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EDWIN MAWDSEY

CASE MANAGER - TR010034

THE PLANNING INSPECTORATE

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Date 6<sup>st</sup> May 2022

Your Ref TR010034

My Ref **Carr House Lane/Pingot Lane**

Mr. G. R. Hollins  


Dear Edwin Mawsley,

I understand that you are the Case Manager for your ref TR010034, I would thank you for your letter dated 20<sup>th</sup> April 2022 and the returned copy of my correspondence that was sent to Susannah Guest on 5<sup>th</sup> April 2022.

I would relate to the public notification that stated that interested parties should make representation to HighwaysEngland by 22<sup>nd</sup> April 2022, a telephone number (0300 123 5000) was duly provided in the public notification for this purpose, I did indeed receive a return call from Andrew Dawson on that same day.

I would regard this as my registration to become an Interested Party by instruction provided by public notification relating to the Application by National Highways (formally HighwaysEngland) for an Order Granting Development Consent for the A57 Link Roads.

I therefore do not accept that I am a 'Non-Interested Party' indeed I had complied with the public notification as posted to a lampstandard on the A57 road, I cannot recollect any mention of Deadline 9.

I am to understand that 'The Examining Authority' are part of the Planning Inspectorate, as such I would therefore request as your role as Case Manager for TR010034 to inform the Examining Authority they might need to apply to the Court of Appeal to overrule statute/case law.

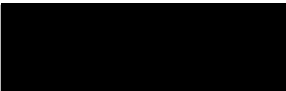
The 1995 judgement deemed that the branch road from Mottram Moor was a 'cross road' as such was an Ancient highway and that increment value duty records were claimed in respect of public rights of way. The High Court Judgement (Hollins v Oldham 1995 C94/0206) has been subject to discussion in Parliament resulting in the Hollins v Oldham becoming case law utilised by many rights of way tribunals, the outcome being that Inspectorate guidance directive is to have a mandatory obligation for the Inspectorate to consider case law as paramount in any rights of way tribunals. (Ref: see DMO Section 12, page1 enclosed)

It is apparent that due consideration, by HighwaysEngland, has not been given to any investigation to the historical or legal facts with regard to an 'Ancient Highway' being crossed by the proposed A57 Link Road. Carrhouse Lane is historically 'a cross road' as such being an ancient highway with public rights of way, on foot or with vehicles.

The current HighwaysEngland Plan, (PINS Ref No. TR010034/APP/2.10) has obscured identification of 'The Hague' by imposing 'TAMESIDE METROPOLITAN BOROUGH COUNCIL' directly over the Plan map location of The Hague hamlet located on the route of Carrhouse Lane from Mottram Moor. Is this intentional or an oversight? As previously stated it would seem that the preliminary investigation for A57 Link Roads Scheme was somewhat lacking in historical and legal facts which relate to the whole Tameside area (formally the Lordship of Mottram in Longdendale)

Whilst I look forward to the improving of the traffic congestion problem in the area, I would cite some shortcomings in HighwaysEnglands's failings to identify public vehicular access to an public highway to The Hague.

I look forward to your response on the above stated facts.

Yours sincerely,  


G.R. Hollins

## SECTION 12 MAPS (COMMERCIAL, ORDNANCE SURVEY, ESTATE ETC) AND AERIAL PHOTOGRAPHS

### REFERENCE MATERIAL

#### Statutes

Survey Act 1841

#### Case Law

*Hollins v Oldham* 1995 C94/0206, unreported. Judicial view on cross roads: 'Burdett's map of 1777 identifies two types of roads on its key: firstly turnpike roads, that is to say roads which could only be used on payment of a toll and, secondly, other types of roads which are called cross roads ... This latter category, it seems to me, must mean a public road in respect of which no toll was payable'.

*Kent County Council v Loughlin* 1975 (see also Section 8) Denning LJ stated 'The county council archivist produced maps between 1769 and 1819. None showed Fairly Lane at all, but they were to so small a scale that they showed only public carriageway roads'. This remark is taken by some to mean that Lord Denning considered that all highways on pre-1820 maps are public highways. However, it is unlikely that he was generalising on all highways on such maps.

*Attorney General v Antrobus* (1905) – Judicial view on whether OS maps are evidence of a way being public or private: "Such maps are not evidence on questions of title, or questions whether a road is public or private.....in my opinion admissible on the question whether or not there was in fact a visible track at the time of the survey".

*Clode and Others v LCC* 1913 - Judicial views on some commercial maps 'I do not think that the Horwood maps were admissible in evidence ... they were apparently but the speculations of a publisher, not official productions, put forth as topographical guides to parts of London. In my opinion these maps are not admissible for that purpose, the maps were just a private adventure for the purpose of profit on the sale of them'.

*Attorney General v Horner*, 1913 – Some judicial views on the Ordnance Survey map of 1874. 'Such maps are not evidence on questions of title, or questions whether a road is public or private, but...set out every track visible on the face of the ground and are in my opinion admissible on the question of whether or not there was in fact a visible track at the time of the survey'.

*Merstham Manor Ltd v Coulsdon UDC* 1936 Some judicial views on various maps 'The road is again shown on the map of 1802 by Faden and again in Greenwood's map of 1822 and 1823; but, of course, these maps only show it as a road. There is nothing in the maps to show whether or not the






**NOTES**

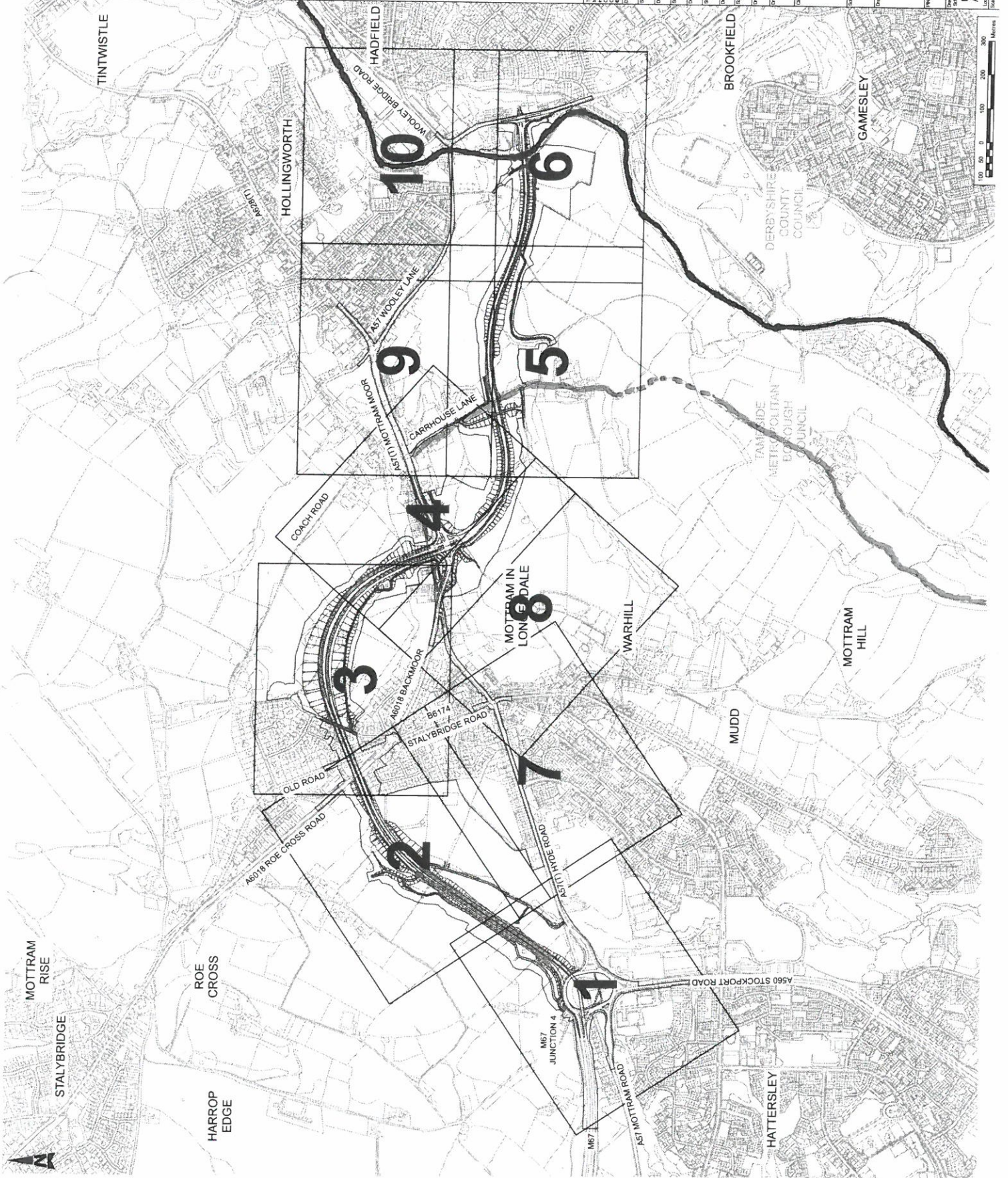
The proposed works will be subject to detailed design development. Any changes will be limited to being within the DCO but may affect the relevant limits of deviation, and subject to the requirements of Schedule 2 of the Development Consent Order (TR010034/APP/3.1).

These Plans should be read in conjunction with the assessment of effects on the historic environment, sites and features contained in Chapter 6 (Cultural Heritage) of the Environmental Statement (TR010034/APP/3.1 to 6.5).

These plans should be read in conjunction with Schedule 2 of the Development Consent Order (application document reference TR010034/APP/3.1).

**LEGEND**

-  SHEET NUMBER FOR HISTORIC ENVIRONMENT SITES AND FEATURES IN THIS AREA
-  DEVELOPMENT CONSENT ORDER (DCO) BOUNDARY
-  LOCAL AUTHORITY BOUNDARIES



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Revision	Revision	Issue Date
01	01	13/05/21
02	02	13/05/21
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Project Name: A57 LINK ROADS  
 Drawing Title: HISTORIC ENVIRONMENT SITES AND FEATURES KEY PLAN Regulation 5 (4)  
 Project Ref No: TR010034/APP/2.10  
 Drawing Number: HE551473 - BBA - EGN  
 Location: A57 AL SCHEME - DR - LE - 020010  
 Scale: 1:5,000  
 Date: 13/05/21