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| **Order Decision** |
| Inquiry opened on 21 June 2022 |
| **by Sue Arnott FIPROW** |
| **an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs** |
| **Decision date: 19 August 2022** |

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| **Order Ref: ROW/3244433** |
| * This Order is made under Section 53(2)(b) of the Wildlife and Countryside Act 1981. It is known as the Liverpool City Council Definitive Map and Statement Modification No. 6 Order 2019.
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| * The Order is dated 5 March 2019. It proposes to modify the definitive map and statement for the area by adding a footpath from Chatsworth Avenue to Lynwood Road, Liverpool, as shown on the Order map and described in the Order schedule.
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| * There were 73 objections outstanding and one representation in support when Liverpool City Council submitted the Order for confirmation to the Secretary of State for Environment, Food & Rural Affairs.
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| **Summary of Decision:**  | **The Order is not confirmed.** |
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Procedural Matters

1. I was due to hold a public local inquiry into the Order at the Cunard Building in Water Street, Liverpool on 14 and 15 December 2021 but this was cancelled at short notice when additional restrictions on public gatherings were introduced by the Government in response to further developments in the Covid-19 pandemic.
2. Nevertheless, I was able to visit the site, unaccompanied, during the afternoon of 13 December. Although the route in question was not accessible due to steel railings across the path at points B and C and a wooden fence between A and B, I was able to look at both ends of the claimed footpath and familiarise myself with surrounding roads and paths.
3. I eventually held the inquiry on 21 and 22 June 2022. No request was made for me to undertake a further visit to the site.
4. When Liverpool City Council (LCC) considered the application for a definitive map modification order submitted by Mr Birtill on 29 January 2015, it concluded that the requested order should not be made. Following a successful appeal to the Secretary of State (*reference FPS/Z4310/14A/3 issued on 31 December 2018*), LCC was directed to make the Order on the basis that the claimed public rights of way had been reasonably alleged to subsist.
5. As a consequence, LCC took a neutral stance as regards confirmation of the Order. In the absence of support from the order-making authority, the applicant Mr Birtill agreed to present the case for confirmation of the Order at the inquiry. Unfortunately, Mr Birtill passed away before the inquiry could be rearranged. In his absence, Professor Lesley made the case in support of the claimed footpath.
6. When the inquiry eventually commenced, it became apparent that some parties had not seen all the documents that are before me for consideration. So as to ensure that everyone had sufficient time to consider *all* the evidence, and so that no-one would have been prejudiced as a result of receiving copies at a late stage in the proceedings, I invited all parties attending the inquiry to make any further submissions they considered necessary in writing within two weeks of the close of the inquiry. I have considered all the material I received during this period alongside all evidence that was before the inquiry.

**The Main Issues**

1. In short, the case for the Order requires me to consider whether the evidence shows that in the past the Order route has been used in such a manner that a right of way on foot can be presumed to have been dedicated in perpetuity for use by the public.
2. The main point of contention here is whether the Order route is of a character over which a public right of way cannot be presumed to have been dedicated because of the effect of Section 57 of the British Transport Act 1949 (the 1949 Act).

**Legislative framework**

1. The Order was made under Section 53(2)(b) of the Wildlife and Countryside Act 1981 (the 1981 Act) on the basis of an event specified in sub-section 53(3)(c)(i), namely the discovery of evidence which shows a right of way which is not recorded in the definitive map and statement subsists over land in the area to which the map relates.
2. The main case in support of the Order is based on the presumed dedication of a public right of way under statute, the requirements for which are set out in Section 31 of the Highways Act 1980 (the 1980 Act). For this to have occurred, the evidence must show there to have been use of the claimed route by the public on foot, ‘as of right’ and without interruption, over a period of 20 years immediately prior to its status being brought into question so as to raise a presumption that the route had been dedicated as a public footpath. This may be rebutted if there is sufficient evidence that there was no intention on the part of the relevant landowner(s) during this period to dedicate the way for use by the public; otherwise, a public footpath will be deemed to subsist.
3. If not satisfied that the requirements for dedication under statute have been met, I may consider the common law approach in the alternative. In addressing this possibility, I would need to examine whether, during any relevant period, there was express or implied dedication by the owner(s) of the land in question, whether there is evidence of acceptance of the claimed right by the public and whether the owner(s) had the capacity to dedicate a public path. The burden of proof lies with those who assert the existence of a public path.
4. Section 31(1) of the 1980 Act specifically excludes the possibility of a right of way arising where the way is “*of such a character that use of it by the public could not give rise at common law to any presumption of dedication*”.
5. It has been argued by objectors that the effect of Section 57 of the British Transport Commission Act 1949 is to assign the claimed footpath to the category of ways excluded by section 31(1) of the 1980 Act on account of its character.
6. Section 57 (of the 1949 Act) states: “… *no right of way as against the Commission shall be acquired by prescription or user over any road, footpath, thoroughfare or place now or hereafter the property of the Commission and forming an access or approach to any station, goods yard, wharf, garage or depot or any dock or harbour premises of the Commission*.” (References to “the Commission” were later amended to “the Board” (the British Rail Board) and subsequently changed to include any successor.)
7. Whilst the evidence need only be sufficient to *reasonable allege* the existence of a public right of way to justify an order being made, the standard of proof required to warrant confirmation of an order is higher. At this stage, and in this case, evidence is required to show, *on the balance of probability*, that a right of way subsists along the route shown on the Order plan between points A (in Chatsworth Avenue), B and C (in Lynwood Road).

Reasons

***Background***

1. The majority of the Order route (B-C) runs adjacent to the operational railway that was established by the Liverpool Ormskirk and Preston Railway Act 1846 although at point B the path turns away from the line to link with the residential road, Chatsworth Avenue. The claimed path does not appear on the definitive map and statement of public rights of way for the area; indeed, the purpose of the Order is to add it to the legal record. However, section A-B is recorded as a publicly maintainable highway on the highway authority’s ‘list of streets’.
2. The route in question is said to have formed a link in a much longer way providing access alongside the same railway line. To the south of Lynwood Road, opposite point C, is the start of a footpath which leads to Hornby Road although this is currently the subject of a gating order and not accessible to the general public. Were this path open, pedestrians could then cross Hornby Road and continue, via Walton Station, to Rawcliffe Road.
3. The definitive map now records the footpath from Lynwood Road to Hornby Road as a public right of way (No 8), this having been added by definitive map modification order in 2006. Network Rail (NR) explained that in 1991 it sold the land over which this path runs and thereafter the protection it says is afforded by Section 57 of the 1949 Act was no longer effective against presumed dedication; consequently, the public was able to establish a public path through long usage.
4. The way from Hornby Road to Walton Station and beyond was also added to the definitive map in relatively recent times. It appears that NR did not oppose this although the reasons are not entirely clear and few details were available to explain the apparent conflict with its position here, given that the routes which lead directly into Walton Station most probably also fell into the category of paths referred to in Section 57 of the 1949 Act.
5. Another claimed footpath leading from Orrell Lane north eastwards to Warbreck Avenue was said to form part of the much longer lineside path. This was the subject of an appeal to the Secretary of State in 2017 after the application was refused by LCC; it was dismissed by the Inspector on 22 May 2017 (*reference FPS/Z4310/14A/2*). Although there was a further suggestion from supporters that this same path continued to Aintree Station, there is little evidence to substantiate this.
6. The main case in support of the claimed footpath A-B-C rests on the evidence of use by local people over many years, and on maps which show it to have been physically in existence since the late nineteenth century.
7. At all material times the Order route has been separated from the operational railway land. Indeed, for much of its existence the path appears to have been bounded on both sides although during demolition and construction works on adjacent land in the 1990s, boundaries were breached at various times.
8. Supporters of the Order could not be certain but vaguely recalled a signpost at point C indicating the Order route to be a public footpath. However, no other evidence has come to light to substantiate this and LCC confirmed it had no record of such a signpost ever being installed here.

***Section 57 of the British Transport Commission Act 1949***

1. The critical point at issue here is whether the effect of Section 57 of the 1949 Act prevents any presumption of dedication of this route on the basis of long use by the public, whether that is at common law or under the statutory approach.
2. There are two matters to be addressed in order to answer the question. The first is whether the land over which the claimed footpath passes is in the ownership of the railway company and the second is whether the route forms an access or approach to any railway station.
3. Between points A and B the Order route lies on land for which no owner is currently registered. LCC confirmed it had checked with the Land Registry but ownership has not been identified. However, the remainder of the claimed footpath (B-C) lies on land that has been owned by Network Rail or its predecessors back to the initial establishment of the railway in the mid-1800s.
4. Therefore, it is most unlikely that the provisions of Section 57 could apply to A-B. Indeed, the fact of its recording as a publicly maintainable highway indicates that the existence of a public right of way of some description has been recognised in the past and must still exist today.
5. The lineside section B-C is a different matter and clearly would be covered by Section 57 if it qualifies as an access or approach to a station. Whilst this is an assessment to be made in the present tense (or at least during any relevant period under consideration here), it is helpful to consider the evidence showing its early beginnings.

*Historical evidence*

1. Amongst the documents supplied to the inquiry were several Ordnance Survey (OS) maps, the oldest dating back to 1847 and 1850, both pre-dating the railway, and featured in a local guidebook: “A Brief History of Orrell Park”. Subsequent OS editions through to the twentieth century have been submitted with those at 25” to 1 mile being especially helpful.
2. There have been different interpretations of these maps put to me at the inquiry and in the written submissions. Aside from Mr Birtill (who appears to have mistakenly interpreted a land parcel “S” brace as indicating a footpath), none of the parties have asserted that the OS maps demonstrate the existence of a public path. Indeed, OS maps are good evidence of the physical existence of the features shown on a map but, on their own, do not provide sufficient weight to establish that any path was freely open to the public or regarded as a public right of way.
3. The early maps were provided by Mr Birtill to support his proposition that a footpath pre-dated the railway and had therefore been accommodated alongside it along the Order route. This was challenged by NR and by Messrs Highton and Flattery. Following close examination at the inquiry, those present were agreed that no footpaths were shown near to the route now in question and I am inclined to agree. Mr Flattery’s later submission of a map from 1835 by Bennison is helpful in confirming the details subsequently shown by the OS. Nothing amongst these early documents precludes Mr Birtill’s theory but I find there to be insufficient evidence to support it.
4. The earliest OS map drawn at the most detailed scale of 25” to 1 mile was published in 1893. This shows that residential development had begun in this area at this date with several houses built between Moss Lane and Orrell Lane. Only the turning into what is now Chatsworth Avenue is shown, possibly indicating the intention to pursue further development in that direction in the future. This cul-de-sac road provided access to the only two houses then built in Chatsworth Avenue (now numbers 1 and 3). From this spur road an unfenced track leads across field 103 to point B where it joins the narrow route which appears to be the claimed path. This was enclosed on both sides and passed under the Bootle Goods Branch railway which was added following the Midland Railway (Additional Powers) Act 1880. The path then reached the lane to Mount Pleasant (which later became Lynwood Road) and continued beyond this in the direction of Hornby Road.
5. My interpretation of this map is that it clearly shows the existence of the Order route from C to B and then via a track to A. In my view the track shown by the OS is broadly on the line of what became Chatsworth Avenue and the passageway A-B.
6. NR takes a slightly different view, acknowledging that C-B is shown (but not labelled “*FP*”, as is the link south to Hornby Road), it contends that the path continued in the same north easterly direction from B, at the top of the railway embankment, to Orrell Road. I do not rule out access along that line but there is nothing on this particular map which indicates that people walked there, whereas the existence of the marked track suggests it was used to the point of being visible on the ground, albeit the actual users are not identified here.
7. Whilst Walton Station was in existence in 1893, Orrell Park Station was not. Orrell Park Halt was opened in 1906 and is shown by the OS on its 1908 edition at 25” to 1 mile. By this date, the houses in Chatsworth Avenue had been built and the passage A-B linked with the rail side path. Lynwood Road was being developed but only to the east of the railway. There is nothing on this map that suggests to me that the path in question continued north eastwards from B directly to Orrell Park Halt although, as with the 1893 map, I do not positively rule it out.
8. By 1927 two houses in Chatsworth Avenue near to point A has been demolished to make way for Devonfield Road so that the whole of the area to the west of the Order route had been built up. However, Mount Pleasant was still standing and development of Lynwood Road west of the railway had still not yet begun. Orrell Park Halt is shown on this map and the Order route appears as a path enclosed on both sides as does its continuation to Hornby Road.
9. Whilst no conclusion can be drawn as to the status of the path shown on these three OS maps, they nonetheless lend support to the fact that a path on the line of the Order route has physically existed since the late nineteenth century at least and that it has continued to be sufficiently well defined to appear on OS maps in later revisions.

*Other historical records*

1. As I have noted above, the line which runs adjacent to the order route was established following an Act of Parliament in 1846. Walton Junction (later Walton Station) was opened by the East Lancashire Railway Company in 1849 before the line was taken over by the Lancashire and Yorkshire Railway Company (LYC).
2. NR referred to the original book of reference and railway plans which confirm that no pre-existing footpath was to be accounted for. It drew attention to Parcel 30a, a strip of pasture field which is clearly not a footpath, although it does lie close to what was later shown as the track leading off Moss Lane to the lineside footpath. Similarly, the railway company’s title deeds from 1848 show the land purchased by the railway company to enable the line to be constructed with no pre-existing public path located in this vicinity.
3. The Midland Railway (additional Powers) Act 1880 authorised a new railway to cross the LYC line between Orrell Road and what later became Lynwood Avenue. The book of reference associated with this “Bootle Goods Branch” made no reference to any lineside footpath on the LYC Liverpool to Ormskirk line although this may not have been necessary; if it existed at that date, it would have lain within the railway corridor other than the spur to Chatsworth Avenue (which lay outside the limits of deviation for the ‘new’ line).
4. The historic line plan submitted by NR is a working document held by successive rail companies showing the extent of land in its ownership as well as land subsequently sold plus other railway details. NR advised that this line plan was first compiled in 1956; indeed, the baseline detail on this map shows it post-dates the establishment of Orrell Park Halt and the construction of houses in Lynwood Avenue. This labels the Order route simply as “footpath”.
5. A further key item referred to by NR is a ledger labelled “LYR Plans of Private Roads, Footpaths, Etc Blocked Annually”. These list a number of roads and paths associated with particular stations owned by the Lancashire and Yorkshire Railway Company. Included in the list under “*Walton Junction*” is a double entry for “*Footpath from Hornby Road to Orrell Park*” with one being blocked at “Hornby Road” and the other at “Orrell Park”. (No entry has been submitted for Orrell Park Halt.)
6. There is no other record of these annual blockages to confirm they took place (although some witnesses recalled tape being put across the path as recently as the 1970s). However, the ledger shows that a system was in place for ensuring that the public did not establish a right of way over the ways listed. No dates are given in the ledger but it is submitted by NR that these stoppages continued until 1949 after which the 1949 Act offered an alternative means to prevent presumed dedication.

*The applicability of Section 57*

1. Drawing conclusions from the available documentation, it is impossible to say exactly when the lineside footpath was established but it was clearly in place in 1893 and continued to exist until its closure in 2005. Nothing from these records indicates the route to be a public one; in fact, the ledger weighs strongly against this, at least pre-1949.
2. Turning to the purpose of the path in question, the ledger provides confirmation that the paths listed were associated with particular stations, the obvious conclusion being that these were routes that were provided to enable people to access the railway at those stations. The route now at issue was associated with the approach to Walton Station along with the continuation south of Lynwood Road (now Footpath 8).
3. Use patterns probably changed after the opening of Orrell Park Halt in 1906 and with the development of more houses in the area. There is no evidence to suggest that the Order route ever afforded *direct* access to Orrell Park Halt or Station. Nevertheless, since 1893 (at least) section A-B linked with Moss Lane, later via Chatsworth Avenue and it therefore would have provided a convenient cut-through to this station off Orrell Lane for people approaching from the south.
4. In conclusion, the evidence points to the rail-side path (B-C) having been provided by the railway company, on its property, to enable people to reach the nearest station. There would have been obvious benefits to the company from providing this path but it seems clear that, as landowners, the company(s) actively took steps to prevent the acquisition of any public right of way.
5. Once the 1949 Act came into force, I accept that the protection afforded by Section 57 would have applied to this path on the basis that it formed part of an access or approach to a station (whether Walton or Orrell Park) and lay on land owned by the railway company.
6. Nothing in this legislation required that the access should be directly into the station, that the path should provide an approach to one station only, or that it should be used exclusively for this purpose. It must therefore follow that any subsequent use of the route (B-C) by the public could not raise any presumption of dedication as a right of way whilst the two factors required by Section 57 remained applicable.

*Relevance of more recent evidence*

1. In paragraph 25 above I noted that the two matters to be addressed are whether the land over which the claimed footpath passes is in the ownership of the railway company and whether the route forms an access or approach to any railway station.
2. As far as land ownership is concerned, NR confirmed that section B-C has continued to lie on land owned by the relevant railway company, that previously being British Rail, later Railtrack and most recently Network Rail.
3. The remaining question is whether the route continued to form an access to a station until its physical closure. Both stations have continued to operate throughout that time and, subject to occasional closures for maintenance works, members of the public were able to walk along the full length of the path until 2005.
4. In this case the documented evidence of use by the public is very limited. Besides the three individuals who have provided statements in support of the Order I am reliant also on references by objectors to their use of the route in the past. Many people talk of using the path to take children to and from school or for visiting friends and family rather than to get to a station. Yet that does not detract from the essential purpose for which the path originally was, and continued to be, provided and for which it was possible to use it until 2005.
5. For the record I accept that B-C has not formed an access to any station since it was closed but neither has there been any use by the public that might raise a presumption of dedication during the subsequent period.

*Summary*

1. To summarise, I have concluded that section B-C satisfies the criteria set out by Section 57 of the 1949 Act: it lay (and still lies) on land owned by NR and until its closure it formed part of an access or approach to Walton Park Station (via the subsequently gated Footpath 8) and Orrell Park Station via A-B and Chatsworth Road.
2. I accept that the greater part of the Order route is of a character over which a public right of way cannot be presumed to have been dedicated. Therefore, use by the public in the years leading up to closure of the path in 2005 could not give rise to any presumption that a public right of way had been dedicated, either under Section 31 of the 1980 Act or at common law.
3. I therefore conclude that no public right of way has been established over the section B-C.
4. As regards section A-B, the highway authority’s list of streets confirms the existence of a public right of way here. However, unless NR chooses to re-open the path B-C, A-B will form a cul-de-sac but not one that would lead to a place to which the public has access. In such a situation it is doubtful whether A-B would qualify as a highway. Any existing public rights will continue to be protected through its recording in the list of streets but I see no need to record this on definitive map and statement in the absence of its continuation B-C.

**Other matters**

1. Having reached this conclusion there is no necessity for me to analyse in any detail the case advanced by the supporters that the evidence of long usage of the way is sufficient to demonstrate the acquisition of a public right. In fact many of the letters of objection tend to endorse the supporters’ case that it is widely acknowledged the path *was* used by local people as far back as the 1950s and until it was physically closed off, albeit users in later years were deterred by the anti-social behaviour of a small minority. Many also argue that use of the path was interrupted on several occasions because of the need to carry out maintenance works.
2. Yet even if the user evidence were sufficient in terms of quantity and quality, either during the twenty years prior to 2005 as required under the statutory approach provided in the Highways Act 1980 or at common law, I have concluded that the effect of Section 57 of the 1949 Act is to prevent any presumption of dedication arising, at least in respect of B-C.
3. That is not to say that Section 57 limits in any way NR’s capacity to expressly dedicate a public right of way if it so chose. Its acceptance of the footpath from Hornby Road to Walton Station (which had also been in the ledger of annual closures) is evidence of that.
4. NR has submitted that due to incompatibility with its statutory purposes, s31(8) of the 1980 Act is also engaged in this case. This provides as follows: “*Nothing in this section affects any incapacity of a corporation or other body or person in possession of land for public or statutory purposes to dedicate a way over that land as a highway if the existence of a highway would be incompatible with those purposes*”.
5. NR argued that dedication of a public path along B-C would give rise to “*unnecessary or unjustified maintenance cost outlay (that) would give rise to operational inefficiency and should not be incurred*”. In short, the provision of a public right of way would be contrary to the purposes of running a railway and the costs associated with maintaining it cannot be justified.
6. I have considered the examples to which I was referred by NR and the conclusions of the Courts in *British Transport Commission v Westmoreland CC [1958] AC 126* and *Ramblers Association -v- The Secretary of State for Environment Food and Rural Affairs, Network Rail & Others [2017] EWHC 716 (Admin)*. Had the route in question here been one which proceeds onto or across the operational railway land, I might have been inclined to agree with its submissions. But that is not so here.
7. Presumed dedication of a public right of way in this case fails essentially on the premise that, as NR has argued, B-C forms part of an access to a station, indeed one that has been provided and maintained by the relevant railway companies for over a century. It seems somewhat duplicitous to contend on the one hand that the route was actively provided to facilitate easy access for its passengers and on the other to say that this is incompatible with operational efficiency. I accept there is a difference between a public and private path, but the maintenance commitment will have been the same whatever its status. In my view the ‘statutory incompatibility’ defence is not appropriate here.
8. In her submissions to the inquiry Mrs Rothwell highlighted the biodiversity of the site after having been closed for 17 years, and the effect the re-opening of this path would have generally in the locality. Many other objectors raise similar fears, in particular the likelihood of anti-social behaviour, abuse and crime returning to this area. Although I acknowledge the seriousness of their concerns, these are not matters that are relevant to my determination of this Order and I have not given weight to them.
9. In their submissions to the inquiry Professor Lesley and Mrs MacLean commented on the potential usefulness of the Order route within the local path network. As I explained at the inquiry, whilst I understand the powerful arguments they make for the re-opening of the path in question, the merits of the Order route are not at issue here and I have been unable to take these submissions into account in reaching my decision.

Conclusion

1. Having regard to the above and all other matters raised at the inquiry and in the written representations, I conclude that the Order should not be confirmed.

Formal Decision

1. I do not confirm the Order.

Sue Arnott

**Inspector**

**APPEARANCES**

**In support of the Order**

Professor LJS Lesley Representing the applicant, the late Mr A Birtill

Mrs S MacLean

**Opposing the Order**

Mrs M Rothwell MBE Chairperson of Orrell Park Regeneration Group; Statutory objector

Mr J Greenwood Head of Infrastructure Liability; Network Rail Infrastructure Ltd Statutory objector

*Who called*

Ms V Bentley Liability Negotiations Adviser; Network Rail Infrastructure Ltd

Mr D Highton Statutory objector

Mr M Smith Statutory objector

Mr J Grainger Statutory objector

Mr G F Flattery Statutory objector

**Appearing in a neutral capacity**

Mr R Mann Solicitor; Liverpool City Council

Mr M Cassidy Highway Engineer; Liverpool City Council

**DOCUMENTS**

1. Copy of the statutory objections

2. Proof of Evidence of Mr M Cassidy on behalf of Liverpool City Council together with relevant case documents

3. Statement of Case of Mr A Birtill

4. Letter to the Planning Inspectorate from Professor LJS Lesley dated 1 Sept 2021

5. Statement of case on behalf of Network Rail Infrastructure Ltd

6. Proof of Evidence of Ms V Bentley on behalf of Network Rail

7. Statement of Case of Mr D Highton

8. Proof of Evidence of Mr D Highton

9. Statement of Case of Mr M Smith dated 28 September 2021

10. Statement of Case of Mr J Grainger dated 29 September 2021

11. Statement of Case of Mr D Morrissey dated 29 September 2021

12. Statement of Case of Ms A Gane dated 6 October 2021

13. Statement of Case of Ms C Grainger dated 7 October 2021

14. Statement of Case of Ms H Grainger dated 11 October 2021

15. Statement of Case of Mrs M Rothwell MBE dated 11 October 2021

16. Letter to the Planning Inspectorate from Mrs M Rothwell MBE on behalf of Orrell Park Regeneration Group dated 26 May 2021

17. Statement of Mrs M Rothwell MBE on behalf of Orrell Park Regeneration Group (undated)

18. Letter to the Planning Inspectorate from Mr & Mrs M Smith dated 10 May 2021

19. Letter to the Planning Inspectorate from Mr & Mrs Coombs dated 16 May 2021

20. Letter to the Planning Inspectorate from Mrs A Quirk dated 15 August 2021

21. Letter to the Planning Inspectorate from Mr J Quirk dated 15 August 2021

22. Letter to the Planning Inspectorate from Ms P Banks (undated)

23. Letter to the Planning Inspectorate from Mr D Clark (undated)

24. Letter to the Planning Inspectorate from Mrs K Dickinson (undated)

25. Email to the Planning Inspectorate from Mr D Lim sent 11 May 2021

26. Email to the Planning Inspectorate from Mr J & Mrs A Bailey sent 12 May 2021

27. Email to the Planning Inspectorate from Ms P Brennan sent 14 May 2021

28. Email to the Planning Inspectorate from Ms R Fearon sent 15 May 2021

29. Email to the Planning Inspectorate from Ms H Ryan sent 16 May 2021

30. Email to the Planning Inspectorate from Mrs K Turner sent 18 May 2021

31. Letter to the Planning Inspectorate from Professor Lesley dated 6 December 2021 with attached correspondence from 2018

32. Grounds of appeal (dated 15/01/18) and Comments on evidence (dated 13/3/18) submitted by Mr Birtill together with indexed list of additional documents

33. Letter to the Planning Inspectorate from Mrs S MacLean dated 4 December 2021 with attached correspondence from 2018 and 2016

*Circulated after the close of the inquiry*

34. Closing statement of Network Rail

35. Closing statement of Prof Lesley

36. Rebuttal statement submitted by Network Rail

37. Range of documents submitted by Mr Flattery

