



South Tyneside Council

Report to Planning Committee

Cabinet Portfolio/Lead Member: Councillor Margaret Meling

Report of Stuart Wright, Director of Place and Communities

Subject: Application for definitive map modification order - claimed footpath at Long Row, South Shields

Date: 15th July 2024

Wards affected: Beacon & Bents

Does the report and any appendices contain information which has been identified as confidential or exempt?

No, this report does not contain information identified as confidential or exempt.

For Executive Decisions only:

Is the decision a Key Decision? **Yes** **No**

Is it included in the Forward Plan? **Yes** **No**

If not in the Forward Plan is the report: **General Exception Rule**
 Special Urgency Rule

Relevant Scrutiny Chair: N/A

Is the decision eligible for call-in by Scrutiny? **Yes** **No**

(If the decision is anything other than any executive decision made by the Cabinet or a Key Decision made by an officer under delegated powers, call-in is not applicable. This should be explained in the report).

1. **Purpose of Report**

To consider an application (allocated reference S21) to add a length of footpath at Long Row South Shields (**the application route**) to the Council's definitive map and statement (the **DMS**).

2. **Recommendation**

- 2.1. That Committee **decline** to make an order to add the application route to the DMS.

3. **Application and investigation**

- 3.1. In August 2022 the Council as surveying authority validated a definitive map modification order application submitted on behalf of "The Friends of Market Dock Pathway", to add a length of footpath at Long Row South Shields to the DMS.

- 3.2. The application route is shown on the plan at appendix [23] to this report (the **Plan**). It starts at the southern end of Wapping Street, just south of T S Collingwood Drill Hall and proceeds in a southerly direction following the river edge to end at the junction with Long Row, outside number 14. The total length of the application route is approximately 347 metres. The land over which the application route runs is within the area of a former shipyard and dock complex owned and operated by Brigham & Cowan Ltd, which closed in the 1980s. In the mid to late 1990s part of the land was redeveloped for housing, and in the mid to late 2000s further land was redeveloped for offices, which was later converted to housing.

- 3.3. The application was supported by user evidence. Ninety-one individuals completed user evidence forms and letters of support detailing their use of the application route over various periods. A summary of the user evidence forms is attached at appendix [12] to this report. A number of photographs, maps and guides were also submitted with the application.

- 3.4. Following receipt and validation of the application, the Council appointed a rights of way consultant Mr Robin Carr of Robin Carr & Associates (**RC**) to investigate the application on the Council's behalf. As part of his investigation RC consulted the public and user groups in accordance with best practice for rights of way investigations.

- 3.5. The land over which the application route crosses is owned and occupied by various persons. Several appointed a firm of solicitors and specialist rights of way consultants to submit an initial objection on their behalf, with supporting evidence (the **Initial Objection**). The Initial Objection is at appendix [15] to this report. The Initial Objection indicated:

- 3.5.1. There was no evidence of any historic route prior to 2008. The application route was physically obstructed in 2016 when the use of the site changed from office to residential. This all prevented a claim for a

public right of way based on 20 years use under section 31 Highways Act 1980.

- 3.5.2. Dedication of a highway at common law based on use between 2008 and 2016 could not be inferred, because some of the land over which the application route crossed was leased and mortgaged, and also for a period was in receivership. The leasing and mortgaging in law preclude an inference of highway dedication against the freeholder.

4. **The Initial Carr Report**

- 4.1. On 29 March 2023 RC issued his first report on the application (the **Initial Carr Report**). The Initial Carr Report is at appendix [1] to this report. The Initial Carr Report noted:

- 4.1.1. The user evidence of the ninety-one individuals claiming use of the Application Route¹. RC concluded the existence of a public right of way was brought into question between 2016 and 2018. As a result, the twenty-year period appeared to be 1996/8 to 2016/18.

- 4.1.2. There was apparent evidence of use by the public throughout this period.

- 4.1.3. In 2007/8 land over which part of the application route ran was redeveloped, following which the application route was then made available along its full length.

- 4.1.4. That initial and later redevelopment must have had some impact on use of the application route, but that it was rarely mentioned within the user evidence.

- 4.2. On the evidence available, RC concluded it *was appropriate* for the Council to *make an order* to add the application route to the DMS.

5. **Subsequent events**

- 5.1. In June 2023 the Council invited the applicant and objectors to submit representations on the Initial Carr Report.

- 5.2. In October 2023, the Objectors submitted further representations including a bundle of additional evidence (the **First Supplementary Objection**), all through leading Counsel/barrister with expertise in public rights of way matters (the **Objectors' Counsel**). The First Supplementary Objection is at appendix [16] to this report.

- 5.3. The First Supplementary Objection asserted there was no prospect of an order, even if made, being confirmed by an Inspector. This was in light of additional evidence submitted in support of the First Supplementary Objection, which showed the application route was not available for the full period suggested by the evidence in the application.

¹ Summarised in Sections 8 and 9 of the Initial Carr Report

- 5.4. In January 2024 RC issued a supplementary report in light of the material in the First Supplementary Objection (the **Supplementary Carr Report**). RC now concluded that it was appropriate to *refuse to make* an order. The Supplementary Carr Report is at appendix [20] to this report.
- 5.5. In May 2024 the Objectors through Objectors' Counsel submitted further representations, this time in relation to the Supplementary Carr Report (the **Second Supplementary Objection**). A copy of the Second Supplementary Objection is at appendix [22] to this report. The Second Supplementary Objection again asserted the application should be refused. Whilst agreeing with many of the findings and final conclusion of RC in the Supplementary Carr Report, the Second Supplementary Objection took issue with some of its analysis.

6. **Legal framework for creation of highways**

General

- 6.1. With a few exceptions, a highway is created when:
 - 6.1.1. a freehold owner either expressly dedicates some land as a highway, or is presumed (through their actions or inactions) to have dedicated some land as a highway, and
 - 6.1.2. that express or deemed dedication is accepted by or on behalf of the public. Acceptance is usually established by the public using the highway.
- 6.2. Where dedication is inferred or presumed based on public use, that use must be 'as of right'. This means the use of the route must not be by means of force (breaking, climbing fencing etc.), by secrecy, or by a permission.

Presumption of dedication - Section 31(1) Highways Act 1980 (HA 1980)

- 6.3. In order to deal with the evidential difficulties in drawing an inference of dedication of a public right of way at common law (see below), Parliament created a **statutory presumption** of dedication on 20 years' use by the public of a route 'as of right'. Section 31 HA 1980 states,

(1) Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.

- 6.4. If the presumption is engaged through 20 years' use 'as of right', the way is deemed to have been dedicated as a highway unless the owner provides '*sufficient evidence that there was no intention....to dedicate it*'. This is the so-called **section 31 proviso**. The test for evidencing the section 31 proviso is

objective: whether a reasonable user would have understood that the owner by their actions was intending to disabuse that user of the notion that the way was a public highway.

Common law dedication

6.5. Where there is no evidence of express dedication, and the statutory presumption of dedication in section 31 does not apply because there is less than 20 years' qualifying use, dedication may still be implied at common law in certain circumstances. The key principles are as follows:

- 6.5.1. At common law, the question of dedication is one of fact to be determined on all the evidence.
- 6.5.2. There is no fixed minimum period which must be proved in order to justify an inference of dedication at common law.
- 6.5.3. Unlike section 31, toleration of use by a landowner does not suffice to infer dedication of a highway at common law. The circumstances must be such that the decision-maker is satisfied the landowner actually intended to dedicate.
- 6.5.4. Use by the public is no more than evidence and is not conclusive evidence: *"the presumption of dedication [at common law] is only to be resorted to in order to explain something that is not otherwise capable of a reasonable explanation"*².

Documentary evidence

6.6. In deciding whether any way has or has not been dedicated as a highway, the Council is required by section 32 HA 1980 to take into consideration,

'any map, plan or history of the locality or other relevant document which is tendered in evidence, and must give weight to such items as the [Surveying Authority] considers justified by the circumstances, including the antiquity of the tendered document, the status of the person by whom and the purpose for which it was made or compiled, and the custody in which it has been kept and from which it is produced'.

7. Definitive map modification orders

7.1. The Council as surveying authority is under a duty, as imposed by Section 53(2) of the Wildlife and Countryside Act 1981 (**1981 Act**), to keep the Definitive Map and Statement (**DMS**) under continuous review, and to determine any valid applications for modification orders that it receives. Section 53(5) of the 1981 Act enables any person to apply to the Council for an order to be made to modify the definitive map and statement as respects specified 'evidential events'.

² Stoney v Eastborne RDC [1927]

- 7.2. One event is the discovery by the Council of evidence that shows that a right of way that is not shown on the map and statement '*subsists, or is reasonably alleged to subsist*', over land in the area to which the map relates. This is the so-called **RATS test**.
- 7.3. Where the Council upon consideration of the evidence is satisfied a right of way '*subsists or is reasonably alleged to subsist*', it must make an order to modify the DMS.
- 7.4. However, the evidence necessary to establish that a right of way is '*reasonably alleged to subsist*', is less than that which is necessary to establish that such a right does, in fact, subsist. If the Council applying the RATS test makes an order to modify the DMS, and there are objections, the order must be referred the Secretary of State to determine whether it should be confirmed. An Inspector appointed by the Secretary of State will then determine whether the right *in fact* subsists on the balance of probabilities. This is typically following a public inquiry, where evidence can be fully scrutinised and examined.
- 7.5. Where however the claim that there is a right of way '*would be bound to fail*' even if the matter were to proceed to public inquiry, and '*the documentary evidence must inevitably defeat the claim*', even when applying the lower threshold of the RATS test, the Council should decline to make an order³.

8. **Section 31 HA 1980 - analysis**

Whether evidence of 20-years use

- 8.1. The Initial Carr Report concluded there was evidence of use by the public throughout a 20-year period, without sufficient evidence of an absence of intention to dedicate, to justify making an order to modify the DMS. I.e. the evidence satisfied the RATS test.
- 8.2. The First Supplementary Objection provides new photographic and documentary evidence which clearly establishes that the whole of the application route was *not* available for passage for a full 20 years. Rather, it was available for two more or less equal periods:
- 8.2.1. The first period: from a date in late 1998 or early 1999 to May 2007; and
- 8.2.2. The second period: from August 2008 to December 2016.
- 8.3. The evidence in the First Supplementary Objection⁴ also clearly establishes that:

³ R v Secretary of State for Wales ex part Emery [1998].

⁴ See pages 1.2, 2.4-2.15, 3.1-3.6, 3.9, 3.10 and 3.12 to bundle accompanying First Supplementary Objection.

Application for definitive map modification order - claimed footpath at Long Row, South Shields

- 8.3.1. Before late 1998/early 1999, a section of the application route⁵ was covered by sea water forming part of a dock, so was impassable.
- 8.3.2. Between May 2007 and August 2008, the application route was barred to public passage over most of its length⁶ through erection of hoardings, whilst redevelopment works were being undertaken for the Garlands office development (later occupied by Utility Wise).
- 8.3.3. Between August 2008 and December 2016, the application route was reopened to public passage.
- 8.3.4. Passage along most of the application route⁷ ceased in December 2016 when fencing was erected in connection with the conversion of the office development to residential apartments.
- 8.3.5. Passage along the application route ceased entirely in September 2017, when further fencing was erected at the southerly junction of the route with Long Row⁸.
- 8.4. The Supplementary Carr Report acknowledges the evidence demonstrating the existence of the dock in 1998 practically prevented use of the application route at that time, because part of it was covered with sea water. RC notes this evidence was not available to him when preparing the Initial Carr Report. Therefore, RC now discounts a possible 20-year period beginning in 1996 and ending in 2006⁹.
- 8.5. As to the other possible 20-year period 1998 – 2018 referenced in the Initial Carr Report, the Supplementary Carr Report acknowledges the objectors' evidence *'has potential to impact on it'* also. This is because it appears the dock was reclaimed and filled in late 1998/early 1999, and in RC's opinion, it is therefore *'quite likely that'* the required 20-year period for 1998 - 2018 falls short by anything up to six months or so in any event¹⁰.
- 8.6. The Second Supplementary Objection takes issue with the way the Supplementary Carr Report analyses the twenty-year period in relation to the period 1998-2018. It suggests¹¹ that RC's assessment that 2018 is the year when the route was barred, and so time stopped running, as unsustainable. First, because most of the route¹² was barred in December 2016, to bring use of the path along its full length to an end. Second, even ignoring December 2016, there is witness evidence confirming that in September 2017 the remainder of the

⁵ Between points Y1 and Y2 on the Plan.

⁶ Between points A and X1 on the Plan.

⁷ Between points A and X2 on the Plan.

⁸ At point B on the Plan. Although the Objector has not submitted photographic evidence to show the erection of the additional fencing in September 2017, they have submitted three witness statements confirming this timing.

⁹ Paragraph 2.4 of Supplementary Carr Report.

¹⁰ Paragraph 2.6 of Supplementary Carr Report. Officers assume this is because of the date of the Google images obtained – See Appendix 2 to Initial Carr Report (Page 10).

¹¹ Paragraph 6

¹² Points A to X2 on the Plan

route¹³ was then also barred. The Second Supplementary Objection suggests that RC has erred in relying on two Google Earth images respectively dated '2017' and '2018' showing the junction of the route with Long Row at its southern most point, as evidence that the final closure was in 2018 rather than 2017¹⁴.

8.7. The Second Supplementary Objection finally makes the point that, even if the September 2017 date is ignored, there is evidence that some individual owners along the route had erected fencing by April 2018, which given the dock was in-filled late 1998 at the earliest, still means the 20-year period is not met¹⁵.

8.8. **Officer conclusions on 20 Year period:**

8.8.1. Leaving aside the temporary closure in 2007, the route was clearly not available to the public until, at the very earliest, a date in late 1998. And it was not available along most of its length from December 2016. It was fully closed from September 2017.

8.8.2. There is witness evidence from three separate individuals confirming September 2017 as the time when the route was fully closed to the public, rather than a date in 2018. As specific detailed evidence, Officers have afforded this substantial weight.

8.8.3. It is likely that the closure in 2007 and the closure in 2016 both had the effect of preventing the full 20 year period of use from arising, but even leaving these aside, the period still falls short of 20 years.

8.8.4. ***There is insufficient evidence for a right of way to be claimed based on the presumption in Section 31 HA 1980. Officers agree with the conclusions of RC.***

'without interruption' and 'lack of intention to dedicate'

8.9. The Initial Carr Report noted the absence of mention of the interruption in 2007-2008, in the user evidence. RC considered the apparent conflict with the Initial Objection does not prevent the RATS test being met.

8.10. The First Supplementary Objection provides new evidence of the barring of most of the application route¹⁶ to public passage between May 2007 and August 2008. Even leaving aside the fact there was at most 17 years of public use, it was not continuous, because it was interrupted for about 15-16 months.

8.11. The First Supplementary Objection also suggests the effect of blocking the application route to public passage in May 2007 was not simply to *interrupt* the

¹³ Points X2 to B on the Plan

¹⁴ The Objectors make the point the first image is dated '2017' (when the southerly junction is open) and the second is dated '2018' (when the southern junction is gated/obstructed), but as there is no precise dating of the images in those years, they are consistent with the route being closed at a point in September 2017.

¹⁵ Paragraph 29 of the Second Supplementary Report.

¹⁶ Points A to X1 on the Plan

public's use but constituted sufficient evidence that there was no intention during that period of 20 years to dedicate it. If correct, the questioning of the public right in May 2007 *had effect to stop the clock running entirely in 2007.*

- 8.12. The First Supplementary Objection refers to the House of Lords decision in Godmanchester¹⁷ where Lord Hoffman recognised that *'barring the way, permanently or once a year'*, should suffice to negative an intention to dedicate and also to bring the right into question, and thus to stop time running under Section 31. The Court in Godmanchester explained the section 31 proviso as follows,
- '[Section 31] requires that there is no such intention [to dedicate]. In other words, the evidence must be inconsistent with an intention to dedicate. That seems to me to contemplate evidence of objective acts, existing and perceptible outside the landowner's consciousness, rather than simply proof of a state of mind...'*
- 8.13. The Supplementary Carr Report notes that the fencing was not erected to prevent use of the application route, but as part of a wider purpose of securing the entire development site. RC refers to a High Court judgement in Owen¹⁸ that involved ploughing of a footpath. The High Court in that case found that ploughing was insufficient to bring the existence of footpath into question, because it was such a 'common occurrence' in the countryside. RC suggests the Council could consider the erection of temporary fencing around a building site as a common occurrence similar to ploughing a path. RC further suggests that although the case of Owen related to the bringing into question of the existence of the path, *'it may also be material to the interpretation of issues surrounding 'interruption'...'*
- 8.14. The Supplementary Carr Report also refers to the case of Fernlee Estates, where a temporary obstruction of a way by building works was found insufficient to constitute an interruption to use within section 31 Highways Act 1981.
- 8.15. The Second Supplementary Objection approves of RC's conclusions but disagrees with some of the analysis around the legal effect of the fencing in 2007-2008. The Objectors make the point a landowner's motive in preventing access is legally irrelevant for establishing if the 20-year period exists or if there has been any interruption under section 31¹⁹. As such, RC erred in attaching weight to the fact the fencing was intended to secure a wider development site rather than to prevent public use of the application route.
- 8.16. The Second Supplementary Objection additionally disagrees that the Owen and Fernlee judgements have relevance in assessing the application:

¹⁷ R (on the application of Godmanchester Council v SSEFRA [2007], Para 37.

¹⁸ Owen V Buckinghamshire CC [1957]

¹⁹ DPP v Instone [2022] is cited in support.

Application for definitive map modification order - claimed footpath at Long Row, South Shields

- 8.16.1. In the case of Owen, Objectors' Counsel notes that ploughing a field is not the kind of substantial 15-month long interruption for building works that occurred here.
- 8.16.2. In the case of Fernlee, Objectors' Counsel refers to the Judge's findings that, during the building works, the full route was useable by horse riders and walkers for *'the full 20 years without interruption other than, possibly, ones of such a very temporary works-related nature as not to be significant'*. Compared to the 15-month long blockage in the present case, Objectors' Counsel suggests *'the case is an entirely unsatisfactory vehicle upon which to erect the edifice constructed by Mr Carr'*²⁰.

8.17. **Officer conclusions on 'without interruption':**

- 8.17.1. There is clear evidence that the use by the public between May 2007 and August 2008 was prevented due to the full route being impassable.
- 8.17.2. It seems clear the prevention and cessation of use between these dates amounted to an interruption for the purposes of Section 31 HA 1980. The case law cited in the Supplementary Carr Report is in Officers view clearly distinguishable from the facts in the present case.
- 8.17.3. ***Officers are of the view the evidence of blocking of the route to the public in 2007-8 clearly constituted an interruption for the purposes of Section 31. In addition to the use falling short of 20 years, there is no arguable case for a right of way under Section 31 for this reason, also. (It may be that the blocking also sufficed to negative any intention to dedicate, but no conclusion on that is needed.)***

9. **Common law dedication - analysis**

- 9.1. The First Supplementary Objection suggests dedication at common law cannot be inferred for three main reasons:
 - 9.1.1. The use was not without interruption, because of the development which took place in 2007/8²¹.
 - 9.1.2. The landowner's actions in fencing in May 2007 and 2016 were wholly inconsistent with the landowner previously having had an intention to dedicate the application route as a public right of way.
 - 9.1.3. The mortgaging and leasing of the land precludes as a matter of law any inference of dedication unless there is also evidence that the mortgagee and lessee consented to the dedication. And there is no such evidence here.

²⁰ Paragraph 15 of the Second Supplementary Report.

²¹ The Objector refers to judicial authority *Pool v Huskinson* (1843) which suggests that when considering an inference of dedication at common law, *'a single act of interruption by the owner is of much more weight, on the question of intention, than many acts of enjoyment'*

- 9.2. The Supplementary Carr Report acknowledges that there was a period when the land was held by receivers²², and during that period there was nobody with legal capacity to dedicate a highway. However, RC also suggests²³ that *'it may be possible to infer the landowner's intention to dedicate from the direct, clear and overt act of setting out and physically providing the route on the ground. The route was then thrown open to the public who used it in a nature that may be considered to be 'as of right'. Under such circumstances it is difficult to see how the landowner could not have been aware of the use yet took no steps to prevent it'*.
- 9.3. On the issue of the land being subject to mortgage and lease, and potential for a mortgagee or tenant to consent to a dedication of a public right of way, the Supplementary Carr Report suggests,
- 'It might...be inferred that any lenders/tenants did agree to a dedication because the redevelopment of the site (including setting out the Application Route) would, overall, increase the financial and amenity value of the land.'*
- 9.4. The Supplementary Carr Report concludes that a case founded on dedication arising from the common law *'appears to have some merit'* due to the throwing open of the path to public use but that this does not get over concerns *'over sufficiency of user prior to 2000 and landowner capacity to dedicate'*. When the fencing is also taken into account, *'collectively these matters again tip the balance in favour of rejecting the Application to modify the Definitive Map'*.
- 9.5. The Second Supplementary Objection agrees with the conclusion of the Supplementary Carr Report on common law dedication but disagrees with speculation on the landowner's motives in laying out the path, and inference of dedication as against tenants and mortgagees. The Objectors note that:
- 9.5.1. The RC Supplementary Report failed to address case law which confirms toleration by the landowner alone will not suffice to infer dedication at common law. Dedication at common law should only be inferred where the circumstances are such that the *only reasonable explanation* is the landowner intended to dedicate.
- 9.5.2. Whether the setting out of the application route in 2007/8 made the development more attractive to work in, and so more valuable, is not a reason to think the owner had to dedicate the route *as a public highway*, or that tenants and lenders consented to doing so.
- 9.6. **Officer conclusion on common law dedication:**
- 9.6.1. **Officers agree with RC's conclusions that there is insufficient evidence of an intention to dedicate at common law.** Officers additionally agree with the Objectors that, in accordance with case law referred to, to infer dedication at common law, the circumstances must

²² During 2014-2016

²³ Paragraph 3.6 of the Supplementary Carr Report.

be such that the only plausible explanation is that the landowner intended to dedicate the land as highway. And that there is no such evidence. Furthermore, the mere physical laying out of most of the path in 2007/8 is insufficient evidence that the tenant and lender must have agreed to its dedication *as a highway*. ***There is no arguable case to infer dedication at common law.***

10. England Coast Path

- 10.1. As noted in the Supplementary Carr Report, the application route was designated as part of the England Coast Path (**ECP**), and therefore the application route is in principle subject to rights of access under the access land regime in the Countryside and Rights of Way Act as amended (**CROW**).
- 10.2. The Objectors make the point proposals for the ECP were not publicised until 2017, and was not designated until 2018, by which point the route had already been closed.
- 10.3. As Second Supplementary Objection also rightly notes, land that would otherwise be subject to rights of access under the access land regime, will not be subject to the regime if it falls within the definition of 'excepted land' in CROW. Fenced gardens that are lawful in planning terms are likely to fall within the definition of 'excepted land', and therefore be excluded from the rights of access.
- 10.4. The creation of rights of access under CROW and designation of a route as part of the ECP is a discrete legal process, entirely unrelated to the establishment of public rights of way at common law and under the 1980 Act.
- 10.5. As such, the ECP designation and rights of access under CROW have no bearing on determination of the current application to modify the DMS.

11. Summary and overall conclusions

- The Council must make an order to modify the DMS if a right of way that is not shown on the DMS 'is reasonably alleged to subsist' (RATS test).
- The Long Row application contains evidence of use. The question is whether it amounts to sufficient evidence to demonstrate a reasonable allegation of a public right of way.
- Officers agree with the conclusions of RC that the RATS test is not met. Officers consider:

Section 31 HA 1980

- There is clear evidence that the claimed route could not have been used along its full length for the applicable 20-year period for the purposes of Section 31 HA 1980.

Application for definitive map modification order - claimed footpath at Long Row, South Shields

- Even within the evidenced period of use (being less than 20 years), there was also an interruption to the use. A claim based on the Section 31 presumption is destined fail.

Common law dedication

- There is no evidence the landowner intended to dedicate a public right of way when laying out the majority of the route in 2007/8 or subsequently, as opposed to merely tolerating such use. Subsequent closure by the landowner is consistent with toleration of use by the public.
- There is no evidence the tenants and mortgagee consented to such a dedication and there was a period in receivership when no-one had capacity to dedicate.
- Taking these factors together, there are other possible explanations for the public use other than the creation of a right of way. At common law, the mere existence of other possible explanations suffices to prevent any inference of dedication.

Recommendation

- 11.1. **It is recommended Committee decline to make an order to add Long Row to the DMS.**

List of Appendices

1. Robin Carr's Initial Investigatory Report Document
2. Robin Carr's Appendix 1 – Plan 1
3. Robin Carr's Appendix 2 – Google Earth images
4. Robin Carr's Appendix 3 – DMMO Application
5. Robin Carr's Appendix 4 – User Evidence
6. Robin Carr's Appendix 5 – User Evidence
7. Robin Carr's Appendix 6 - User Evidence
8. Robin Carr's Appendix 7 - User Evidence
9. Robin Carr's Appendix 8 - User Evidence
10. Robin Carr's Appendix 9 - User Evidence
11. Robin Carr's Appendix 10 - User Evidence
12. Robin Carr's Appendix 11 - User Evidence
13. Robin Carr's Appendix 12 - User Evidence Summary
14. Robin Carr's Appendix 13 – Coastal Footpath Information
15. Robin Carr's Appendix 14 – January 2023 Landowners Submissions
16. October 2023 Landowners Submissions
17. King Charles III England Coast Path (Tyne to Tees) Chair Response
18. King Charles III England Coast Path (Tyne to Tees) Secretariat Response
19. Natural England's Response
20. Robin Carr's Supplementary Report

Application for definitive map modification order - claimed footpath at Long Row, South Shields

21. Robin Carr's Appendix 15 – England Coast Path

22. May 2024 Landowners Submissions

23. Alleged path plan with detail points

background papers background papers background papers

Report Title Application for definitive map modification order – claimed footpath at Long Row, South Shields

Section 100D of the Local Government Act 1972 gives the public right to inspect background papers for reports. Report Authors must set out at the end of the report a list of documents which have been relied upon in writing the report, or which contain facts or matters on which the report has been based.

This needs to include published works such as legislation and where possible provide weblinks to these documents. Where a weblink is not available, the document must be provided electronically to Democratic Services at the same time as the report to be published for inspection.

Reports containing confidential or exempt information as defined by the Local Government (Access to Information) Act 1985 and which will be considered in private do not need background papers to be referenced.

Background papers must be retained for a period of four years.

The following is a list of the background papers (excluding exempt papers) relied upon in the preparation of the above report:

Background Paper	File Ref:	File Location
1. Robin Carr's Initial Investigatory Report Document	S21 Long Row - Consultant's Report	S21 Long Row - Consultants report - South Tyneside Council
2. Robin Carr's Appendix 1 – Plan 1	S21 Long Row - Alleged path plan	S21 Long Row - Alleged path plan - South Tyneside Council
3. Robin Carr's Appendix 2 – Google Earth images	S21 Long Row – Google Images	S21 Long Row - Google Earth images of the alleged path - South Tyneside Council
4. Robin Carr's Appendix 3 – DMMO Application	S21 Long Row – DMMO application form	S21 Long Row - DMMO application form - South Tyneside Council
5. Robin Carr's Appendix 4 to 11 – User Evidence	S21 Long Row – User evidence forms	S21 Long Row - User evidence forms - South Tyneside Council

6. Robin Carr's Appendix 12 - User Evidence Summary	S21 Long Row – Summary of user evidence	S21 Long Row - Summary of user evidence - South Tyneside Council
7. Robin Carr's Appendix 13 – Coastal Footpath Information	S21 Long Row – Coastal path information	S21 Long Row - Coastal path information - South Tyneside Council
8. January 2023 Landowners Submissions	S21 Long Row – First objectors report	S21 Long Row - First objectors report - South Tyneside Council
9. October 2023 Landowners Submissions	S21 Long Row - Second objectors report	S21 Long Row - Second objectors report - South Tyneside Council
10. Comments from other interested parties	S21 Long Row – Comments from other interested parties	S21 Long Row - Comments from other interested parties - South Tyneside Council
11. Robin Carr's Supplementary Report	S21 Long Row – Supplementary Report	S21 Long Row - Supplementary report - South Tyneside Council
12. Access to the Countryside Order 2018 for South Bents to Amble	S21 Long Row – The Access to the Countryside Order 2018	S21 Long Row - The Access to the Countryside Order 2018 (South Bents to Amble) - South Tyneside Council
13. May 2024 Landowners Submissions	S21 Long Row – May 2024 landowners submissions	