface, and is in good condition, the remaining half width being unmade. For a length of about 47 yards, the surface is in ordinary water bound macadam tarsprayed and in fair condition, and for another length of 66 yards up to Queens Terrace it is not made up; the remaining length from Queens Terrace to Reid Park Road is composed of fine gravel on a panned foundation.

On the 25th September, 1935, a deputation attended upon the Committee and referred to an agreement arrived at with the Corporation as to the acquisition of St. Mary's Well and access thereto, in which agreement there was a clause that the Corporation would not by virtue of ownership of land conveyed, oppose any petition by the grantors (who were represented by the Deputation) for the closing of The Grove. The Committee resolved that no action be taken with regard to the closing of The Grove but that the attention of the Police be drawn to the statements of the deputation.

On the 23rd October, 1935, a letter submitted by Mr. Adamson Rhagg, Solicitor, on behalf of the Grantors in the above-named agreement, was considered. The letter stated that the principal covenant was that the Corporation would not oppose any petition by the owners for the closing of the right of way, and asked the Committee to reconsider their previous decision. On the 18th December, 1935, the Committee decided that the application for the closing of the road be not entertained.

In January 1938, the subject was again considered and The Grove was surveyed by the Committee on the 17th February, 1938. On the 23rd March, 1938, the Committee resolved that the matter stand over for the time being.

The City Engineer would suggest that the Committee survey the site.

Consideration deferred pending survey on the occasion of the next meeting of the Town Planning Sub-Committee.

Above - Town Improvement and Streets Committee minutes, 12 November 1947 p375 and 376

Ref: MD.NC/261/47, Tyne and Wear Archives

Appendix P - Minutes of Council committees concerning the acquisition of St Mary's Well and requests to close The Grove

THE GROVE, JESMOND.

Minute of Town Improvement and Streets Committee of 12th November, 1947.

RESOLVED on the motion of Councillor Curry, seconded by Councillor F. Russell, That the application that that portion of The Grove, Jesmond, lying between Jesmond Cottage and its junction with Reid Park Road be closed as a right of way, be not entertained.

PROPERTY AT CRAGHALL DENE.

Above – Town Improvement and Streets Committee minutes, 24 November 1947 p385

Ref: MD.NC/261/47, Tyne and Wear Archives

7. THE GROVE (OSBORNE ROAD).

The City Engineer submitted the following report:-

19 SEP 1950

As a result of complaints received with respect to the condition of that portion of The Grove between Queen's Terrace and Osborne Road, the City Engineer requested the abutting owners to carry out the necessary repairs. Messrs. Dees and Thompson, on behalf of two of the owners, in a letter dated 8th March, state:-

"We confirm our telephone conversation when we said that we understood that this footpath had been a public right of way from time immemorial, and that we considered that if it was repairable by anyone at all, it was repairable by the inhabitants at large. We would refer you to Halsburys Laws of England, 2nd Edition, Volume 16, Page 394, where it is stated that footpaths other than those by the side of a highway are repairable by the inhabitants at large, if dedicated before 1836. If dedicated since 1836, it is stated that they are, perhaps, not repairable by anyone unless they have been formally adopted."

The City Engineer reports that The Grove, which extends from Reid Park Road to Osborne Road, has not been declared a highway repairable by the inhabitants at large, but is artificially lighted by the Corporation. For a distance of about 60 yards Eastwards from Osborne Road, 7 feet in width of the footpath is made up with a tarmac/surface and is in good condition, the remaining half width being unmade. For a length of about 47 yards, the surface is in ordinary water bound macadam tarsprayed and in fair condition, and for another length of 66 yards up to Queen's Terrace it is not made up; the remaining length from Queen's Terrace to Reid Park Road is composed of fine gravel on a panned foundation.

The Town Clerk has been asked for the legal position

Above – Town Improvement and Streets Committee minutes, 14 September 1950 p193 and 194

Ref: MD.NC/261/48, Tyne and Wear Archives

Appendix P - Minutes of Council committees concerning the acquisition of St Mary's Well and requests to close The Grove

The Town Clerk has been asked for the legal position and he states:-

"The legal presumption is that if a footway existed prior to 1836, the liability for repair rests upon the inhabitants at large. If the footway was dedicated after 1835, it is not repairable by the inhabitants at large unless it was dedicated, or has since been adopted by the public, in accordance with a series of enactments such as the Public Health Act, 1875, etc.

However, the onus rests upon the local highway authority of proving that a footway (dedicated after 1835 and not subsequently adopted) was dedicated in such a way as not to throw the burden of repair upon the highway authority.

Thus it will be necessary for the Corporation to discover when this footway was dedicated, and if after 1835, then it will be further necessary to prove that the dedication was carried out in such a manner as not to comply with the series of enactments referred to. Even so, this would only remove the onus from the Corporation, and would not necessarily cast it upon the frontagers.

Unless some proof can be obtained as to previous repairs by the frontagers or other persons, then the probability is that no-one is liable for repair, and the Corporation will have to consider whether this should now be adopted."

There is evidence that the path existed prior to 1844 for on Thomas Oliver's Survey of that date it is shown as a path leading from a road (now Jesmond Dene Road) to Jesmond Hall and Jesmond Cottage, but on such Survey gates are shown at the entrance to the path at Jesmond Hall and at Jesmond Cottage respectively; these gates are also shown on the 1859 Ordnance Survey. The path has not been dedicated, and it will be difficult for the Corporation to produce proof as to the path having been previously repaired by the frontagers or other persons.

1951
14 SEP 1950

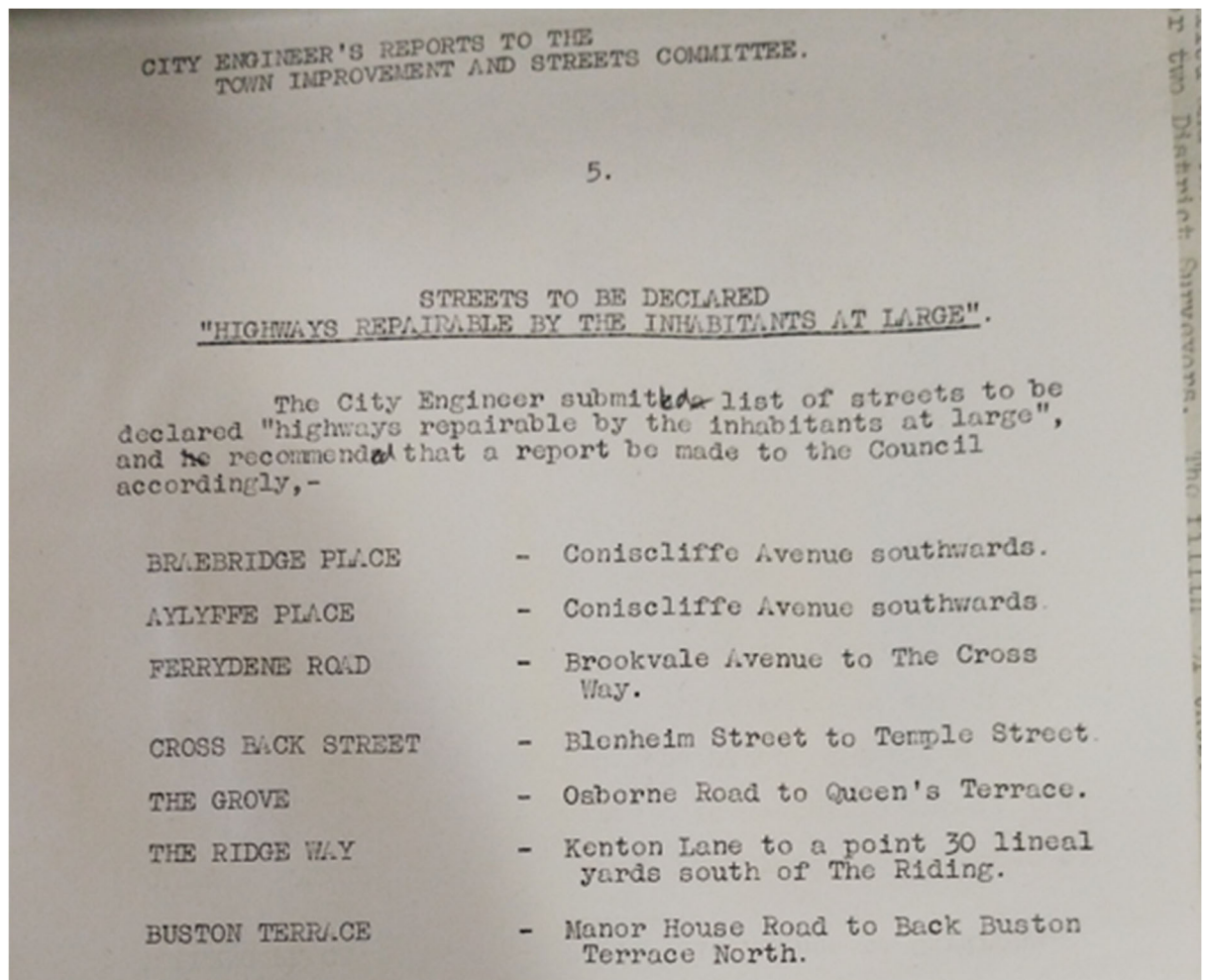
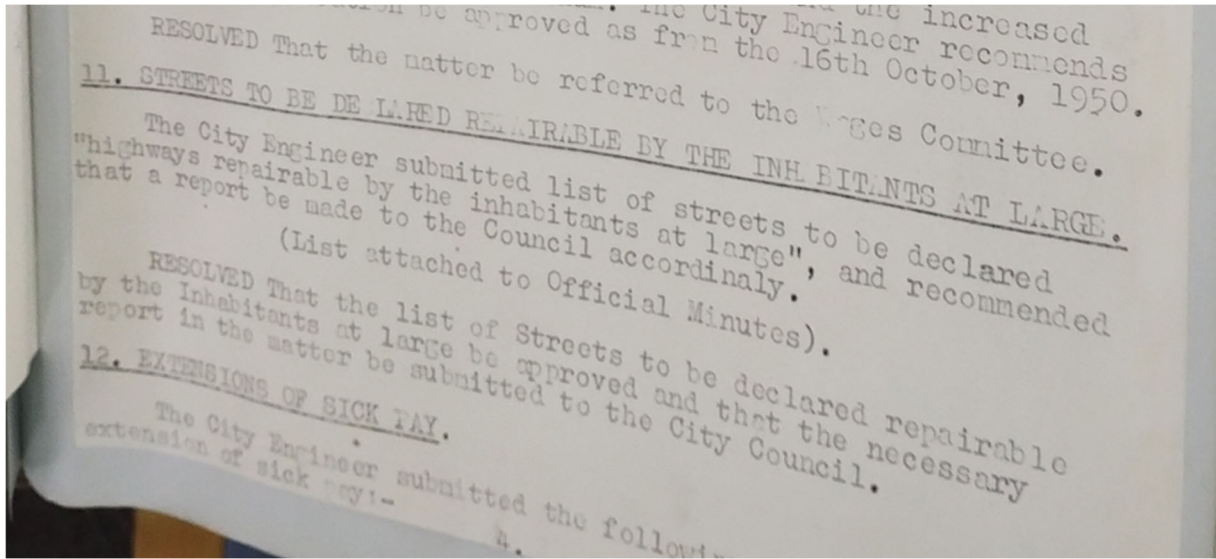
The Grove is greatly used by pedestrians as it forms a convenient and pleasant connection between Jesmond Dene and Osborne Road area, and subject to the ruling of the Town Clerk. The City Engineer is of opinion that no liability rests with the Corporation for its repair and maintenance and that the abutting frontagers should be pressed to carry out the necessary repairs.

Mr. Ward (for the Town Clerk) advised on the legal position, and after discussion it was Resolved That the Committee approve the adoption as a highway repairable by the inhabitants at large of those portions of The Grove from Osborne Road to Queens Terrace and the short length from Reid Park Road to Jesmond Dene Road.

Above – Town Improvement and Streets Committee minutes, 14 September 1950 p194 and 195

Ref: MD.NC/261/48, Tyne and Wear Archives

Appendix P - Minutes of Council committees concerning the acquisition of St Mary's Well and requests to close The Grove



Above – Town Improvement and Streets Committee minutes, 13 December 1950 p218 and list Ref: MD.NC/261/48, Tyne and Wear Archives

Appendix P - Minutes of Council committee concerning decision to prepare a definitive map and statement for the 'excluded areas' of Tyne and Wear

PLANNING COMMITTEE
20TH MAY 1983

REPORTS OF THE EXECUTIVE DIRECTOR OF PLANNING

16. RESOLVED that the decisions indicated below be made in respect of the following reports (circulated):

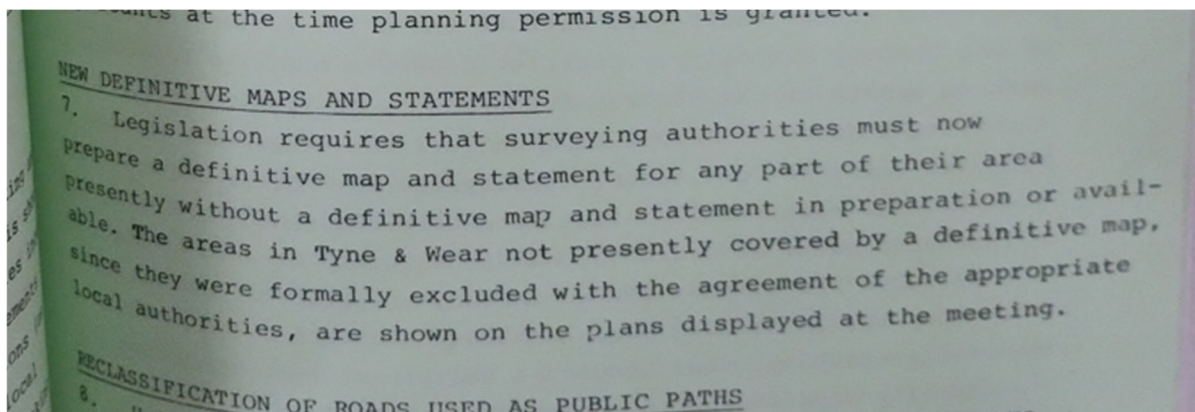
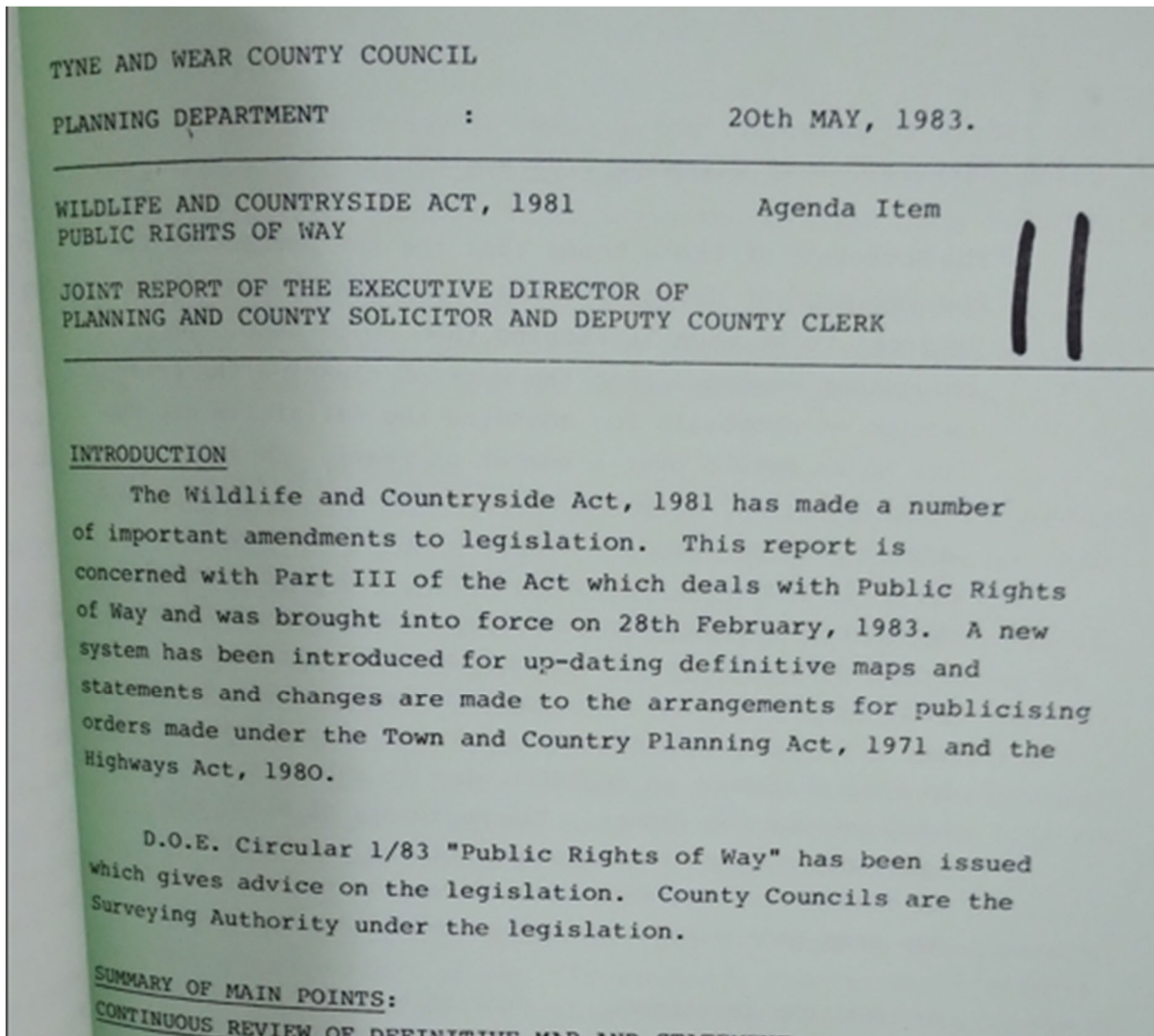
(E) Wildlife and Countryside Act 1981 - Public Rights of Way

- (a) agreed to publish the statement setting out the provisional list of proposed reports to be received by Planning Committee subject to staff availability (in Appendix 1);
- (b) agreed that arrangements be made for the preparation of a definitive map and statement for the areas presently not covered by a definitive map and statement in Tyne and Wear;
- (c) approved a programme of signposting RUPPS which are to be reclassified as footpaths, bridleways and byways, over a three year period at a cost of £12,000 starting 1984/85 and make suitable provision in the 1984/85 Capital Programme; and
- (d) requested Personnel Committee to approve the project outlined in Appendix 2 under the Tyne and Wear Community Programme Agency subject to:
 - (i) the approval of the Manpower Services Commission to meet the labour costs involved; and
 - (ii) the agreement of the relevant unions to appropriate work being carried out by the staff employed under the Tyne and Wear Community Programme Agency.

Above – Planning Committee minutes – 20 May 1983

Ref: CO.TW/A/8/27, Tyne and Wear Archives

Appendix P - Minutes of Council committee concerning decision to prepare a definitive map and statement for the 'excluded areas' of Tyne and Wear



Above – Planning Committee report attached to meeting minutes– 20 May 1983

Ref: CO.TW/A/8/27, Tyne and Wear Archives

Appendix P - Minutes of Council committee concerning decision to prepare a definitive map and statement for the 'excluded areas' of Tyne and Wear

RECOMMENDATIONS

15. The Committee is recommended to agree to the report as outlined and in particular:-

(a) agree to publish the statement setting out the provisional list of proposed reports to be received by Planning Committee subject to staff availability (in Appendix 1);

(b) approve that arrangements be made for the preparation of a definitive map and statement for the areas presently not covered by a definitive map and statement in Tyne and Wear;

(c) approve a programme of signposting RUPPS which are

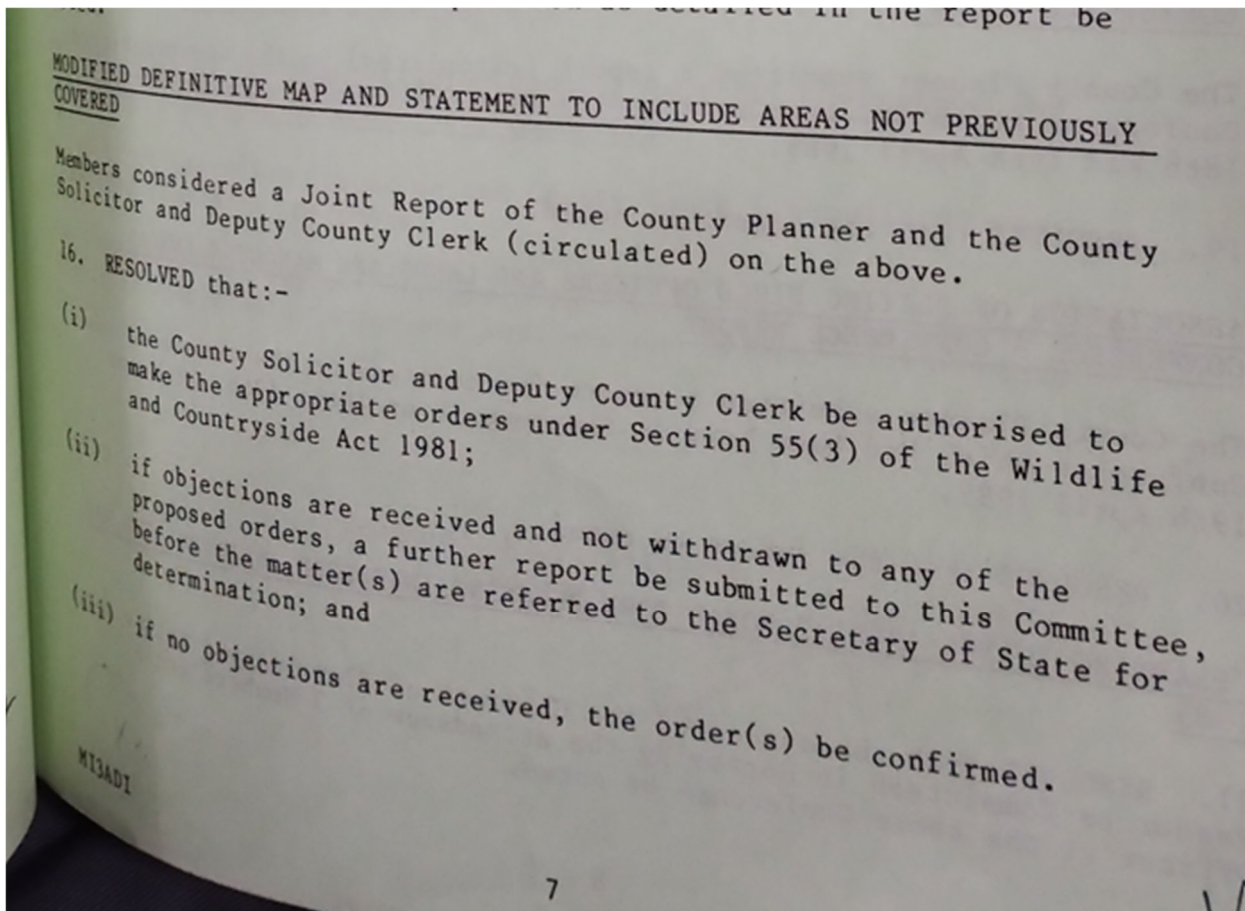
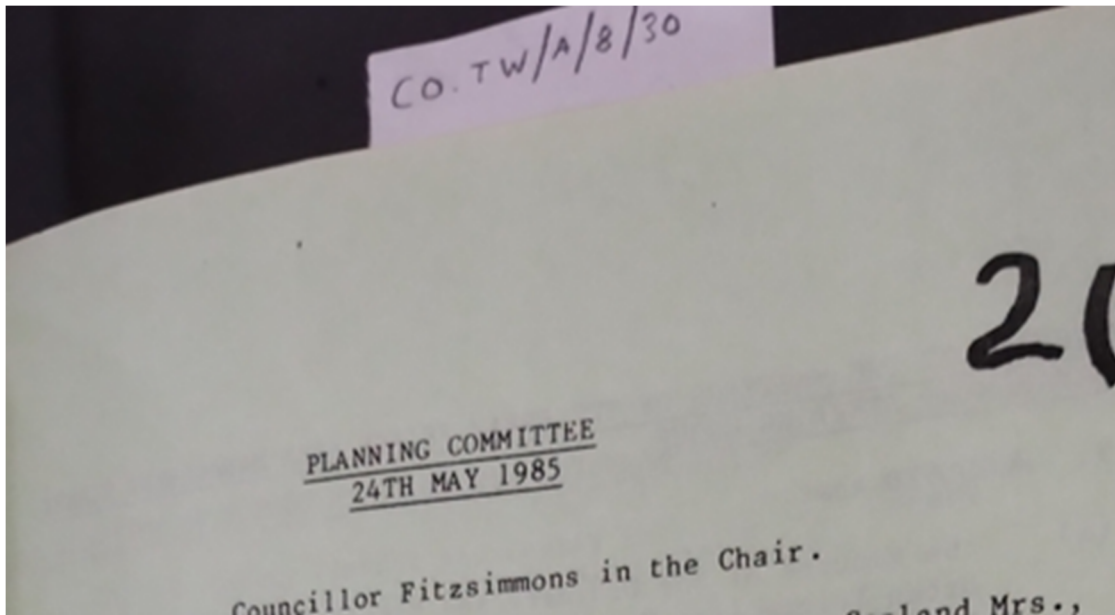
APPENDIX I
PROPOSED REPORTS TO PLANNING COMMITTEE
 Subject to availability of staff.

<u>APPROX. COMMITTEE DATES</u>	<u>TITLE OF REPORT</u>
May 83	Claimed rights of way - supported by evidence forms.
July 83	Rights of way presumed dedications. (Wagonways)
Dec. 83	Rights of way overtaken by development and still registered on the Definitive Map.
Feb. 84	Reclassification of RUPPS (Gateshead)
April 84	Reclassification of RUPPS (South Tyneside, Sunderland)
June 84	Reclassification of RUPPS (Newcastle, North Tyneside)
Oct 84	Modified map and statement for areas not presently covered.
Dec 84	Modified map and statement for Newcastle and North Tyneside.
March 85	Modified map and statement for Gateshead, Sunderland, S. Tyneside.

Above – Planning Committee report attached to meeting minutes– 20 May 1983

Ref: CO.TW/A/8/27, Tyne and Wear Archives

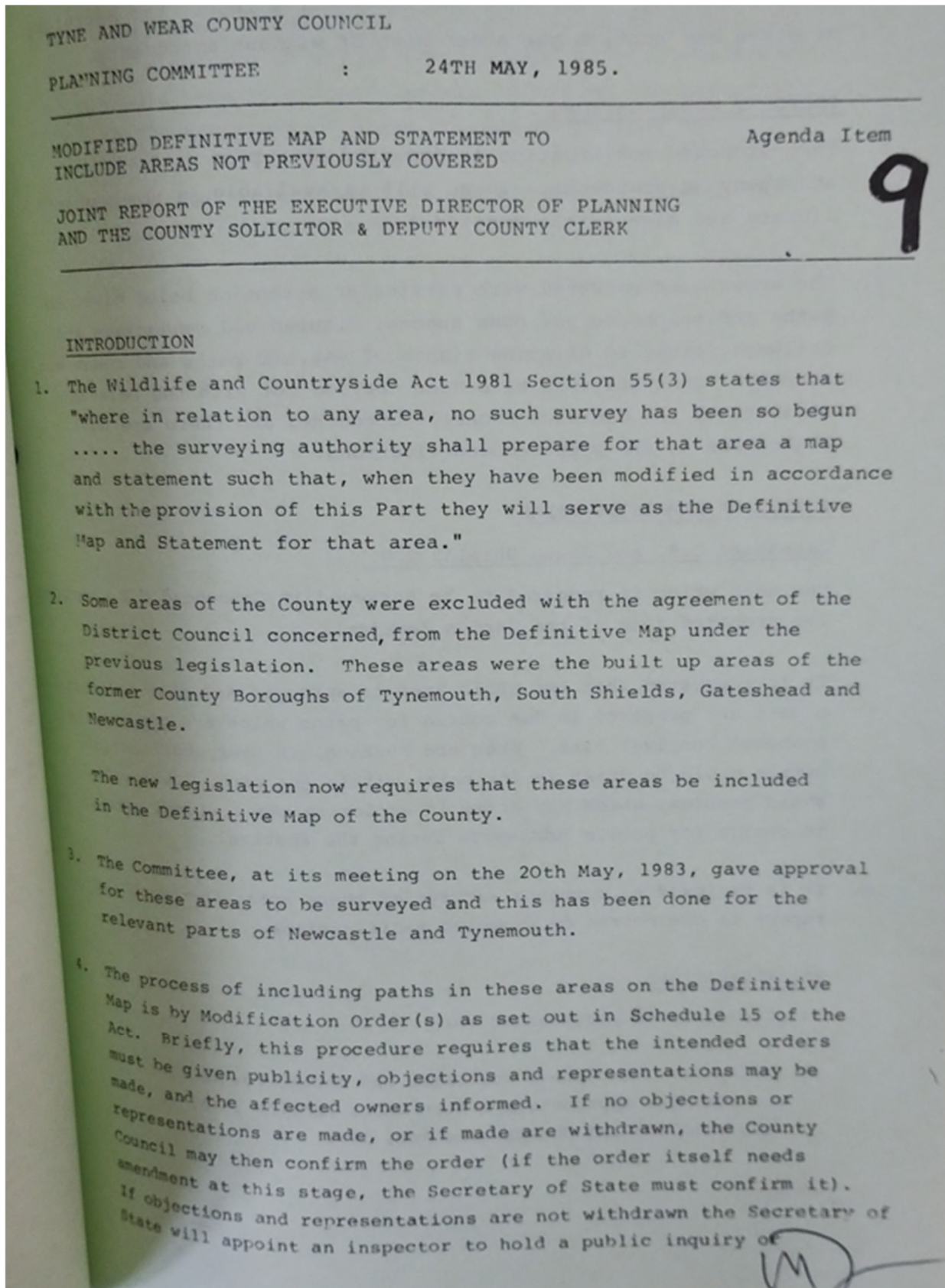
Appendix P - Minutes of Council committee concerning decision to prepare a definitive map and statement for the 'excluded areas' of Tyne and Wear



Above – Planning Committee minutes – 24 May 1985

Ref: CO.TW/A/8/30, Tyne and Wear Archives

Appendix P - Minutes of Council committee concerning decision to prepare a definitive map and statement for the 'excluded areas' of Tyne and Wear



Above – Planning Committee report attached to meeting minutes– 24 May 1985, p1

Ref: CO.TW/A/8/30, Tyne and Wear Archives

- 2 -

private hearing. Following the Inspector's report the Secretary of State may confirm the order with or without amendments.

PROPOSED MODIFICATIONS

5. Each proposed modification is depicted on a plan with an accompanying statement. These will be available in the member's library and also at the meeting.
6. The areas were surveyed with particular attention being given to paths and tracks across open spaces, disused old waggonways and railways, links to existing rights of way, and paths and roads not adopted. Consultations have been carried out with the relevant officers of the District Councils concerned and there are no objections to the proposed modifications.

SURVEY OF REMAINING AREAS:

7. Gateshead C.B. and South Shields C.B.

The area which is required to be surveyed in Gateshead C.B. includes the proposed site of the Garden Festival.

It is suggested that the whole area is surveyed and that modification orders are prepared in due course for paths which are outside the proposed Festival site. When the Festival is over, modification orders could be drawn up for paths within the site. This will avoid problems which may arise in enclosing the festival site in order to charge for public admission during the Festival.

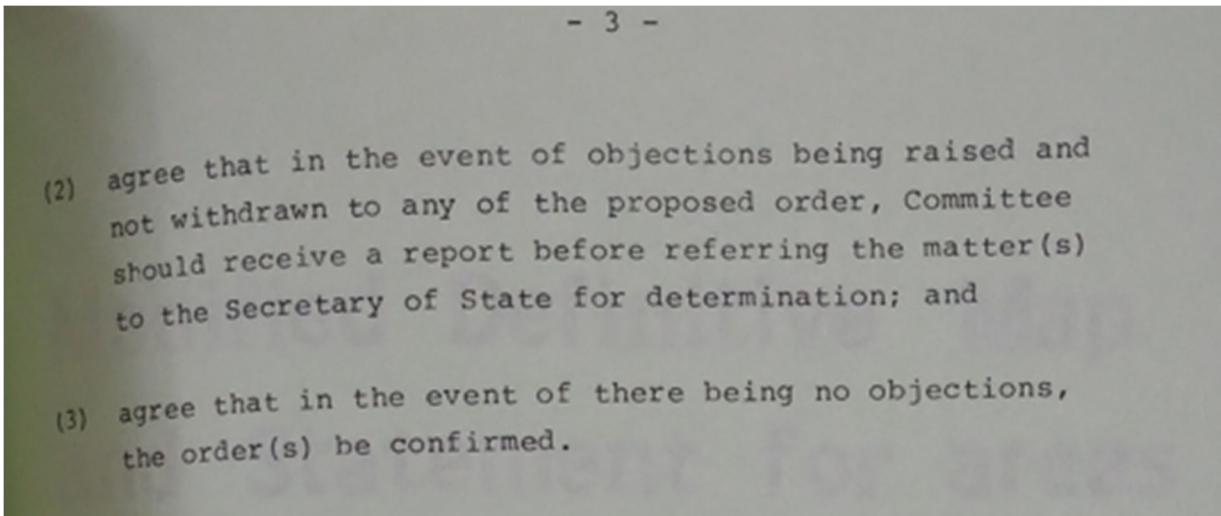
8. It is proposed to commence surveys of these areas forthwith and to report in due course on proposed modifications.

RECOMMENDATIONS

9. The Committee is recommended to:-

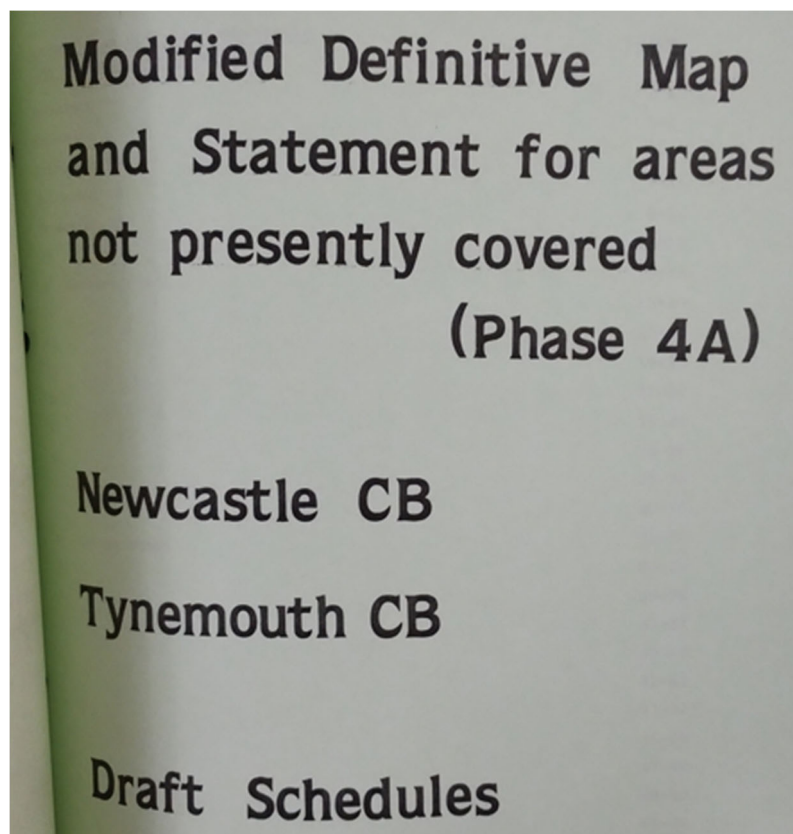
(1) authorise the County Solicitor and Deputy County Clerk to make the appropriate orders under Section 55(3) of the Wildlife and Countryside Act, 1981;

Appendix P - Minutes of Council committee concerning decision to prepare a definitive map and statement for the 'excluded areas' of Tyne and Wear



Above – Planning Committee report attached to meeting minutes– 24 May 1985, p3

Ref: CO.TW/A/8/30, Tyne and Wear Archives



Above – Planning Committee report attached to meeting minutes– 24 May 1985, cover sheet

Ref: CO.TW/A/8/30, Tyne and Wear Archives

Appendix P - Minutes of Council committee concerning decision to prepare a definitive map and statement for the 'excluded areas' of Tyne and Wear

TYNE AND WEAR COUNTY COUNCIL
MODIFIED DEFINITIVE MAP AND STATEMENT FOR AREAS NOT PRESENTLY COVERED
DRAFT SCHEDULES

<u>Metropolitan District: Newcastle</u> <u>City of Newcastle upon Tyne</u>	<u>Page</u>
Extension 7	1-2
Extension 5	3-4
Extension 15	5-6
Extension 28	7-8
Extension 32	9-10
39	11-12
40 (Georges Road)	13-14
41	15-16
42	17-18
43	19-20
44	21-22
45	23-24
46	25-26
47	27-28
48	29-30
49 (Causey Bank)	31-32
50	33-34
51	35-36
52	37-38
53	39-40
54	41-42
55 a & b	43-44
56	45-46
57	47-48
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<u>Metropolitan District: North Tyneside</u> <u>Tynemouth CB</u>	53-56

Above – Planning Committee report attached to meeting minutes– 24 May 1985, Index
Ref: CO.TW/A/8/30, Tyne and Wear Archives

Appendix P - Minutes of Council committee concerning decision to prepare a definitive map and statement for the 'excluded areas' of Tyne and Wear

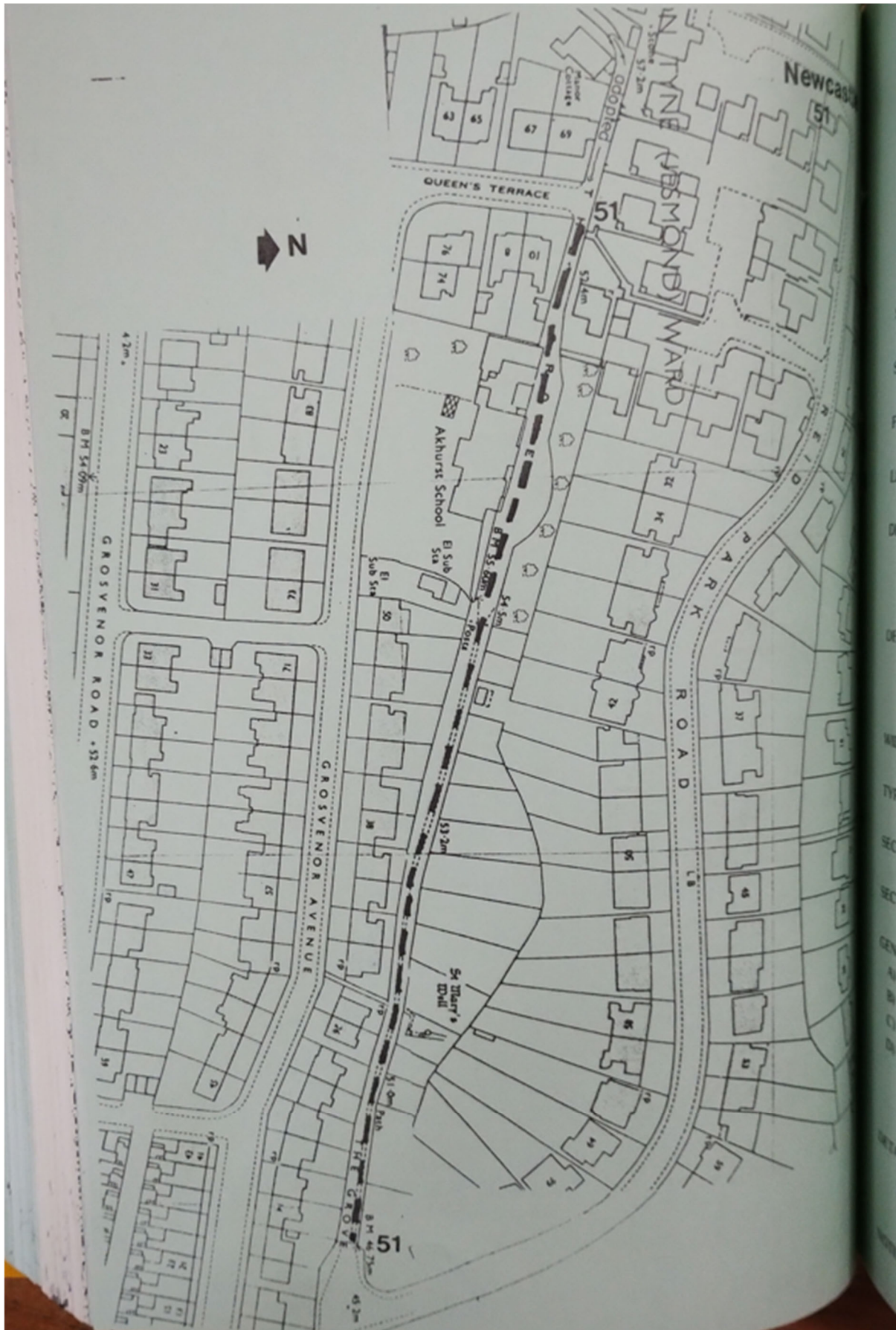
35

METROPOLITAN DISTRICT	Newcastle
E.P. & D.M.B./C.B	City of Newcastle Upon Tyne
NUMBER OF PATH	51
ORDNANCE SHEET	1:10000: 26NE
STATUS	Footpath
START	256666
FINISH	259665
LENGTH	320m
DESCRIPTION OF ROUTE	From Osborne Road, eastern end of Queens Terrace in an easterly direction to Reid Park Road.
DETAILS OF FEATURES	4 posts 100m east of end of Queens Terrace. St Mary's Well, site of historic well.
WIDTH	4m west of posts, 2m east of posts
TYPE OF CONSTRUCTION	Tarmac west of posts, hardcore east of posts.
SECTIONS METALLED	West of posts
SECTIONS PLOUGHED	-
GENERAL CONDITION OF	
A) PATH	Good
B) STILES AND GATES	-
C) BRIDGES	-
D) OTHER FEATURES	Good
DETAILS OF NOTICE BOARDS	Four No Cycling signs between Osborne Road and end of Queens Terrace.
NOTES	Shown on 1st edition O.S. 1859, 1:2500 Ancient Right of Way

Above – Planning Committee report attached to meeting minutes– 24 May 1985, p35

Ref: CO.TW/A/8/30, Tyne and Wear Archives

Appendix P - Minutes of Council committee concerning decision to prepare a definitive map and statement for the 'excluded areas' of Tyne and Wear



Above – Planning Committee report attached to meeting minutes– 24 May 1985, p36

Ref: CO.TW/A/8/30, Tyne and Wear Archives