

Public Rights of Way, CEC,
Municipal Buildings,
Crewe,
CW1 2BJ

78, Roewood Lane,
Macclesfield,
Cheshire,
SK10 2PQ.
27th August 2012

Your Ref: PROW/JLT/5/223

Dear Sirs,

Higher Hurdsfield No. 9 – Application for Modification Order

Further to my letter of 7th August 2012 and the subsequent telephone call from Ms. Tench to me, I can confirm that I have received no correspondence in reply though it was indicated that I should expect some. Since 28th August 2012 is the closing date for written submissions I thought it best to re-confirm a couple of points :-

1. My application for a Modification Order was made on 18th July 2003 and receipt of that application together with eleven user evidence forms and a written submission was acknowledged by Cheshire C.C. on 18th August 2003. I therefore have to assume that all of this is on file and that you are aware of the weight of documentary evidence that confirms the status of No. 9 as a Public Highway of considerable local importance and that its use by people, horse riders and horse and cart was continuous from, at least the Tithe Map of 1849 up until it was blocked to horse riders during the early 1960s. This evidence establishes the importance and continuity of the line of No. 9 as currently delineated on the Definitive Map and the 'enjoyment of the route as a whole' was tested and confirmed at Public Inquiry by the decision of the Planning Inspectorate in 1997.
2. The user evidence forms were provided to confirm that horse riders had continued to try and use the historic line and they had used what they could, when they could, despite the obstruction to horse riders from 1962. They were not provided to try and prove 20 years of continuous use, as the documentary evidence had already rendered that unnecessary though without the obstructions they would have done that as well.
3. For the Public Inquiry in 1997 I provided detailed documentary evidence, which was the same as that provided in my written submission as part of my application on 18th July 2003. This consisted of Tithe Map and Apportionment Reference 1849; Ordnance Survey Map, 1st Edition 1871; Finance Act Map and Book 1909; Ordnance Survey Map 1911; Ward Boundary Map 1939.
4. The Inspector in his report on the 1997 Public Inquiry also commented on the diversity and strength of the objectors to diverting No. 9 onto the Permissive Diversion. Particularly pertinent are his conclusions on pages 11 and 12 of that report.

In your letter to me dated 26th April 2012 you told me that 'full and thorough investigations **must** be carried out' and you quoted Wight CC ex parte O'Keefe [1989] at me. I therefore concluded that you were aware of all of the evidence available and, if so, I must conclude that you have not given it due weight in your deliberations. I would ask that you do so before an order is made which will run counter to the totality of the evidence, my application and the decisions of two, Public Inquiries.

Yours faithfully,

Approved electronically

Roy Spoors