

Suters Lane

Statement of Case

Public Inquiry 7-8 December 2021

Before we begin
our offer still stands

Suters Lane - Statement of Case

- Bower Mapson Development
- Order Maps
- Witness Statement - Angela Raymond
- Right and without interruption for a full period of 20 years
- Witness Statement Anomalies
- Case Law
- Suters Lane SUMMARY

Bower Mapson Development

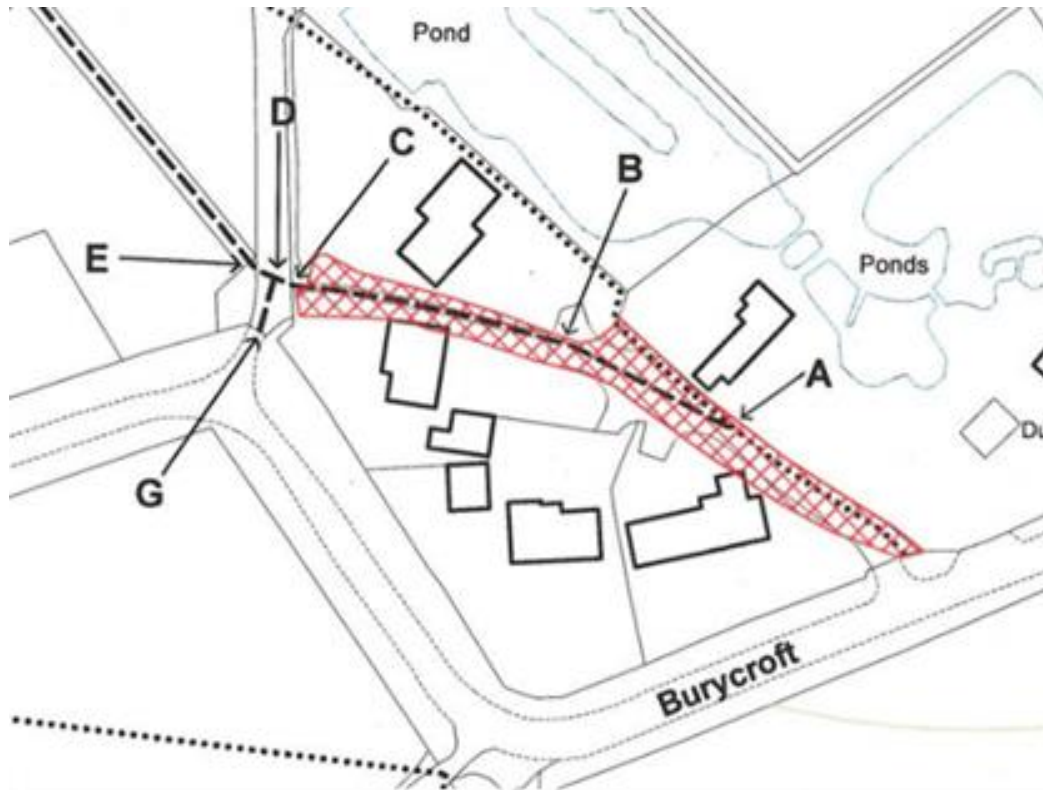
Bower Mapson Development

- There was only ever one path in existence at a time
- Bower Mapson got planning permission to recreate Footpath25 through Suters lane between No3 and No4 and painstakingly made it along the path people claimed to have walked at the time (the illegal diversion)
- Once built, Annie Ellis (RoW officer) requested that it be redirected to align with the original track. So Bower Mapson moved it to down the side of the development close to where the original path would have run within a few meters but didn't follow the exact alignment as it would have gone through No3 already built
- The whole development was singed off
- So we now have a folly which we are calling the permissive path

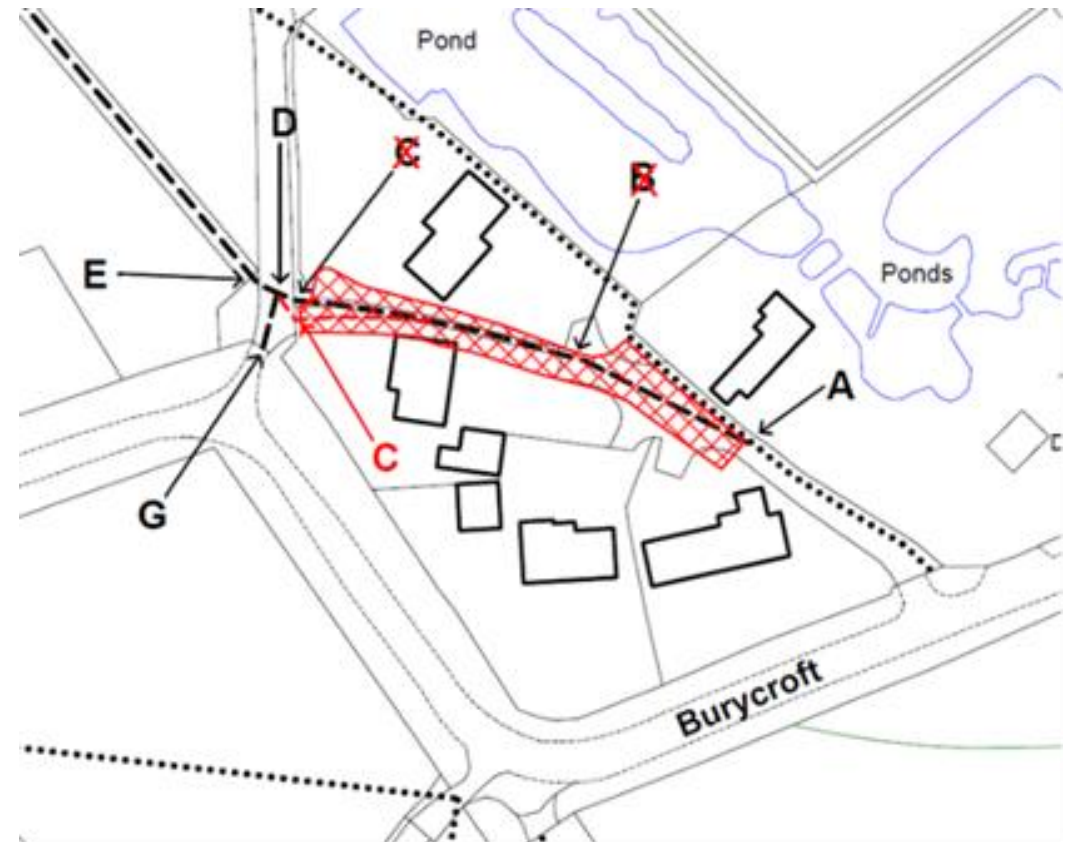
Order Maps

Order Maps – Point A

- The order maps



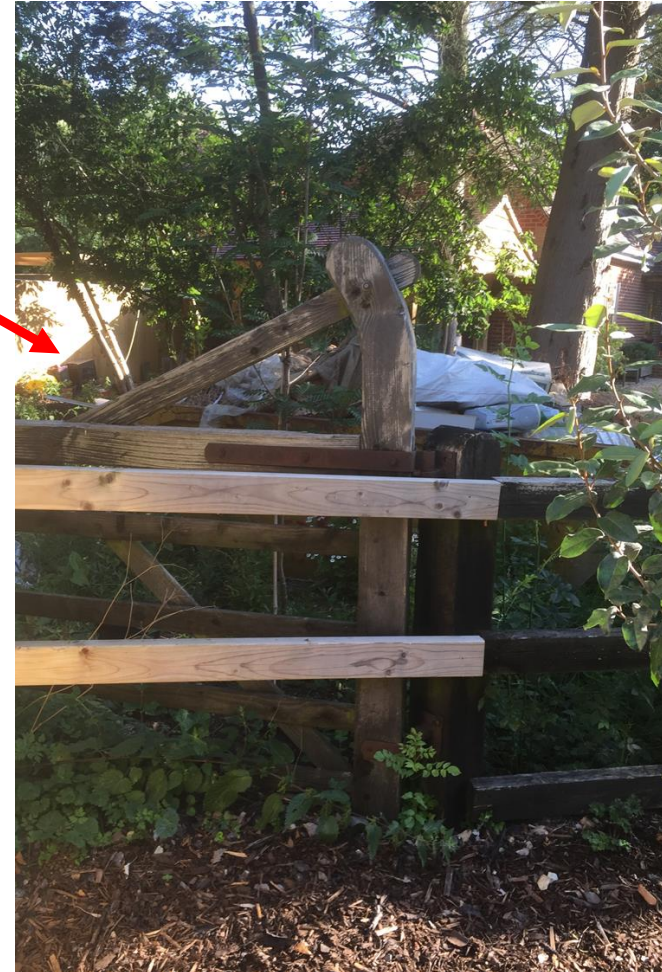
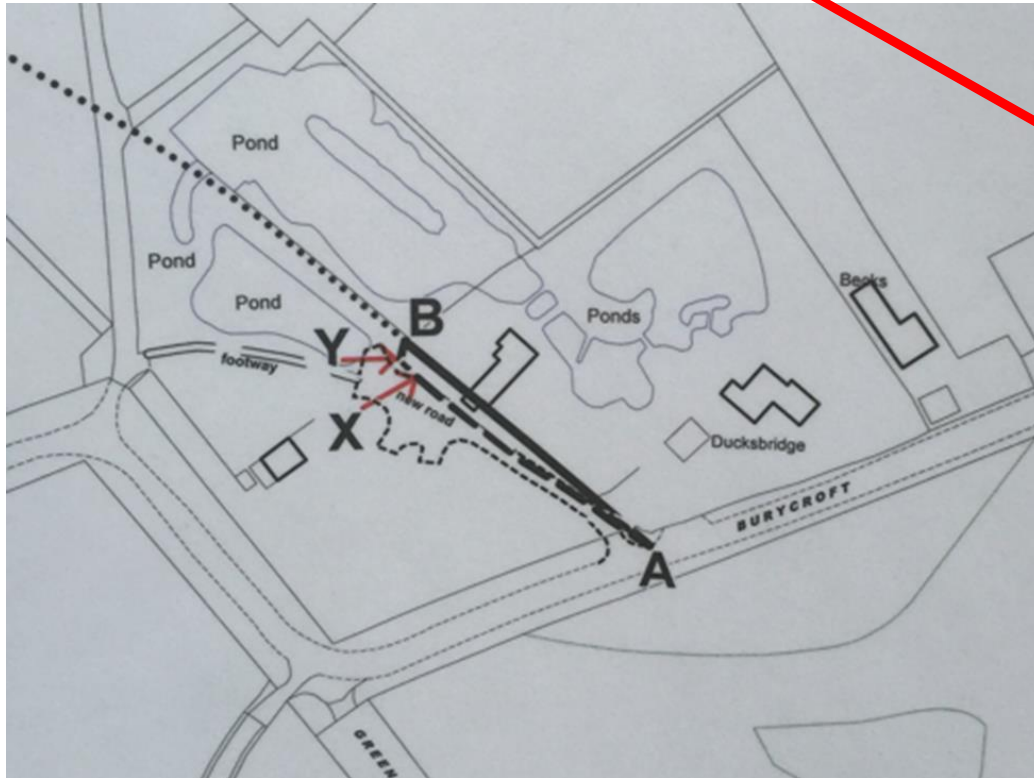
16th January 2020



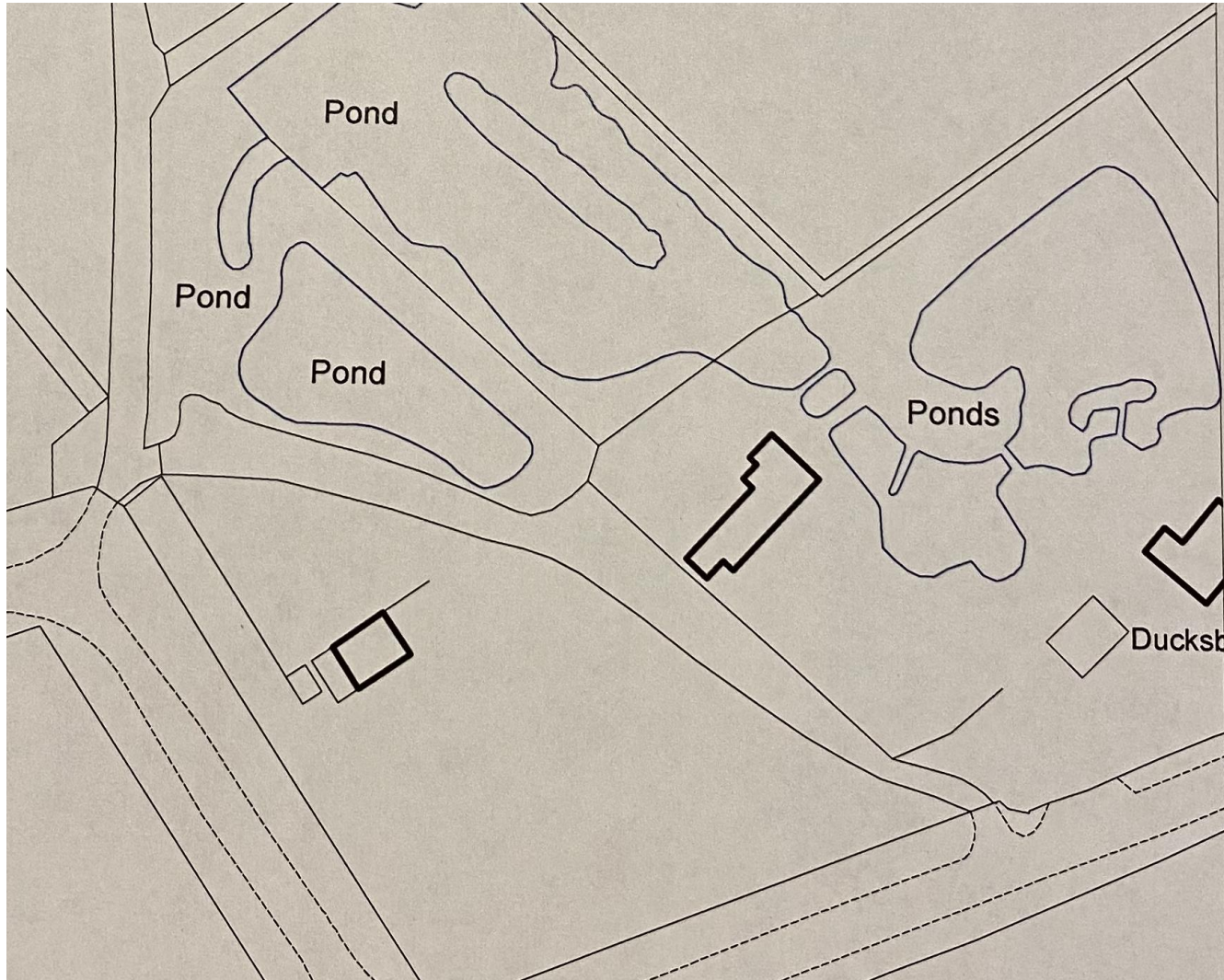
8th November 2021

Order Maps – Point A

- The route from the consultation map clearly shows the caravan track starting on Mr Warr's Property
- In fact, the gate is still there



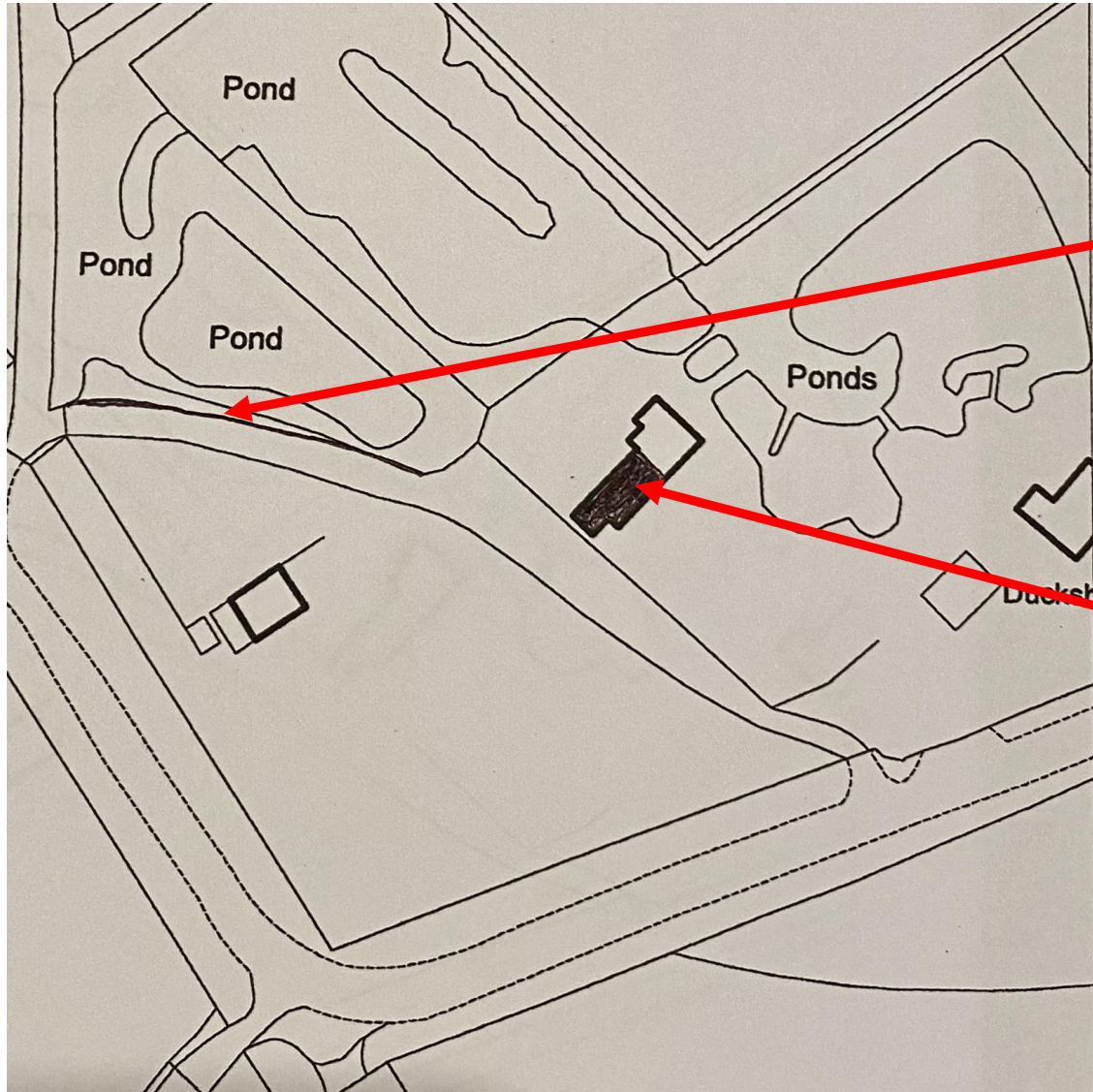
Order Maps – SBC Base Map February 2017



Order Maps – SBC Base Map February 2017



Order Maps – SBC Base Map February 2017

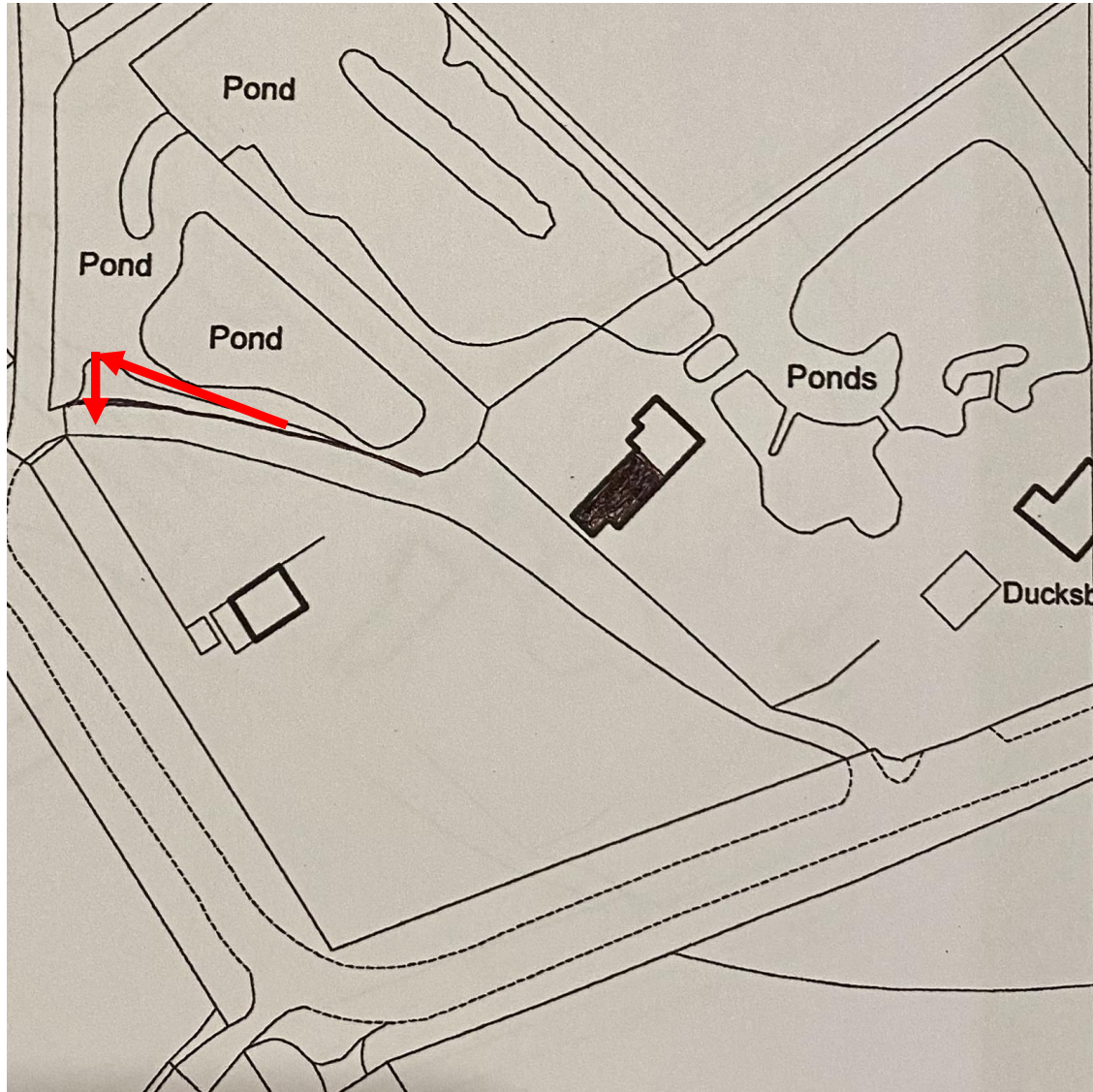


From Google Maps the track is only this wide on the ground

The building is wrong

From Google Maps the building is actually the black part and the white is a patio.

Order Maps – SBC Base Map February 2017



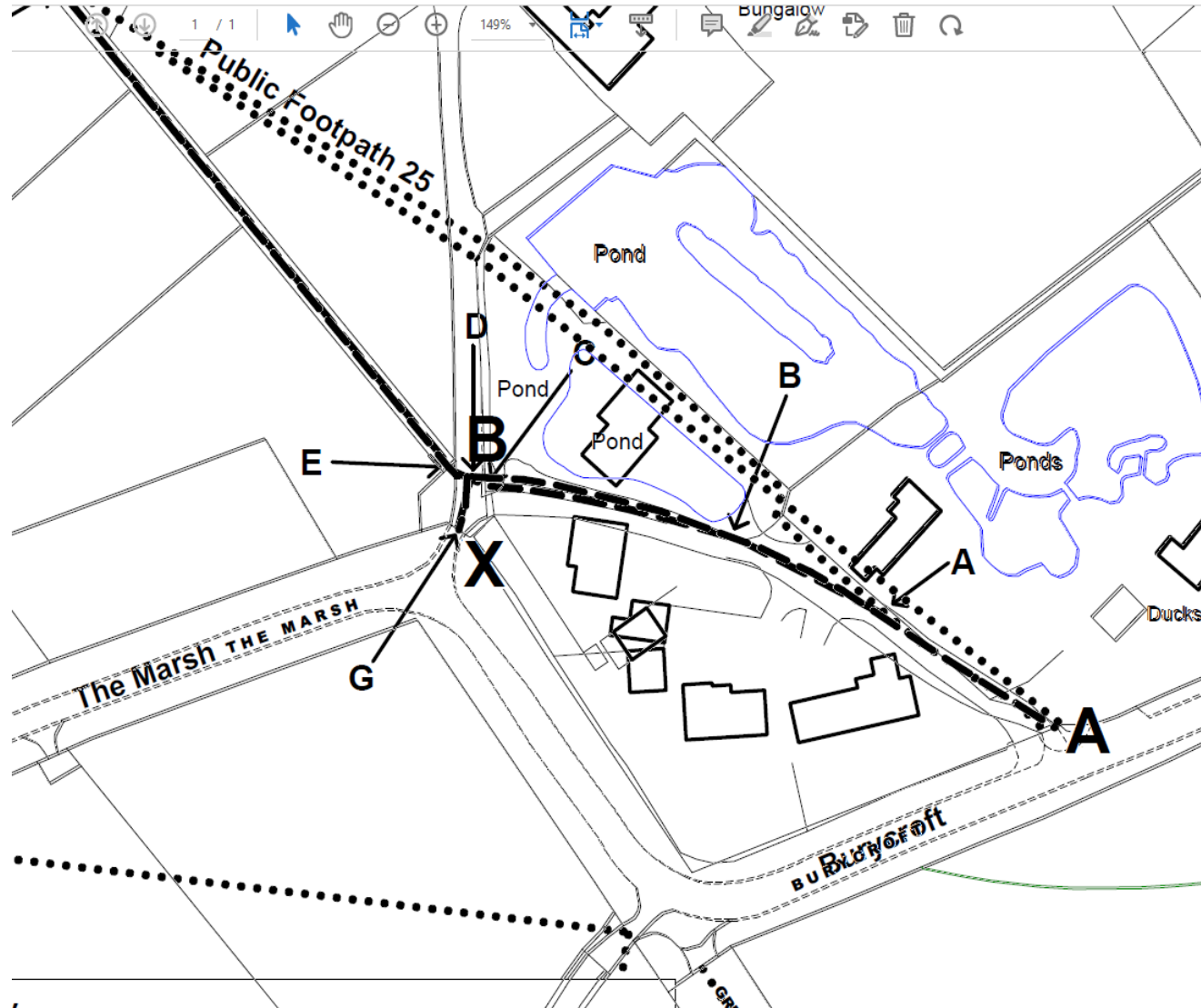
Why would people walk to a dead end?

Mr Fry said yesterday that the path on his plan was 3m wide to include verges like a highway?

But all of the witnesses yesterday said they walked in the hard surface, so we challenge the use of the verges.

Plus they wouldn't want to get too close to the avery fence as it we have been told by witnesses it was electrified, So more reason not to use the verge near the avery

Consultation map vs recent maps



Footpath 25 and permissive path at point C has been moved further south

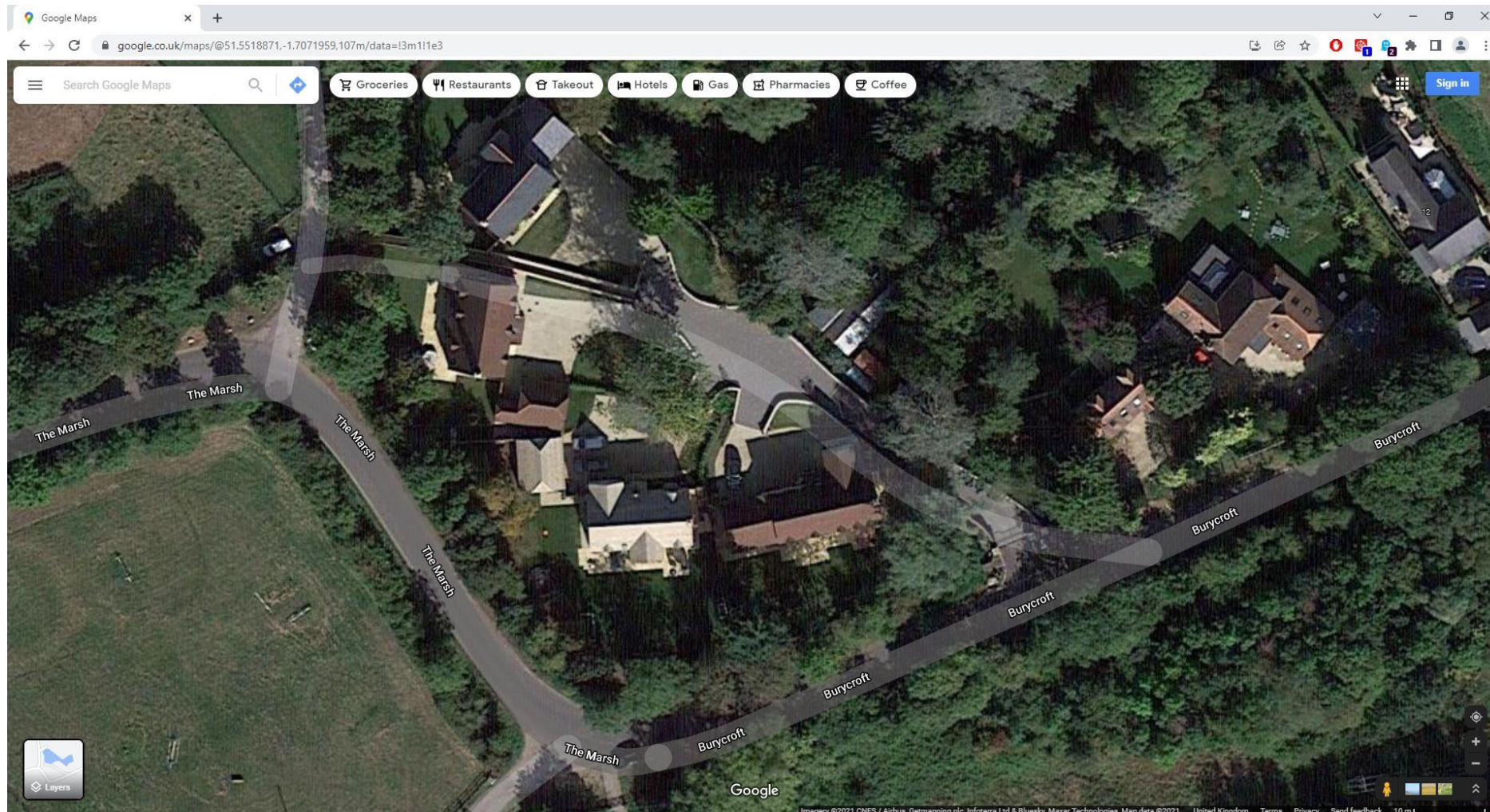
Order Maps – Point A

- The Brunel Survey's Ltd map, presented in our last two submissions clearly shows the route of the caravan track through Suters Lane and the [permissive path](#)



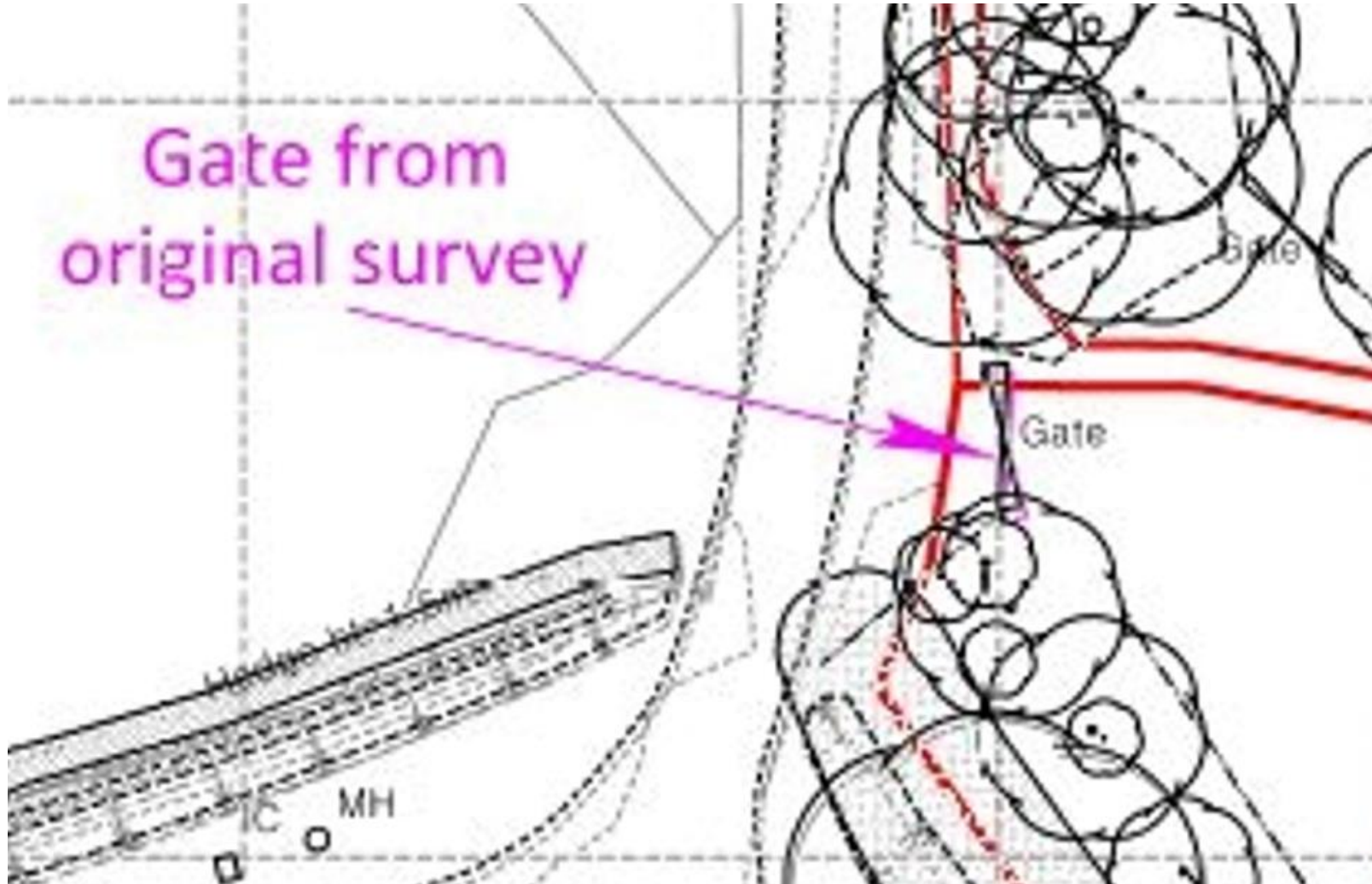
Order Maps – Point A

- In the last few weeks the following has appeared on Google maps and is virtually identical



Order Maps – Points C from Survey Data

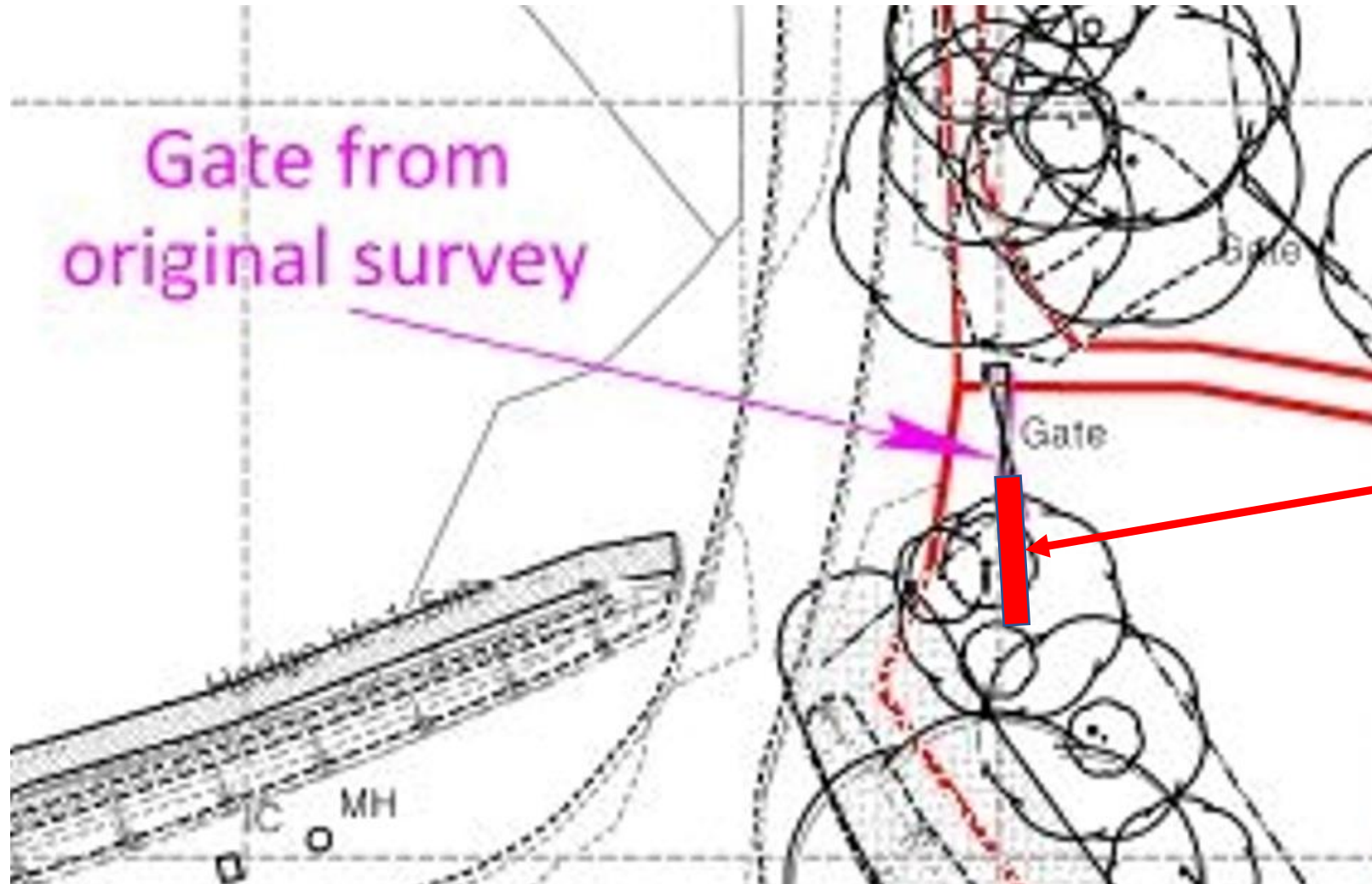
- If we zoom in, we can see the gates at both ends



Point C

Order Maps – Points C from Survey Data

- If we zoom in, we can see the gates at both ends

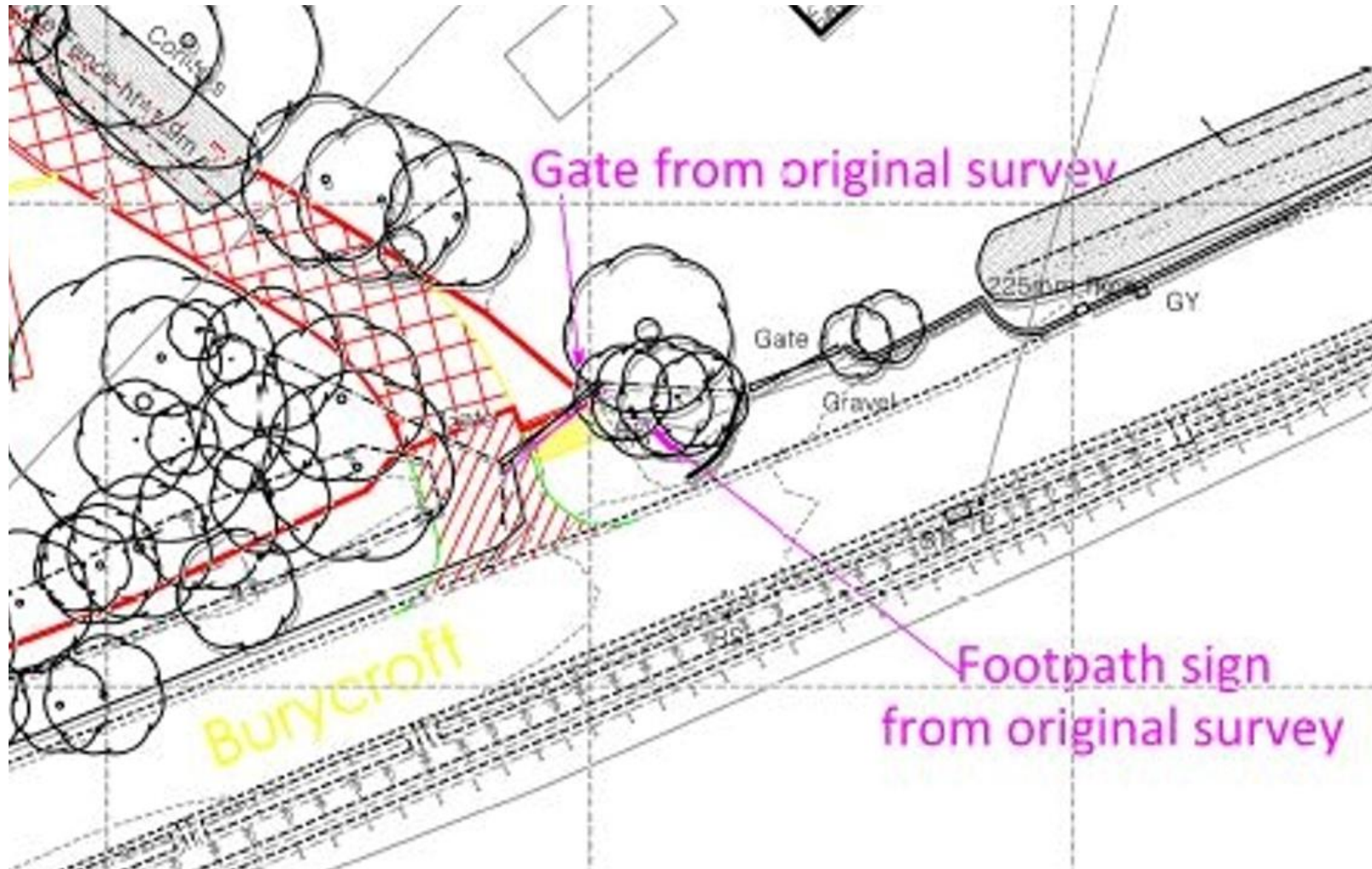


Point C

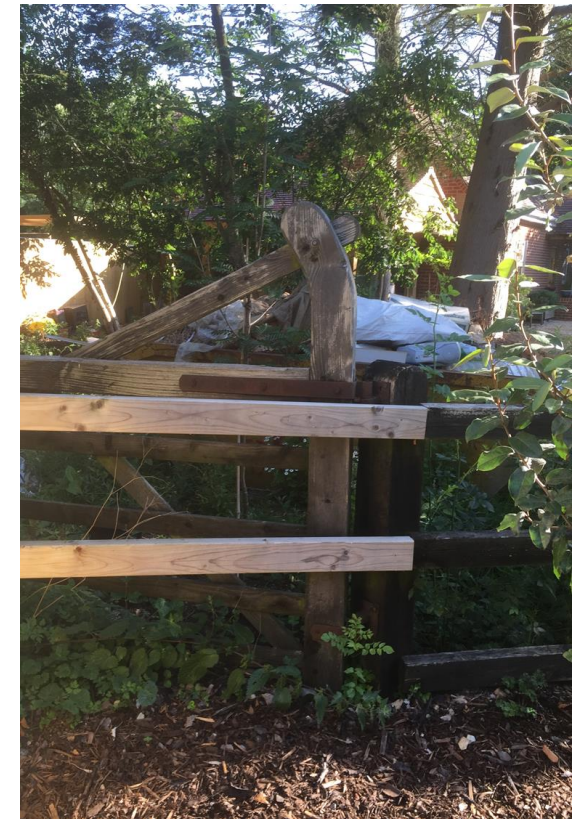
Mr Fry's new gate location

Order Maps – Points A from Survey Data

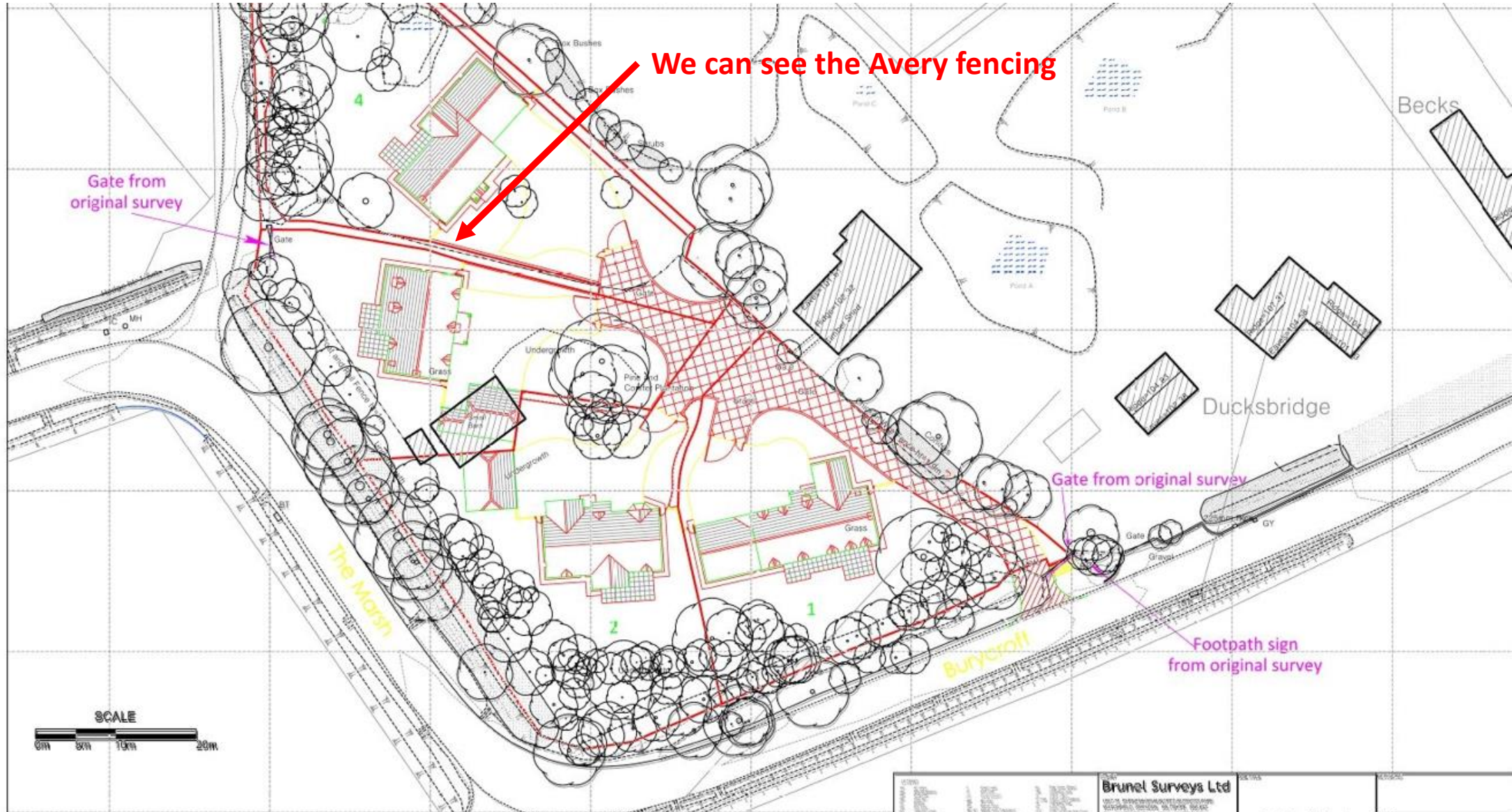
- If we zoom in, we can see the gates at both ends



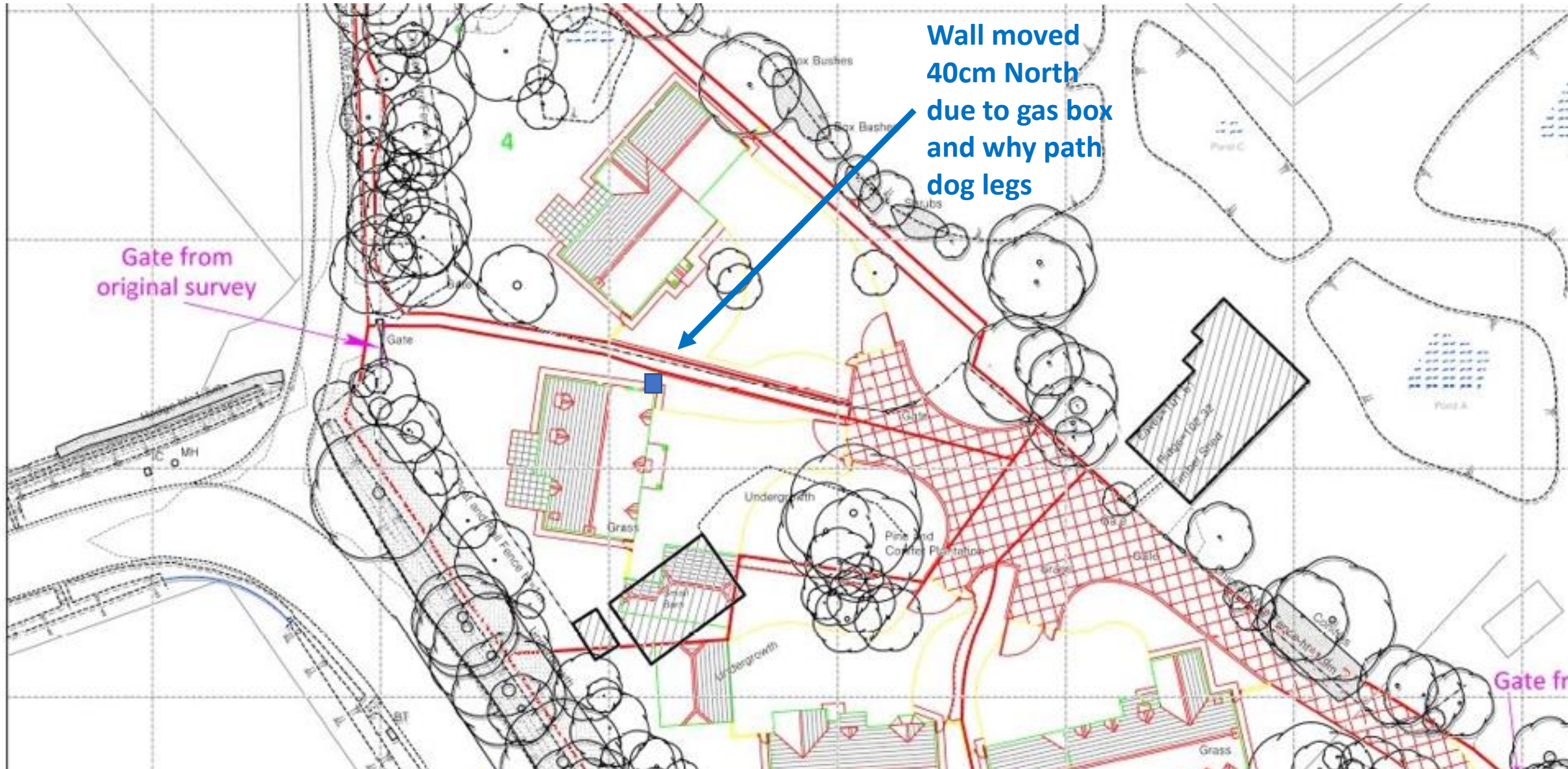
Point A



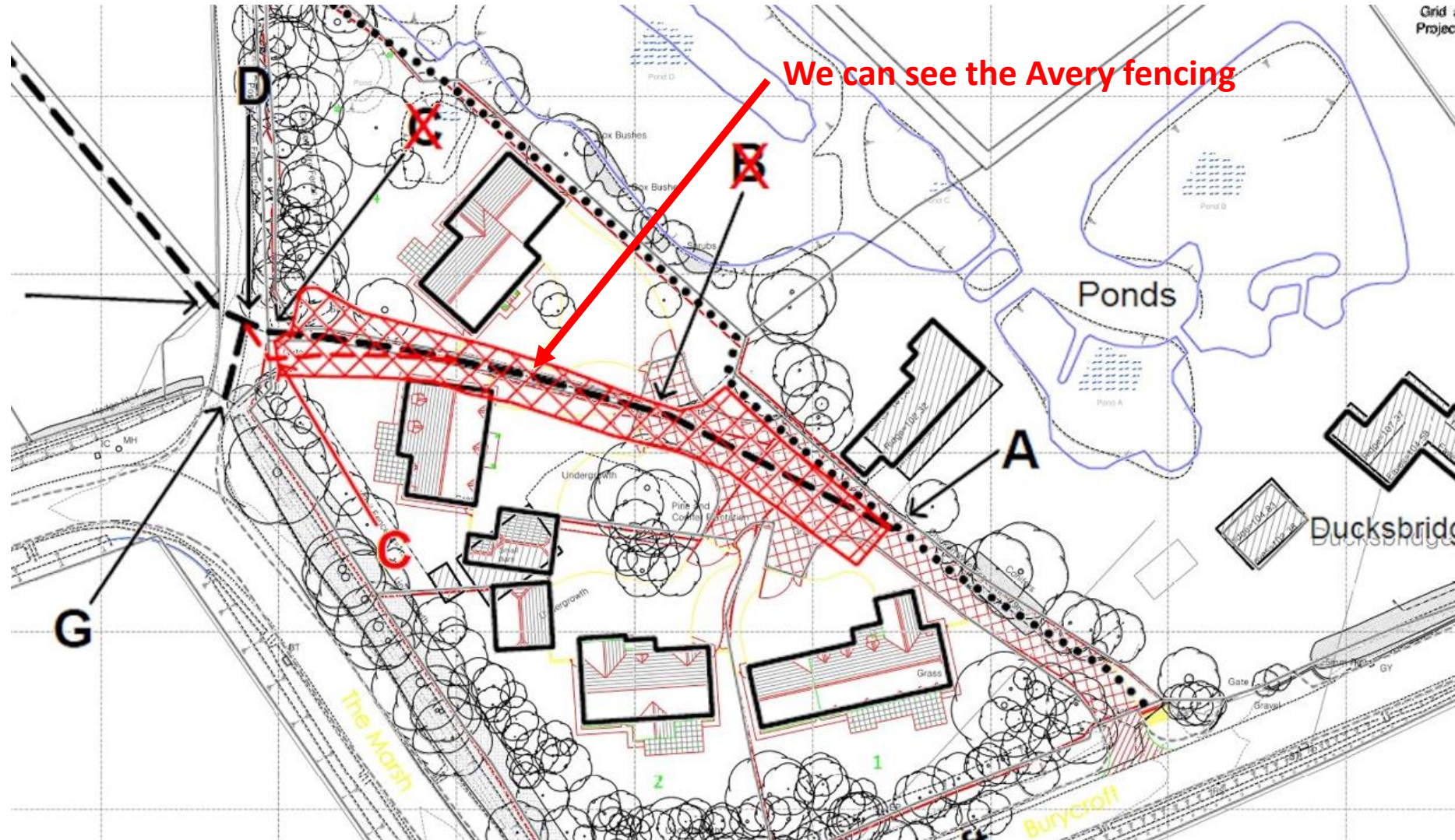
Order Maps – Raw Survey Plan from Brunel



Order Maps – Raw Survey Plan from Brunel



Order Maps – Raw Survey Plan from Brunel

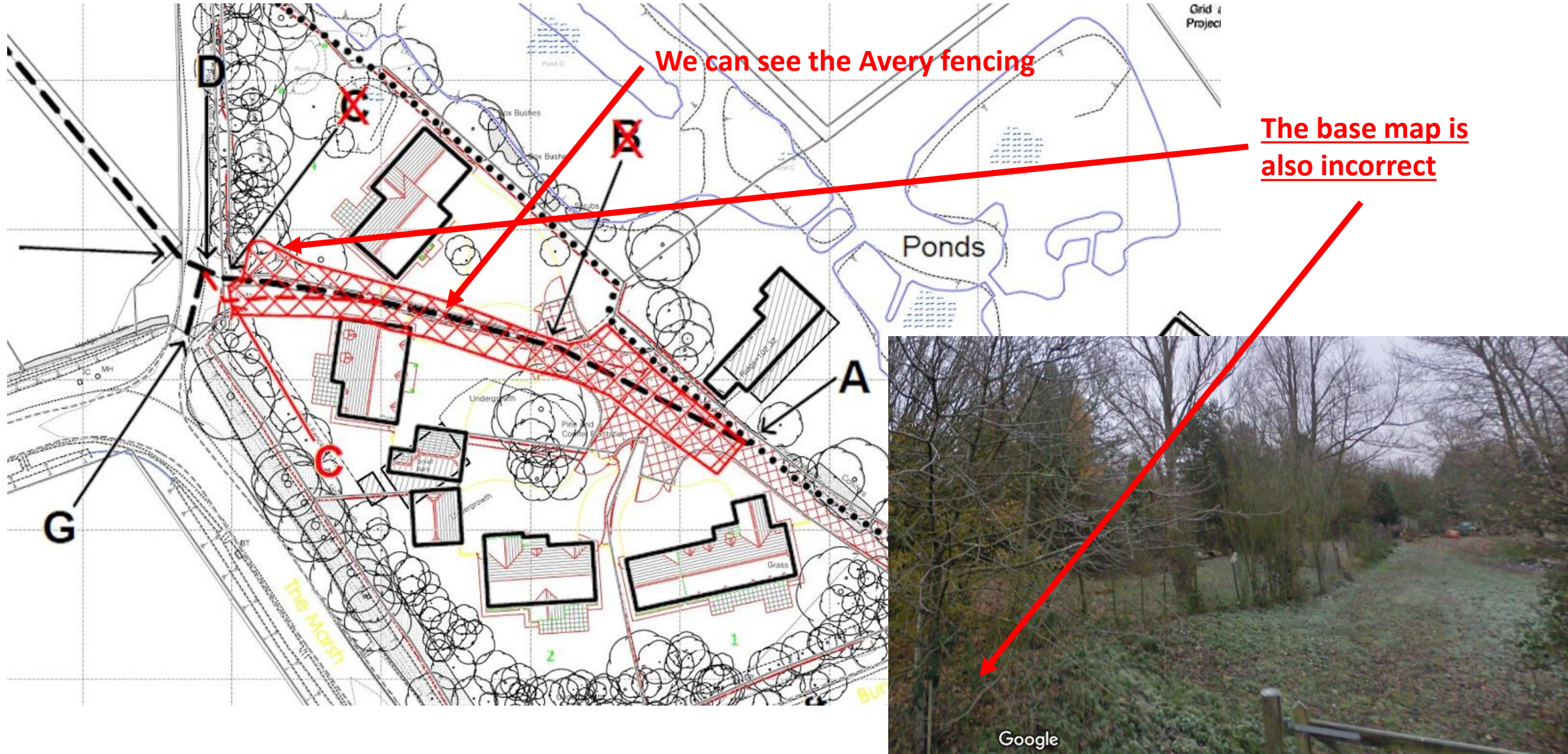


Therefore the new order map is several meters out as it goes directly through the Avery

Point C hits the south post of the gate

The whole hatched area is 1-2 meters too far north

Order Maps – Raw Survey Plan from Brunel



Order Maps – Raw Survey Plan from Brunel

- From WPC's submission, 6 Summary Paragraph 4:

*“Mr Fry in SBC's Statement of Grounds regarding M2 and M3, the later essentially a later issue of the former, **“due to the scale of the mapping it is not possible to exactly reflect the Order route.”**”*

What this GIS map shows and what's there now if different

Order Maps – Raw Survey Plan from Brunel

- 3.4 The Council's considers that the above proposal is an entirely appropriate exercise of the Inspector's power to confirm an order "with or without modifications" (see paragraph 7(3) of Schedule 15 to the Wildlife and Countryside Act 1981). In this regard the Council relies on PINS' Advice Note 20, dated 14 October 2021. In so far as relevant, this states:
- 3.5 Thus if an order [made under s.53(2) of the Wildlife and Countryside Act 1981] contains an error that does not (i) prejudice the interests of any person, (ii) render the order misleading in its purpose, or (iii) appear to result in incorrect information being recorded on the definitive map (hereafter a 'minor' error), it may be corrected by modification. However, if the error is 'substantive', the correct approach is for the order to be rejected and returned to the relevant surveying authority with a written explanation as to why the order was rejected, together with a written recommendation that the surveying authority should notify all relevant parties of such rejection and of the reasons for such rejection.

We claim that SBC's order to widen the path is inaccurate, the shape is incorrect and it is misaligned. We claim this error is '**substantive**' especially as it shows an area that was never walked (through the Avery).

Witness Statement
Angela Raymond

Witness Statement - Angela Raymond

Parish Clerk from 2000 –08 then 2012 to present involved in footpath inspections working with SBC Officer Annie Ellis, Denise Chandler and Dennis Cole

I moved into Wanborough village in January 1997 with my husband and family and have lived here ever since.

I am a keen walker and even prior to moving into Wanborough in 1997 when I lived in Eldene and previous to that in Haydon Wick having moved to Swindon in 1983. I have always been a regular walker of the footpaths in and around Swindon.

Having moved to Wanborough in 1997 my husband and I walked and explored a number of the village footpaths, it was obvious at the time that there were a number of very overgrown paths, some difficult to find and navigate, some completely blocked, but we always enjoyed walking the paths and finding new routes.

To get to The Marsh from where we live you could either walk across the footpaths through Warneage Woods which were fine in the summer but very water logged / flooded in areas over the winter, or walk along Green Lane. Green Lane was extremely difficult to use when we first moved in to the village as it was always very overgrown, muddy with a very uneven surface making it a challenge to use especially during the winter months when it was also very water logged. Green Lane was vastly improved to how it is now when the developer for Suter's Lane completely cleared and re-instated a new path / bridleway in 2017 making the access from where I live and from Rotten Row to The Marsh / Burycroft much easier.

Alternatively we could walk by following the roads to get to The Marsh via the High Street which prior to the improvements on Green Lane this was the easiest route during the winter months.

Witness Statement - Angela Raymond

All the footpaths around The Marsh are marked with the same green footpath sign which must have been installed at the same time many years ago by the Council in charge at the time, they are all identical and clearly very old and in desperate need of replacement. The footpath sign (fingerpost) very near to the entrance to Suter's Lane on the Order Map marks the beginning of footpath WA25. During the whole time I have lived in Wanborough there has never been a footpath sign (fingerpost) at points C, E and G on the Order Map.

Going from the green footpath sign at the start of footpath WA25 from Burycroft there used to be a small stile which you stepped over (which is now the entrance to Suter's Lane) as you stepped over you would be walking to a very overgrown disused area, there were many mature trees, I remember there was an old derelict caravan on the right hand side as you followed footpath WA25 and there was also a track that ran across the corner. To follow footpath WA25 you had to walk past some ponds which again during the winter months was difficult, it was better to walk the path in the summer, although overgrown it was possible to walk. You would then come out on the track and from there the path was supposed to go straight over into the field, but to cross over the field you would have to climb over a barbed wire fence and even if you managed that you would still find it difficult to get through by the derelict barn (near point F on the Order Map), so often it was easier to walk along the track, until you reached the small pond and then continue on the route of footpath WA25.

Although I did not walk across the corner regularly as it's not a marked path, I confirm that when I did at the other end of the track having turned off the route of footpath WA25 was a gate that was closed and locked with a chain and padlock, of all the times I walked this route I have never seen this gate open, the only way I could get through was to climb the gate. I remember standing in front of the gate looking over into the overgrown area just before the developer bought it thinking about how the area had become so neglected. Having walked across the corner in the earlier years it was not then possible to then walk across the field opposite unless you climbed over barbed wire, I also remember seeing horses in this field. After walking across the corner I would have then continued to walk along the road.

Witness Statement - Angela Raymond

Later on when the new owners of Honeyfield Farm moved in a new stile and walkway between two fence lines were installed so you could walk across the field to the small pond. The new owners improved the footpaths in this area, there was lot of clearance work carried out making it easier to walk sections of footpath WA23 and footpath WA25.

Then in 2015 the site on the corner was purchased by a developer (Bower Mapson) they firstly erected Heras fencing all the way around the development site and then soon replaced this with wooden 6ft closed board fencing which closed off the whole corner. Swindon Borough Council also closed footpath WA25 while the construction work to build the new houses took place.

I started work as the Parish Clerk in July 2000, during this time I was heavily involved in footpath inspections working with SBC Officer Annie Ellis, Denise Chandler and Dennis Cole. I always remember that one of my first goals when I become Clerk was to improve the footpath along the top of the Lower Rec as this was just a muddy track and difficult to use when we first moved in. When I first started I was given a hand drawn map showing all the footpaths in the village along with their numbering. Although I already knew most of the paths from my own ordnance survey maps, I was not aware of the numbering so this map was useful for that reason. The hand drawn map (appendix 1) was drawn by a long serving Parish Councillor and previous chair to the Parish Council who again was heavily involved in the inspection of the paths. Footpath WA25 was shown on this map but there was no other path across the corner or across the field opposite marked, if there had been a path at these locations I'm pretty sure the Councillor who hand drew the map would have shown them.

Witness Statement - Angela Raymond

Progress to get any of the footpaths improved was slow when I first started as Parish Clerk, maintenance of the footpaths were Swindon Borough Council's responsibility, numerous e-mails were sent to Annie Ellis & Denise Chandler confirming what needed to be done in the village. In April 2008 the Parish Council appointed a Lengthsman who we were then able to carry out work to help maintain some of the footpaths.

I left the role as Parish Clerk November 2008, but was reappointed again (after 3 Clerk's came and left) in September 2012 and have continued to work as the Parish Clerk to date.

Since starting back in 2012 I continued to inspect all the footpaths and report any problems to Swindon Borough Council. In 2016 as a result of a number of services being transferred to Parish Council's Wanborough agreed to take on some of the maintenance of the footpaths, as we were already carrying out a lot of the work ourselves. Since 2016 there has been a huge progress in improving the footpath network around the village. My husband and I have repaired & replaced a large number of stiles, fixed bridges. Parish Council have met with landowners to gain their permission to make improvements. There is still a long way to go, with still a large number of outstanding matters raised with SBC's Rights of Way Officer that are yet to be sorted but the improvements that have taken place have made a difference. In 2014 SBC's Rights of Way Officer Annie Ellis left SBC, taking over her role was Martin Fry and we also corresponded with Mike Enright.

Witness Statement - Angela Raymond

In 2015 I helped start village community walks, firstly with another resident, then since 2017 as the Parish Clerk. The regular monthly walks over the spring and summer months have been hugely successful, many residents have attended and it has raised the awareness of all the rural footpaths around the village, it has been great to show residents all the footpaths around the village, including those who have lived in the village all their lives and never knew some of the paths existed.

I also compiled a book of “circular walks” in and around Wanborough, to date I have sold nearly 400 copies to village residents, again to raise awareness of the footpaths in the village.

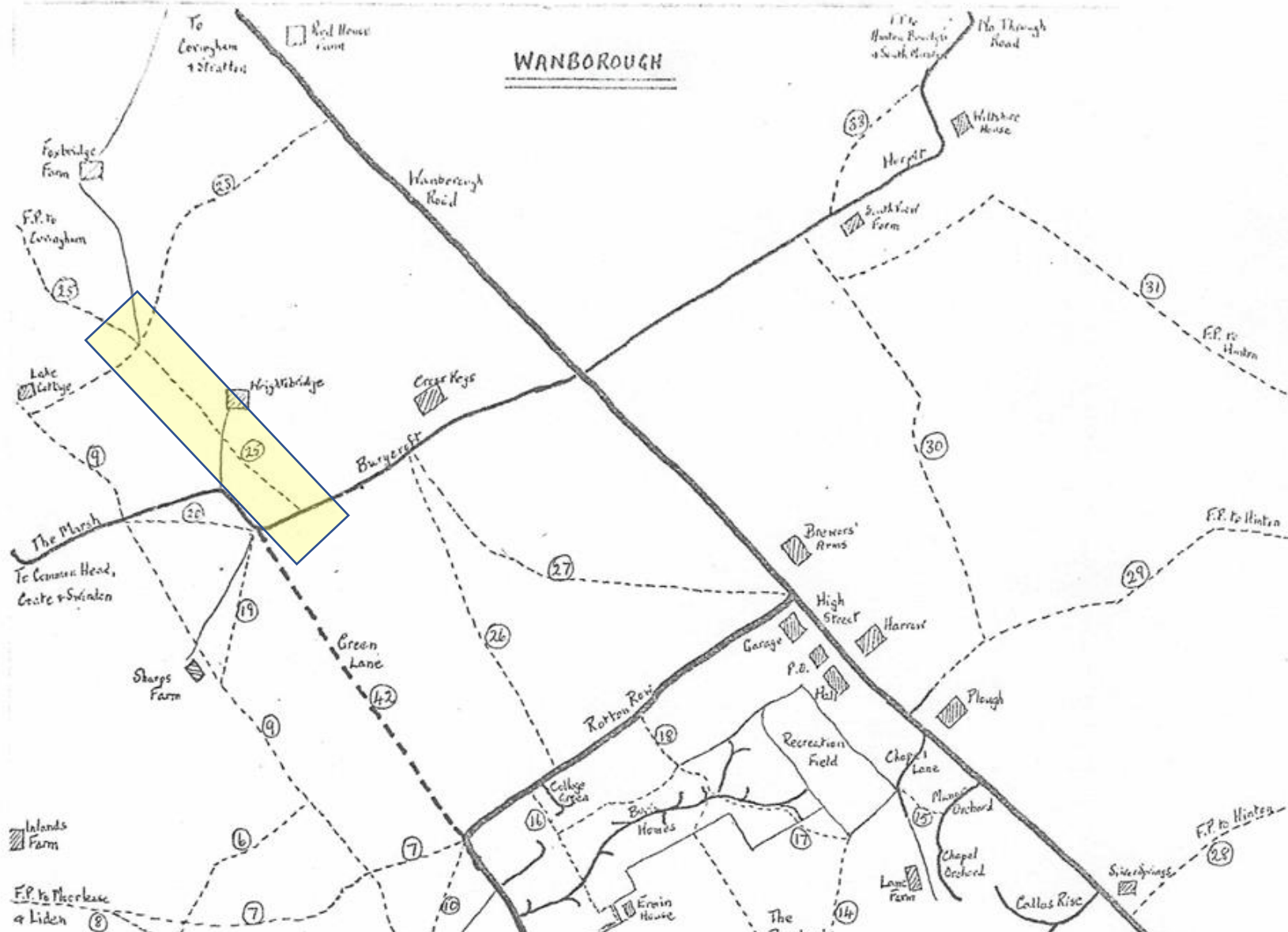
I hope this confirms my extensive knowledge of the footpaths in the village and provides a truthful summary of the paths in the village since I moved here in 1997.

Signed

A handwritten signature in blue ink, appearing to read 'ARay', written in a cursive style.

Angela Raymond

Witness Statement - Angela Raymond



Witness Statement - Angela Raymond

- This is the most complete and significant statement to date as it was:
 - Made by the person responsible for the upkeep and maintenance of these paths for the Parish
 - Liaised with the RoW officers at the time
 - Was a user of the footpaths together with her husband who helped repair them

Right and without
interruption for a full period
of 20 years

Right and without interruption for a full period of 20 years

- Above is to be calculated retrospectively from the date when the right of the public to use the way is brought into question which SBC claim was 2017.
- Angela Raymond's statement said *“Then in 2015 the site on the corner was purchased by a developer (Bower Mapson) they firstly erected Heras fencing all the way around the development site and then soon replaced this with wooden 6ft closed board fencing which closed off the whole corner” - Angela Raymond*
- So, the right of the public to use the way was brought into question some two years after the footpath it was closed.
- From WPC’s submission, 6 Summary, *“2.2 We consider the route of the Order was effectively closed in late 2015 when the developers of the land that was to become Suters Lane enclosed their site with a metal fence, replaced later by a wooden fence, on H&S grounds.”*
- This is further supported by photographs from Mr Stalker at the last inquiry as follows.

Right and without interruption for a full period of 20 years

Taken Winter of 2015
by Neil Stalker

We believe the sign to
be as follows:



WARNING TO THE PUBLIC

This building site is **PRIVATE PROPERTY**.
No unauthorised persons are allowed to enter.
Liability will not be accepted for any injury
caused to persons who are trespassing.

IMPORTANT NOTICE TO PARENTS

Please warn your children that this site
is **NOT** a playground and can be dangerous.
It is important that the risks
and consequences of trespassing
are made clear to children.

Right and without interruption for a full period of 20 years



Taken 31st
August 2016
by Neil Stalker

Right and without interruption for a full period of 20 years



Panel blocking point C from
Suters Lane last submission

Right and without interruption for a full period of 20 years

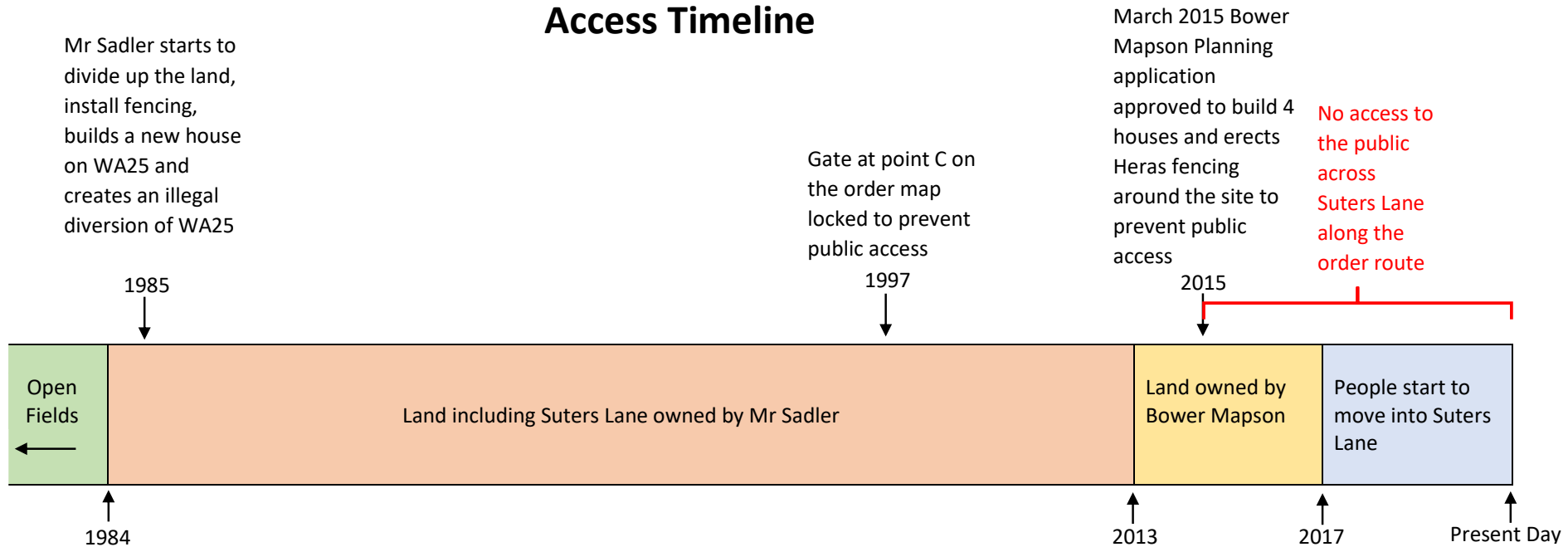
- The follow statements claimed to use the route across Suters Lane until the **Heras fencing was installed in 2015:**
 - *Mr and Mrs Bell statement date 18/6/2017*
 - *David and Sue Birley statement date 14/6/2017*
 - *Mr Ivor Coles and Mrs Margaret Coles statement date (no date but 2017)*
 - *Catherine I Inskip Statement date (no date but 2017)*
 - *John and Nicky Sutton statement date 12/6/2017*

Right and without interruption for a full period of 20 years

- The follow statements claimed to use the route across Suters Lane right up to June of 2017 which is **incorrect**:
 - *Mr John M Errington statement date 19/06/2017*
 - *Mrs Margaret J Errington statement date 19/6/2017*
 - *Graham Finch and Sue Bruce statement date 16.06.2017*
 - *Dave Grittiths –Cay statement date 18/06/2017*
 - *Malcom Trevney Hinton statement date 20/06/2017*
 - *Michael Pethide statement date 16/6/2017*
 - *Stephen and Caroline Read statement date 18/6/2017*
 - *Steve and Tanya Savage statement date 16/7/2017*
 - *John Shirreff statement date 16/06/2017*
 - *Mr Peter Waldren statement date 14/6/2017*
 - *Mr Robert Charles Conrad Inskip statement date 16/06/2017*
 - *Mr Warr statement date 17/6/2017 (November 2016 to January 2017)*

Right and without interruption for a full period of 20 years

Access Timeline



Mr Sadler starts to divide up the land, install fencing, builds a new house on WA25 and creates an illegal diversion of WA25

1985

Open Fields

1984

Land including Suters Lane owned by Mr Sadler

Gate at point C on the order map locked to prevent public access

1997

March 2015 Bower Mapson Planning application approved to build 4 houses and erects Heras fencing around the site to prevent public access

2015

Land owned by Bower Mapson

2013

No access to the public across Suters Lane along the order route

People start to move into Suters Lane

2017

Present Day

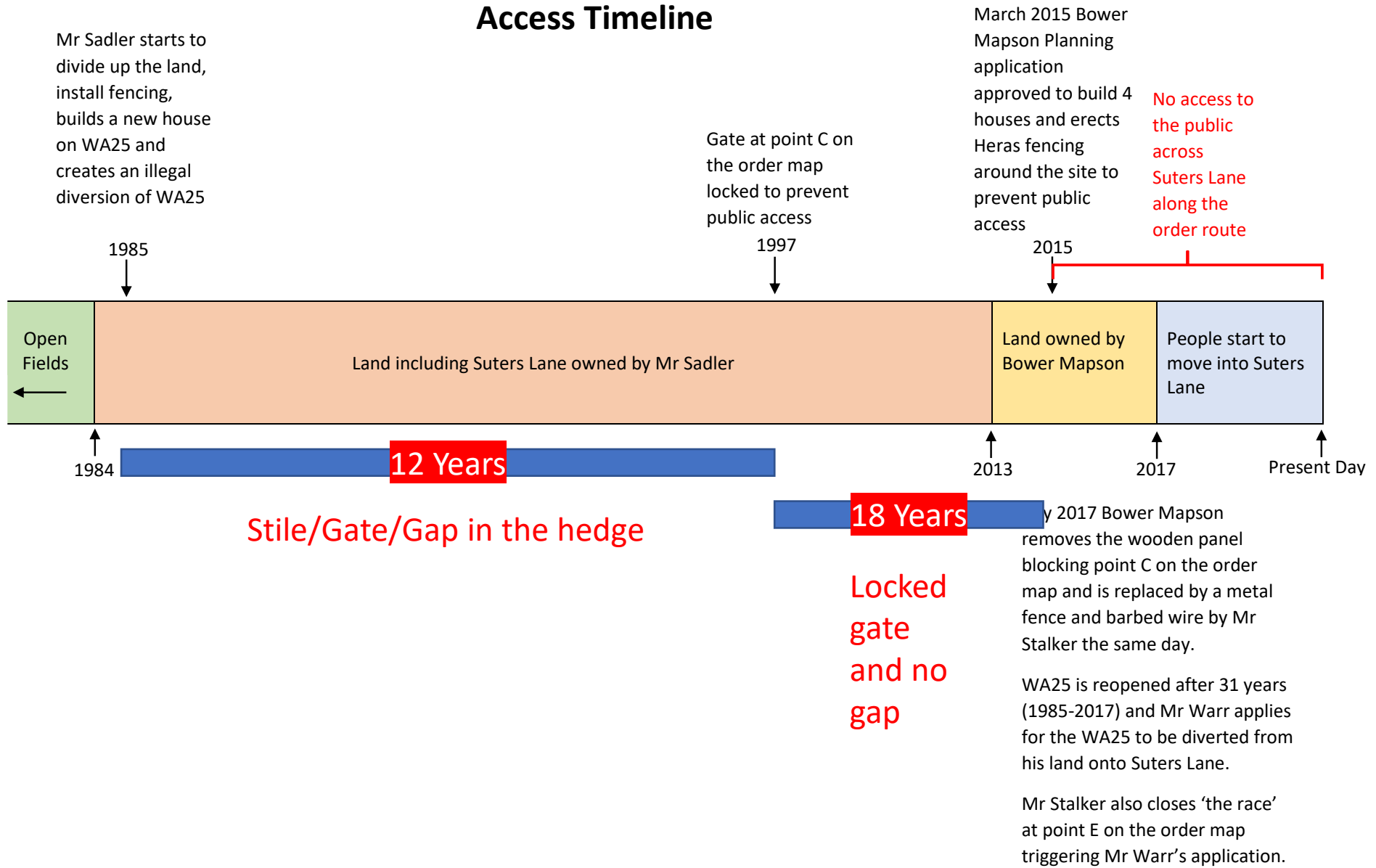
July 2017 Bower Mapson removes the wooden panel blocking point C on the order map and is replaced by a metal fence and barbed wire by Mr Stalker the same day.

WA25 is reopened after 31 years (1985-2017) and Mr Warr applies for the WA25 to be diverted from his land onto Suters Lane.

Mr Stalker also closes 'the race' at point E on the order map triggering Mr Warr's application.

Right and without interruption for a full period of 20 years

Access Timeline



Right and without interruption for a full period of 20 years

- Witness statements that mentioned the locked gate at point C:
 - Angela Raymond: “...having turned off the route of footpath WA25 was a gate that was closed and locked with a chain and padlock, of all the times I walked this route I have never seen this gate open.”
 - *Michael Pethide statement date 16/6/2017*
 - *Racheal Hopper statement date 22/01/2020*
 - *Steve and Tanya Savage statement date 20/01/2021*
- Other witness statement's as we heard yesterday contradict each other

Right and without interruption for a full period of 20 years

- From the Inspectors Interim Report:

38. I conclude that the Order as made does not reflect the location of the way that was used by the majority of the user witnesses who have provided user evidence. I accept that those people who have only used the way for a short period of time prior to 2017 may have used the way reflected in the Order, but that does not meet the necessary statutory requirements of 20 years use dating back from the date on which the use of the way was brought into question.

Witness Statement **Anomalies**

Witness Statement **Anomalies**

- Peter Hunt
 - Yesterday we heard that Peter Hunt who stated that the gates were locked at all times and he had to go to the house to get the keys
 - He never drove a tractor through the caravan park and would go around the road
 - He also said there was no Avery in the caravan park that people claimed to visit
 - He also said that there was always a stile at point C until his employment finished
- This statement with regard to the locked gate is consistent with the witness 4 statements above
- The statement about the stile is inconsistent with witness statements

Witness Statement Anomalies

- Many older witnesses claimed to use the path for 'x' years but don't say which part or differentiate between FP25, open fields or different routes across Suters Lane
(Stile->Gate->Locked Gate->Gap in Hedge->Locked gate no gap)
- Furthermore, raised by WPC in the previous inquiry nearly all of the UEF's did not include a map and the Facebook campaign by Mr Warr caused confusion as residents assumed he meant FP25
- WPC raised previously that statements from the Hinton's, Shirreff's, Sutton's and Hooper's should be disregarded as they had a right to use the track
- Witnesses claimed they used the route A-C right up to June 2017 which is inaccurate as it was closed in 2015 for health and Safety reasons when development commenced and mentioned in witness statements
- Two witnesses admitted to Suters Lane that they made a false statements as they thought they were helping out Mr Warr
- From WPC's submission 6 Summary, *"2.4 and 2.5 Although there has been analysis of the numbers involved there is no indication of any check for accuracy or test of veracity of their evidence"*.

Witness Statement Anomalies

- From WPC'sc Submission, Summary 6:
- *9.17 Although it might be correct to say there is “considerable evidence from individuals living elsewhere”, as opposed to living adjacent to the track leading the Honeyfield Farm we think it is a failure to note that all the UEF's were submitted from residents of Burycroft, The Marsh or Foxbridge. This shows further evidence that we are possibly here to resolve a neighbours and locals dispute rather than a genuine attempt to add a footpath to the definitive map.*
- *9.23 WPC agree there is no statutory requirements for a plan, but plans or drawings attracted significance weight at another Inquiry where it was noted when considering slight variances in the details of the plans submitted that “it would raise suspicions if all users produced identical plans.” We consider this omission of any individual plans, together with the use of a generic Description of the Path and in many cases no entry in Other Relevant Information, indicate the UEF's were completed using details provided rather than a true reflection of the actual use. This is further confirmed by a late addition to the Proof of Evidence where a witness simply agrees to a statement prepared by the Applicant.*

Witness Statement Anomalies

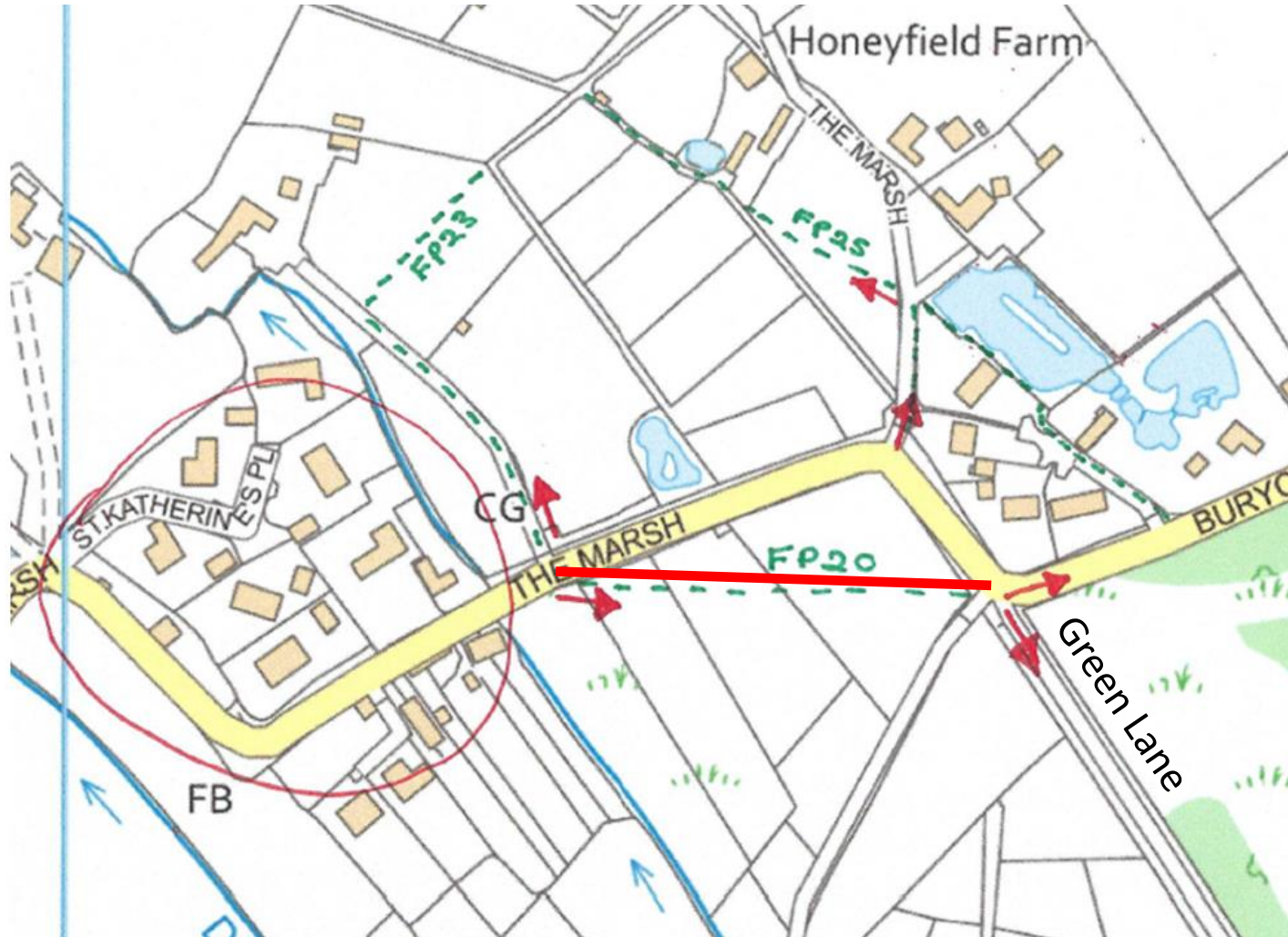
- From WPC'sc Submission, Summary 6:
- *11.8 It is wrong the state "The witness statements provided by WPC attached to their letter of 24th April 2018 provide further evidence of the long use of the Order route." The witnesses are referring to the definitive FP25 but also explain there were times when users wandered across the open fields. The only reference to the route of FP44 is when the double fence was erected in 2009 as prior to that the route was not defined **and proves that the requirement of 20 years has not been met.***

Witness Statement Anomalies

- The previous Inspectors' findings stated in point 30 of her interim report:
 - “ Whilst an Order of this type must be made (and confirmed) on the basis of actual and evidenced usage, that usage may well be prompted by an obvious need. Such a need was widely expressed at the inquiry and no disagreement with that view was voiced. I am satisfied that, for convenience and safety, a route across this piece of land has been used by local people.”
- The previous Inspector is referring to cutting the corner to avoid the sharp bend. Unfortunately, this statement was made by the Inspector before the knowledge of WA20 on the opposite side of the road,
- The residents of the Marsh claimed that they used the illegal diversion frequently to avoid the sharp bends and traffic to get to Burycroft/Green Lane. However, we heard at the inquiry that this was not always possible as the illegal diversion was often flooded and impassable in winter and at the last inquiry pictures were shown of the area being flooded. So, we dispute that fact that the illegal diversion was used on a frequent basis.
- The diagram below clearly shows that using WA20 is much more beneficial when wanting to avoid the sharp bend and any traffic that is on the Marsh/Burycroft road. In addition, using WA20 as a short cut, it is 35 meters shorter than the claimed route shown on the order map. Proof of this is in our last statement.
- Furthermore, the applicant admitted to me in December 2020 that he himself used WA20 for running

Witness Statement Anomalies

- People from the Marsh claimed to use the route to avoid the sharp bend



Route using WA20

Bower Mapson's Planning Application

- Planning application S/13/1014/RM stated under **'Informatives, point 4'**

"The footpath 25 cross the site shall be kept clear and access retained following the completion of the development".

- SBC were fully aware of the permissive path issue at the time of the development, but the application was still signed off

Mr Enright RoW Officer with regard to the permissive path (from our previous submission):

"there has never been a connection provided by FP25 to the Marsh and the purpose was to re-establish only the public right of way and not the route between Burycroft and the Marsh"

He went on to say....

"Please be aware that this path, and it's connections with The Marsh and the remainder of FP25, has only ever been a permissive path, neither the developer nor the adjoining landowner was acting unlawfully in closing the path"

No intention to dedicate the right of way

- During our due diligence we spoke to Peter Mapson of Bower Mapson who told us that Mr Sadler no longer wanted anyone in his field (Suters Lane) as in his words *“as they were getting up to no good”*.
- Peter Mapson stated at a meeting with Suters Lane residents that Mr Sadler had said that after a number of ‘incidents’, he no longer wanted people on his land (he was referring to Suters Lane). We’ve established from Angela Raymond’s statement that the gates were permanently locked from 1997 and there was no other exit than to climb over them.
- The applicant claimed at the last inquiry that the gates were locked to prevent vehicle access. However, if you have to climb over to gain access as the landowner had provided no alternative, this is a clear statement that there was no automatic right to walk across his land.
- The applicant claimed at the last inquiry that local people then walked around the locked gate at point C on the order map and it was argued that this was then an act of trespass as the landowner had made a clear statement in chaining and locking the gates. Breaking down fences/making holes in hedges to gain access does not constitute a right of way being formed.

Case Law

Case Law

What if the path has already been built over? Although, as noted above, the granting of planning permission does not authorise interference with rights of way, such interference does occur from time to time. A question that then arises is whether the making of an order under ss 247 or 257 has been precluded. This was considered by the Court of Appeal in *Ashby & Dalby v Secretary of State for the Environment* (1980), a case brought by the RA. The Court held that orders could be made so long as some of the authorised development remained to be carried out, but if it had been completed, the powers in the Town and Country Planning Act 1971 corresponding to those in TCPA 1990 ss 247 and 257 could not be used.⁹³

Sections 247 and 257 use the word 'development'. Does 'development' here refer to the particular construction that affects the right of way, or to the whole of the development including parts that have no bearing on the right of way? For example, a developer has permission to build an estate of ten houses. House A is built over the line of a public footpath. The house is complete. On the other side of the estate, at house B only the foundations have been laid. If 'development' in the Act refers to the particular development that affects the right of way, the development is complete and it is too late for an order to be made. If 'development' refers to the whole of the development, it is not too late for an order to be made. It is submitted that a rational approach (and perhaps the intention of the legislature) points to the former interpretation as the one to be followed. But since the Act uses the words '... necessary to do so in order to enable development to be carried out (a)

⁹³ For the meaning of 'substantially complete' for the purposes of TCPA 1990 section 171B(1) see *Sage v Secretary of State for the Environment, Transport and the Regions* (2003).

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in accordance with planning permission granted ...' and the permission granted was for the whole estate and may also have involved a change of use of the land, the second interpretation may be that which would be adopted by the court. The matter has not been determined.⁹⁴

In *Hall v Secretary of State for the Environment* (1998) the developer had built a wall over a footpath and then demolished it. The developer had taken the view that rebuilding the wall constituted part of the authorised development remaining to be carried out and had confirmed the order. The judge held that once development had taken place the planning permission relating to that part of the development had been spent,⁹⁵ and quashed the Inspector's decision.

If an order is made under HA 1980 s 118 to deal with the problem, the *Stewart* case (see 7.3.1) will apply, and the obstruction caused by the development must be disregarded in assessing whether the path is needed for public use.

If an order is sought in the magistrates' court under HA 1980 s 116 (see 7.5.1), the case of *R v Thames Justices, ex parte London Borough of Tower Hamlets* (1982) will apply. In that case Forbes J said that a magistrates' court's jurisdiction to hear an application for an extinguishment or diversion order under s 116 was not ousted by the fact that development of the land over which the highway ran had been completed. But, in considering whether to make an order, the magistrates would have to look at the situation prevailing at the time of the hearing and decide, in the light of circumstances as they then existed, whether the old highway was unnecessary. Such circumstances would include the extent to which, if any, the old highway was already blocked up and the extent to which, if any, adequate alternative highways had been provided.

7.4.3 Orders under the Transport and Works Act

In chapter 6 we