



Order Decision

Inquiry opened on 25 August 2015

by Mark Yates BA(Hons) MIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 22 December 2015

Order Ref: FPS/T1600/4/49

- This Order is made under Section 119 of the Highways Act 1980 ("the 1980 Act") and Section 53(A)(2) of the Wildlife and Countryside Act 1981 ("the 1981 Act") and is known as the Gloucestershire County Council (Public Footpaths KWR 3 and KWR 5, Public Bridleway KWR 2A and Restricted Byway KWR 2) (Parish of Windrush) Diversion Order 2014.
- The Order was made by the Gloucestershire County Council ("the Council") on 13 October 2014 and proposes to divert rights of way in the parish of Windrush, as detailed in the Order Map and Schedule. If confirmed, the Order would also modify the definitive map and statement, in accordance with Section 53(3)(a)(i) of the 1981 Act, once the provisions relating to the diversions come into force.
- There were thirty-one objections and one representation¹ outstanding at the commencement of the inquiry.

Summary of Decision: The Order is confirmed subject to the modifications set out below in the Formal Decision.

Procedural Matters

1. I held a public inquiry into the Order on 25-26 August and 29 October 2015 at Windrush Village Hall. I undertook an unaccompanied visit to the site on 24 August 2015 and I made a further visit accompanied by the interested parties following the close of the inquiry.
2. The petition submitted in support of the Order does not provide any information which assists me in my consideration of the main issues outlined below.
3. All of the points referred to below correspond to those delineated on the Order Map. Unless specified otherwise, the parties mentioned in this Decision object to the proposed diversions.

Main Issues

4. If I am to confirm the Order, I must be satisfied that:
 - (a) it is expedient, in the interests of the owner of the land crossed by the rights of way, that the ways should be diverted;
 - (b) any new termination point is substantially as convenient to the public²;
 - (c) the new ways to be provided will not be substantially less convenient to the public; and

¹ A petition signed by 23 people in support of the Order

² It should be on the same highway or a highway connected to it

(d) it is expedient to confirm the Order having regard to:

(i) the effect of the diversions on public enjoyment of the ways as a whole, and

(ii) the effect the coming into operation of the Order would have with respect to other land served by the existing ways and the land over which the new ways would be created together with any land held with it.

5. I shall also have regard to any material provision contained in a rights of way improvement plan ("ROWIP") for the area when considering the Order.

The Order

6. The Order proposes to firstly divert a section of Restricted Byway KWR 2 (points E-D) and a connecting section of Bridleway KWR 2A (points D-F) onto an alignment between points E-G and G-F respectively. I shall refer to this proposal as the 'western diversion'. Secondly, the Order proposes to divert sections of Footpaths KWR 3 and KWR 5 between points C-B-D and A-B onto the alignments A-C and C-E. I shall refer to this proposal as the 'eastern diversion'. Nothing is apparent to me to suggest that it is not possible to divert the connecting rights of way of a different status in the manner proposed for the western diversion.
7. A previous Order to divert these rights of way, made on 5 July 2013, was rejected by the Secretary of State in light of the notation used on the Order Map. The objections to the original Order were carried forward in relation to the present Order. Subject to the potential modifications to the Order outlined below, I need to consider whether the rights of way should be diverted irrespective of any alternative options previously considered by the Council. It is not within my powers to modify the Order in the manner suggested by Mr Stewart so as to downgrade the rights of way within the western diversion to footpath status.
8. The Council requests the Order is modified to specify that the existing ways will only be stopped up on the date the Council certifies that the required works have been completed in relation to the new ways. I accept that, if confirmed, the Order should be modified in this manner.
9. On the second day of the inquiry, Mr Litton, on behalf of the applicant for the Order (Ms Hamlyn), indicated that a proposal may be put forward for the Order to be modified regarding the extent of the eastern diversion. Prior to the resumption of the inquiry, two suggested alternatives were submitted. The proposals would divert the B-D section to either C-E (option one) or A-C-E (option two). These proposals were circulated for information and I heard the views of the parties during closing submissions.
10. It remains Ms Hamlyn's primary position that the paths should be diverted in the manner set out in the Order for the eastern diversion. However, should I find that the first statutory test is not met, it is requested that I give consideration to the two alternative proposals and she supports option one.
11. It was apparent that those objectors who addressed this matter in closing believed that Ms Hamlyn no longer supported the Order as made. Clearly, this is not the case. However, when considering the eastern diversion, I will have regard to the evidence of the objectors whose primary position is that the

paths should not be diverted. If I consider an alternative for the eastern diversion, I shall do so first in connection with option one, which is the option favoured by Ms Hamlyn and those objectors who expressed a view on this matter.

Reasons

Whether it is expedient, in the interests of the owner of the land crossed by the rights of way, that the ways should be diverted

The western diversion

12. Whilst Ms Hamlyn does not permanently live at the property, which is located at the site of Windrush Mill, she occupies the house at weekends and during holidays. She says that she is at the house on average every other weekend. Ms Hamlyn also outlines that she intends to use the house as her principal residence and it is not her intention to sell the property in the foreseeable future. Mr Pottle occupies the neighbouring annex building mainly during weekdays for the payment of a peppercorn rent to Ms Hamlyn. In my view, Ms Hamlyn's reasons for wishing to divert the ways would be no more valid if she presently lived permanently at the property.
13. Ms Hamlyn accepts that she was fully aware of the rights of way when purchasing the property. However, I see no merit in the arguments put forward by the objectors on this issue, including the assertion that the diversion application was part of a "well-orchestrated plan" by the applicant. This view is supported by the comments of Mr Justice Ouseley³ in the case of *Ramblers' Association v (1) The Secretary of State for Environment, Food and Rural Affairs (2) Oxfordshire County Council (3) Susan Weston (4) Mark Weston [2012]*. Nor is the attitude of the previous owner or the impact of highways in other locations material to whether this diversion is in the interests of the present landowner. The issue to be determined is whether it is expedient to divert the rights of way in the interests of the current landowner. Ms Hamlyn says that she was surprised about the extent of the use and the behaviour of some of the users after moving into the property. These issues are said to impact upon her privacy and security.
14. A section of the existing route between points E-D-F passes the annex and the front of the main house. Ms Hamlyn has provided evidence of incidents where people have peered through the windows of the house and how this has made her feel vulnerable when in the property alone. The existing route is estimated to pass within 1 metre of the ground floor rooms. Evidence has also been provided of incidents of dogs running into the house, people looking into outbuildings and wandering away from the path into private areas such as the orchard and the river bank. On one occasion a group of people are stated to have had a picnic in front of the house. Mr Pottle highlights an incident when two walkers sat on the wall in front of the annex and talked for some time and two other occasions when walkers were found in the annex garden. Mr Anstis, the agent acting for Ms Hamlyn, points to the route proceeding through the garden areas.
15. It may be possible for Ms Hamlyn to take some measures to provide additional privacy in connection with the property but I have doubts regarding how effective these could be in light of the location of the existing route and its

³ At paragraphs 37-41 of the judgment

- undefined width. From my observations, from both inside and outside of the main house, I accept that an issue of privacy arises in respect of the dining room, kitchen and sitting room of the property. I also concur with Ms Hamlyn that the diversion would serve to limit the scope for people to wander over other areas in this locality. Whilst the information supplied indicates that use of the existing route has declined in light of the provision of the proposed route on a permissive basis, clearly the latter is presently only available by way of permission from the landowner and this arrangement may not endure.
16. Mr McKerlie says that it is the actions of the individuals concerned rather than the rights of ways that are at issue. I accept that there is an opportunity for a landowner to challenge the public should they wander to any significant extent away from the rights of way. However, no such right extends to people on the rights of ways irrespective of the time of day or night involved. Further, the position of the buildings and outside areas means that privacy issues will still arise from the use of the ways.
 17. Evidence has been provided of two thefts from outbuildings and incidents when ironwork was stolen from outside of the house. Ms Hamlyn is further concerned about the isolated location of the property and the lack of opportunity at the present time to erect a gate to control access near to the property. Some security measures have been taken in the form of CCTV cameras and the house and annex are alarmed. Mr Anstis outlines that additional security measures, such as external cameras and security lights, are unlikely to gain approval given the listed status of particular buildings. However, Mr Pottle accepts that the action he takes in respect of the locking of doors and setting of the alarm would be taken in relation to other houses. Further, the incidents of vandalism mentioned regarding the permissive path signs appear to relate to the land crossed by the proposed routes.
 18. There may be cases where the location and use of a right of way is such that these factors serve as a deterrent for criminal activity but I am not satisfied that this has been shown to be applicable in the present case. As Mr Litton points out, this did not prevent the two incidents involving the outbuildings from occurring. This would also be applicable to the assertion by Mr McKerlie that a long drive leading to a property acts as a deterrent to burglars. The location of the property and the incidents that have occurred mean that there is some merit in the security concerns of Ms Hamlyn. The diversion of the rights of way from the immediate locality of the house, annex and outbuildings would enable the landowner or tenant to challenge people and take action to secure the site to some extent.
 19. A further issue mentioned by Mr Anstis in support of the diversion is the potential safety issues arising out of the conflict between vehicles of residents or guests and the public using the existing route. The latter will include walkers, horse riders and cyclists. However, I am not satisfied that it has been shown by way of evidence that there is any significant degree of risk in this location. In terms of the users of the ways, it is not alleged by the Council that the diversion is in the interests of the public.
 20. I accept from the evidence provided and my observations of the site that the western diversion would be advantageous to Ms Hamlyn for reasons of privacy and security. It follows that I conclude that this diversion is expedient in the interests of the owner of the land crossed by the rights of way.

The eastern diversion

21. I found during my visits to the site that the privacy issues detailed above are also applicable where the existing route travels towards point D. This issue is not so relevant at point B but the diversion would enable Ms Hamlyn to secure her land at this point given her concerns. However, there is a lack of evidence to substantiate the diversion being in the interests of the landowner for reasons of privacy or security between points A-B and B-C. I therefore agree with the objectors on this issue.
22. I can only conclude that it would be in the interests of the landowner to divert the path between points B-D. This means that a case has not been made for the majority of the diversion being in the interests of the landowner. In the circumstances, I now propose to consider the other tests firstly in relation to the first option put forward by Ms Hamlyn.

Whether the new ways will be substantially less convenient to the public

23. The use of the ways included in the Order needs to be considered in the context of the rights of way network in the area. It is apparent that people will use sections of the western and eastern diversions and other rights of way as part of the overall route used. The rights of way network in the area is fairly challenging in terms of its terrain and structures to negotiate. Further, the diversions are situated a fair distance from the village of Windrush.

The western diversion

24. Reference is made by the objectors to the difference in the gradients between points D-E and G-E. Whilst figures for the average gradients of the two routes are not available, Mr Eggleton⁴ has provided details of the maximum gradients for each route. He considers the maximum gradient to be important as a significant gradient over even a short section of a route would pose a barrier to use. His calculations reveal that the existing route has a maximum gradient of 1:6 and the proposed route currently has a maximum gradient of 1:4. No evidence has been provided to refute these figures. However, Mr McKerlie believes that the slope is longer for the proposed route in comparison to the existing route.
25. Clearly, at the present time, the proposed route has a steeper maximum gradient. However, it is proposed to re-grade the slope by means of the cutting and infilling of material. The intention is for the maximum gradient between points G-E to be 1:6, which would be comparable with the D-E section. This issue also needs to be considered in conjunction with the intended change to the surface of the proposed route. The Council's witness, Mr Barton, confirms that the current bark surface will be replaced by a stone and dirt covered surface. The proposed change to the surface should provide walkers with a more stable surface than the one that presently exists. Mr Barton also confirms that the type of surface proposed would be suitable for equestrian traffic. In addition, it is proposed to put anti-slip boards on the bridge located between points F-G.
26. Mr Eggleton does not consider the gradient of the existing route between points D-E to be suitable for wheelchairs whether self-propelled or pushed. In contrast, a letter from Mr Miller-Gore documents how he pushes his elderly mother-in-law along the existing route. Mrs Pretty corroborated the evidence

⁴ He was called on behalf of the applicant and his specialist field is Disabled Access Consultancy

- of Mr Miller-Gore having seen him on the route. She also provided evidence of use of the existing route with a buggy. The wheelchair and buggy use is stated to relate to the E-D-F section. In addition, Mrs Pretty draws attention to the range of disabilities and elderly users. In this respect, I note the evidence of Dr du Vivier who uses a walking stick. He says that he finds it difficult to go down to the bridge but he can walk between points E-D.
27. Bearing in mind the intended changes to the gradient and the surface of the proposed route, I do not find that it has been shown that the diversion would lead to the ways being substantially less convenient for walkers, including the elderly and people with limited mobility. The changes proposed should provide a maximum gradient comparable with the existing route and a firm surface. Further, the length of the slope of the proposed route has not been shown to be significantly greater than the existing route. This means that any wheelchair users, or people accompanied by buggies, should not be deterred from using the route by virtue of the diversion.
28. A statement has been provided from one of the joint owners of the only livery stables in the area (Ms Herrington). She states that there are eleven ex-racehorses at the stables and the horses have been walked past the mill two or three times a week. However, the horses refuse to go over the bridge due to the noise. Ms Herrington did not give evidence at the inquiry which means that it was not possible to clarify matters arising out of her letter. This was most noticeable in the different interpretations by Mr McKerlie and Mr Anstis regarding whether it is the sound of the wood of the bridge or the noise of the water underneath which caused the horses not to continue. In respect of the latter, Mr Anstis considers the water noise to be greater on the existing route. Mr Litton also believes that noise from the water is the most likely explanation and he draws attention to this point being raised in correspondence from Mr Pretty⁵.
29. Prior to the making of the Order, advice was sought from the British Horse Society ("BHS") regarding the suitability of the route for equestrian users. A witness from the BHS did not appear at the inquiry. However, the BHS reports indicate that when the recommended works have been fully implemented the route will be suitable for horse riders. The written evidence from the BHS should be given a fair amount of weight given that this organisation is concerned with the welfare of horses and riders.
30. On the basis of the evidence provided, I am not convinced that the bridge will lead to the ways being less convenient for the public. The information provided by the BHS also indicates that, once the required works have been completed, the bridge will be safe for equestrian traffic. I appreciate that there may be some horses, such as those highlighted above, who will not wish to cross the bridge. However, the extent to which this issue will arise cannot be determined from the evidence. This means that I am unable to conclude that there will be a significant problem for horses crossing the bridge.
31. Mr Anstis raises some further issues regarding the convenience of the routes. In terms of the undefined width for the existing route, it cannot be determined that its unrecorded width is any less than that proposed by virtue of the diversion. Nonetheless, there is nothing to suggest that the widths for the proposed route are not suitable bearing in mind the status of the ways.

⁵ Paragraph 8 of an email to the Council of 27 November 2012

Further, I am not satisfied it has been demonstrated that the proposed route offers a much safer route for the public than the existing route.

32. Whilst there are clearly some issues which impact on the convenience of the existing and proposed routes, I do not find from the above that the diversion would lead to the ways being substantially less convenient for the public.

The eastern diversion

33. In light of my conclusion in paragraph 22 above, consideration needs to be given to the diversion of Footpath KWR 3 from points B-D to points C-E. However, I accept that the existing route is presently used in conjunction with other rights of way and this may have some bearing on the issue of convenience.
34. The existing route is relatively level but there is a need when continuing in a south westerly direction beyond point D to traverse a gradient. It can be seen from the figures provided by Mr Eggleton that there would be very little difference in the maximum gradients between points D-E (1:6) and B-C (1:5.5). There would initially be no issue with the gradient when continuing northwards from point D. However, in both cases, if the Order is confirmed in respect of the western diversion, Footpath KWR 3 would be a cul de sac at point D.
35. I note that the maximum gradient between points C-E is 1:7.5, which is steeper than the corresponding B-D section. On this issue, I accept that the proposed route is less convenient. Nonetheless, I am not satisfied from the figures provided and my observations of the site that this issue will have a significant impact on the convenience of the path.
36. The proposed route has a natural surface but it was firm underfoot during my visit and is consistent with the unaffected section of Footpath KWR 3 to the south. There is nothing apparent to suggest that the overall length of the route used would increase significantly by virtue of this diversion, particularly when considered in conjunction with the western diversion.
37. Mrs Pretty refers to the structures that would exist at point E, if the Order is confirmed, which she compares with a low stile at point B. The proposed route would have a set of steps similar in nature to those that exist in connection with Footpath KWR 1. There would then be a pedestrian gate providing access to the field. A gate would provide a reasonably convenient means of access and is more accessible than a stile. There is a difference of opinion between Mr Eggleton and Mrs Pretty regarding the extent to which the steps would pose a problem for disabled users. Mrs Pretty particularly highlighted the problem for some people when descending steps. Whilst I do not dismiss the views of Mrs Pretty on this issue, I am not convinced that the steps proposed would be significantly less convenient than the stone stile that presently exists at point B.
38. Again, I acknowledge that there are matters which impact on the convenience of the two routes. However, I am not convinced that these issues when taken together show that the diversion would lead to the footpath being substantially less convenient for the public.

Whether any new termination point is substantially as convenient to the public

39. No issues have been raised to suggest that the proposed revisions to particular termination points are less convenient for the public than those that presently exist. Further, the proposed changes need to be considered in the context of the two diversions as a whole. I have addressed issues such as the structures in connection with the eastern diversion above. In respect of the western diversion, the anomaly regarding the status of the connecting ways already exists.
40. Overall, I find that the proposed revised termination points are substantially as convenient as those that presently exist.

The effect that the diversions would have on public enjoyment

The western diversion

41. Mr Pottle believes that the majority of people choose to use the proposed route in preference to the existing route. This view is based upon his personal observations and the viewing of CCTV footage from the Mill House. In support, figures have been provided from a survey of use undertaken during five weekends and a bank holiday between 23 May and 4 July 2015. The survey results cover only a limited period. However, even if this view is correct, it cannot be determined whether other issues, such as signage, contributed towards the use of a particular route. In respect of the consultations undertaken by the Council, I agree with Mr Pretty that a failure to respond does not necessarily equate to support for a diversion.
42. Although it can be argued that some walkers feel embarrassed when walking close to a domestic property, no evidence has been provided to show that this issue arises to any significant extent in the present case. Accordingly, I give little weight to the argument made by Mr Anstis in respect of this issue.
43. Dr Nash, who was called on behalf of Ms Hamlyn, outlines that the majority of the network of paths in this locality are shown on Ordnance Survey mapping dating back to 1882. It cannot be determined when the routes in this locality were dedicated as highways but it is apparent that they are features of some antiquity. However, the main issue of concern in the objections relates to the loss of views in connection with the mill site.
44. I give very little weight to the fact that the mill ceased to be operational in the 1930s and has not been open to the public. People may still enjoy the external views of the three listed buildings. The mill and adjoining miller's house are stated to date back to the mid-seventeenth century with modifications to the fabric during the eighteenth century. Other buildings in this locality are stated to date back to the eighteenth century. It is not disputed that the mill buildings are of historical value and they are clearly much valued by the objectors.
45. An issue of dispute between the parties is the value of the views from the existing and proposed routes. I distinguish this issue from the view of the bridge for which planning permission has been granted. Those who spoke in support of the Order generally preferred the views from the proposed route, most notably from the bridge. In this respect, I give the greatest weight to the evidence of Dr Nash who is an archaeologist and historic building specialist. The objectors consider the views from the proposed route to be inferior to

those from the existing route. However, I note that some of the objectors accept that there are good views from the proposed route. The preference for a particular view is very often a subjective matter but Dr Nash applied planning guidance in an attempt to assess the issue objectively.

46. It is not disputed that the existing route is set within an attractive setting as it passes in front of the mill buildings. There are also views of the continuation of the mill race to the east. However, this has to be balanced against the views that are available from the proposed route. There are attractive views to the west of the river and to the east are the race and the other façade of the mill⁶ with the water passing underneath. The view to the rear of the mill is much more limited from the existing route. No views of the wheel room and internal workings of the former mill are available to the public from either route.
47. Whilst Dr Nash accepts that the listed buildings passed by the existing route are attractive features, he considers them to be similar to other Cotswold buildings located within the village. His opinion is that the evidence of its history is found at the rear of the buildings within the E-F section, which provides a view of the workings of the mill. This means that there would be better educational views from the bridge in comparison to the front of the mill.
48. There are clearly different views available from the existing and proposed routes. Both routes have views and aspects that are attractive in their own right. I do not express a preference for the views from a particular route. However, from the evidence of the parties and my observations during the site visits, I do not find that the diversion would lead to a significant loss of enjoyment for the public by virtue of the loss of views.

The eastern diversion

49. The revised diversion outlined in option one would retain the riverside views valued by some of the objectors. These are most evident in the locality of point B. Clearly, the view of the mill buildings towards point D would be lost but this has to be considered in conjunction with the western diversion. Overall, I am not satisfied that there would be any significant loss of enjoyment for the public arising out of this diversion.

The effect of the diversions on other land served by the existing ways and the land over which the new ways would be created

50. No issues have been identified in relation to any land served by the existing routes. The proposed routes proceed over land in the ownership of Ms Hamlyn who clearly supports the Order.

The consideration of the Order in light of any material provision contained in a ROWIP

51. There is nothing to suggest that the Order is contrary to any material provision contained in the relevant ROWIP.

Conclusions

52. I have concluded that it is expedient to divert the rights of way in the interests of the landowner, subject to the modification to the extent of the eastern diversion. Further, I found that the proposed routes would not be substantially

⁶ Including the adjoining miller's house

less convenient than the existing routes and the proposed new termination points to be substantially as convenient as those that presently exist.

53. I acknowledge that the western diversion would lead to the loss of views that are valued by the objectors. However, I am not satisfied that the loss of enjoyment for the public would be significant bearing in mind the nature of the views available from the proposed route. Overall, I do not consider the issues raised by the objectors to be of such substance to demonstrate that it is not expedient to confirm the Order.
54. In light of my conclusions regarding these and the other relevant matters, I conclude that it is expedient to confirm the Order subject to the modification to the extent of the eastern diversion. It follows that there is no need for me to consider the merits of option two.

Other Matters

55. The assertion made by some of the objectors that the Council favoured the applicant is refuted by the Council. In any event the matter has now passed to me, on behalf of the Secretary of State, to determine.
56. It is not possible to draw any meaningful conclusions from the limited extracts of the two Inspectors Decisions supplied by Mr Stewart. Further, my Decision will not set a precedent and other cases will need to be determined on their own merits.
57. The future maintenance of the rights of way would be a matter for the Council to determine. Mr Barton confirms that the landowner will retain responsibility for the maintenance of the bridge structure and, if the Order is confirmed, the Council will become responsible for the surface of the bridge.

Overall Conclusion

58. Having regard to these and all other matters raised at the inquiry and in the written representations I conclude that the Order should be confirmed with modifications.

Formal Decision

59. I confirm the Order subject to the following modifications:

- Delete "Footpaths KWR 3 and KWR 5" from all of the references to the title of the Order and insert "Footpath KWR 3".
- Delete "line's" in the second line of paragraph 1 and insert "lines".
- Delete "on which Gloucestershire County Council confirm the Order and provided" in the fourth and fifth lines of paragraph 1.
- Delete "certify" in the fifth line of paragraph 1 and insert "certifies".
- Delete the third and fourth descriptions in Part 1 of the Order Schedule and insert "That length of public footpath KWR 3 on the Definitive Map for the parish of Windrush that commences at a point marked B on the Order Plan at OSGR SP 1925/1351 then continues in a north-westerly direction for approximately 35 metres to the said point marked D on the Order Plan and being shown by a bold continuous line between points B and D and having an undefined width".

- Delete the third and fourth descriptions in Part 2 of the Order Schedule and insert "A length of public footpath that commences at a point marked C on the Order Plan at OSGR SP 1923/1347 then extends in a generally north-westerly direction for approximately 70 metres to the said point marked E on the Order Plan and being shown by a bold broken line and having a width of 2 metres".
- Delete the first entries in Part 4 of the Order Schedule for Footpath KWR 5.
- Delete the information within columns five to eight in the second entry for Footpath KWR 3 in Part 4 of the Order Schedule and insert respectively "N, N.E.", "FP, KWR 5", "E.S.E of Windrush Mill" and "83,39".
- Delete the information within columns two, three, six and seven in the second entry for Footpath KWR 5 in Part 4 of the Order Schedule and insert respectively "FP KWR New", "FP, KWR 3", "RB KWR 2" and "W.S.W of Windrush Mill".
- Delete the solid black line between points A-B-C on the Order Map.
- Delete the broken black line between points A-C on the Order Map.
- Amend the key to the Order Map in light of the above modifications.

Mark Yates

Inspector

APPEARANCES

For the Council:

Mrs S. Rumfitt Consultant instructed by the Council

She called:

Mr M. Barton Public Rights of Way Network Manager

For the Applicant:

Mr J Litton QC Barrister instructed on behalf of the applicant

He called:

Dr G. Nash

Mr I. Eggleton

Mr M. Pottle

Ms J. Hamlyn

Mr R. Anstis

Applicant

Agent for the applicant

Additional Supporter

Ms J. Wort

The Objectors:

Dr A. du Vivier

Mr A. McKerlie

Mr M. Pretty

Mrs P. Pretty

Mr S. Kynoch

Dr H. Forsyth

Mr G. Stewart

Chairman of Windrush Parish Meeting

Local correspondent for the Open Spaces Society

Mr W. Doe

Mr A. Austin

Documents and Plans

1. Site plans
2. Opening statement for the Council
3. DVD tendered for the applicant
4. DVD submitted by the objectors
5. Addition to Mr Stewart's statement
6. Details of options one and two
7. Closing statement of Mr Pretty
8. Closing statement of Mrs Pretty
9. Closing statement for Windrush Parish Meeting
10. Closing statement for the applicant
11. Closing statement for the Council

