

APPENDIX "M"

Martin Reay

Staffordshire C C  
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Dear Michael Murphy

**Re: Letter from Knights Reference Definitive Map Modification Application LH610G**

I have read the copy letter from Knights and my initial comments are as follows. The assertion that post 1814 alterations to the Newcastle to Nantwich turnpike road disconnected it from the application route are totally incorrect:

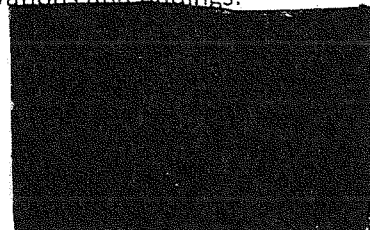
1) The 1814 order plan confirms that the public highway created by the diversion order commenced, on the Newcastle to Nantwich turnpike road, at the position marked as "A" on the plan. It then followed the turnpike road westwards, for around 400 yards before turning towards the south west. I have highlighted the 1814 order route in yellow on the attached 1829 plan of the Keele Estate - published by Keele University. It therefore follows that if no later alteration of the turnpike road occurred, at the commencement position noted as "A" on the 1814 order plan, then the order route remains connected to what was the Newcastle to Nantwich turnpike road - now the A525.

2) Careful inspection of maps depicting features on the ground, after 1832, support the contention that a section of the turnpike road was moved to the north as asserted. However, it is clear that the alterations that took place were slightly to the west of the public highway commencement point noted as point "A" on the 1814 plan. This assertion is supported by the following:

- Careful inspection of the attached 1870 to 1900 Keel Estate Plan, also published by Keele University, shows that any post 1814 alterations to the turnpike road took place to the west of the highway commencement position shown as point "A" on the 1814 order plan.
- Comparison and acetate overlays of the 1829 and 1870 to 1900 plans clearly show that the commencement point of the 1814 order route, and the highway to the east of it, remain totally unaltered.
- The attached 1898 OS map at 25 inches to the mile, compared with a current map, also provide evidence that the position marked as point "A" on the 1814 order plan has not moved off the public highway network.

3) The two case law judgements quoted by Knights are irrelevant to the circumstances related to this definitive map modification application. This is because the cited cases make judgment on asserted or former public highways that either no longer or never did have a connection with the wider public highway network. Having established by way of points 1 and 2 that the application route absolutely did and continues to connected to the former Newcastle to Nantwich turnpike road, post any alterations of the road to the west around 1832, the Bailey vs Jamieson and Kotegaonkar vs the Secretary of State for Environment, Food and Rural Affairs judgments are spurious and not relevant. I have attached a summary of the Kotegaonkar judgment which clarifies this point.

The above facts are irrefutable and totally defeat the assertion that the application route became disconnected from the turnpike road around 1832. Before commenting further on any of the other points raised I would appreciate any comments you may have on the letter. On receipt of your comments I will elaborate further on my observations and findings.



Martin Reay

