

**Newry, Mourne and Down
District Council**

Access to the Countryside Procedures



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Policy Control

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Contents

Content	Page Number
Procedure Overview	3
Introduction	3
How Council decisions are made	4
Process of Prioritisation, Investigation and Assertion of Public Rights of Way	5
Prioritisation of Routes for Investigation	6
Maintenance of Public Rights of Way and inspections	8
Maintenance of vegetation	8
Maintenance to surface and other structures	9
Inspection Regime	10
Miscellaneous Provisions relating to access	10
Creating New Public Access Trails	15
Temporary and permanent closures and diversions	16
Access to open countryside	17
Appendix 1 – Process of Assertion	18
Appendix 2 – Public Right of Way Investigation Initiation Application Form	19
Appendix 3 – List of Asserted Public Rights of Way	21

Procedure Overview

These procedures outline Newry, Mourne and Down District Council's (NMDDC) commitment to developing 'Access to the Countryside' and provides a framework for the Council's compliance and implementation of the Access to the Countryside (NI) Order 1983 (hereafter referred to as the Access Order). This document is intended to be a working document which will be reviewed annually to reflect on-going learning and development through experience.

Introduction

Newry, Mourne and Down District Council (NMDDC) has been proactive in developing urban and more particularly rural access with a large number of asserted public rights of way within the District and a number of long distance routes. Currently there are 125 asserted public rights of way within the new council district, along with several permissive and public path creations.

However, there is a need to secure further strategic links, consolidate what already exists and also provide the urban population, with increased links out of and around the built-up areas, as well as developing improved access to the coast and greater links between heavily used areas of the high Mournes ('honey pot' sites) and lowland 'green lanes'.

Therefore, there is a pressing need to develop procedures, to set out as clearly as possible, how we deal with this complex and contentious area of work, which benefits both the inhabitants of the district and visitors to the area.

Whilst the Council has a duty to assert, protect and keep open public rights of way in the district, the Council must balance this duty against the budget and resources available with which to investigate and assert public rights of way. For this reason the Council cannot investigate or assert all alleged public rights of way within the District which may be brought to the Council's attention. These procedures aim to set out a fair and pragmatic method to prioritise routes for investigation.

The Access Order has proved difficult to implement and the Council recognises that the Order and the Occupiers' Liability legislation needs to be reviewed and amended by central government. NMDDC will support any moves to do so.

How Council decisions are made

Council decisions in relation to public rights of way are made based on the premise that the Council is obliged to assert a public right of way, only where it is satisfied that an alleged right of way is in fact a public right of way and that there is no real dispute as to its status.

An assessment of the evidence is likely to have four main outcomes as set out below:-

1. The evidence shows that both a public right of way exists and the nature of the public's right is clear. In this case, the Council has a statutory duty to assert a public right of way and if necessary, seek a declaration through the County Court.
2. The evidence shows that a public right exists, but there is uncertainty over the nature of the right, i.e. is the path a foot path, bridleway or carriage way. If the nature of the rights cannot be resolved, then the path should be asserted at the lower level of right, i.e. as a footpath. Should further evidence be forthcoming in the future regarding 'higher' rights, such as bridleway or carriage rights, then the council would be obliged to investigate further at that point.
- 3 The evidence shows that a public right of way does not exist. The Council would not assert a public right of way.
4. The evidence is inconclusive or evenly balanced both for and against the public claim demonstrating a real dispute as to the status of the path. In this case, the Council may decide to defer the matter or hold the case on file until further evidence comes to light.

All decisions relating to public rights of way are taken through a two-stage process, with a report detailing the evidence and a recommendation based on the evidence, which is submitted to the Strategy, Policy and Resources Committee for consideration. This is then subject to ratification by full Council.

Process of Prioritisation, Investigation and Assertion of public rights of way

Assertion

- The Council acknowledges and will strive to discharge the statutory duty under the Access to the Countryside (NI) Order 1983 to 'assert, protect and keep open and free from obstruction or encroachment public rights of way in the district', to record all asserted public rights of way and to protect existing access opportunities along public rights of way.
- However given the limited resources available, the Council will follow a process of prioritisation, investigation and assertion as set out by in the flow chart in appendix 1 and explained more fully in the following section.
- The Council will in the first instance seek to assert public rights of way with the agreement of the landowner. Should it become necessary and where it is in the public interest to do so, the Council will take all necessary action in order to fulfil its statutory duties, including taking necessary legal proceedings subject to legal advice obtained from the Council Solicitor.
- The Council will, as set out in the Order, prepare a set of large scale maps of the paths it has asserted and an accompanying public register. The public register will contain the assertion statement detailing the line of the path and the rights that the public have over it, a map of the route at the appropriate scale (1:2500) and resolution of the Council. Permissive Paths and Alleged Public Rights of Way should be recorded separately.
- The Council has a duty in exercising its functions under the Access Order and other legislation to have regards to:-
 - a) The needs of agriculture and forestry, and
 - b) The need to conserve the natural beauty and amenity of the countryside.

Prioritisation of Routes for investigation

- As previously noted given the resources available to the Council, alleged public rights of way will be prioritised for investigation within the district each financial year, based on the criteria as set out in Table 1 below.
- Priority will be given to those routes which offer most benefit to users and from this, a programme of investigation will be compiled. The number of paths to be investigated will vary each financial year depending on other work commitments and available budget.
- Paths will be prioritised for investigation based on which achieve the highest number of points.
- Both Land Management Officers will initially assess all the existing 'on file' routes to be prioritised for investigation, using the scoring system with the highest scoring paths being prioritised for investigation.
- Where an interested party contacts the Council regarding a path not currently on file, the relevant officer will send the party a 'Public Rights of Way Investigation Application Form' to be completed—see Appendix 2. On receipt of the returned form, the path will be scored and ranked in accordance with the scoring system.
- Where a score is disputed by an interested party that party may make a written request for review of the score.
- Upon receipt of a written request for a review Newry, Mourne and Down Council will convene a Review Panel which is independent of the Council's Land Management Officers.
- The Review Panel will comprise two Council Officials, none of whom will have been involved in the original assessment process.
- The Review Panel will receive all the documentation considered by the Council's Land Management Officers. This will include the evidence submitted in support of the alleged PROW, the reasons for the decision and a copy of the written request for the review.
- The Review Panel may seek legal advice or other professional advice if required.
- The Review Panel will convey its decision to the applicant in writing within seven days of its decision. This decision will be binding.

Table 1- Scoring system for the investigation of alleged public rights of ways

Criteria	Score (maximum available)
1. Would the path form part of a strategic route or strategic plan of Council i.e. a circular route, a linear route linking settlements and communities or a potential new long distance route or Greenway.	20 points
2. Would the path link to or join sites of tourist or historic value.	15 points
3. Does the path go through an area of high tourist value?	15 points
4. Likely level of usage and community priorities.	15 points
5. Is there a threat to the path?	15 points
6. Shared use opportunity – bridleways, routes offering access for people with disabilities.	10 points
7. Length of Route (longer routes to score more highly).	10 points
Maximum score	100

Maintenance of public rights of ways and inspections

With the Newry, Mourne and Down Council area there are 126 asserted public rights of way which are broken down as follows:-

- Legacy Down-73
- Legacy Newry and Mourne-47
- Legacy Banbridge-6

See appendix 3 for the list of current asserted public rights of way within the district.

Under Article 3 (2) of the Access Order the Council has a discretionary power to maintain public rights of way –‘councils may after consultation with the owner of the land concerned, maintain any public right of way’.

The vast majority of the asserted public rights of way within the district are under private ownership and it is the view of the Council solicitor that, prior to any maintenance being undertaken, the explicit permission of the landowner should be sought.

Maintenance of Vegetation

The following principles will apply to maintenance of vegetation on all asserted and open public rights of way within the district:-

- The council will maintain grass and vegetation growing on the surface between the path boundaries with the aim of achieving, where possible, a high level of biodiversity and protecting national and local habitats and species.
- Bearing in mind the Newry, Mourne and Down District Council's local Biodiversity Action Plan individual maintenance prescriptions for each public right of way to be maintained will be developed as resources are available to do so, taking into consideration issues around biodiversity, the wishes of residents, landowners and available resources.
- Overhanging vegetation and branches should be cut to ensure there is adequate headroom and width for each category of path.
- Where there are other vegetation issues on asserted public rights of way (such as invasive species), the relevant officer will assess the issue on a case by case basis and determine whether any further action should be taken.

Maintenance to surface and other structures

- Surface conditions on the existing public rights of way network within the District is variable, ranging from concrete to grass. Councils’ obligation to maintain the surface is very limited—*it is only necessary to ensure that the way is passable and safe to use*. There is no requirement to surface, upgrade or improve public rights of way.
 - Both the legacy Down and Banbridge Councils have used their discretionary powers under Article 3 (2), to carry out repairs to surfacing of public rights of way, to ensure that users can easily access path networks. Legacy Newry and Mourne have not made use of this power.

It is recommended that council will carry out limited repairs to the surface-‘stitch in time’ work, dependant on the available budget.

The following principles will apply to repairs:-

- There is a presumption against the Council either undertaking or contributing to the costs of landowners concreting or tarmacking any public right of way, as this distracts from the ‘countryside experience’.
- Council will consider repairs of a path surface, where it can clearly be demonstrated that this will be in the interests of tourism or where it is necessary to ensure public safety and ease of use. Any repairs to the surface will be in keeping with the surrounding countryside, will be **minor** in nature and will require the explicit consent of the landowner.
- Any potential repairs will be assessed on a case by case basis and will be prioritised on the basis as detailed in table 3 below.

Table 3 Prioritisation of surface and other repair works

Priority	Issue	Examples	Notes	Target for inspection to be completed
1	Public safety issues in respect of Council installed furniture.	Defects in bridges-holes in the deck, missing hand rails, dangerous stiles gates or other furniture.	The majority of bridges, gates and stiles etc have been installed by Council.	2 weeks
2	Obstructions on path/erosion of path.	Trees fallen across the path, flooding, ditch has fallen in under weigh of vehicles on path.	Dangerous trees or objects adjacent to the lane will be the responsibility of the relevant landowners.	One month
3	Signage and waymarking.	Metal/wooden signage/ waymarker posts.	Applies to those installed by Council.	2 months

- Where third party contractors are required to carry out any repair works, as detailed in table 3, their services will be procured in line with the Council's procurement policy.

Inspection Regime

- By having a robust inspection and recording regime, the Council can reduce the already very limited liability associated with public rights of way. The council would only become liable for work which was done negligently.
- Council will inspect all asserted and open public rights of way at least once per year and record all inspection sheets. Those paths that have vegetation maintained, will be inspected when cutting has taken place.
- See appendix 4 for a copy of the current public right of way inspection recording sheet, as currently used within the legacy Down District Council area.

Miscellaneous Provisions relating to access

Assertion of public rights of way on Council owned land

- Where a public right of way is proved to exist over Council owned land, the right should be asserted in the usual manner.

Opening up of public rights of way

- Where an asserted path has become extremely overgrown and impassable and where it is of strategic importance, the Council will investigate the possibility of opening up the path in agreement with the landowners, subject to funding being available. Where landowners are not in agreement, then all options will be examined by the council.

Width of PROW's

- If a path runs between fences or walls, it is generally inferred that the land over which the public can pass and re-pass, extends to the whole area between the boundaries.
- If the width of the path is not defined by physical boundaries, the width is that which has been habitually used by the public. The rule of thumb is usually to assume that a right of way is of sufficient width to allow users to pass each other, e.g. around 1-1.5 metres for a footpath and somewhat wider for a bridleway.

Obstructions and Encroachments

- The Council has a duty under Article 3 (1) of the Access Order to ensure that public rights of way are not obstructed or encroached upon. Where a path is obstructed or encroached upon the Council will, in the first instance, attempt to negotiate with the person responsible.
- Where all attempts at negotiation have failed after a three month period and where is in the public interest to do so, the Council may resort to the use of legal action to remove the obstruction or encroachment.

Signposting/Waymarking

- Signposting and waymarking is essential to the enjoyment and good management of public rights of ways. The Council will, after consulting the owner or the occupier of the land, erect and maintain signposts or other similar works on any public right of way, ensuring that they are signed in accordance with their correct legal status. Some urban paths may not require signposting.

Stiles/Gates and Barriers

- Under the Access Order the landowner retains the right to have a gate or stile if it was in situ at the time of dedication.
- However with the enactment of the Disability Discrimination Act 1995, an ageing population and the onus on encouraging a broad range of people to use the network, it is important that everything is done to make the network as user friendly as possible.
- The Council has the power to authorise additional gates or stiles for two purposes only; in the interests of agriculture to control livestock and in the interests of forestry. The Council will look on requests for the erection of additional gates/stiles in a sympathetic manner and as quickly as possible, in order to facilitate the landowner in managing his or her land effectively.
- In considering the authorisation of any new furniture or the replacement of any existing furniture, the Council will seek the landowner's and/or occupier's agreement to replacement with the least restrictive option. The 'least restrictive option' is detailed below:-
 - A gap is the preferred option.
 - Where a gap is not practicable for stock control, then a field gate or small pedestrian gate will be used. On bridleways, latches will be operable from horseback.
 - On footpaths, a kissing gate may be used where a gate is not practical
 - Stiles will only be considered where any other option, such as a gate, is not possible due to gradients
- In some instances, the needs of people with limited mobility and the need to retain the integrity of certain structures, will need to be balanced e.g. the Mourne Wall is a listed structure, where a stile may be most appropriate.

Bulls

- It is the landowners' responsibility to ensure that animals are kept in a field adjacent to a public right of way, in a manner where they cannot harm the public.
- An offence is committed under Article 9, where a landowner allows a bull to be at large in a field or enclosure where there is a right of way except where:-
 - the bull is less than 10 months old or;
 - is not a recognised dairy breed and is with cows and heifers
- Complaints regarding bulls in a field crossed by a public right of way will be investigated by the council within one week of receipt of the complaint, to determine whether an offence has occurred under the Access Order.

- Evidence will be gathered and the owner/occupier will be informed of Health and Safety requirements. They will then be requested to remove the bull immediately if a contravention has been determined. Council reserves the right to pass information to the Health and Safety Executive without prior communication should a repeat offence occur.
- Where a landowner cannot accommodate a bull in any other field other than one through which a public right of way passes, the council will look sympathetically at a request for a temporary or permanent diversion. This will only apply where the landowner has control of land, which is suitable as an alternative route and where it meets the grounds for making a public path order, as set out in Article 15 of the Access Order. The landowner would need to demonstrate Title to the land in question in the event of a request for a permanent diversion.
- Council reserves the right to request the landowner to contribute to the costs of bringing a diversion order into effect and towards the costs of creating a new path, whether temporary or permanent.

Ploughing Rights of Ways

- Article 7 of the Access Order gives a landowner the statutory right to plough a public right of way in specific circumstances and where certain conditions are fulfilled. The landowner is also obliged to re-instate the path surface within 14 days of ploughing
- Prior to exercising its powers to restore the surface of a PROW that has been illegally ploughed but not restored, the Council will in the first instance negotiate with the landowner to get the land restored to an acceptable state. If no agreement can be reached, the Council will take 'all necessary steps' to re-instate the surface of the public right of way and may recover any expenses reasonably incurred.
- Where a landowner makes an application to council to temporarily divert the path or extend the period to reinstate the path surface for a period of up to three months (after ploughing), the Council will look on such applications in a sympathetic manner, provided such a diversion can take place on land within the control of the landowner, or with the written consent of an adjoining landowner.

Bye Laws

- The Council has discretion to make bye laws under Article 46 of the Order in respect of any land crossed by public rights of way, public paths or long distance walking routes or relating to any access agreement or order. These may include prohibition of damage to the environment, the use of vehicles and a range of activities which may annoy local residents or other recreation users.
- Council will make such bye laws in order to assist landowners/occupiers in the effective management of the public path network.

Cycling on PROW's

- Due to the ambiguous nature of the Access Order around the rights of cyclists on public rights of way, the Council shall seek the consent of the relevant landowners, where cycling on the network is desirable on a formalised basis.

Horse Riding on PROW's

- The council will, wherever possible, work with landowners to agree the assertion of bridleways within the District, to create viable networks suitable for off-road horse riding.

Motor vehicles on PROW's

- At common law, highways are of three kinds, depending on the degree of restriction of the public right of passage over them. The only type of public right of way which motorised vehicles are entitled to use, is a designation of a cartway or carriageway.
- Unauthorised off-road use of motor vehicles is a matter for the Police Service of Northern Ireland and where it is reported to the Council, the issue will be referred onto them. Should the individuals be identified, efforts will be made to educate the person as to why the majority of public rights of way within the District are not suitable for off-road use.
- Furthermore, it needs to be recognised that landowners may have private rights to drive vehicles along PROWs.

Private rights of way

- The Council will not become involved in settling private rights of way disputes, as the Access Order relates only to public rights of way. Private rights of way do not fall within the remit of the Access Order.

Access Over Crown Land

- Crown Land is land which is owned by a government department, by the Crown Estate, or by the Duchies of Cornwall and Lancaster.
- Where an alleged public right of way exists over Crown Land, the council will take the necessary action to assert and record any rights and to ensure they remain open and unobstructed, as it would for any other public right of way.

Long Distance Routes

- The Council will develop further strategic long distance routes and put forward any new proposals to NIEA under Article 21 of the Access Order for approval.
- The Council will work towards improving the existing long distance trails, where possible, increasing the amount of off-road sections, using all available means to do so.
- The Council will maintain all signage and waymarking associated with any waymarked long distance trail.
- Council will continue to examine the possibility of using disused railway lines for multi-use trails or Greenways.

Access to the Coast

- The Council will work in partnership with all other statutory and non-statutory agencies, to develop and promote further access to the coast

Horse Riding

- The Council will work in partnership with all other relevant bodies, including the British Horse Society to examine proposals for the development of circular and long distance routes for horse riding.

Cycling/Mountain Biking

- The Council will continue to work in conjunction with Sustrans, Outdoor Recreation NI and other partners to provide cycling and mountain biking facilities within the district.

Access to Historic monuments

- The Council will, wherever possible, develop public access to places of historical interest and monuments in state care with the potential to create 'added value' to existing walking and cycle routes.

Abandoned Roads

- Where Transport NI proposes to abandon a public road, the Council may formally object to the abandonment, if the road is considered to be of importance to the locality for pedestrians or other user groups. Alternatively the Council may, if it is considered expedient and in the public interest, negotiate the establishment of a new public right of way by agreement or to make a public path creation order.

Alley gating

- There is no provision for the erection of security gates across PROWs in the current access legislation in Northern Ireland.
- Within the Council this function is currently carried out by the Policing and Community Safety Partnership. All requests for alley gating should be directed towards the PCSP.

Planning Applications and PROW's

- Where a PROW is adjacent to or runs through a proposed development site, the Land Management Officer should be consulted by Planning staff and where necessary comments made in relation to the application.

Access to Protected Areas

- Access to land that is an Area of Special Scientific Interest (ASSI) is governed by Article 44 of the Environment (NI) Order 2002. This does not give a right to private individuals (unless a PROW/permissive path exists), but provides a right of entry for Department of Environment employees and those authorised by it for the specific purpose of identifying, monitoring and protecting ASSIs.

Creating new public access trails

In creating new public access, the Council will always endeavour to do so with the agreement of the relevant landowner (s) and to create permanent access trails wherever possible.

Public path creation by agreement

- Article 11 of the Access Orders allows for the effective creation of new public rights of way, which will exist in perpetuity, the terms of which may include payment of compensation as may be agreed with the landowner. Limitations or conditions can also be attached to the public right of way provided
- Where necessary to create strategic links, the Council will enter into public path creation agreements with any relevant landowner.
- The Council will also consider the provision of insurance cover for the path as part of the path agreement.
- Where a public path is created the Council will make up and maintain the path in accordance with the agreement in line with Article 13 of the Access Order.

Public path creation by Order (Compulsory powers for creation)

- Article 12 of the Access Order allows for the creation of new public rights of way by compulsion
- Where it is in the public interest and where access cannot be achieved by any other means, the Council will consider creating a path by order which may result in the holding of a public local enquiry.

Making up and maintaining public paths

- Under Article 13 of the Access Order, where a public path has been created by agreement or order or a public right of way has been diverted, the Council will fulfil its obligation to make up and maintain the surface of the path to a suitable standard.

Permissive path agreements

- Falling under the scope of the Recreation and Youth Services (NI) Order 1986 rather than the Access Order, permissive path agreements provide an important means of securing access. Agreements can be made on whichever terms can be agreed between the landowner and the Council.
- Where Council agrees to enter into such as agreement, the length of the agreement should reflect the level of investment in the particular path, for example, where a substantial amount of money is invested in developing a path, and then the minimum period of agreement should be 21 years. In other circumstances, a shorter period of time will be considered.
- Permissive paths will be inspected and maintained by the council in accordance with the individual legal agreement. Council will also consider providing insurance cover for the route.

Temporary and permanent closures and diversions

Public Path Extinguishment Orders (Permanent Extinguishment)

- Under Article 14 of the Access Order the Council will consider making a public path extinguishment order, where it is expedient to do so in the public interest and meeting all other criteria as laid down by the Access Order
- The request to make a public path closure order should be made in writing to the Council and approval obtained by full Council. Only in exceptional circumstances will a recommendation be made to Council to consider an extinguishment order.
- The Council reserves the right to charge the individual/organisation requesting the closure to cover the costs of making such an order and for any physical works required to stop up the path.

Public Path Diversion Orders (Permanent Diversion)

- Under Article 15 of the Access Order, the Council will consider making a public path diversion order, where it is expedient to do so in the public interest and where it meets all criteria as laid down by the Order.
- The request to make a diversion order should be made in writing to the Council and approval obtained by full Council.
- Where the path is diverted, landowners must demonstrate legal ownership of the land onto which the proposed diversion is to take place, or where it is diverted onto another's property the written agreement of the landowner must be obtained.

Closure or Diversion due to Planning Permission

- Under article 16 of the Access Order the Northern Ireland Environment Agency (or subsequent Department) may make a public path diversion or extinguishment order in order to enable a development to take place as a result of a planning permission.
- If necessary the Council will assist the Department in the erection of public notices on site and provide the public with copies of relevant notices.

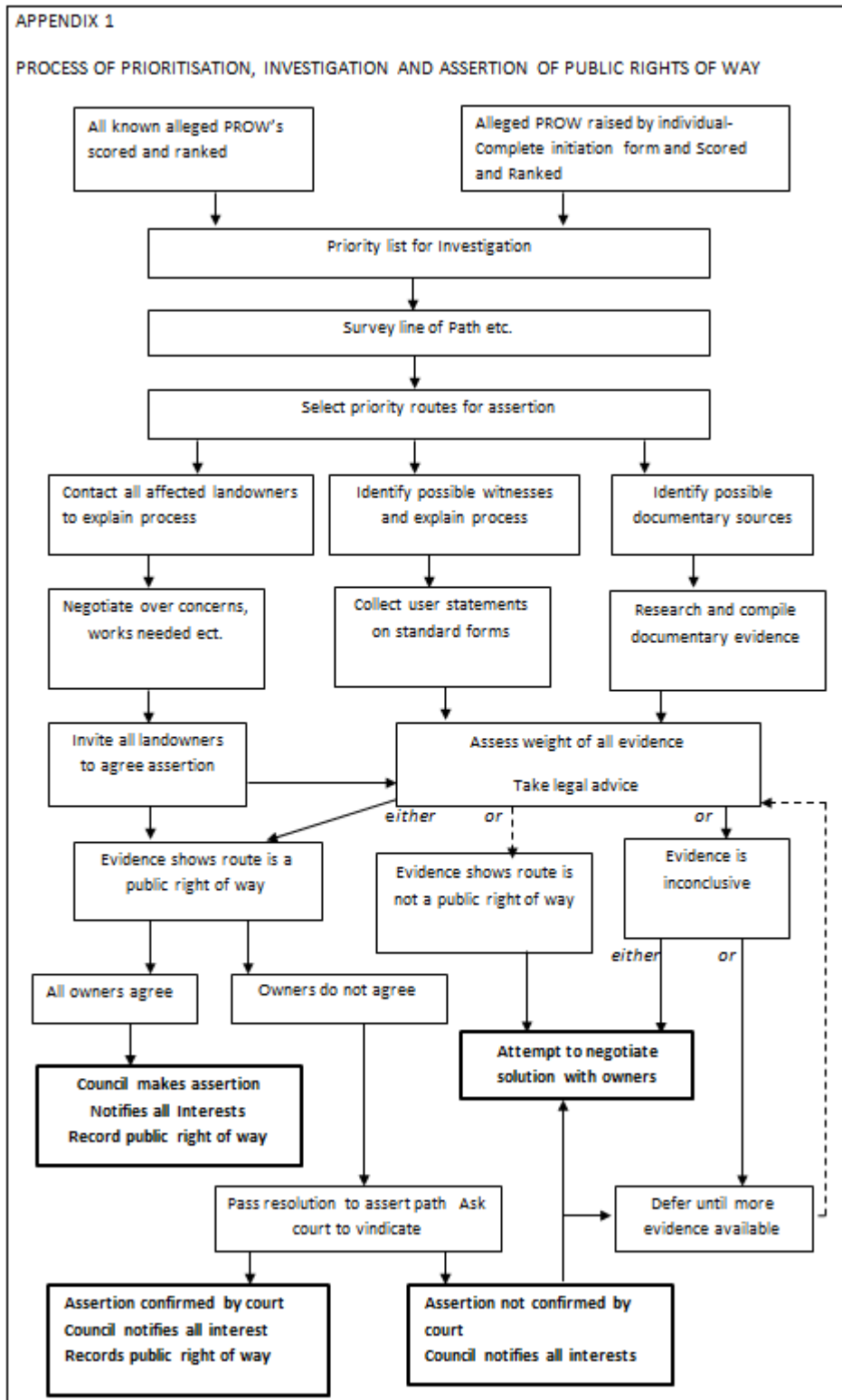
Temporary Closure or Diversion of public paths

- Any request for a temporary path closure or diversion order under Article 19 must be made in writing to the Council. The Council cannot initiate a path order unless it is the relevant landowner.
- The Council will look sympathetically on any request as laid down by Article 19, taking into account the interests of path users and the wider public good, for a period not exceeding three months.
- Where, in exceptional circumstances, a temporary diversion or closure order is required for a period longer than 3 months, a new order will be required for the further period of closure for a maximum period of 3 months.
- A temporary path diversion order will be considered, provided an alternative and agreed route is identified. Written consent must be obtained from the landowner, onto which any proposed diversion is to be made.
- Under the Access Order there is no obligation for the making of a temporary path order to be advertised. However, where the closure is likely to have a significant impact on a high number of users or where the closure or diversion is for a period longer than one week, consideration will be given to advertising the order in the local papers.
- Where an order is required urgently in relation to a health and safety issue, the Council will facilitate the closure as soon as practically possible, without the need to advertise the notice

Access to Open Countryside

- The Council will map out the areas of 'open countryside' within the district, as required under the Access to the Countryside (NI) Order 1983.
- Where it is in the interests of the wider public, the Council will seek to enter into Access Agreements with landowners.
- Any Agreement must be entered into with an individual or group, which has the appropriate legal authority to do so.
- An Access Order would only be used as a last resort when other negotiation has failed and where it is imperative that public access is retained.

Appendix 1 – Process of Assertion



Appendix 2- Initiation Form



PUBLIC RIGHT OF WAY INVESTIGATION
INITIATION APPLICATION FORM

Access to the Countryside (NI) Order 1983

File Ref: (for office use only) _____

I/We **(i)** _____

Of **(ii)** _____

have read and understood "Access to the Countryside Policy and Procedures, and hereby apply to have the status of the route running from:

(iii) _____ **Map ref.** _____

to **(iv)** _____ **Map ref.** _____

investigated. Please show the route on the attached map. Please ensure that this is a sufficiently good copy, so as it can be photocopied by Council.

I/We have provided copies of the following documentary evidence (including statements of witness) in support of this application:

(v) _____

Signed: _____

Date: _____

(i) Insert name/s of applicant/
route

(ii) Insert address of applicant
(one address for all)

(iii) Insert starting point of route

Page 1 of 2.

(iv) insert finishing point of the

(v) insert list of documents

NOTES TO THE PUBLIC RIGHT OF WAY INVESTIGATION APPLICANT

Enquirers should note that the Public Right of Way Investigation Procedure can be lengthy and complex. Plenty of time should be allowed for the process to run its course. It should be recognised that evidence is unlikely ever to be complete as new sources may remain to be discovered. The process can be helped by enquirers undertaking their own research, but Council will not comment on the value of individual pieces of evidence provided by enquirers. The Council is only obliged to assert a public right of way where it is satisfied that an alleged right of way is in fact a public right of way and there is no real dispute as to its status.

USER EVIDENCE

Witness Evidence Forms, form the basis of user evidence. As many as possible should be submitted, **fully completed** by members of the public.

USEFUL SOURCES OF DOCUMENTARY EVIDENCE

Documentary evidence can be researched from a number of sources depending upon the specifics of the route in question. The following are some suggestions:

- Ordnance Survey maps (recent or past). It should be noted however, that the representation on an OS map of a path, track or other way as a topographical feature is not evidence that the route is, or is not, a public right of way.
- OS Memoirs (through the Public Records Office)
- Title Deeds (through the Register of Deeds)
- Land Registry Maps (through Land Registry)
- Private Estate Records (through the Public Records Office)
- Court Proceedings (as above)
- Local Newspaper Articles (past) (Local Libraries or Public Records Office)
- Records of Government Departments e.g. Roads, Water, Planning, Agriculture.
- Records of other bodies e.g. Housing Executive
- Old Railway/Canal Plans and Schedules
- Documentation held by local history societies

**PLEASE ENSURE THAT ALL PHOTOCOPIED DOCUMENTATION
CARRIES A VERIFICATION STAMP FROM THE ISSUING SOURCE**

Appendix 3 List of Asserted Public Rights of Way in Newry, Mourne and Down District Council

No.	File Ref	Description of PROW	Asserted	Date asserted	Length (metres)	Status
	Legacy Down					
1	CD/RW/5000	Sampson's Lane, Downpatrick	Yes	16-Dec-95	600	PROW
2	CD/RW/5001	Park Lane/Saul Lane, Harry's Loney	Yes	16-Dec-95	650	PROW
3	CD/RW/5004	Belfast Road to Jane's Shore, Downpatrick		n/a	950	Public path
4	CD/RW/5005	English Street to Market Street, Downpatrick	Yes	18-Apr-01	110	PROW
5	CD/RW/5500	Net Walk and Shore Loney, Killyleagh	Yes	15-Feb-88	900	PROW
6	CD/RW/5501	The Broadmeadows, Killyleagh	Yes	21-Dec-87	600	PROW
7	CD/RW/5502	Green Lane, Raleagh	Yes	19-Sep-88	1200	Bridle path
8	CD/RW/5504	Chapel Pad, Drumaness	Yes	16-May-88	480	PROW
9	CD/RW/5505	St Marys Primary School, Killyleagh	Yes	17-Jun-08	275	Footpath
10	CD/RW/5511	Harmony Hill, Drumaness	Yes	16-Dec-96	1150	Bridle way
11	CD/RW/5516	Riverside Walk, Ballynahinch	Yes	n/a	600	Footpath
12	CD/RW/5517	Tannaghmore Rd to Newcastle Rd, Loughinisland	Yes	16-Oct-95	450	Footpath
13	CD/RW/5519	Cumran Lane, Clough	Yes	17-Apr-00	1750	Footpath
14	CD/RW/5524	Ballywillwill Rd to Clonvaraghan Road	Yes	16-Dec-96	950	Bridle path
15	CD/RW/5532	Clonvaraghan Road to Slievehanny Road, Castlewellan	Yes	15-Sep-03	1490	Bridle Path
16	CD/RW/5533	Drumsnade Road to Tannaghmore Road,	Yes	19-Apr-99	3000	Bridle Path

No.	File Ref	Description of PROW	Asserted	Date asserted	Length (metres)	Status
		Ballynahinch				
17	CD/RW/5534	Castlewellan Road to the Square, Clough	Yes	17-Nov-97	500	Footpath
18	CD/RW/5550	Magheratimpany Rd to Newcastle Rd, Drumaness	Yes	15-Dec-03	200	Footpath
19	CD/RW/5624	Ringhaddy Road to Quarterland Road, Killinchy	Yes	23-Feb-15		Footpath
20	CD/RW/6000	Carrownacaw Road to the Ballyculter Rd, Raholp	Yes	19-Oct-87	720	PROW
21	CD/RW/6001	Castle Flannen, Kilclief	Yes	18-Mar-86	80	PROW
22	CD/RW/6002	Bishopscourt Rd to Glebe Rd	Yes	21-Dec-87	900	PROW
23	CD/RW/6003	Ballyhornan to St Patrick's Well, Sheepland	Yes	21-Dec-87	4100	PROW
24	CD/RW/6005	Killough to St John's Point	Yes	19-Sep-88	2950	PROW
25	CD/RW/6006	Lough Money to Ballystokes	Yes	19-May-86	1450	PROW
26	CD/RW/6007	Ballyalton to Ballysugagh	Yes	16-Dec-85	1700	PROW
27	CD/RW/6010	The Shore to Raholp	Yes	10-Aug-87	1150	PROW
28	CD/RW/6023	Raholp to Lough Money	Yes	15-Nov-99	1400	Bridle path
29	CD/RW/6027	Castle Lane, Ardglass	Yes	19-Apr-99	130	Footpath
30	CD/RW/6031	Downpatrick Rd to Castle Street, Strangford	Yes	20-Jun-00	1400	Public path
31	CD/RW/6037	Strangford Road to Porthamish, Ballyhornan	Yes	17-May-04	645	Footpath
32	CD/RW/6130	Sheepland Road to Ballyhornan to Sheepland PROW	Public path-	24-Sep-12	40	Footpath

No.	File Ref	Description of PROW	Asserted	Date asserted	Length (metres)	Status
			Diverted			
33	CD/RW/6041	Drumroe Road to Churchtown Road, Strangford	Yes	28-Nov-11	570	Carriageway
34	CD/RW/7000	Bath Lane, Newcastle	Yes	16-May-88	90	PROW
35	CD/RW/7001	Glen River, Newcastle	Yes	19-Oct-87	4600	PROW
36	CD/RW/7006	King Street to South Promenade, Newcastle	Yes	27-Sep-10	44	Footpath
37	CD/RW/8000	Trassey Track	Yes	16-Dec-85	6840	PROW
38	CD/RW/8001	Kilcoo Graveyard	Yes	19-May-86	350	PROW
39	CD/RW/8002	Magee's Walk, Castlewellan	Yes	19-Oct-87	100	PROW
40	CD/RW/8003	Rock Lane, Castlewellan	Yes	16-May-88	1100	PROW
41	CD/RW/8004	Cow Lane, Castlewellan	Yes	16-May-88	850	PROW
42	CD/RW/8005	Caskell Lane, Castlewellan	Yes	16-May-88	750	PROW
43	CD/RW/8006	Castle Lane, Dundrum	Yes	21-Apr-86	550	PROW
44	CD/RW/8007	Back Lane, Dundrum	Yes	19-May-86	400	PROW
45	CD/RW/8008	Dam Walk, Dundrum	Yes	19-May-86	950	PROW
46	CD/RW/8009	Tipperary Lane, Newcastle	Yes	20-Feb-95	700	Footpath
47	CD/RW/8010	Wild Forest Lane, Newcastle	Yes	20-Feb-95	1600	Bridle path
48	CD/RW/8011	McSherry's Lane, Castlewellan	Yes	16-Oct-95	1850	Bridle path
49	CD/RW/8013	Manse Lane, Dundrum	Yes	19-May-86	200	PROW
50	CD/RW/8014	Drumree Cemetary	Yes	18-Sep-95	1830	Bridle path
51	CD/RW/8016	Drumree Road to Carnacaville Road Laneway, Castlewellan	Yes	18-Sep-95	2000	Bridle path
52	CD/RW/8017	Drumree Cemetery to Drumree Carnacaville	Yes	16-Oct-95	470	Bridle path

No.	File Ref	Description of PROW	Asserted	Date asserted	Length (metres)	Status
		Road				
53	CD/RW/8018	Lower Burren Road to Newcastle Road PROW	Yes	25-Nov-02	500	Footpath
54	CD/RW/8019	Carnacaville Road to Church Hill Road, Newcastle	Yes	18-Sep-95	580	Bridle path
55	CD/RW/8020	Barbican Farm to Wild Forest Lane	Yes	16-Feb-98	600	Bridle path
56	CD/RW/8021	Tullybrannigan Rd to Tullybrannigan Rd Loop	Yes	16-Dec-96	1080	Bridle path
57	CD/RW/8026	Ballylough to Annsborough Primary School	Yes	19-Apr-99	600	Bridle path
58	CD/RW/8027	Kilmegan Road to the Priests Road	Yes	18-Feb-02	820	Bridle path
59	CD/RW/8028	Wateresk Road to Kilmegan Road	Yes	21-Aug-00	1200	Bridle path
60	CD/RW/8030	Ballybannon Road to Wateresk Road	Yes	16-Oct-00	1300	Bridle path
61	CD/RW/8031	Drumee Road to Dundrinne Road Upper	Yes	16-Oct-95	750	Bridle path
62	CD/RW/8032	Dundrinne Road to Brook Cottage	Yes	16-Oct-95	550	Bridle path
63	CD/RW/8037	Green Lane, Burrenreagh, Castlewellan	Yes	20-May-96	550	Footpath
64	CD/RW/8038	Macleans Close, Bryansford Road, Tullyree	Yes	16-Dec-96	600	Footpath
65	CD/RW/8040	Dundrinne Road to Ballybannon Road, Castlewellan	Yes	16-Oct-00	2000	Bridle path
66	CD/RW/8044	Drumee PROW to Newcastle Road, Newcastle	Yes	17-Dec-01	150	Footpath
67	CD/RW/8047	Byransford Road to Tullyree Road	Yes	15-Dec-03	1600	Footpath
68	CD/RW/8057	Primrose Lane, Newcastle	Yes	18-Feb-08	60	Footpath
69	CD/RW/8061	Porters Lane, Newcastle	Yes	26-Jan-09	60	Footpath

No.	File Ref	Description of PROW	Asserted	Date asserted	Length (metres)	Status
70	CD/RW/8088	Dromara Road to Castle Hill, Dundrum (Quarry Lane)	Yes	14-Sep-14		Footpath
71	CD/RW/8084	Beach Avenue, Newcastle	Yes	26-Sep-11	57	Carriage way
72	CD/RW/9018	Mound of Down to the Belfast Road, Downpatrick	Yes	26-Aug-14	240	Footpath
Legacy Banbridge						
73	FP(a) 156	Adders Loanain -Millvale Road to join the Moat Pad, Ballyward	Yes	04-Jan-94	1250	Footpath
74	FP(A) 139	Flush Road to Eelwire Road, Ballyward	Yes	05-Mar-01	950	By-way (foot, horse and vehicle)
75	FP(a) 145	Glen Loanin-Moneyanabane to Drumboy Road, Dromara	Yes	29-Jun-93	1100	Bridle path
76	FP(a) 129	Darby's Loanin-Moneyanabane Road to Castlewellan Road, Dromara	Yes	28-Jun-93	1100	Bridle path
77	FP(a) 192	Scotch Rock Pad-Slievenaboley Road to Rathfriland Road, Ballyward	Yes	06-Sep-94	2290	Footpath
78	FP(a) 151	Windy Gap Pad-Slievenaboley to Legananny Road, Ballyward	Yes	02-Nov-92	1500	Footpath
Legacy Newry and						

No.	File Ref	Description of PROW	Asserted	Date asserted	Length (metres)	Status
	Mourne					
79	G/4/10/01	Bellman's Loanan from Windsor ave to upper Damolly Road, Newry	Yes	Nov-09	210	footpath
80	G/4/10/02	Moygannon Road to foreshore at Dobbin Point, Warrenpoint	Yes	29/01/1990	200	Footpath
81	G/4/10/03	Yelverton Lane, from Killowen Road to foreshore, Ballyedmond, Rostrevor	Yes	26.01.2004	665	Footpath
82	G/4/10/04	Fairy Glen, from Newtown Road to Forestbrook Road, Rostrevor	Yes	24.09.1990	700	Footpath
83	G/4/10/05	Manus Lane, Rooney Road to Harbour Road, Kilkeel	Yes	16.12.1991	160	Footpath
84	G/4/10/06	Cloughmore Stone to Shore Road, Rostrevor, via Fiddlers' Green	Yes	28.05.1991	1700	Footpath
85	G/4/10/08	Dog Kennel Lane, Kennard Villas to Upper Damolly Road, Newry	Yes	24.10.1994	800	Footpath
86	G/4/10/09	Rathfriland Road to Crieve Road, Newry (Upper Lane)	Yes	23.03.1992	600	Footpath
87	G/4/10/12	Orchard Hill to Summerhill, Warrenpoint	Yes	28.06.1993	50	Footpath
88	G/4/10/13	Rathfriland Road to Crieve Road, Newry (Lower Lane)	Yes	09.05.1994	600	Footpath
89	G/4/10/14	Newtown Road to Forestbrook Road, Rostrevor	Yes	26.01.2004	160	Footpath
90	G/4/10/15	"Crilly's Loanan", Father Cullen Park to Camlough Road, Bessbrook	Yes	24.10.1994	800	Footpath
91	G/4/10/17	Kilkeel Road to junction of Baan and Rocky		12.03.2015		footpath

No.	File Ref	Description of PROW	Asserted	Date asserted	Length (metres)	Status
		Rivers				
92	G/4/10/21	Mayo Road to Chapel Hill Road, Mayo-bridge	Yes	24.10.1994	400	Footpath
93	G/4/10/23	Millvale Road Bessbrook to Craigmore Road Newry	Yes	28.08.2007	1000	Footpath
94	G/4/10/26	Canal Towpath, Newry, from Canal Quay to Gambles Road	Yes	11.06.2003	10350	Footpath
95	G/4/10/30	Drumlough Road to Drumlough School Road, Rathfriland	Yes	25.11.2002	1200	Footpath
96	G/4/10/32	Killowen Road to the foreshore, between No. 1 and No. 5 Killowen Road, Rostrevor	Yes	26.01.2004	55	Footpath
97	G/4/10/37	Old Warrenpoint Road to Dual Carriageway, Newry	Yes	26.11.2001	60	Footpath
98	G/4/10/38	Glen Loanan, Ballymartin	Yes	29.04.1996	240	Footpath
99	G/4/10/47	Ballard Road to Slieve Gullion South Cairn	Yes	14.12.2005	3500	Footpath
100	G/4/10/53	Shean Road to Urney Graveyard, Forkhill	Yes	03.04.2000	800	Footpath
101	G/4/10/54	Ballynabee Road, Camlough to Father Cullen Park, Bessbrook	Yes	28.11.2005	600	Footpath
102	G/4/10/62	Ameracam Lane to Fair Road, Cranfield	Yes	08.08.2002	1330	Footpath
103	G/4/10/63	Ballymoyer Forest	Yes	03.04.2000	400	Footpath
104	G/4/10/66	Warrenpoint Road to Foreshore, adjacent to Rosses Quay, Rostrevor	Yes	08.08.2002	105	Carriageway
105	G/4/10/76	Hickey's Lane, Armagh Road to Canal towpath, Newry	Yes	24.11.2003	400	Footpath
106	G/4/10/78	Ulster Avenue to the Harbour, Annalong	Yes	11.06.2003	310	Footpath
107	G/4/10/82	100m South of No. 80 Shore Road, Rostrevor	Yes	06.12.2002	40	Footpath

No.	File Ref	Description of PROW	Asserted	Date asserted	Length (metres)	Status
108	G/4/10/86	Killowen Road to the foreshore adjacent to No. 9 Killowen Road	Yes	25.06.2005	70	Footpath
109	G/4/10/89	"Old Schoolhouse Lane", Killowen Road to Killowen Old Road, Ballyedmond, Rostrevor	Yes	26.01.2004	170	Footpath
110	G/4/10/90	Killowen Road to foreshore, Rostrevor at Killowen Cottage, adjacent to 67 Killowen Road, Rostrevor		30.06.2008	230	Footpath
111	G/4/10/96	Killowen Road to the foreshore, adjacent to Killowen Outdoor Education Centre, Rostrevor		26.01.2004	105	Footpath
112	G/4/10/107	Ballinran Road to Aughnahoor Road, Kilkeel		28.02.2005	1500	Bridleway
113	G/4/10/114a	Chapel Road to Seafin Road, Meigh		15.09.2004	100	Carriageway
114	G/4/10/112	"Hip Road", Carewamean Road, Carrickbroad to border with the Irish Republic		30.08.2005	200	Footpath
115	G/4/10/125	Hanna's Close, Kilkeel		27.06.2005	1000	Footpath
116	G/4/10/126	Kilkeel Road to the foreshore, Moneydarragh Beg, Ballymartin		27.03.2006	100	Footpath
117	G/4/10/134	Camrough River to Father Cullen Park, Bessbrook		22.2.2.10	405	footpath
118	G/4/10/137	Concession rd to the Border with the Republic of Ireland		30.09.2008	240	Carriageway
119	G/4/10/141A	Greenpark Road to Drumsesk Road,		27.03.2006	550	Footpath

No.	File Ref	Description of PROW	Asserted	Date asserted	Length (metres)	Status
		Rostrevor				
120	G/4/10/141b	Drumsesk Road, Rostrevor to Moygannon Road, Warrenpoint		20.12.2006	1500	Footpath
121	G/4/10/152	Hillhead Road to Flagstaff Road, Newry		6.2008	600	Footpath
122	G/4/10/44	Millvale Road at Beetle row to Derrymore Road		Aug-09	400	Footpath
123	G/4/10/138	Millvale Road at the Old Mill to Derrymore Road		Aug-09	700	Footpath
124	G/4/10/156	Shannagh Drive to Coastal path, Annalong			100	footpath
125	G/4/10/159	Kileavy Old Church (Ballintemple Road) to Saint Moninna's Well		05.11.2012	575	footpath

Appendix 4- Inspection Sheets

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Countryside Development Section - Public Right of Way and Footpath Inspection Sheet

CD/RW/ Name of Path:

Location:

Items to be	Defects (if any)	Location	Action Required	Action Taken and Date
Sign Posts				
Waymarkers				
Stiles				
Condition of Path				
Litter				
Surface Vegetation				
Hedges				
Please also check				
Flooding				
Blockages				

Misuse of Path				
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Note: Footpaths require 1.5 metres of clearance and 2.5 metres height of clearance.
Bridle paths require 2.5 metres of clearance (width and height)

Staff involved: _____.

Signed: _____

Date: