

PLAN 2

PERIOD 1999

CLOSURE (Obstruction to Application Route)
Major Civ. Eng. Land Raised by between
1m and 2m over whole of area



NZ 35 67

Links to Photos and Documents

Photos

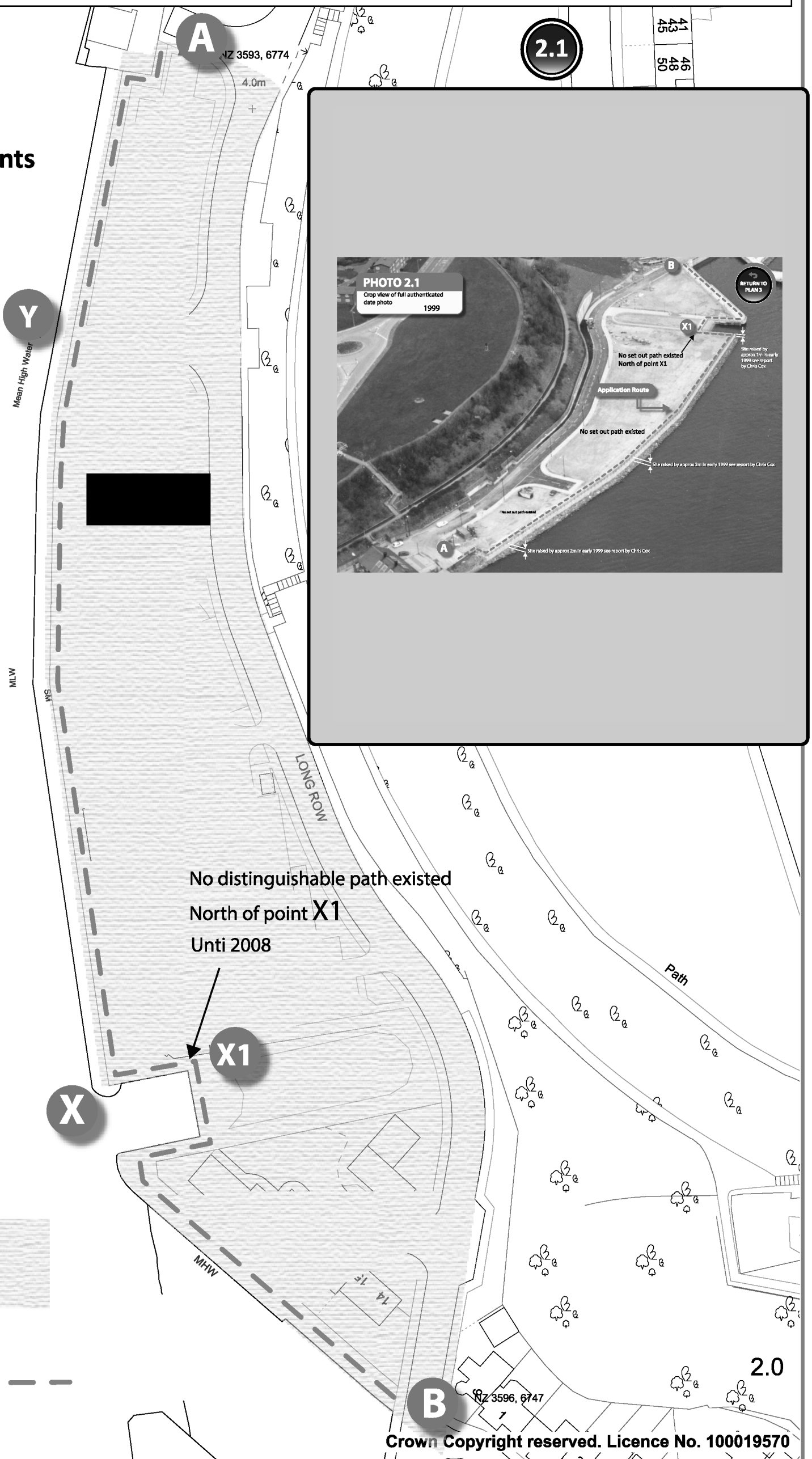
2.1 See Photo 1999 T009-13
Cropped from full authenticated date image

2.2 See Photo 1999 T009-13
Full authenticated date image

Documents

2.3 Aerial photo date authentication
document 1999

2.4 Topography Report By [REDACTED]



No distinguishable path existed
North of point X1
Unti 2008

KEY

Area Raised by between
1m (South) and 2m (North)
in early 1999

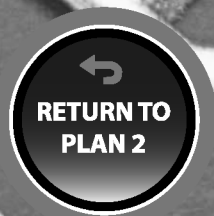


Application Route



PHOTO 2.1

Crop view of full authenticated
date photo T009-13 **1999**



B

X1

No set out path existed
North of point X1

Site raised by
approx 1m in early
1999 see report
by [REDACTED]

Application Route

No set out path existed

Site raised by approx 2m in early 1999 see report by [REDACTED]

No set out path existed

A

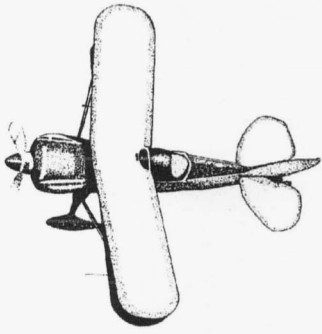
Site raised by approx 2m in early 1999 see report by [REDACTED]

PHOTO 2.2

1999 T009-13



**IMAGE REF. T009-13 (full frame)
SURVEY DATE: 19-03-1999**

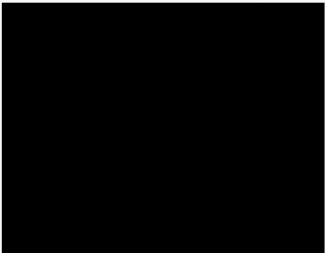


AIR IMAGES

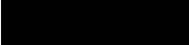
www.aerialphotography.com

SPECIALISTS IN AERIAL PHOTOGRAPHY

NUNSBROUGH HOUSE, HEXHAMSHIRE,
NORTHUMBERLAND, NE46 1SY
TEL. 01434 673111 • MOBILE 07860 783183
E-MAIL info@airimages.co.uk



20th July 2023

Dear 

Aerial Photography – South Shields NE33 1JA

Location Grid Reference: 435919, 567564

Image Reference: T009-13

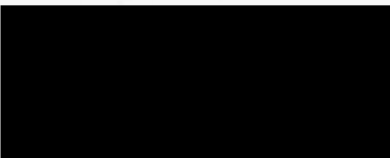
Thank you for your recent order for archive aerial photography.

I confirm that the photograph supplied, reference above, was taken on the following date:

19th March 1999

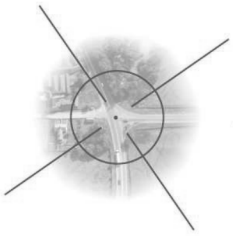
Please do not hesitate to contact me if you require further assistance.

Yours sincerely,



Director.





AIRPHOTO
SERVICES

Aerial and Satellite Imagery Interpretation and Expert Witness



BRIGHAM'S DOCK

TYNE AND WEAR, NE33 1JA

Expert advice report

Alleged Right of Way (RoW) issue

Interpretation of date-authenticated aerial photographs taken in 1996, 1997, 1998 and 1999

Prepared by: [REDACTED]
APS report ref: 223 10 01_01
Area of expertise: Historic and modern aerial and satellite imagery interpretation
Advice report to: [REDACTED]
Report date: 25th October 2023
Status: Final_02 2023 10 25

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1 INTRODUCTION

1.1 I am a professional interpreter of aerial photographs and satellite imagery and Director at Air Photo Services Ltd. I am experienced in the interpretation of built environment features, access and RoW, PRow, landscape and urban change issues.

1.4 My company, Air Photo Services Ltd, provides interpretation of and mapping from historic and modern aerial imagery, visualised LiDAR data and high-resolution satellite imagery. I manage, train and supervise our team of experts in this field, and we provide consultancy and analytical evidence to legal professionals, Local Authorities, planners, rural and built heritage and environmental consultants.

1.5 My experience includes analysis of:

- The historic and modern built environment;
- Change analysis and mapping of development;
- Analysis of access, boundary and fencing, including safety fencing conformations and changes; and
- Comparative analysis of aerial photographic evidence and ground-based survey data.

2. THE ANALYSIS

2.1 I have undertaken detailed analysis of aerial imagery. This is to investigate the continuity of use, and the access to, an alleged walking route **A – B**, 'the Application Route', at Brigham's Dock between **1996** and **1999**.

3. CONCLUSION OF THE ANALYSIS 1996 -1999

Based on my detailed analysis of the evidence material I conclude that:

- Substantive site-wide groundworks were in progress over the site during this date range. This is evidenced by the 1996 – 1999 aerial photographs (**Appendix Items 1 – 4**) which show these works, and materials being imported to, stored in preparation for use and moved around the site. The site was under active heavy construction and remodelling works 1998-9;

- The site was still not accessible for pedestrian use along the alleged route up until at the very earliest March 1999, but most likely some time after this date. This is proven by the dated aerial photograph, **Item 4**, which clearly indicates that the site was still a security-fenced construction area with open areas of construction materials, site structures such as cabins and substance containers, and open areas of construction materials, around which there was no safe or accessible area for public pedestrian use;
- The site levels were visibly raised from the baseline position to a new and higher-level c. 1-2m above their previous levels. This is firmly proven by examination of residual site features and the new visible sections of the raised 'platform' at the edges of the dock and its piers and bases. This uplift material is composed of compacted light-toned hard standing material plus an 'apron' of rougher material acting as a new sea defence to the base of the raised and rebuilt dock areas. Since this was not visible or present on site prior to when the 1999 aerial photograph was taken, these substantive works to raise the whole elevation must have occurred between late 1998 and March 1999. The video, which is a composite of the aerial photo evidence, (**Appendix Item 5**), fully confirms this raising of the site level as do the aerial photographs (**Appendix Items 1 – 4**);
- The whole site was safety-fenced with a post and grill type fencing which is likely to be linked 'Heras' type or similar. This extended around all possibly accessible areas. The site entrance was blocked by a gate or linear structure; and
- Part of the alleged route crossed a water-filled inlet from the sea, which was later filled in, but provided a physical 'natural' across-water barrier to any possible pedestrian access over the whole route.

I therefore conclude with 100% surety that the alleged route within the timeframe of this assessment was:

- **Unavailable;**
- **Not extant in its entirety or in parts; and**
- **Within a fenced dynamic and ongoing construction site.**

4. AERIAL PHOTOGRAPH EVIDENCE

Source and date authentication of the aerial photographs

4.1 High quality aerial photographs were supplied and authenticated by Air Images Limited and the National Collection of Aerial Photographs (NCAP). These are included in the **Technical Appendix Data** as:

4.2 **Item 1:** Image ref P014-10 taken on 8th May 1996.

4.3 **Item 2:** NCAP_SAL_AF_97C_0824_7570 taken on 29th October 1997.

4.4 **Item 3:** Image ref S043-28 taken on 15th May 1998.

4.5 **Item 4:** Image ref T009-13 taken on 19th March 1999.

4.6 **Item 5:** VID-20230720-WA0005 which presents a composite of the site from the aerial photographs taken in 1996 and after the construction works.

4.7 I have examined these images in detail as high-resolution scans and compared them to the following items which were supplied by [REDACTED], which I have also examined in detail:

4.8 **Item 6:** [REDACTED] photographs taken on two (2) occasions between February and September 1997, which depict active ongoing earthmoving and construction works over the alleged route.

4.9 South Tyneside Council Images Archive image reference STH0017336, a ground-based photograph taken in 1998 which is **Item 7: Interactive Plan 1 1996 – 1998.**

4.10 **Item 8:** comprises [REDACTED] **Plans 1 and 2** which are submitted in evidence by [REDACTED]. [REDACTED] I confirm the accuracy of the observations from aerial imagery in these plans.

[REDACTED] Director Air Photo Services Ltd, 25th October 2023.

END OF REPORT: Technical Appendix: Aerial Photographs items 1 – 4, next page

Technical Appendix: Item 1: 1996



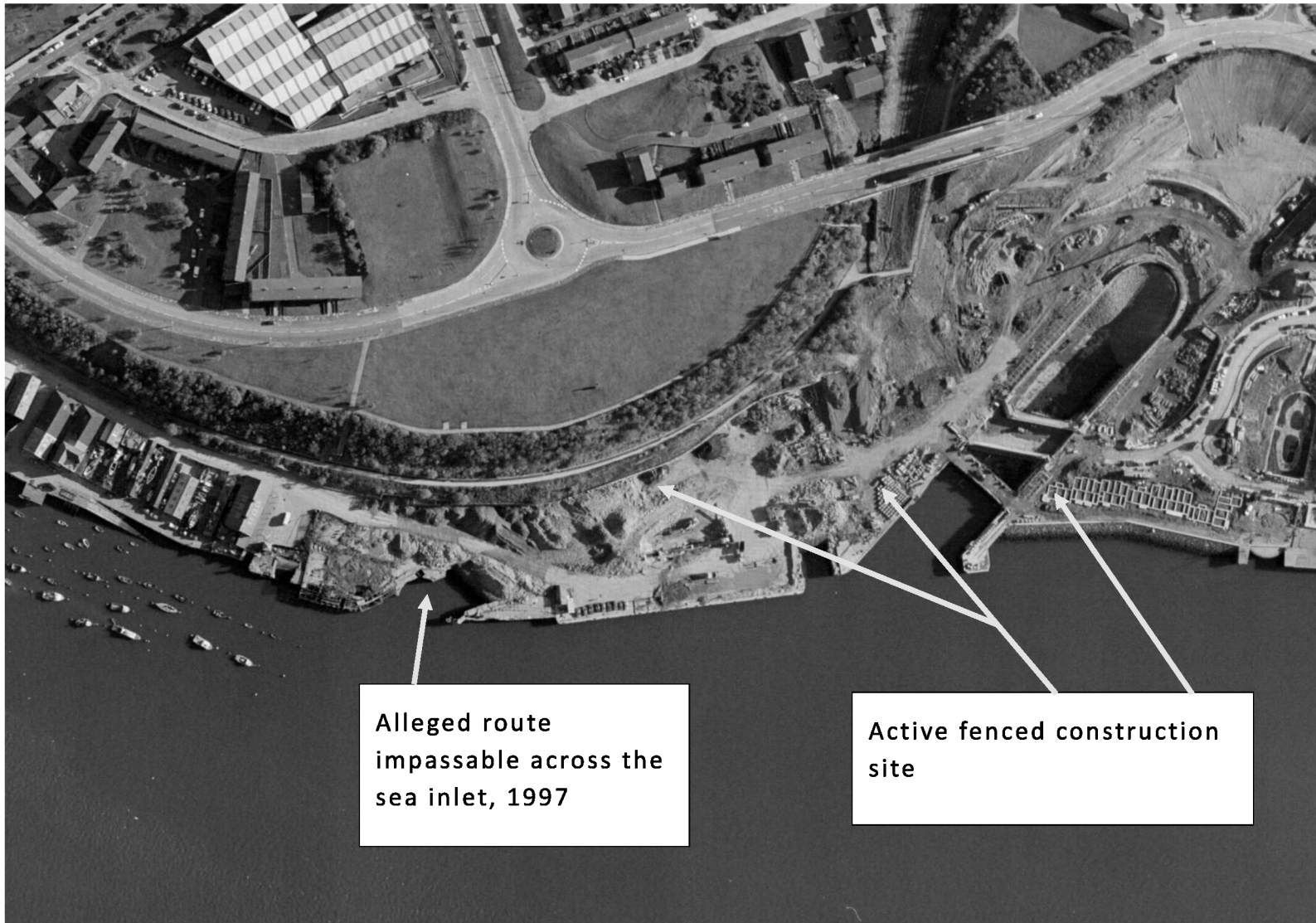
APS 223 10 01 Brigham's Dock 1996 - 1999

Item 1: 1996 Enlargement to show details of the original site level prior to raising



APS 223 10 01 Brigham's Dock 1996 - 1999

Item 2: Sea inlet present which is traversed by the alleged route where it is impassable across the water, and active fenced groundworks over the site



Alleged route
impassable across the
sea inlet, 1997

Active fenced construction
site

Item 3: 1998, construction in progress, sea inlet present



IMAGE REF. S043-28 (full frame)
SURVEY DATE: 15-05-1998

APS 223 10 01 Brigham's Dock 1996 - 1999

Item 3: 1998 enlargement: Sea inlet present, site under releveling, construction and fenced groundworks



Item 3: 1998 showing the uplifted top layer of the site surface in progress of construction: visible in the section through the edge of the construction site



APS 223 10 01 Brigham's Dock 1996 - 1999

Item 4: 1999, site under active construction, surfaces laid, site structures, security fencing and containers in place. No public pedestrian access possible, as in 1996-8



**IMAGE REF. T009-13 (full frame)
SURVEY DATE: 19-03-1999**

Item 5: Video which shows the comparison between 1996 and the subsequent uplifted surface



END OF APPENDIX

End of Report - Return to Plan 2