

# Byways & Bridleways Trust

## Press Release

No Bridge Over Troublesome Water.

When you are weary, the last thing you want is to have to wade or swim a river, rather than crossing by means of a bridge. The Byways & Bridleways Trust welcomes a commonsense decision about the diversion of a public footpath in Northumberland, and believes that it will have a valuable effect on the usability of bridleways.

In 2007, Northumberland County Council made an order to change a cluster of public rights of way at Hedgeley Northumberland, including diverting Footpath 1 from where it currently crosses the River Breamish, which is notorious for running 'high and fast' at times. Anyone looking at this crossing point today would be excused for thinking that it is, and always has been, virtually impassable, with no proper ford, and steep banks.

But it was not always like this. When Footpath 1 went on to the definitive map and statement of public rights of way in the early 1950s, it crossed the river by means of a footbridge, which 'disappeared', allegedly in the 1980s. In its statutory notice accompanying the package of changes, Northumberland County Council said that Footpath 1 "... will ford the River Breamish and is usable when river levels are low."

Local walker and cyclist Alan Kind objected to the council's proposal. He said that the crucial test to be applied is that in section 119(6) of the Highways Act 1980: "... the diversion effected by the path or way will not be *substantially less convenient* to the public in consequence of the diversion ..." "Wading through a river, when low enough to allow this, cannot be other than 'substantially less convenient' than a footbridge, and the absence of the bridge is just a 'temporary circumstance' that must be discounted", said Kind.

In her decision letter, the Secretary of State's Independent Inspector, Mrs Sue Arnott agrees, and writes, "I have to agree that this is the crux of the matter ... I conclude that I must make the comparisons between the relative convenience of existing and proposed routes on the basis that users are entitled to walk Footpath 1 crossing the river by a footbridge ... the alternative route ... via the new ford ... cannot be other than substantially less convenient when, at best, it would mean crossing with wet feet." Mrs Arnott also disagrees with the council's assertion that few people would walk Footpath 1 were the bridge to be reinstated.

The Trust welcomes this pragmatic view and looks forward to the restoration of this excellent, and too-long-unusable, public footpath. This decision will be influential on other councils proposing unsatisfactory river-crossing diversions of bridleways and footpaths.

[Decision letter FPS/R2000/4/15 of 16 December 2009][caption: the 'lost bridge of Hedgeley' was somewhere along this stretch of river.]