



Order Decision

Inquiry Held on 20 November 2019

Site visit made on 21 November 2019

by Alan Beckett BA MSc MIPROW

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

Decision date: 16 December 2019

Order Ref: ROW/3201724

- This Order is made under Section 53 (2) (b) of the Wildlife and Countryside Act 1981 (the 1981 Act) and is known as the Derbyshire County Council (Footpath from the junction of Hyde Bank Road and St Georges Road to Public Bridleway 180 – New Mills) Modification Order 2012.
- The Order is dated 15 November 2012 and proposes to modify the Definitive Map and Statement for the area by adding a public footpath as shown in the Order plan and described in the Order Schedule.
- There were 3 objections and one late representation outstanding at the commencement of the inquiry.

Summary of Decision: The Order is proposed for confirmation subject to the modification set out in the Formal Decision.

Procedural Matters

1. The inquiry had been scheduled to open on 6 August 2019 but was postponed due to the risk of failure of the nearby Toddbrook Reservoir. I had been able to make an unaccompanied inspection of the route at issue on Thursday 1 August prior to the inquiry being postponed. I held the inquiry into the Order at New Mills Town Hall on 20 November 2019 and conducted a final inspection of the Order route in the company of the parties on the morning of Thursday 21 November.
2. Derbyshire County Council ('the Council') made the Order following an application to modify the definitive map and statement having been made in August 2002 on behalf of New Mills Town Council ('the Town Council'). The application appears to have been prompted by the prospect of the sale of the land crossed by the claimed footpath in the summer of that year.
3. At the inquiry, the Council adopted a neutral stance regarding the confirmation of the Order. Although the Town Council had made the application to add the route to the definitive map, by 2019 it no longer supported the Order and took no part in the inquiry proceedings.
4. No party was prepared to put forward a case for the confirmation of the Order at the inquiry, although the Peak and Northern Footpath Preservation Society ('PNFPS') and the Dark Peak Bridleways Association ('DPBA') both considered that there was sufficient evidence to support the claim that a public right of way subsisted over the Order route.
5. Both the PNFPS and the DPBA appeared at the inquiry as objectors to the Order as made. The PNFPS supported the recording of a public right of way but

objected to the use of an approximate width in Part 2 of the Schedule which was contrary to guidance set out in Advice Note 16¹ and in the letter sent by Defra to all Surveying Authorities in 2007².

6. The DPBA had engaged with the Order at a late stage only having become aware of the matter once the public notice of the August inquiry date had been posted on site. Evidence of the use of the route by the public had been gathered and submissions made as to the status of the route prior to the August inquiry date. It was the DPBA's case that the order route should be recorded as a public bridleway and not a public footpath and requested that the Order be modified accordingly. Having heard the evidence called by the DPBA, Mr Harker of the PNFPS supported the requested modification of the status of the Order route.
7. One further objection was made on technical grounds akin to those raised by PNFPS. Mr A D Kind submitted that part 1 of the Schedule omitted any reference to the width of the Order route when such information should have been included and that Part 2 of the Schedule should not have included the term 'approximate width'.
8. As regards the recording of the width of the Order route in Part 1 of the Schedule, Regulation 4 and Schedule 2 of the Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993 ('the 1993 Regulations') describe the form the Order should take to add a path or way to the definitive map: "*Describe position, length and width of path or way in sections, e.g. A – B, B – C etc., as indicated on map*". I consider that the Regulations require the width of the path to be recorded in both Part 1 and Part 2 of the Schedule. If the Order is to be confirmed, I will modify Part 1 of the Schedule to include a width as requested.
9. Paragraph 9 of Advice Note 16 states "*Determination of the width will, if not defined by any inclosure award, physical boundary or statute, be based on evidence provided during the confirmation process, or, where there is no such clear evidence, the type of user and what is reasonable. Circumstances, such as the nature of the surface and other physical features, may dictate what may be considered reasonable. In the absence of evidence to the contrary, Inspectors should ensure that the width recorded is sufficient to enable two users to pass comfortably, occasional pinch points excepted.*"
10. Paragraph 10 of Advice Note 16 states "*A minimum or approximate width may be used in an order where the evidence indicates a minimum or approximate width. Historic documents tendered in evidence may use terms such as "at the least" or "thereabouts" to qualify the stated width and thus it may be appropriate for the order to be drafted in similar terms.*"
11. The evidence in this case is of relatively recent use by the public giving rise to a presumption that the way has been dedicated; reliance is not placed upon any documentary evidence as to the width of the Order route; consequently, the recording of an approximate width in the Order is not justified. Accordingly, the width of the route should be recorded as accurately as possible to ensure that all parties, (users, landowners and the highway authority) have a degree

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/516940/public_advice_note_16_Widths_6th_revision_April_2016.pdf

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/434605/rights_of_way_16_extra.pdf

of certainty as to the lateral extent of the public right of way. If the Order is to be confirmed, I will modify Part 2 of the Schedule as requested.

12. The current owner of the land over which the Order route runs, Mr McAllister, appeared at the inquiry. Part of Mr McAllister's grounds for objection related to the aspects of the application procedure under schedule 14 of the 1981 Act. It was contended that notice of the application had not been served on the landowner at the time of the application, that there had been collusion between the Town Council and those who provided user evidence and that the Council had tampered with the evidence submitted in redacting details the names and addresses of individuals who had completed user evidence forms.
13. Advice Note No 21³ provides guidance where procedural irregularities are alleged to have occurred at the Schedule 14 application stage. Paragraph 9 of Advice Note 21 reads "*Inspectors appointed under paragraph 10(1) of Schedule 15 to the 1981 Act are not appointed to determine whether any or all of the procedural requirements of Schedule 14 have been carried out, and it is not the Inspector's role to determine whether the application that led to the order was correctly made; or, in those cases where the OMA makes an application to itself in pursuance of its general duty to keep the map and statement under continuous review, to determine whether the OMA should or could have made such an application.*"
14. Paragraph 10 of Advice Note 21 reads "*The correct course of action for any party aggrieved by procedural irregularities in the Schedule 14 process is to seek judicial review of the surveying authority's decision. If this course of action has not been followed, then the opportunity to question the validity of any order on the grounds of procedural defects in the Schedule 14 stage will have lapsed.*"
15. Whilst Mr McAllister may have concerns about the procedural aspects of the application those are not matters that I can take into account. I must deal with the Order as made and consider the evidence which has been adduced attaching to it such weight as is appropriate.

The Main Issue

16. The Order has been made under Section 53(3)(2)(b) of the 1981 Act in consequence of the occurrence of an event specified in Section 53(3)(c)(i).
17. Therefore, the main issue is whether the discovery by the authority of evidence which (when considered with all other evidence available) is sufficient to show that a right of way which is not shown in the map and statement subsists over land in the area to which the map relates.

Reasons

Legal Framework

18. Whilst it suffices under section 53(3)(c)(i) for a public right of way to be *reasonably alleged* to subsist for an Order to be made, the standard of proof is higher for the Order to be confirmed. At this stage, evidence is required which demonstrates, on a balance of probabilities, that a right of way subsists. The

³https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/434589/rights_of_way_21.pdf

burden of proof lies initially with those who assert the existence of a public path.

19. Both the PNFPS and DPBA contend that dedication of a public right of way over the Order route has occurred through public use. This may be either by presumed dedication as set out in the tests laid down in Section 31 of the Highways Act 1980 ('the 1980 Act'), or by implied dedication at common law.
20. Section 31 provides that where a way has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, that way is deemed to have been dedicated as a highway unless there is sufficient evidence that during that period the landowner had no intention to dedicate it. The period of 20 years is to be calculated retrospectively from the date when the right of the public to use the way was brought into question, either by a notice or otherwise. Use 'as of right' is use which has been without force, secrecy or permission.
21. Should the test for statutory dedication fail under section 31, then it may be appropriate to consider the dedication of the way at common law. This requires consideration of three issues: (i) whether any current or previous owners of the land had capacity to dedicate a highway (ii) whether there was express or implied dedication by the landowners and (iii) whether there is acceptance of the highway by the public. There is no fixed period of use at common law and depending on the facts of the case it may range from a few years to several decades. There is no particular date from which use must be calculated.

Statutory dedication – section 31 of the 1980 Act

The date of which the right of the public to use the way was brought into question

22. The application to record the Order route as a public right of way appears to have been made in response to the proposed sale of the land (known as the Millfield) during the summer of 2002. Some of the user evidence forms submitted in support of the application are dated April or May 2002 with the application being submitted to the Council on 28 August 2002.
23. Mr McAllister has submitted evidence that his company placed a notice in the local press in September or October 2002 following its purchase of the land to inform the public that there were no public rights of way over the land and that use of the land for lawful sports and pastimes was with the permission of the owners. Mr McAllister was unable to give a precise date on which the notice was placed in the press but confirmed it had been placed after the company had purchased the land.
24. No evidence was submitted to suggest that an event prior to the Town Council's application had occurred which questioned the right of the public to use the Order route. In the absence of any other event, subsections (7A) and (7B) of section 31 of the 1980 Act provide that the date an application is made in accordance with paragraph 1 of schedule 14 to the 1981 Act can be taken as the date at which the public's right to use the Order route was brought into question.
25. The application was made in the form prescribed by Regulation 8 (1) and Schedule 7 of the 1993 Regulations, was accompanied by a map to the prescribed scale and by copies of the evidence on which the applicant sought to

rely. Accordingly, as the application made on 28 August 2002 complied with the requirements of section 31 (7B) of the 1980 Act, the relevant 20-year period of use to be considered for the purposes of section 31 (2) of the 1980 Act is 28 August 1982 to 28 August 2002.

Whether the claimed footpath was used by the public for a period of not less than 20 years ending on the date the public's right to do so was brought into question

26. The application made by the Town Council in 2002 was supported by 15 user evidence forms which had been completed between April and May 2002, three of which the Council had discounted. In 2007 a further 10 user evidence forms had been submitted. In August 2019 the DPBA submitted 13 user evidence forms in support of its contention that the Order route should be recorded as a public bridleway. In total, 35 individuals have provided evidence of use of the Order route.
27. In response to the question as to the period of use, many of the 2007 and 2019 forms give a date of commencement of use during or before the 20-year period identified above until "the present day". However, any use beyond the late summer or autumn of 2002 would have been with the permission of the landowner following the publication of the notice described in paragraph 20 above and cannot be qualifying use after that date. This has no impact upon the evidence of use prior to 2002.
28. Very few of the 2002 user evidence forms were accompanied by a map to show the route to which the form relates. The forms however describe the route of the claimed path as being '*Hyde Bank Road to Sett Valley Trail*' or words to that effect. Although there was no graphic representation of the route being described it is highly likely that the evidence forms relate to the Order route as the photographs of the area taken during the 1980s and 1990s clearly show a worn path in the ground commencing at the Hyde Bank Road / St George's Road junction and crossing the slope of the Millfield towards the Sett Valley Trail on an alignment not dissimilar to the Order route.
29. In 2007 there was clearly some attempt made to provide clarification to the 2002 forms as five respondents had completed a plan showing the route which they had used. In addition to showing a route on the general alignment of the Order route, three of the plans contain longhand annotations; one states "*I have witnessed horses using this and other routes*"; another states "*personally used by bicycle with my children and seen horses use this route*"; and a third states "*I have walked the route and seen other on horseback and bicycle using it*". The two other plans show several routes which the witnesses attest to having used over both the Picker⁴ and the Millfield as opposed to just showing the route to which the user evidence form relates.
30. Of the 2007 user evidence forms, six were accompanied by a map showing the route at issue. This was map prepared by the Council showing the Order route A – B – C annotated in the same way as the Order map. These maps contrast with those which were appended to the 2002 user evidence forms in that the route shown was not drawn by the witness nor did they contain any marginal notes as to use.

⁴ The land to the north-west of the river owned by Mr McAllister

31. One of the criticisms of the 2002 and 2007 user evidence forms was that they had been countersigned by a third party or had parts of the forms pre-populated by a third party before being passed to witnesses for completion. Another criticism was that some maps had been drawn by the Council and not by witnesses; such activities were considered to show collusion between the Council, the Town Council and witnesses to manufacture evidence in favour of the application. Similar criticism was levelled at the process by which the 2019 user evidence forms had been gathered, again suggesting collusion on the part of the DPBA.
32. These points were put to user witnesses at the inquiry. One witness confirmed that she alone had completed her 2002 user evidence form and had handed it in at the Town Council offices where it had been counter-signed upon receipt. Another witness who had completed a form in 2007 produced the original form which he had been sent, together with the covering note from the Council. All that had been completed on this form was the description of the route at issue. This witness confirmed that all other responses had been his and his alone, and that he had returned his form direct to the Council. Witnesses called by the DPBA described the circumstances by which they had offered their evidence of use of the Order route.
33. Although the 2002 forms had been countersigned by the employees of the Town Council and the 2019 forms were submitted by a user group, it is almost inevitable in cases such as this that an individual or group takes a lead in gathering evidence of use, collating it and submitting it as part of an application or in support of an application. It does not follow that just because an individual co-ordinates such matters that the evidence is tainted by collusion; the forms are signed by individuals to confirm the evidence given as being their own evidence. Witnesses are unlikely to have signed a form or map if the evidence did not reflect the route which they had used. That some forms have been countersigned by others or had details of the terminal points of the route completed by others does not diminish the quality of the evidence which has been given.
34. The user evidence forms are consistent in describing a route running from the junction of Hyde Bank Road and St George's Road over the Millfield to join the Sett Valley Way. The forms describe personal use of the claimed path on foot, on horseback and with a bicycle and provide evidence of use of the path by others having been observed.
35. I saw from my site visits that there was a pronounced worn line in the ground on the alignment of the Order route with evidence of pedestrian and cycle use although no hoofmarks were to be seen. The line evident on the ground reflects that shown in the photographs of the area taken in the 1980s and 1990s and those which accompanied the application. This suggests that there has been regular and continuing use of a path between Hyde Bank Road and the Sett Valley Trail for almost 40 years. The earliest photograph to show a worn line in the ground is dated May 1986 which suggests consistent and regular use by sufficient people prior to the date of the photograph to have created that worn line.
36. The Sett Valley Trail comprises a former railway line which was finally closed to traffic in 1970 with the land being purchased by the Council to create a multi-user trail along the course of the former railway. I heard from one witness that

- the rails and sleepers had been removed when the railway had closed and that the boundary fence with the Millfield at point C had been removed shortly after the railway closed; access to and from the Sett Valley Trail appears to have been available from the early 1970s.
37. The availability of access from that date is reflected in those 12 user evidence forms which state that use of the Order route commenced in the 1970s. I have reservations about the claimed period of use shown in two other forms which claim to have used the route since the 1950s or 1960s as this would have involved access onto a working railway line. Even if the evidence from these forms were to be discounted, 12 user forms would remain to demonstrate use from the 1970s with a further 20 witnesses demonstrating various periods of use during the relevant 20-year period.
 38. The user evidence forms can be broadly split into two groups, firstly, those who have used the path on foot and those who have used the route on horseback. Some of those who have walked the route noted that they had observed equestrians and cyclists using the path. Fifteen people claim use of the Order route throughout the relevant 20-year period with the remaining users claiming various period of use during that period.
 39. In total, ten witnesses gave evidence at the inquiry, four pedestrian users and six horse riders. One witness had used the path for around 35 years to walk the family dog and had occasionally seen horse riders on the path, but primarily other users observed had been dog walkers. Another witness had used the path since 1975 but did not recall seeing horse riders or cyclists.
 40. The third pedestrian witness recalled that the railway boundary fence had always been secure up to the closure of the railway after which it had quickly been removed, with the former railway line and the Order route being used for recreational purposes from around 1972. This witness had walked his dog daily on the path and had occasionally seen horse riders using it. I heard from the fourth witness that had used the path since 1978 around once per week and recalled that when the path had been wet it was churned up by horses hooves; although this witness had used the Order route, he noted that it had also been possible to cross the river from the Picker and join the order route without having to start at point A.
 41. All witnesses noted that the vegetation on the Millfield was currently much thicker in contrast to the 1970s and 1980s; the photographic evidence submitted shows that in the first part of the relevant 20-year period there were fewer trees on the Millfield; the 1986 photograph clearly shows a worn route over what appears to be short cropped grass or other vegetation.
 42. Equestrian users gave evidence of use of the Order route as part of a route between Hayfield, New Mills, Mellor and Marple. The Sett Valley Trail ceases to be a bridleway at St George's Road and the road itself has a blind bend which is considered unsafe to negotiate on horseback. The Order route provided an alternative route away from road traffic by which Salem Bridge could be reached for travel along the quiet back streets of New Mills. Footpath 141 running alongside the old churchyard and which connects to the Sett Valley Trail was not used as it is tarmacked and used by families with pushchairs. The Order route provided an alternative with none of these drawbacks; it also provided an opportunity for riders to access the river so their horses could drink and then canter back up the slope to the path.

43. One witness rode the Order route on a monthly basis until 1982 her horse being kept at Hayfield and, having returned to the area in 1989, rode it on a weekly basis as she had kept her horse at Thornsett. Although the route followed was well worn and narrow, the width was not a problem as horses were ridden in single file. Another witness had ridden the route once or twice per week between 1981 and 2002 as part of a ride in the area as her horses had been stabled in Disley. Another witness had used the route since 2001 as part of a short circular ride as his horse had been stabled a mile from New Mills near the Sett Valley Trail.
44. A further witness had first ridden the Order route on a monthly basis since around 1994 in preference to riding along St Georges Road, both on her own and with others, riding in single file along the worn path. The witness said that as the path was not enclosed, there had always been enough space to step aside if other users were approaching in the opposite direction. Another witness gave evidence of having ridden the Order route since 1978 up to 2005 as part of a longer ride in the area in addition to using other parts of the Millfield for gymkhana practice in her youth. The final witness had ridden the Order route between 1973 and 1989 when she had temporarily given up riding, keeping her ponies in Birch Vale or Hayfield and using the route at least weekly as many of her friends who also rode lived in New Mills.
45. The current owner of the Millfield questioned the claimed use in relation to the duration of the rides said to have been undertaken and the use of the Order route as part of a ride from Hayfield to Mellor, claiming that there were better and more attractive routes by which such a journey could be undertaken. The users responded that the rides they undertook could last 2 to 3 hours at a time, that many friends they rode with were based in New Mills and that the land at Millfield was a suitable place to meet up.
46. The objector submitted that the number of claimed users was extremely small when compared against the population of New Mills which was said to be around 72,000. Although the absolute numbers of users are small, not everyone who resides in New Mills is likely to have used the path. However, many of the witnesses recall seeing others using the claimed path. I have no reason to not consider that those who gave evidence are representative of those who have used the Order route in the past.
47. Although only 15 of the 35 persons who completed a user evidence form demonstrate individual use for 20 or more years before 2002, not all witnesses are required to do so. The user evidence discovered in this case demonstrates use of the Order route on foot and on horseback by the public throughout the relevant 20-year period.

Whether use was as of right and without interruption

48. There is no evidence before me that use of the path had been interrupted during the relevant 20-year period.
49. The entrance and exit points at A and C have at all material times been open and users have not had to break down or climb over fences or gates in order to access the path. Use has been conducted in full view of anyone who may have been able to observe such use. None of the witnesses recalled having been challenged when using the path, and there is no evidence of prohibitory notices having been erected along it. Prior to the notice being placed in the press by

the current landowner in the autumn of 2002, no permission to use the path had been sought or given. I conclude that that the use by the public described above was use of right.

Conclusions regarding the evidence of use

50. Those who gave oral testimony at the inquiry were consistent and firm in their description of regular use of the Order route on foot and on horseback during the relevant 20-year period. Collectively the evidence given spanned the 20-year period under consideration and reflects and supports the evidence contained in the user evidence forms submitted by persons who did not appear at the inquiry; consequently, greater weight can be attached to that untested evidence.
51. When all the oral and written evidence is taken into account, I consider it to be sufficient to raise a presumption that the Order route has been dedicated as a public bridleway.

Whether there is sufficient evidence that there was during the 20-year period under consideration no intention to dedicate the claimed right of way

52. For a lack of intention to dedicate to be demonstrated a landowner is required to have taken action to make the public aware that he, she or they had no intention of dedicating a public right of way. 'Intention' in this context is an objective test of what a reasonable user of the path would have understood the landowner to indicate, rather than what the landowner subjectively intended, or which the user subjectively assumed that intention to be.
53. The owners of the land at issue during the relevant 20-year period did not appear at the inquiry, nor were submissions made on their behalf. The notice placed in the local newspaper by the current landowner giving permission for the land to be used for lawful sports and pastimes post-dates his acquisition of the land and postdates the end of the relevant 20-year period. Although the notice is an overt and public demonstration of the current owner's intention, it has no retrospective effect regarding the previous landowners.
54. In correspondence with the Council in March 2007 the landowner provided copies of the Council's minutes from 1988, correspondence between various prospective developers of the land and the Council and a letter from the then owners dated September 2002 as evidence of the then owners' intentions towards public access over the land.
55. The Council minute of 1988 notes that the then owner of 'land adjacent to the (Sett Valley) trail at St George's Road' had been unwilling to discuss improving access to the trail for horse riders. However, there is nothing in this minute to indicate that improved access was being sought from the land crossed by the Order route, or that the owner who was 'unwilling to discuss the matter' was the owner of the land at issue in this case.
56. The correspondence concerning prospective development schemes being considered during the early 1990s related to the possible creation of new access roads into the development sites and is silent as to what the landowner's view on public use of the land was at the time. The letter dated September 6 2002, (written in response to the serving of notice of the application) notes that the owner would be opposing the application but does

not provide even a retrospective assertion that action had been taken to demonstrate to the public the then owner's intention.

57. In short, there is nothing in this bundle of correspondence which is sufficient to demonstrate a lack of intention to dedicate a public right of way during the relevant 20-year period.
58. The most common way in which the landowner's intentions could have been brought to public attention would have been by the erection on the path of a notice or notices denying the existence of a right of way, or as the current landowner did following his purchase of the land, place a suitably worded notice in the local newspaper. There is no evidence that such notices were erected during the relevant 20-year period or that the owner during that period (whoever he, she or they may have been) took any overt action to disabuse the public of the belief that the way had been dedicated to public use.
59. I conclude that there is insufficient evidence of actions having been taken by the landowner to rebut the presumption of dedication raised by the user evidence.

Conclusions on statutory dedication

60. Having examined all the available information regarding the presumed dedication of the Order route as a public right of way, I conclude that the evidence is sufficient to show use of the way on foot and on horseback by the public as of right and without interruption throughout the period between August 1982 and August 2002. The evidence is therefore sufficient to raise a presumption that the way has been dedicated as a public bridleway.
61. There is no evidence to suggest that prohibitive notices had been erected on the Order route at any time during the relevant period and there is no evidence of challenges to use having been made, or that the owner of the land at the time brought to the attention of the public using the path that there was no intention to dedicate.
62. For these reasons I consider that as the landowner did not demonstrate a lack of intention to dedicate a right of way, the presumption raised by the user evidence has not been rebutted.
63. It follows that I am satisfied that the evidence before me is sufficient to show that, on a balance of probabilities, a public bridleway subsists over the Order route.
64. Given my finding that statutory dedication of a public bridleway has taken place under section 31 of the 1980 Act, it is unnecessary for me to consider whether dedication at common law could be inferred.

Width

65. The evidence of equestrian users was that the route had been ridden in single file when ridden in the company of others. In such circumstances a width of 2 metres appears reasonable.

Overall Conclusion

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

Formal Decision

67. I propose to confirm the Order subject to the following modifications:

in the Order (but not the Order map) replace any reference to footpath with
bridleway;

in the schedule part 1 insert 'with a width of 2 metres' between 'Bridleway' and
'in'; in the schedule part 2 delete 'Approx' from 'Approx width';

in the Order map and Order map key replace the broken black line representing
a footpath with a solid line with crossbars to represent a bridleway;

in the Order map key replace 'Footpath to be added' with 'Bridleway to be
added'.

68. Since the Order as proposed to be confirmed would show as a highway of one
description a way which is shown in the Order as a highway of another
description, I am required by virtue of Paragraph 8 (2) of Schedule 15 to the
1981 Act to give notice of the proposal to modify the Order and to give an
opportunity for objections and representations to be made to the proposed
modifications. A letter will be sent to interested persons about the
advertisement procedure.

Alan Beckett

Inspector

APPEARANCES

In support of the confirmation of the order:

John Harker Peak and Northern Footpath Preservation Society

Who called:

Anne Sumner

Brian Potts

Margaret Race

Rosalinde Emrys- Roberts Routewise, 10 Waterdale, Hertford,
Hertfordshire, SG13 8DU

Who called:

Diana Mallinson Dark Peak Bridleways Association

Christine Harding

Juliet Prady

Carol Whitehead

Nick James

Caz Yardley

S Hudson

Objecting to the confirmation of the Order:

James McAllister Landowner

Interested Party:

Robert Griffiths

Inquiry documents:

1. Photographs dated 1986, 1994 and 2001.
2. Blank user evidence form and covering letter as supplied to John Potts.
3. Opening statement on behalf of the Dark Peak Bridleways Association.
4. Witness statement of Christine Harding.
5. Witness statement of Juliet Prady.
6. Witness statement of Carol Whitehead.
7. Witness statement of Nick James.
8. Witness statement of Caz Yardley.
9. Witness statement of S Hudson.
10. Statement of Truth of Elaine Buckley.
11. Plan showing locations of livery yards and stables in the vicinity of New Mills.
12. Closing submissions on behalf of the Peak and Northern Footpath Preservation Society.