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## **DESCRIPTION & NAME OF ROUTE**

The signposted footpath ran alongside the historic River Tyne in the town centre of South Shields and is named, section SBA-1-S031 (South Bents to Shields Ferry) of the King Charles III England Coast Path (KCIIECP)

South Bents in Tyneside to Amble in Northumberland was the tenth section to open providing uninterrupted access to 44 miles of beautiful coastline and riverside.

When completed by Natural England the KCIIECP long distance national trail will follow the entire coastline of England and will be 2,795 miles in length.

The route is also clearly shown as a National Trail and Recreational Paths on the most recent Ordnance Survey Explorer map 316 (Printed 2022) and on all Natural England maps.

Thousands of people have used this footpath for many years to walk, run, fish, and relax in our natural and historic environment.

*It was also recorded by Natural England that the “current status of this section is Other existing walked route, and the current surface of the section is Block paving”*

## **CLOSURE OF PATH**

People were shocked on the 7<sup>th</sup> of February 2020 when access to the KCIIECP footpath was obstructed together with its village green when an 8ft/2.3m steel gate was erected, without any planning permission. *(And still does not to this day, despite many complaints which are ignored)*

A sign also appeared stating that this once public and council-maintained existing path was now “South Quays Private Property, No public access or right of way”

When the residents of the estate first reported this issue and concerns to South Tyneside Council (STC) they received little to no support and this was also during the first national covid lockdown in 2020.

We first come together as a group in October 2020 after the lockdown restrictions had eased and quickly established the Market Dock Residents Association which consisted of over half of the 150 homes @ Market Dock many of which had lived on the estate since it was built between 1998-1999.

We then established the Friends of Market Dock Pathway which now has over 2,000 signatures to re-open the footpath and nearly 1,500 members of a community who believe this path should be open for the public to once again enjoy.

*Please note that the surveying authority also maintained “part of the alleged path between 1999 until October 2020”*

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## **SURVEYING AUTHORITY DMMO GUIDELINES**

When we as a group first contacted STC they insisted our only option was to submit a DMMO application and sent us an application pack on the 12/10/2020 [APX 1A]

I have also included a copy of Newcastle City Council Guidelines which are identical, and they also provided the Public Right of Way Training to the councillors of South Tyneside Council before they held the DMMO hearing. [APX 1B]

The guidance provided by South Tyneside Council was to request and register a route considered to be a public right of way as a *public footpath* which was not presently shown on the Definitive Map and Statement of Public Rights of Way.

### **THRESHOLD OF APPLICATION**

Before deciding whether to make an application, you should consider the following points: Routes are likely to be public where:

- a) *They have been used by the general public and not only tenants or employers of the land in question;*
- b) *Such use has been ongoing for many years;*
- c) *They lead from one road, or other public right of way, to another or to a place of public resort such as hilltop, coast or riverbank;*
- d) *There has been no history of objection to public passage being raised for many years;*
- e) *They have been provided with stiles, gates, footbridges or other means of passage.*

*The application for this DMMO and our evidence exceeds all the required criteria to submit this application for the route to be made a public right of way.*

## **DMMO APPLICATION**

Our first DMMO application was submitted on the 25<sup>th</sup> of September 2021 to South Tyneside Council and was rejected as we were told we needed to submit all our evidence and not just the minimum of 6 statements and STC refused to allow us to use a councillor's postal address.

The second application was made on the 2<sup>nd</sup> of March 2022 and was supported by The Ramblers, and again was rejected by STC. Despite the meticulous research we carried out with scrupulous attention to detail in our application.

*We finally had our 3<sup>rd</sup> and final DMMO application accepted on the 25<sup>th</sup> of July 2022, thanks to the support of The Ramblers, and The Open Spaces Society.*

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## **EVIDENCE SUBMITTED**

*FOMDP submitted a vast amount of documentary evidence, over and beyond the threshold required as advised by STC.*

- a) We submitted much more than the required six supporting statements, and the authority have never requested us to provide more as part of their investigation. However, we do have further evidence statements to submit once the originals are returned by STC and we continue to ask people to submit more. None of these people have ever been interviewed by the authority.
- b) We also submitted 42 letters from local people, describing their knowledge of the route in their own words, and this evidence has been ignored completely. STC have not even contacted these people to inform them it has just been disregarded. Copies of these letters have been sent to [REDACTED] with our Direction Request.
- c) One Affidavit was prepared with the assistance of a solicitor.
- d) South Tyneside Council maintained this path and parts of it between the late 1990s until October 2020.
- e) Estate Management records, including deeds which we have an extensive record of, and which were submitted.
- f) Many extracts from historical accounts / guidebooks / articles were included.
- g) Extensive amount of old maps / photographs.

## **DMMO INVESTIGATION**

We believe STC have failed to investigate our DMMO application as per the guidance provided and therefore did not follow due process.

Much of our evidence has been ignored by the surveying authority including the chosen independent consultant, Robin Carr within his first report 29/03/23 [APX 2].

We are not aware of any consultation with user evidence groups, and certainly not the Friends of Market Dock Path or the residents of Market Dock (MDRA) [APX 2 pg6, note 6.0]

- Photographs were not considered [APX 2 pg14, note 7.3]
- Maps were not considered [APX 2 pg15, note 7.4]
- The England Coast Path is not an aspirational trail [APX 2 pg15, note 7.5] as per the letter from Natural England [APX 2A]
- Documents related to the planning process were not considered [APX 2 pg15, note 7.6]
- Despite 91 individuals submitting evidence, many were disregarded and not even informed and nobody at all was ever interviewed. [APX 2 pg16, note 8.0]

Despite much of our evidence being disregarded the consultant advised to make the order, on the 29<sup>th</sup> of March 2023. [APX 2 pg26, note 13.0]

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The council then informed us by email on the 20/06/23

*“At Full Council in May 2023, the Council’s Constitution was revised. One of the revisions was that DMMO applications where objections have been made and not withdrawn are to be taken to the Council’s Planning Committee for determination.*

*Officers shall be referring this DDMO application to Planning Committee for a decision on a date to be determined, but which is presently expected to be Tuesday 29th August 2023 at 10am. Whatever the date, the meeting shall be held at South Shields Town Hall”*

Despite this email from STC many extensions were given to the objectors until the independent consultant submitted a second report and changed his opinion [APX 3]

The eventual DMMO hearing was not held until the 15<sup>th</sup> of July 2024.

### **Council DMMO Guidance [APX1A]**

### **CONSIDERATION AND DETERMINATION OF APPLICATIONS**

Upon receipt of an application the Council will carry out an investigation with a view to determining whether or not to make the requested Definitive Map Modification Order.

This will usually involve a site inspection, an assessment of any user based evidence (including witness interviews), historical research, and consultations with user groups. Anyone with an interest in the land (e.g. a landowner or tenant) will also be given an opportunity to submit relevant evidence for consideration. Further information may also be requested from the applicant, or the supporting witnesses.

When the Council’s investigations are complete, a decision report will be prepared in order to enable the application to be determined.

*At no point has any witness been interviewed, and some have been ignored altogether. Peoples evidence which they have submitted has been disregarded.*

It was only after we submitted our direction request to yourselves and [REDACTED] intervened that STC replied on the 5<sup>th</sup> of July 2024 that “The Planning Committee will be hearing the Definitive Map Modification Order Application for Long Row, South Shields on Monday 15th July at 10am in the Council Chambers”

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## **THE APPEAL HEARING**

The Definitive Map Modification Order Application hearing was held on the 15<sup>th</sup> of July 2024 and the committee of 12 voted 6 for and 6 against and the chairman of the meeting casted the final vote against. [APX 4]

We would like to defer our comments until the official minutes of the meeting are released. This was a very contentious meeting.

Press coverage of the meeting was also provided by

[https://www.chroniclelive.co.uk/news/north-east-news/controversial-south-shields-dock-site-29553203?utm\\_source=linkCopy&utm\\_medium=social&utm\\_campaign=sharebar](https://www.chroniclelive.co.uk/news/north-east-news/controversial-south-shields-dock-site-29553203?utm_source=linkCopy&utm_medium=social&utm_campaign=sharebar)

[https://www.shieldsgazette.com/news/politics/councillors-reject-application-for-public-right-of-way-at-controversial-former-south-shields-dock-site-4705074?fbclid=IwY2xjawEmQ\\_VleHRuA2FibQIxMAABHcx2CgjY\\_QkXStv-OvcdMg5X0DQxXdKklkhMv4Fcgp2zwqdC5ypVpKBjpA\\_aem\\_AmCymld3Ybo2bmwBWW5bxg](https://www.shieldsgazette.com/news/politics/councillors-reject-application-for-public-right-of-way-at-controversial-former-south-shields-dock-site-4705074?fbclid=IwY2xjawEmQ_VleHRuA2FibQIxMAABHcx2CgjY_QkXStv-OvcdMg5X0DQxXdKklkhMv4Fcgp2zwqdC5ypVpKBjpA_aem_AmCymld3Ybo2bmwBWW5bxg)

A statement of the hearing has also been put out by the Green Party [APX 5]

We are deeply troubled by the chair's insinuation that members who opposed the outcome acted unlawfully. Such statements not only undermine the integrity of our democratic processes but also expose our councillors to unwarranted slander and abuse. This is unacceptable and sets a dangerous precedent for how dissenting voices are treated within our governing bodies.

Green Party councillors vote with due regard to the law and take allegations of predetermination very seriously, *and we particularly concerned by the potential personal links those making such accusations have to planning applicants and local political groups*. Our councillors are committed to making decisions based on the merits of each case, ensuring that their actions are always in compliance with legal and ethical standards.

Can councillors be threatened with acting unlawfully and threats of personal costs?

## **OTHER ISSUES**

Throughout this entire process South Tyneside Council have made this overly onerous and have obfuscated every step of the way. At best this is negligence and at worse is malfeasance.

They could have chosen to act against this injustice without us but decided it was not in the public interest to do so, and have gone so far as to ask Natural England to divert the KCIIECP.

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I also have a Subject Access Request due to a data protection breach which has been ignored and needs escalation to the Information Commissioners Office.

### **WITHOLDING EVIDENCE**

Despite the hearing taking place on the 15<sup>th</sup> of July 2024 and us requesting our evidence back on the 17<sup>th</sup> of July 2024, when we were told it would be posted back to us, so far STC have not returned anything so far.

In the most recent communication, we were told we will now not get it back before the deadline to appeal. Is this even allowed and legal? How can we appeal without all the facts on hand.

### **APPEAL SUMMARY**

As the council have refused to accept all our evidence and conduct the investigation without due process as we would have expected them to do so, we do not see any merit in replying to the intricacies of the independent experts reports and not at least until we have received our evidence back from STC. We cannot be expected to do so sooner as this would put us at a significant disadvantage in this legal process.

**I trust this is enough evidence to open our case file, however should you require any further information then please contact me as we have until the 13<sup>th</sup> of August to submit our appeal.**